

Special Selectmen's Meeting Minutes
February 27, 2014
Harpswell Town Office
Approved on March 6, 2014

4:30 PM: Chairman Multer moved, seconded by Selectman Daniel to enter into executive session pursuant to MRSA § 405(6)(C) regarding possible acquisition of an easement; motion passed 3-0.

The Board returned to open session at 6:20 p.m.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:23 p.m.

Selectmen Present: Elinor Multer, Alison S. Hawkes and Richard A. Daniel

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Marguerite Kelly, Treasurer; and Ronald Ponziani, Road Commissioner

The meeting was recorded and broadcast live on Harpswell Community Television and streamed.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Daniel to adopt the agenda as amended by adding appointments under 13; motion passed 3-0.

2. Public Comment: None

3. Town Administrator's Report: Administrator Eiane apologized for the meeting starting late as the parties continue to work through the issues relating to Cedar/Robinhood Beach. Town Meeting is Saturday, March 15 with the polls opening at 9:00 am and the business meeting beginning at 10:00 am. The Town Report will be mailed toward the end of next week and will contain a note that the warrant printed in the report is not the official warrant, and articles may be added. Chairman Multer noted additional articles could be handed out at Town Meeting.

4. Selectmen's Announcements: None.

5. Consent Agenda: Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda; motion passed 3-0 [February 13 minutes; Douglass Johnson and Melody Moore as Election Ballot Clerks, Catherine Doughty as Warden and Megan Hubbard as Deputy Warden all for March 15; and authorization of warrant #9 in the amount of \$100,547.06, warrant 9a in an amount not to exceed \$900 for mailing the Town Report and payroll warrant #9 in the amount of \$17,689.47].

6. Consider Placing Article on Annual Town Meeting Warrant Re: Cedar Beach: Chairman Multer stated this item will not be acted on tonight but that the work will continue. Martin Eisenstein, Cedar Beach/Cedar Island Supporters, Inc., thanked everyone in the room and those watching for the continued support and apologized for the delay noting that things happen during negotiations. Mr. Eisenstein stated negotiations will continue next week – Wednesday, March 5, at 5:00 pm followed by a special Selectmen's meeting at 6:30 pm when a decision will be made regarding placing an article on the warrant. Mr. Eisenstein asked the supporters to attend the March 5 meeting for the Board's decision. Mr. Eisenstein handed out a pictorial description of the easement adding that the beach in front of Lester's property is shown as she has agreed to allow use. Jan Mehan stated she has not lived in Harpswell long enough to understand the ins and outs of politics but knows that this issue has gone on for years. She stressed how important it was that this issue be moved forward after all the work and money invested. Selectman Hawkes stated this has been the most frustrating issue for her since becoming Selectman and she emphasized she wants access to the beach. She stated the Board has worked very hard and put in long hours on this issue. Selectman Hawkes stated she does not want anyone to think this topic is not important to them and noted it is not easy since the Board has to consider what is in the best interest of all of Harpswell. She noted some of the letters sent to the Board have been unpleasant even though the Board is

working on the issue. Selectman Hawkes asked for support as this is worked through. Selectman Daniel thanked everyone for coming out and for their patience as the work continues.

9. Consider Extension with Dain Allen Re: Lookout Point Property: Administrator Eiane stated the current extension with Dain Allen expires on March 1. There is another extension proposed that allows negotiations to continue on how to address the environmental matters found on the property. Mr. Allen has signed the extension. Chairman Multer moved, seconded by Selectman Hawkes to sign the extension to April 1; motion passed 3-0.

10. Consider Further Reduction of Commercial Shellfish Licenses: Administrator Eiane stated in 2013, the Town had 70 resident commercial licenses and four people have not completed the required conservation obligation for the 2014 license period. The Board previously voted to reduce the licenses from 70 to 66. There is another person who has not fulfilled the conservation obligation and the Board can reduce the licenses by one more. Additionally, the Committee would like the Town to hold onto licenses that may be voluntarily given up, from those who pass away and from any others who do not complete the conservation obligation. At this time, the number would be 65 but if some are not picked up, the Committee would like the Board to hold onto those. Deputy Administrator Sawyer asked if that could be done without an ordinance change. Chairman Multer stated a general motion could be made regarding the number and the Board will revisit the issue next year. Additionally the Town's ordinance requires that non-residential licenses in a number equal to 10% of the number of residential commercial licenses be made available to non-residents. If legal input allows 10% of 65 to be 6, the Committee would like the Board to reduce the non-resident number from 7 to 6. Chairman Multer moved, seconded by Selectman Daniel to not reissue licenses in instances of death, voluntary surrender, failure to complete conservation obligation and to issue 6 non-resident licenses unless required to issue 7 by the ordinance. Selectman Hawkes asked if someone completes all requirements but does not pick up their license due to being in jail, is that considered voluntary causing the license to be held? The Board discussed the issue and agreed if the license is not picked up for that reason, the license will be held and the motion was amended to include that. Motion passed 3-0.

8. Public Hearing Regarding Posting of Town Roads: The hearing was opened and closed at 7:03 pm. Ronald Ponziani, Road Commissioner, stated it is difficult to predict when the roads will get bad but he suggested posting the second week of March to mid-April. Mr. Ponziani asked that ads be put in the papers to try and get the word out. Mr. Ponziani stated he would like the authority to make case by case decisions in the field. Administrator Eiane noted that until the ordinance is changed, users must follow the chart or the process to apply for exemption. Chairman Multer stated the Board previously chose not to amend and to leave exemption decisions to the Board. Chairman Multer stated she wanted to include posting Mitchell Field. Mr. Ponziani stated he believes the logging operation will be done soon. Chairman Multer moved, seconded by Selectman Hawkes to post Town roads, including Mitchell Field, March 14 through April 28; motion passed 3-0. The Board agreed it could meet and lift the postings sooner if the Road Commissioner recommends.

7. Auditor's Report on 2013 Financial Statements: Kathy Tyson, Runyon Kersteen Ouellette (RKO), reviewed the audit process. She stated Harpswell is on a calendar year and to have an auditor's report dated January 29 is outstanding. The actual financials are prepared by staff, which allows RKO staff more time for auditing. Ms. Tyson reported the Town has received an unmodified opinion; did not have any audit journal entries; and no material weaknesses were noted during the testings, indicating accurate financial information and strong controls. There was one entry the Town passes on as it pays its payroll on a cash basis. Therefore, the Town owes a few days in payroll as of December 31 that it pays in January. Ms. Tyson stated she does not have the pleasure of reporting such good news all the time and that the Board should be proud of its staff. The handouts showing the highlights of the Town's 2013 financials were reviewed. Selectman Daniel thanked staff for their work. He asked if the auditor's report has an impact on the Town's credit rating. Ms. Tyson responded the Town's financial reports and unmodified opinion would as credit agencies look specifically at one's financial position, its stability and the collection rate. Ms. Tyson thanked Deputy Administrator Sawyer, Treasurer

Marguerite Kelly and Town Administrator Eiane for their working relationship and noted she was voluntarily decreasing her hours next year. Casey Leonard will be the new partner in charge and she introduced him noting she believed it will be a seamless transition. Administrator Eiane thanked Ms. Tyson for her expertise and always treating the staff respectfully. Chairman Multer thanked staff for its work and Selectman Hawkes noted she uses the audit as bragging rights with the public.

11. Approval of the 2014 Warrant and Budget: Administrator Eiane stated the Board has the open issue of whether to place an article on the warrant to change the election time of the school board members. Chairman Multer stated she received one complaint about possibly changing the time and since there does not seem to be a clamoring, she is inclined to leave it as is. Selectman Hawkes agreed. Selectman Daniel agreed for this year. Administrator Eiane stated the Board can delay the approval of the warrant until next week when it will need to be finalized.

12. Consider Mitchell Field and Bandstand and Group Use Policy: Deputy Administrator Sawyer stated with the addition of the bandstand, the Recreation Director had proposed a combined use policy for Mitchell Field and the Bandstand in September. The Board reviewed it and decided to make changes to the existing part of the policy, including fees. The Mitchell Field Implementation Committee then reviewed it and has made some suggested changes and posed some questions for consideration. The Board discussed the Committee's recommendation and made several changes to the user definitions and agreed to the following fees:

User	Fee	Fee
	<u>Mitchell Field:</u>	<u>Bandstand:</u>
Resident, taxpayer, Harpswell based organization or benefit to Harpswell residents or taxpayers	.5 day \$50 / full day \$100	.5 day \$25 / full day \$50
Individual or organization - not Harpswell based or no benefit to Harpswell residents or taxpayers	.5 day \$100 / full day \$200	.5 day \$100 / full day \$200
Not-for-profit (recognized by government)		
Harpswell based	None	.5 day \$50 / full day \$100*
Not Harpswell based	.5 day \$50 / full day \$100	.5 day \$100 / full day \$200*
For Profit entity (use approved by Board of Selectmen)		
up to 200 people	\$500	\$500
201-500 people	\$1,000	\$1,000
over 500 people	\$2,000	\$2,000

The Board agreed that any application that proposes to use the bandstand and Mitchell Field will be charged the full fee for its primary use and half of the other fee for its secondary use. Staff will incorporate the information on the fees, including deposit, and other issues into the policy for review by the Board at a future meeting.

13. Other Business: Appointments: Administrator Eiane stated the Code Officer will be out for a while and that Jason Marshall should be appointed as the Maine Uniform, Building, Energy Code (MUBEC) inspector and Local Plumbing Inspector (LPI). He is working towards his certification in both areas. Chairman Multer moved, seconded by Selectman Hawkes to appoint Mr. Marshall as the MUBEC Inspector and LPI. Additionally, staff is looking to obtain some outside assistance for that office during this time period. Selectman Hawkes asked if the Code Officer was still being paid and if so should there be a budget adjustment. Administrator Eiane responded yes and that the time period is unknown for this situation.

14. Public Comment: None.

15. Administrative Matters: None.

16. Adjournment: At 8:38 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Auditor's Report

[Attachments are available at the Town Clerk's Office or by email at harpwell@town.harpwell.me.us]