

Selectmen's Meeting Minutes
December 3, 2014
Harpswell Town Office
Approved on December 18, 2014

5:37pm, Chairman Daniel moved, seconded by Selectman Johnson to enter into executive session pursuant to 1 M.R.S.A. § 405 (6)(D) to discuss labor negotiations; motion passed 2-0 (Selectman Multer not present). The Board returned to open session at 5:47pm and recessed.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:00 p.m.

Selectmen Present: Richard A. Daniel, Elinor Multer and Kevin E. Johnson

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

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

1. Adoption of the Agenda: Chairman Daniel moved, seconded by Selectman Multer to adopt the agenda as amended by adding 10.5 Consider Wage/Salary schedule; motion passed 3-0.

2. Accept Donations from Cook's Restaurant Fundraising Event: Mary Coombs, of Cooks Lobster House on Bailey Island, presented the Chairman with the proceeds, from its annual fundraising event, totaling \$5,951.26 [plus \$100 received 12/4]. Chairman Daniel moved, seconded by Selectman Johnson to accept the funds for the heating assistance program; motion passed 3-0.

3. Public Comment: None.

4. Town Administrator's Report: Administrator Eiane expressed appreciation for the fire and rescue personnel, Emergency Management Agent Rob McAleer and Road Commissioner Ronald Ponziani for their dedicated service to the Town during the storm and power outages over Thanksgiving. Administrator Eiane stated Mt. Ararat High School has been selected by the State Department of Education as a capital project, which will be costly, to either replace or renovate the school. MSAD 75 is looking for committee volunteers for the Design Committee, Building Committee and some sub-committees. Any interested parties should submit a letter of interest directly to MSAD 75. Administrator Eiane announced that newly elected State House representative Jay McCreight has expressed an interest to meet with her in an effort to become aware of issues for which she may be able to provide assistance. Administrator Eiane stated she would convey concerns about revenue sharing and unfunded mandate plus any other issues the Selectmen raise.

5. Selectmen's Announcements: None.

6. Consent Agenda: Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda; motion passed 3-0 [11/13 and 11/26 minutes; acceptance of donations for the bandstand from Juanita Reynolds \$50 and from David Andrew in the amount of \$100; and warrant #53 in the amount of \$64,143.38, warrant #54 in the amount of \$1,467.98 and payroll warrant #49 in the amount of \$17,418.97].

7. Old Business: Consider One-Year Winter Road Maintenance Contract: Administrator Eiane stated that this season is the last in a 3-year contract with Goodall Landscaping. The Board has discussed entering a new one-year contract for the 15/16 winter season. She and the Road Commissioner have followed up with Ben Goodall to assure that he has the capacity to continue serving the Town. Ben Goodall thanked the Board for previously tabling this topic. He stated his original intention was to secure another 3-year contract and then the one year was discussed. Mr. Goodall stated he has been dealing with issues early in the season including equipment issues and that his Company is not at peak performance yet. Mr. Goodall suggested tabling the one-year contract until after the winter season and then upon satisfactory performance, he asked the Board to consider a 3-year contract. Chairman Daniel asked if a contract is preferred for budgeting; Administrator Eiane responded an estimate can be budgeted as the Town also has contingency. Chairman Daniel asked Mr. Goodall to place cones around or remove the plow he has located at the

pull-off near Skolfields; Mr. Goodall stated he will remove it. Selectman Multer suggested tabling this tonight and placing it back on a future agenda to discuss how to proceed – with one or three years or to bid. Ronald Ponziani suggesting delaying until Mr. Goodall is comfortable and contacts the Town. Chairman Daniel moved, seconded by Selectman Multer to table this topic until January 22, 2015; motion passed 3-0.

8. Consider Response to the Request for Proposals for a Generator: Bill Wells, Code Enforcement Officer and Caretaker, stated requests for proposals were sent and twelve companies attended the mandatory site visit with one response being received [from Kokernack Generators for \$16,415]. Chairman Daniel expressed concern about replacing the current 40kw generator with a 38kw. Mr. Wells stated he verified the current generator is 20kw. He explained there was confusion with someone reading the inside panel and believing the generator is 40kw. Selectman Multer stated she is concerned with only receiving one bid and suggested the topic be tabled to allow more review. Mr. Wells stated he believes the other companies decided not to bid as heavier wires are required from the new generator into the cellar. This response is turnkey except for needing a licensed propane technician to disconnect and reconnect the propane tank. Selectman Johnson stated he could accept this bid and it's a great price. Mr. Wells noted the current generator has a faulty block heater which may affect it operating during cold temperatures and severe weather. Chairman Daniel stated he is not inclined to re-bid and is willing to delay a decision to allow Selectman Multer to address her concerns. Chairman Daniel moved, seconded by Selectman Multer to table this topic; motion passed 3-0.

9. Cedar Beach/Cedar Island Supporters (CBCIS): Mike Helfgott, CBCIS President, stated the 2013 Town Meeting overwhelmingly voted to authorize \$220,000 to regain access to Cedar Beach. Since then CBCIS has successfully raised almost \$200,000 and received a favorable ruling in the road court case this summer. He hopes the Board will look favorably on the proposal to ask the 2015 Town Meeting for \$110,000 to continue the efforts and that the Board will recommend the article. Mr. Helfgott stated CBCIS is willing to lead the fight and the proposed article protects the Town from liability. He stated there will be an appeal of the ruling but before that, there is a clarification of the ruling being sought. The funds are needed to proceed and “the sooner the better.” Martin Eisenstein stated the only reason CBCIS is not entitled to the \$220,000 is that the judgment is not final. He could have made a legal argument but that is not what CBCIS is about. They want this to go to the voters to seek a Town contribution for CBCIS. Selectman Multer asked why CBCIS is contesting Gables Realty's request to limit the judgment to pedestrian use. Mr. Eisenstein responded CBCIS agrees to no vehicles but does not want the judgment limited to walking only as there could be buggies etc. Also the judgment for use of the road is for access to all the beaches and they do not want it narrowed to only Robinhood Beach. Chairman Daniel asked if the requested funds are for the continued effort and not to pay previously incurred bills. Mr. Eisenstein responded there are expenses incurred that are not paid and will remain unpaid until there is money such as for signs and mediators. Chairman Daniel stated the Town Attorney needs to review the proposal and then there will most likely be an executive session with the Selectmen and CBCIS. Selectman Multer noted if this moves forward, how to pay for it will be up to the Town – bonding or some other way. Mr. Eisenstein asked of the time line; the Board agreed to move as quickly as possible. Administrator Eiane stated conceivably the request could be on the December 17 Budget Advisory agenda. Mr. Eisenstein asked what the Board's views are on the proposal. George Medis stated there is tremendous public support for this and he hopes this moves along and that the \$110,000 is made available. Chairman Daniel stated he sees no reason at this time why this would not go to Town Meeting. Selectman Johnson stated he was involved originally with the lawsuit and withdrew and supports the proposal. Selectman Multer stated she would support this assuming the Attorney does not find any issues. She states there was an issue years ago with municipalities giving funds to road associations as it was not legal in Maine to give public funds to private road entities. She hopes a similar issue does not exist with this proposal. Jean Sanborn stated she hopes there are no legal issues and noted the issue is a public issue and not a private one. Mr. Helfgott thanked the Board for stating support and noted towns provide funds to organizations for public benefits regularly. He encouraged the Board to move quickly.

10. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for November (attached). Ms. Kelly stated it has been a year since the Board gave the previous owner of a foreclosed property additional time to pay the outstanding taxes. He has paid 2011 taxes and half of 2012 and she recommended giving another 6 months.

Selectman Johnson moved, seconded by Selectman Multer to give to the end of 2015 for the person to pay off the 2012 and 2013 amounts; motion passed 3-0.

10.5 Consider Wage/Salary Schedule: Chairman Daniel stated the Board has been discussing possible methods for implementing the wage/salary and benefit study conducted by Mike Wing. There are a few employees whose pay is less than the minimum on the developed scales and classes. Additionally, the Selectmen adjusted the classes of the Deputy Town Clerk and Deputy Tax Collector to class 3. Chairman Daniel moved, seconded by Selectman Johnson to tentatively adopt the schedule worked on in the workshops and incorporate the increases into the proposed 2015 budget. That budget is currently being reviewed by the Budget Advisory Committee. Selectman Multer stated with the exception of the Selectmen, comparisons of Town employee's pay with other municipalities showed low. This report established ranges for salaries and the Board is trying to move employees towards the middle and not be the Town that pays the least or the most. If passed at Town Meeting, it will be a larger increase than in the past but is reasonable. Selectman Multer noted a longevity scale was added at different levels for employees employed more than 5 years. Motion passed 3-0. Chairman Daniel stated the Selectmen's pay was also compared and showed Harpswell's Selectmen to be higher paid than others, which may be due to some towns having 5 Selectmen. He stated he was not looking to increase the Selectmen's pay and also not looking to reduce it. Chairman Daniel stated the Board met with the Road Commissioner regarding his request to be paid \$30,000 in 2015. The consensus from the workshop was that the Board was comfortable with \$17,500 and to allow the Town Meeting to raise or lower the amount. Ronald Ponziani stated he believed he was treated weakly last night and reiterated his request for \$30,000. Chairman Daniel corrected the Board's consensus from the workshop stating the Board agreed to allow the Budget Advisory Committee to review a proposal of \$20,000 for the Road Commissioner. Mr. Ponziani stated he works many hours for the Town dealing with issues and that he could accept \$20,000-\$25,000. He stated that when he ran for Road Commissioner he thought the pay was \$20,000. The Board discussed its suggestions of streamlining the position, including deferring calls to administrative staff. Additionally, the Board expressed concern about the large increase in Mr. Ponziani's second year from \$6,000 to \$15,000 and now the request to substantially increase again. Also, it was noted that anyone can run for an elected position and it is concerning that it could be someone without experience at that pay level. Changing to an appointed position was also discussed. Chairman Daniel moved, seconded by Selectman Multer to send to the Budget Advisory Committee for review a raise of the Road Commissioner's compensation to \$20,000; motion passed 3-0.

11. Consider Cumberland County Development Block Grant Pre-Applications: Administrator Eiane stated the Board previously approved proceeding with the two general application topics – one for renovations to Bailey Island Library Hall and one for the Backpack Program at Harpswell Community School. Bailey Island Library Hall is listed on the National Register of Historic Places. \$75,000 is being sought and Library Hall will provide the required 20% match. The Backpack Program entails Midcoast Hunger Prevention providing food for filling backpacks of qualifying children on Fridays to enable the child and his/her family to have meals over the weekend. \$6,000 is being requested and a specific donor will provide the 20% match. The Selectmen made minor word changes. Selectman Multer moved, seconded by Selectman Johnson to approve the pre-applications; motion passed 3-0.

12. Consider Letter of Support for Aquaculture Grant: Administrator Eiane stated Darcie Couture, Town's Marine Consultant, is applying for a Saltonstall-Kennedy Grant to focus on community aquaculture in the intertidal zone in Harpswell and is seeking a letter of support. Ordinance changes will be required to facilitate the aquaculture program that Ms. Couture previously spoke with the Board about. Selectman Multer moved, seconded by Selectman Johnson to sign the letter of support; motion passed 3-0.

13. Consider Marketing Mitchell Field Business District: Selectman Multer proposed having staff speak with commercial/industrial realtors to determine the next steps with promoting the Mitchell Field Business District. Chairman Daniel and Selectman Johnson agreed. Administrator Eiane noted choosing the final realtor will come back to the Board.

14. Consider Accepting a Gift of a Float for Use at Mitchell Field: Administrator Eiane stated Rob Roark, Chair of Mitchell Field Committee, is donating a float to be used at Mitchell Field. The float is currently at the site and was

used this past summer. The value does not exceed \$3,000 and the Selectmen are authorized to accept such gifts. Selectman Multer moved, seconded by Selectman Johnson to accept the float; motion passed 3-0.

15. Consider Amendments to the Property Tax Assistance Ordinance for Town Meeting: Administrator Eiane stated the State of Maine eliminated the Rent/Property Tax Program. The authorization for municipalities to provide such programs was removed, then later reinstated. The State replaced its program with a Property Tax Fairness Credit available when filing Maine income taxes. The State's benefit was \$1,600 and has been reduced to \$700 or \$900, depending on age. Administrator Eiane reviewed the proposed changes and highlights of the Town's Property Tax Assistance Ordinance including the benefit maximum of \$800, applicants are not limited by age, the program requires property taxes for that year to be paid and that the State and Town benefit together cannot exceed the property taxes. Selectman Multer moved, seconded by Selectman Johnson to place the Ordinance on the Town Meeting warrant; motion passed 3-0.

16. Consider Communication with Harpswell Coastal Academy (HCA): Selectman Multer stated the current lease with HCA has a provision that the Town and HCA need to reach a purchase and sale agreement by January 15, 2015. She suggested the Selectmen send a letter reminding HCA of the January 15 date and indicating the Board is prepared to discuss the matter. The Board agreed.

17. Consider Sole Sourcing for Copier Replacement: Administrator Eiane stated the Town's purchasing policy suggests items with a cost greater than \$4,000 should be publicly bid. The quality of the Town's primary copier for copying and scanning has become poor. The Town's current copier service company, Business Equipment Unlimited (BEU), has allowed staff to test another copier. Based on past experience with BEU and the successful test run of the newer copier, staff is suggesting the Board consider accepting the BEU offer for \$5,499. Selectman Multer moved, seconded by Selectman Johnson to sole source with BEU; motion passed 3-0.

18. Other Business: None.

19. Public Comment: None.

20. Administrative Matters: The Town Attorney will provide possible meeting dates re: CBCIS.

21. Adjournment: At 8:20 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

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