

**Board of Selectmen's Meeting Minutes**

**April 11, 2013**

**Harpswell Town Office**

**Approved on May 30, 2013**

**Page 1 of 5**

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

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

**Staff Present:** Kristi Eiane, Town Administrator; Fred Cantu, Recycling Center Manager; Diane Plourde, Planning/Code Assistant; Marguerite Kelly, Treasurer; Carol Eyerman, Planner

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

**1. Adoption of the Agenda:** Chairman Multer moved, seconded by Selectman Daniel to adopt the agenda as amended by adding Consider Request for Filming under Other Business; motion passed 2-0.

**2. Public Comment:** None.

**3. Town Administrator's Report:** Administrator Eiane stated the Town sent out requests for proposals for a new ramp at the Pott's Point Dock and two responses were received. One from Superior Docks \$5,501.25 and one from Bisson Welding \$5,000. Staff recommends the Board accept the Bisson response plus \$200 for delivery to the site. Chairman Multer moved, seconded by Selectman Daniel to accept Bisson's response; motion passed 2-0. Administrator Eiane announced the federal government will fund another medication collection day and anyone can drop off unwanted medications, for proper disposal, at the Town Office on April 27 from 10:00 a.m. to 2:00 p.m. Administrator Eiane reported the Town's engineer, Gorrill & Palmer, will host an open house on April 23 from 4:30 p.m. to 6:30 p.m. regarding the capital road plans for Hildreth, Wharf, Long Point, Shore Acres and Thompson Roads. Postcards have been mailed to property owners on those roads inviting them to attend the open house and review the plans.

**4. Selectmen's Announcements:** Selectman Daniel announced the annual road side cleanup day will be on April 20. The public is encouraged to clean up roads, and bag the refuse and place the bags on the side of the roads for later pick up. There will be a luncheon at the Dolphin Marina for the volunteers at noon. Selectman Daniel announced the Gulf of Maine Lobster Foundation annual gear grab and clean up will be on April 20. Interested parties can meet at Interstate Lobster, Bailey Island General Store or Watsons Store at 8:00 a.m. Selectman Daniel stated the Conservation Commission oversees the Adopt-a-Road program that is ongoing throughout the year and an Adopt-a-Beach program. More details are available with the Conservation Commission.

**5. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her report for January – March.

**6. Status Re: Single-Stream Recycling:** Fred Cantu, Recycling Center/Transfer Station Manager, asked for the Board's decision regarding transitioning to single-stream. A number of workshops have been held and if the Board decides to proceed, Mr. Cantu needs to prepare the facility for the conversion and begin educating the public. Chairman Multer asked what the Board's previous vote was; Mr. Cantu responded on January 24, the Board voted to proceed. Administrator Eiane asked if the prior approved conversion date of October 1 is still the preferred date. Mr. Cantu asked the Board to consider August 1. The October 1 date was first considered to have the least impact on the 2013 budget and to allow time to prepare for the conversion. Mr. Cantu stated he has had more time to consider implementation and given he now has only three employees, he believes August 1 is more appropriate regarding employee work load yet still allowing for education of the seasonal property owners. Selectman Daniel asked if the Board approves, what is the process for securing a contractor. Mr. Cantu stated that at the next meeting, he plans to present several requests for proposals including contracting for the recycling. Administrator Eiane stated Selectman Hawkes asked that education be promoted at least two months before implementation. Mr. Cantu responded in addition to the most recent workshop, he has videos to play on Channel

14, the sandwich board will go up and flyers will be created. Both ecomaine and Pine Tree offer education and personnel at the facility on the day of transition. Selectman Daniel asked what value may be left in the balers; Mr. Cantu responded two are really not safe for re-use and three can be sold. Chairman Multer moved, seconded by Selectman Daniel to authorize the Manager to proceed with the transition to single-stream on August 1; motion passed 2-0.

**7. Consider Issuing Request for Proposals for Conservation Subdivision Consultant:** Carol Eyerman, Planner, stated she drafted a request for proposals, to send to consultants, seeking assistance in developing conservation subdivisions. First step is to find out more information on the topic and then proceed with ordinance amendments if appropriate. The RFP is structured so that the consultant helps with ordinances through Town Meeting but if the Town does not want to proceed, then it will not happen. Selectman Daniel asked how many entities do this type of work; Ms. Eyerman responded she will send to 12 and at least 5 have experience with subdivisions. Chairman Multer stated she has a number of proposed modifications. Chairman Multer reviewed the substantive changes and will send the minor changes to Ms. Eyerman. Chairman Multer moved, seconded by Selectman Daniel to approve the rfp as amended, provided the final version is sent to the Selectmen; motion passed 2-0. Burr Taylor stated this is an exciting moment as he strongly believes conservation subdivisions are appropriate for Harpswell. Mr. Taylor encouraged members of the public to join the Comprehensive Plan Implementation Committee and be a part of this process.

**10. Consider Request for Use of Mitchell Field for Filming:** Jay Brown, producer of Little Content Partners, requests to film a local band at Mitchell Field. The date is not set but he has a meeting with the band tomorrow. Administrator Eiane stated when this request was received, staff reviewed the Group Use Policy and this type of request did not quite fit the policy that applies to groups greater than 50 people or for profit purposes. Mr. Brown indicated he was filming this video at no charge to the band but staff did not feel comfortable approving the request as it fell outside the policy. Administrator Eiane stated the Board previously allowed a for-profit company to film the lobster boat races and assessed a \$100 fee plus required insurance. Mr. Brown asked if each person in the crew could sign a release of liability or perhaps he could get coverage under another producer's policy. Chairman Multer stated perhaps the Town could speak with its insurance company but that Mr. Brown should solicit insurance and produce an insurance certificate naming the Town as additional insured. Chairman Multer stated she would prefer to see a small fee and since it was not for profit it could be less than \$100. Selectman Daniel agreed the insurance is a must and the fee could be \$50 and that all the other rules of the Group Use Policy be followed. Selectman Daniel asked what the video was for; Mr. Brown said it was promoting a local band and will be posted on all social media. Selectman Daniel suggested a member from the Mitchell Field Committee may want to be present during the filming. Chairman Multer suggested taking up this matter at the next meeting if Mr. Brown can resolve the insurance.

**8. Consider Executing Conservation- Related Documents for Hildreth Road Property, Map 3, Lot 73:** Reed Coles, Executive Director of the Harpswell Heritage Land Trust, stated he understands the Town Attorney has reviewed these documents and is satisfied, and that HHLT is satisfied. The conservation easement, access easement and baseline data documents are ready for execution. Selectman Daniel asked if the Trust will inspect annually; Mr. Coles responded yes and more often if there are enforcement issues. Chairman Multer moved, seconded by Selectman Daniel to execute the necessary documents for and relating to the conservation easement on the Town-owned parcel; motion passed 2-0.

**9. Consider Executing Letter Agreement with Harpswell Heritage Land Trust for Parking Plan at Mackerel Cove:** Reed Coles, Executive Director of the Harpswell Heritage Land Trust, stated there has been a significant issue with fishermen parking in the boat storage area at Mackerel Cove in violation of the easement. The problem has been ignored the last few years but now a mud hole has been created due to the parking. HHLT proposes creating five parking spaces along the road with a split rail fence along the remainder of the road and around the boat storage area to prevent further parking outside of the new spaces. The rails could be removed in

spring and fall to allow for retrieving and placing boats in the storage area. Maine Coast Heritage Trust, a third party easement holder, has reviewed the proposal and has agreed to execute the agreement. Chairman Multer stated there are side issues such as how to address who parks there and if a fee should be charged. She asked staff to review and propose how to implement the parking plan. Administrator Eiane stated this item has been budgeted for, the parking has taken place for some time and now it will be allowed. Mr. Coles stated the alternative is to fence off the area and not allow parking but this is a reasonable solution to a parking problem on the working waterfront. Selectman Daniel stated he has heard there is a need for more parking for use of the property. Mr. Coles stated visitors can now park on HHLT's property at Johnson's Field and signage has been erected. Mr. Coles stated signs need to be erected marking the new area for fishermen only and that the fishermen will only use it from early morning to early afternoon. Chairman Multer moved, seconded by Selectman Daniel to authorize the signing of the Letter Agreement for the parking; motion passed 2-0.

**11. Consider Harpswell Community Garden 2013 Budget/Grant Amendments:** Jane Covey, Harpswell Community Garden Coordinator, presented changes that occurred to the budget after the Board approved it. The major change is that instead of a budget for equipment to rent it has been replaced with a budget for purchasing a used riding mower since the mower that was donated no longer works. The revised budget is \$6,302. The grant coming to the Town will be \$6,302 less the salary amount for a part time coordinator as that position will be filled by an employee of the Harpswell Heritage Land Trust, making the grant \$2,698. The original budget was about \$7,000 but a major item of grading the grassy area to the left of the garden was also removed. Ms. Covey requested approval of the amended budget. Chairman Multer asked how much comes from taxpayers if any; Administrator Eiane responded none as HHLT grant money covers all costs. Administrator Eiane stated Selectman Hawkes asked her to convey that Selectman Hawkes would like a policy regarding use and storage of the mower and that the volunteers need to sign insurance waivers. Ms. Covey stated a donated mower was used last year by volunteers at the Garden and this year, a small group will be identified as users on a rotating schedule. Ms. Covey stated a suggestion has been made that the mower be used to mow the trails at Mitchell Field but the Community Garden and Mitchell Field Committee have not discussed that yet. The mower is important for success in attracting gardeners to the area. Ms. Covey stated the two groups can discuss a policy and come back to the Board. David Chipman, member Mitchell Field Implementation Committee and an active member of the Garden, stated he primarily did the mowing last year with the used mower and the mower being looked at now is a John Deere LT model that is of a more commercial grade. Don Miskell has weed whacked the trails through the woods and it is very time consuming. It would be helpful to do the trails with the mower. Mr. Coles stated HHLT has not discussed the mower use outside of the Garden area but another one of its missions is to provide outdoor recreation opportunities. While the community gardens funding is supposed to be for gardens, there is flexibility and Mr. Coles doesn't see an issue with the additional mowing. Selectman Daniel asked where the mower will be stored; Ms. Covey responded in the Community Garden shed at the site. Selectman Daniel asked what the size of the garden area is; Ms. Covey responded there are two garden areas and each is .25 acre and only one is developed for gardening. Mr. Chipman added with the playground, compost, apple trees, the area is about an acre. Chairman Multer moved, seconded by Selectman Daniel to approve the budget; motion passed 3-0.

**12. Consider Proposal Regarding Bandstand Management:** Dan Huber, member of the Community Bandstand Organization, was pleased to announce the bandstand is near completion and will be dedicated and gifted to the Town in June. After turning it over to the Town the Organization will disband and some members would like to stay involved with the management of the bandstand. Members have ideas concerning certain improvements, fund-raising and arranging summer concert series. Mr. Huber stated he has submitted a proposal suggesting ways to proceed. Communication has begun since the Organization met this morning and Gina Perow, Recreation Director, was in attendance. Mr. Huber stated requests are coming in from bands and for weddings. Chairman Multer stated she was concerned how to distinguish requests for use of the bandstand and requests for use of Mitchell Field and perhaps separating performance requests is how to proceed. Chairman Multer suggested asking staff to develop a method on how to proceed with a Bandstand Committee and what its

responsibilities will be. Mr. Huber stated there is a desire from members to have funds for having performances with no impact to the taxpayer. Administrator Eiane suggested the bandstand may be a recreation funded activity and staff can further investigate the funding and administration of the bandstand. Only mowing at the area was budgeted for by the Town, however Administrator Eiane understands the Organization wishes to turn over funds to the Town for other costs. The Board agreed. Selectman Daniel asked for the date of the dedication; Mr. Huber stated June 16. Selectman Daniel stated the timeframe is tight and asked if the series can take place if the Town does not own the bandstand by then. Administrator Eiane stated the ownership change should be by then, but the details on management may not all be ironed out by then. Selectman Daniel confirmed a bit more work is due on the bandstand and asked what future upgrades will be sought. Mr. Huber stated a sound system, a bulletin board, landscaping, etc.

**14. Consider Proposal from Crooker Re: 2012 Paving and Other Prices:** Ronald Ponziani, Road Commissioner, stated Harry Crooker & Sons, Inc. has submitted a proposal to perform the work associated with this year's capital road project on Hildreth, Wharf, Long Point, Shore Acres and Thompson Roads. The cost per unit for labor, gravel, asphalt, culverts etc. would be the same as the 2012 project on Lowell's Cove, Lane and Little Island Roads project that used 2011 prices. Mr. Ponziani stated he has mixed feelings about sole sourcing or sending the project out to bid. The Town could face higher costs above the 2011 prices after sending out to bid but Mr. Ponziani is asking the Board to make the call. Administrator Eiane expanded on Crooker's example of Ash Point Road by stating that the road was part of a bid package but the Town did not have enough funding to do it all at once and delayed the Ash Point Road to the next year with the winning bidder, Ray Labbe & Sons, Inc. This project is possibly 1 million dollars and engineering alone is \$53,000. Chairman Multer stated she asked Administrator Eiane to check with the Town engineers and Tom Gorrill asked if the Town had a charter and if it was required to bid at a certain amount and if this proposal was in the spirit of the Town's purchasing policies. While Crooker is an excellent company and was the lowest bidder of the last project, Mr. Gorrill had noted it comes down to a policy decision for the Board. Chairman Multer stated she is torn on the decision as there are examples of not taking a low offer and then paying more. Mr. Ponziani stated Brunswick in the past did not choose to sole source and experienced higher costs and this year has decided to sole source. There was a discussion on how to proceed. Administrator Eiane stated Marguerite Kelly, Treasurer, had some concerns about not bidding as the borrowing application to the Bond Bank may have suggested the project would be bid. Selectman Daniel asked what percent of a project is the asphalt; Administrator Eiane responded about 45% on Shore Acres and 70% on the other roads. Mr. Ponziani stated if the project is sent out to bid and the costs are too high, there are areas to cut including perhaps a road. Administrator Eiane stated the Board currently has a contract with Gorrill Palmer to develop the plans and bid specifications and if the Board agrees then the project will proceed as planned. Selectman Daniel stated he believes the project should be bid for this cost and Chairman Multer agreed.

**13. Consider Shellfish Conservation Matters: Green Crab Exemption & PH Meter Including Training:** Administrator Eiane stated Selectman Hawkes conveyed that she preferred to participate in the PH discussion if the Board decided to delay. Selectman Hawkes relayed she had no issue with the green crab exemption form and only wanted to be sure those named on the form understand they assume a certain responsibility. Administrator Eiane stated the form prohibits the sale of green crabs and the responsible persons will not sell the crabs. Selectman Daniel asked if there is any mechanism to track the number of crabs and if the PH equipment will be monitored. Chairman Multer moved, seconded by Selectman Daniel to approve the exemption application; motion passed 2-0. Selectman Daniel noted for the PH discussion he wanted to know how often the equipment needs to be re-supplied.

**15. Renewal Liquor License for the Harpswell Inn, 108 Lookout Point Road:** Administrator Eiane stated there are no apparent alcohol-related calls to Cumberland County and the Code Office states the establishment is in compliance with local ordinances. Chairman Multer moved, seconded by Selectman Daniel to approve the license; motion passed 2-0.

**16. Maine Municipal Association Election:** Administrator Eiane stated MMA is looking for nominations to its executive committee. The Board made no nominations.

**17. Accept Gift in Lieu of Taxes:** Administrator Eiane stated Maine Coast Heritage Trust sent a \$400 check in lieu of taxes for Whaleboat Island. Chairman Multer moved, seconded by Selectman Daniel to accept the funds with gratitude; motion passed 2-0.

**18. Other Business:** Administrator Eiane stated a for-profit entity wants to film in Harpswell for its fall catalog (Sebago) and one location is near the Town's Lookout Point Road landing. Administrator Eiane stated an insurance certificate is being supplied to the Town Office tomorrow. Chairman Multer stated she would assess a \$100 fee but wants the staff to look into a more formal policy and fee structure. Chairman Multer moved, seconded by Selectman Daniel to approve the use and assess a \$100 fee and require that the shoot not interfere with local traffic; motion passed 2-0.

**19. Public Comment:** None.

**20. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Daniel to approve warrant #18 in the amount of \$661,335.97; motion passed 2-0. Chairman Multer moved, seconded by Selectman Daniel to approve \$2,500 to Bisson Welding; motion passed 2-0. Payroll warrant #15 in the amount of \$14,518.11 was noted for the record.

**21. Administrative Matters:** The Board scheduled an executive session to meet with a property owner, who has offered a parcel to the Town, on Thursday, April 18, at 3:30 p.m. Administrator Eiane stated the economic development plan has been sent to the Board and asked when the Board would like to have the consultant present it. She noted a member of the Committee has suggested the Board may want to continue some form of an economic development committee. Chairman Multer stated that can be decided after reviewing the report and hearing from the consultant. The Board scheduled a goals and objectives session for April 18 following the executive session. Administrator Eiane asked the Board to consider if there is any article for placement on the June ballot.

Administrator Eiane thanked Diane Plourde for sitting in for the Deputy Town Administrator.

**22. Adjournment:** The meeting was unanimously adjourned at 8:15 p.m.

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](mailto:harpswell@town.harpswell.me.us)]