

Board of Selectmen's Meeting Minutes

April 25, 2013

Harpswell Town Office

Approved on May 30, 2013

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At 5:30 p.m., Chairman Multer moved, seconded by Selectman Hawkes to enter into executive session pursuant to 1 M.R.S.A. § 405(6)(C) regarding the possible acquisition of real estate; motion passed 3-0.

The Board returned to open session at 6:00 p.m.

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

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Carol Eyerman, Planner; Bill Wells, Code Enforcement Officer; and Fred Cantu, Recycling Center Manager

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

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as printed; motion passed 3-0.

Deputy Administrator Sawyer announced that due to a failure with Comcast's equipment, video is not available for this meeting, only sound. The video is available through live streaming and anyone interested should call Donna at the Television Studio for access instructions. The video will also be available during the replay on Vimeo.

2. Public Comment: Robert McIntyre stated he has three points to make relating to a Board of Appeals case last night: 1. the Town will be asked to approve the Board of Appeal's action; 2. the abutters were opposed to the variance(s) and a question was raised whether the Town was considered an abutter as owner of Basin Point Road; and 3. the 75-foot setback to the ocean was not raised as an issue but the structure location was not staked out and it is unclear if the surveyor used the new water setback definition from the highest annual tide. Bill Wells, Code Enforcement Officer, reported that Bill Bailey was granted a variance of 5-feet to the northern property line and 10-feet on the northern property line to Basin Point Road, if the Town does not object. If there is objection, the variance is for 5-feet. The Selectmen asked that the case information be provided for review.

3. Town Administrator's Report: Administrator Eiane announced there is a medication collection day on Saturday, April 27 from 10:00 a.m. to 2:00 p.m. at the Town Office. Unwanted medications, including veterinary medications, can be dropped off for proper disposal at no charge. Administrator Eiane announced there is a public meeting at the Topsham Town Office on April 29 at 6:00 p.m. regarding the Route 24 Corridor Plan. The Department of Transportation initiated the Route 24 Corridor planning process and while there is no funding to implement the ideas, it is an opportunity to develop ideas. Administrator Eiane reported the Town received a complaint that Fairpoint and Comcast are not re-locating their lines to the new utility poles on Route 24 in a timely way. Administrator Eiane is attempting to obtain schedules and noted that Central Maine Power will conduct another phase of pole installations in the fall from the Orr's Island Bridge to the Cribstone Bridge. Administrator Eiane asked CMP to check with the Code Office prior to beginning that phase.

4. Selectmen's Announcements: None.

5. Approval of the Minutes: Chairman Multer moved, seconded by Selectman Hawkes to approve the minutes of March 28 and April 5; motion passed 3-0.

6. Carmen Garver Wharf Application, Tax Map 6, Lot 34, 37 Frostfish Cove Road: Bill Wells, Code Enforcement Officer, stated this is an after-the-fact permit as the previous owners constructed this wharf system

in the 1970's without a permit. The wharf is 23.5' x 16.5' and the ordinance allows only 6-feet wide so a condition is proposed that if the wharf is damaged, repaired or replaced by more than 50% then it must meet the code in place at that time. Selectman Hawkes asked why 50%; Mr. Wells responded the 50% is a common rule throughout the ordinance. Mr. Leblanc, applicant's representative, added the Department of Environmental Protection also uses the 50% language when requiring a permit. Mr. Leblanc noted the only part of this system that will be rebuilt is the floats which will be made with ACQ treated wood and the skids will be CCA treated. Mr. Leblanc noted the existing structure is high enough to allow passage through the inter-tidal zone. Chairman Multer noted the Harbormaster has indicated there is no navigational issue. Chairman Multer moved, seconded by Selectman Daniel to approve the application with the standard and specific condition; motion passed 3-0.

7. Recycling Center Matters

- **Single Stream Contract:** Fred Cantu, Manager, stated at the last meeting, the Board approved proceeding with single stream recycling at the Facility on August 1. Mr. Cantu asked the Board to consider sole sourcing with Casella for the recyclables from August 1 to December 31 as they are the Town's current contractor for solid waste. Casella will hold the price from what was submitted last year at \$145 per haul and \$0 tipping and no revenue sharing. Mr. Cantu will prepare a request for proposals in the next couple of months for the Town's solid waste and single stream as of January 1, 2014. Selectman Daniel asked how many hauls are expected; Mr. Cantu responded when the RFP went out last year, approximately 76 hauls were estimated. Chairman Multer moved, stating she is uncomfortable with sole sourcing, to contract with Casella for 5 months. Selectman Daniel seconded the motion and it carried 3-0.
- **Refurbishment of Compactors:** Mr. Cantu stated under current operation, when one compactor is filled, the other compactor is used. The cans have an approximate life of 20 years and usually 15-18 for Harpswell due to the salt water, which can be extended if refurbished. Mr. Cantu planned on refurbishing one compactor in 2014 and one 2015. However, with single stream, both compactors will be in use at the same time. Therefore, he is requesting to have both compactors refurbished before August 1 which will extend the life of the units without interrupting the operation. Given the specificity of the equipment, Mr. Cantu requested that the Board sole source the work to the manufacturer. John Monaghan, Energy Committee chair, asked if the proposed work includes the motors, and if so, upgrading the motors could save money and energy. Mr. Cantu responded the refurbishment is for the sheet metal, hydraulic tank and lines. Chairman Multer stated she would consider delaying the August 1 implementation date if that gives more time to resolve whether the motors should be considered. Mr. Cantu asked the date to remain and stated he will follow up with Mr. Monaghan. Selectman Daniel moved, seconded by Chairman Multer to sole source with Atlantic Recycling Equipment; motion passed 3-0.
- **Purchase of New Cans:** Mr. Cantu stated that since both cans will be used simultaneously, additional cans are required for replacement when the cans are full. Selectman Daniel asked if one can could suffice. Mr. Cantu stated he considered that but believes operations would be significantly impacted without two back up cans. In 2009 and 2010, bids were sent out for the current cans and each time International Container was the lowest. Additionally, the cans vary based on manufacturers, particularly with the attachment between the can and compactor. For this reason, Mr. Cantu requested the Board sole source with International Container so all four cans are the same. Chairman Multer moved, seconded by Selectman Daniel to sole source for the two cans; motion passed 3-0.
- **Purchase of Back Hoe Tires:** Mr. Cantu stated the Board previously authorized an RFP for backhoe tires. Two bids were received: Central Tire \$4855.70 and Lee's Tire \$5,277.66. Mr. Cantu explained that after speaking with the Town of Elliot, the tires from Central Tire have a longer life than typically what the Town has purchased. Chairman Multer moved, seconded by Selectman Daniel to approve Central Tire; motion passed 3-0.

8. Consider Assigning Energy Committee to Develop Energy Efficiency Guidelines: Chairman Multer stated the Board is considering how to address energy efficient measures for homes in addition to fuel assistance. Chairman Multer stated it is a good idea but can be tricky as one improvement could be quite costly and

potentially wipe out the fund. She suggested the Energy Committee look at when improvements should be done and how much funding should be for fuel and how much for the improvements. Chairman Multer moved, seconded by Selectman Daniel to direct the Energy Committee to develop energy efficiency guidelines. John Monaghan, Energy Committee chair, stated the Committee would look to the Town to allocate the funding for heating and for improvements. The Committee will recommend the process such as having a 2 level energy audit done, first being an assessment and second a full professional energy audit, which can be costly. Selectman Daniel asked if the Committee saw this program going along with the heating; Mr. Monaghan responded yes perhaps by giving a date by which interest needs to be expressed. Selectman Hawkes asked if the Board has the authority to add improvements; Administrator Eiane responded the warrant article includes language that the funds could be used for home energy efficiency and staff needed guidelines for implementation. The motion passed 3-0.

11. Public Hearing for a First-time Alcohol License Application for Giant Stairs Seafood Grille, Inc., 2118 Harpswell Islands Road, Bailey Island: Deputy Administrator Sawyer stated this is a first-time license request for malt and vinous and the abutters were notified and the hearing was advertised for three days in the Times Record. Chairman Multer stated that the stock quantity was not listed and that the applicant should complete before sending to the State. The hearing was opened and closed at 7:05 p.m. with no one speaking. Chairman Multer moved, seconded by Selectman Daniel to approve the license; motion passed 3-0.

9. Shoreland Zoning Task Force Final Report: Carol Eyerman, Town Planner, stated Town Meeting approved the Shoreland Zoning Task Force's ordinance proposals and funding to identify streams in 2014. Some members of the Task Force would like to continue and work on continuing items. Mary Ann Nahf, chair of the Shoreland Zoning Task Force, stated the Task Force was able to review 1/2 - 2/3 of Harpswell's shoreline in 2012 and many members would like to complete that review in 2013. There are additional tasks such as further education, marine environment research and possible zoning changes at Mitchell Field. Selectman Daniel asked how many members want to continue and how much time is needed; Ms. Nahf responded 5. Ms. Eyerman suggested a new mission statement and group could be for a year. Administrator Eiane asked if the tasks could be prioritized and addressed with current committees such as the Conservation Commission handling the stream identification project. Ms. Eyerman stated some items can be addressed with existing groups but some topics would be better addressed with the members that were part of the initial discussion such as home occupations. Chairman Multer suggested Ms. Eyerman come back to the Board with a proposed mission statement.

10. Harpswell Bandstand

- **Consider Warrant Article for Secret Ballot Vote on June 11, 2013 and Consider Formation of Committee and Mission Statement:** Administrator Eiane reported the bandstand is just about done and will be turned over to the Town. The Bandstand Group submitted a proposal at the last meeting suggesting the Board form an advisory committee to aid in the future of the bandstand and concerts. The Town Attorney recommends having the voters authorize accepting the gifts and grants and holding the funds in a special account. The Bandstand Group's intention is there be no tax impact and suggests fund-raising. The Board can have a municipal ballot at the time of the June 11 school vote. Selectman Hawkes asked about insurance; Administrator Eiane responded it will be under the Town's policy. The Committee will look at if new guidelines for use at Mitchell Field are needed, fees, etc. Chairman Multer noted Bob Modr modeled this bandstand after Wolfboro, NH which has a schedule of concerts. Selectman Hawkes asked who decides who plays. Chairman Multer responded the Committee would organize and the Board will approve. Administrator Eiane noted the series will be under the Town's insurance umbrella and the Bandstand Group indicated there are sufficient funds for this particular series. Selectman Hawkes stated the use should be open to all and this proposed schedule seems set. The Board discussed that the Committee will look at how to solicit bands and propose policies and guidelines. Selectman Daniel noted this series seems to be of a similar genre but that others can play on another night since this series is just for Thursdays. Selectman Daniel moved, seconded by Chairman Multer to place

this warrant article on the June 11 ballot; motion passed 3-0. The Board discussed the proposed mission statement and Chairman Multer suggested amendments including adding 'performance venue'. Selectman Daniel and Selectman Hawkes agreed the use should not be limited to performance events. Chairman Multer moved, seconded by Selectman Daniel to approve the mission with minor grammatical changes; motion passed 3-0.

12. Giant's Stairs Town Property

- **Plan for Giant's Stairs Phase III:** Deputy Administrator Sawyer stated the Town Lands Committee has submitted a plan for improving the rocky trail part of the Giant's Stairs property. The improvements are minor with vegetation trimming, placement of landscape timbers and rocks, signage, small hand rail at the gully area. The improvements will promote safer use of the property. Chairman Multer moved, seconded by Selectman Hawkes to approve the plan; motion passed 3-0.
- **Request for Filming:** Administrator Eiane stated the Town received a request to film at the Giant's Stairs the first week in May. At the last meeting, the Board authorized filming at Lookout Point Road and assessed a \$100 fee and required proof of insurance. The Board indicated that process could be followed until further notice. Chairman Multer moved, seconded by Selectman Hawkes to authorize staff to approve such uses until further notice. The Board discussed that these types requests could be a way to promote Harpswell and a potential revenue source. Chris Coffin suggested not charging for use of Town properties in lieu of a donation to the area Fire Department. Chairman Multer stated the Board will consider a more formal policy but that any fee or donation should be directly to the Town. The motion passed 3-0. Selectman Hawkes asked that using Harpswell's name be suggested.

13. Request for Use of West Harpswell School Property for Parking: Deputy Administrator Sawyer stated Harpswell Heritage Land Trust has applied for use of the parking areas at the former West Harpswell School for participants of a fund-raising sunset cruise to leave from the Dolphin Marina. The date and time does not conflict with the Ash Point Community Library. The Board discussed that the car owners would park at their own risk and that enough space in front of the building be available for the passage of emergency vehicles. Selectman Hawkes moved, seconded by Selectman Daniel to allow the parking for the Harpswell Heritage Land Trust on July 23 from 5:00 – 10:00 pm at their own risk; motion passed 3-0.

14. Consider Policy for Use and Operation of Mower at Harpswell Community Garden: Administrator Eiane stated the Community Garden Coordinator reviewed the proposed policy and the Town has a liability waiver for each mower user to sign. Chairman Multer added "member of administrative staff" to report any issues with the mower. The Board discussed the maintenance of the mower and agreed that a maintenance schedule and use/incident log is to be kept. Selectman Hawkes expressed concern about the age and experience of a user and the Board agreed to add a minimum age of 18 years. Selectman Hawkes moved, seconded by Chairman Multer to approve the policy as amended; motion passed 3-0.

15. Appointments: Committee and Officials: Chairman Multer moved, seconded by Selectman Hawkes to make appointments to the following positions from May 1, 2013 to April 30, 2014: Jason Marshall as 911 Addressing Officer; Frank Hilton as Fire Warden; Linda Strickland, Diane Plourde, Fernando Cantu, Richard Wyer as Deputy Fire Wardens; George Lee Johnson as Animal Control Officer; Judith Arndt as Alternate Animal Control Officer; Timothy Vail as Tree Warden; Louis Levesque as Sealer of Weights and Measures; Kristi Eiane and Linda Strickland as General Assistance Administrators; William Labbe as Emergency Management Agent; James Hays as Harbormaster; Kyle Neugebauer and George Bradbury as Shellfish Conservation Wardens; Benjamin Wallace as Cundy's Harbor Fire Chief; and Terri Sawyer as Health Officer (from May 1, 2013 to April 30, 2016); motion passed 3-0. Selectman Hawkes moved, seconded by Chairman Multer to make the following appointments: Ellen Lebauer and John Perry to the Board Appeals to 2016; Ellen Shillinglaw and Patricia Lawson to the Board of Appeals as Associates to 2014; Anne Perry and Ann Nemrow to the Conservation Commission to 2016; Burr Taylor as a Conservation Commission Associate to 2014; William Beazley, Ben

Wallace Jr., Walter Johnson, Jonathon Burbank, Eric Chipman, Frank Hilton and Ed Blain to the Emergency Vehicles Committee to 2014; Daniel Huber, Paul Desjardins, Aaron Despres to the Energy Committee to 2016; Ben Wallace Jr., Helen Tupper, Joyce Thomas and Ed Sparks to Fire and Rescue to 2014; Jack Dostie and Ken Beebe to Harbor and Waterfront to 2016; Richard Moseley as a Harbor and Waterfront non-voting member to 2016; Shelly Wilson, David Wilson to Marine Resources to 2016; John Holland, Ken Beebe as non-voting members to Marine Resources to 2014; Jane Covey, William Muldoon, Robert Muller to Mitchell Field Implementation to 2016; Burr Taylor Jr., David Chipman, Debora Levensailor to Planning Board to 2016; John Papacosma as a Planning Board associate to 2014; Tony Barrett (2016), Susan Rich (2016), William Muldoon (2014) to Recreation Committee; John Loyd Jr., Jane Smith, and Ellen Shillinglaw to Town Lands to 2016; Hope Hilton and Jean Richter to Town Lands as Associates to 2014; John Loyd, Jr., Jane Smith, Robert Waddle, Tony Barrett, Don Miskill, Ken Oehmig, Edward Ned Perry, Ellen Shillinglaw, Gina Perow and Chris Coffin as Town Lands Stewards; motion passed 3-0. Committee openings will be listed in the bulletin. The Board asked that the Emergency Vehicles Committee consider its member size; and discussed how to address committee members with repeat absences.

16. Consider Shellfish Conservation Matters: pH Meter Including Training and Memorandum of Understanding Re: Marine Patrol Boat Usage: Administrator Eiane stated the Selectmen and staff attended a Marine Resource Summit in Brunswick where Joe Payne, Casco Baykeeper, suggested that prior to reseeding mudflats, the pH should be tested. Mr. Payne recommended purchasing certain equipment and offered training for use and maintenance of the equipment. The Marine Resources Committee has reviewed the information and recommends David Wilson and Kyle Neugebauer be the trained equipment users. The Board discussed who and how many should be trained and agreed since the County would pay for the training for the Wardens that both Deputy Neugebauer and Deputy Bradbury could be trained plus David Wilson, if the Friends of Casco Bay agree to train three. The Board agreed to purchase the equipment and that the items should remain at the Town Office and be signed out upon use. The Board discussed the memorandum of understanding regarding the boat use and Chairman Multer moved, seconded by Selectman Hawkes to sign it; motion passed 3-0. Administrator Eiane reported she attended the Marine Resources Committee meeting on Tuesday and Gareth Anderson and Mark Latti, chair of the Brunswick Marine Resources Committee and an employee of the Department of Inland Fisheries, are offering a course regarding access to flats for property owners and harvesters. The Town's Shellfish Ordinance requires harvesters to attend a Marine Resources Committee meeting and this course is proposed for the July 16 meeting (was scheduled for July 23 but the tide is low and attendance would be low). The proposal is the Town sponsor this meeting and that it count as fulfilling the meeting requirement. The Board discussed how to encourage property owner attendance; Administrator Eiane noted there will likely be an ad in the Anchor and letters will be sent to harvesters. Chairman Multer suggested inviting specific property owners. The Board endorsed the concept.

17. Acceptance of Donations: Chairman Multer moved, seconded by Selectman Hawkes to accept with thanks the following donations: \$40 from Ned Simmons for heating assistance; \$25 each from Rachel Beane, Robert and Elizabeth Leeman, Elizabeth Johnson, Gary and Patti Duda for the baseball program in memory of Carl Johnson; motion passed 3-0.

18. Other Business: None.

19. Public Comment: None.

20. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Daniel to approve warrant #21 in the amount of \$146,596.93; motion passed 3-0. Payroll warrant #17 in the amount of \$17,884.63 was noted for the record.

21. Administrative Matters: The Board signed two leases for wharf locations at the Orr's Island Bridge. The Board set the following meetings: April 29 at 9:00 a.m. for a site visit to property adjacent to the Town landing on Lookout Point Road; May 30 as a regular Selectmen's meeting and cancelled May 23; May 7 at 9:00 a.m. as a workshop on goals and objectives; and provided options for a meeting with Sebastian Belle regarding aquaculture on May 14 – 16 at 4:00 p.m. or later.

22. Adjournment: The meeting was unanimously adjourned at 9:30 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Bandstand Committee mission
Mower Policy

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