

Board of Selectmen's Meeting Minutes

June 14, 2012

Harpswell Town Office

Approved on June 28, 2012

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Selectmen Present: Elinor Multer, James S. Henderson and Alison S. Hawkes

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; Jim Hays, Harbormaster; and Marguerite Kelly, Treasurer

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

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

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by: adding a committee calendar relative to Town Meeting and a proposed Fire & Rescue mission and Emergency Services Strategic Planning mission under 14 and moving 11 to item 5.5; motion passed 3-0.

2. Public Comment: Robert McIntyre encouraged the Board to consider another roadside clean up program before July 1. Mr. McIntyre stated that Charlene Donahue from the Maine Forest Service will hold a public forum at the Harpswell Heritage Land Trust sometime in July regarding the winter moth infestation. Mary Ann Nahf, Conservation Commission Chair, stated the Town's consultant, Normandeau Associates, that conducted the Mountain Road Town property ecological study, has volunteered to identify vernal pools on the property at no additional cost. At least two visits are necessary to follow the life cycle and classify vernal pools. Ms. Nahf stated the Conservation Commission is looking into the winter moth issue as well and will be providing information on what it is and how to control its spread. Ms. Nahf encouraged the public to sign up to be volunteers for the Adopt-A-Road program.

3. Town Administrator's Report: Administrator Eiane introduced Charlene Donahue, State Entomologist. Ms. Donahue provided a brief history of the invasive winter moth, its discovery in Harpswell, life cycle and treatments. Information is available on the Town's website. Ed Robinson encouraged sessions such as this to get the information out to the public. Administrator Eiane asked Ms. Donahue to summarize the do's and don'ts to provide to the public. Mary Ann Nahf stated the Conservation Commission is interested in working with the public on this topic and cautioned that use of pesticides on the winter moth can be toxic to other living creatures. Selectman Henderson asked if the Selectmen could assist in promoting more interest on this issue at legislative level. Ms. Donahue responded that funding for these types of programs is often cut and the Board could convey the importance of maintaining funding and she will provide bill references.

Administrator Eiane announced that the new Harpswell Guide to Trails and Town Landings is available at the Town Office, on-line and at many locations throughout Town.

Administrator Eiane stated the Board of Selectmen expressed an interest in allowing new non-residential uses at the West Harpswell School, which requires Planning Board consideration. The Town is on the June 20 Planning Board agenda and staff will be present to provide backup information concerning the Board's request. Selectman Henderson stated the potential uses may appear to be lower impact than the school use and he's hopeful for Planning Board's concurrence.

4. Selectmen's Announcements: None.

5. Approval of the Minutes: Selectman Henderson moved, seconded by Selectman Hawkes to approve the May 31 minutes; motion passed 3-0.

6. Pott's Point Town Wharf, Map 19, Lot 17

- **Town of Harpswell Float Application:** Bill Wells, Code Enforcement Officer, stated the proposal is to replace the existing 3'x28' ramp with a 3'x40' and to add a second float, 8'x48'. Joe Leblanc, Town's

representative, stated the float is the main objective and he recommended replacing the ramp, in the next year, due to its steepness and condition. Administrator Eiane stated the ramp will have to be considered in a future budget. Selectman Henderson asked if the new float will include additional moorings; Mr. Leblanc responded affirmatively. Selectman Henderson moved, seconded by Selectman Hawkes to approve the permit and noted the findings of fact in the Notice of Decision; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Multer to waive the Town's permit application fee; motion passed 3-0.

- **Consider Requests for Proposals for Additional Float:** Jim Hays, Harbormaster, stated the request for proposals is for the construction of the new 8'x48' float. Under "selection criteria", the cost was added. Chairman Multer moved, seconded by Selectman Hawkes to approve the request for proposals; passed 3-0.

8. Public Hearing for General Assistance Ordinance Amendments: The hearing was opened at 7:04 p.m. Administrator Eiane stated the past legislative session reduced the general assistance overall maximums by 10% for one year, effective July 1, 2012. For example, the Town previously could provide \$674 of assistance for a household of one, which is now reduced to \$607. Since this is State law, the public can comment but no changes can be made as the Town can not violate State law. Additionally, the length of time that someone can be assisted with housing was reduced to 9 months, with some exceptions for severe needs. Harpswell has always received 50% reimbursement from the State for its general assistance expenses and that will continue, while other larger town and cities have received more and that percentage is being reduced. Chairman Multer stated the Maine Municipal Association suggests towns could pay more on their own without reimbursement; Administrator Eiane stated she would prefer legal advice on that point. The hearing was closed at 7:10 p.m. Chairman Multer moved, seconded by Selectman Hawkes to accept the amendments; motion passed 3-0. Administrator Eiane noted the Town will continue to work with applicants to seek out other available resources. Selectman Henderson stated it would be useful to report on situations where help was restricted.

11. Consider Recommendations and Contracts for the Removal/Relocation of the Houses/Garages at Mitchell Field: Chairman Multer stated a bidder wanted to explain his bid in person and if the Board allows, then a decision should be delayed to allow other bidders to do the same at the next meeting. Selectman Henderson suggested depending on what is said; the Board may be able to proceed with a decision. Ryan Dean, Concrete Creations, stated that contractors are required to hire an outside licensed company to dismantle the asbestos and if ownership of the house was transferred to the contractor, the contractor could remove the asbestos, saving costs. Mr. Dean noted how his proposal includes reuse of the material and not just demolition. Deputy Administrator Sawyer stated the Town attorney should be asked if transfer of ownership to the contractor to allow asbestos removal is permissible. The Town received 8 responses and staff is recommending the Board contract with Eric Field for relocation of house 163 for \$100 of revenue to the Town; Ronald Chipman for relocation of the two garages for \$2.00 of revenue to the Town; and Ray Labbe & Sons for removal of house 162 at a cost of \$10,612 to the Town. The responses on house 162 were all very close in price and included licensed asbestos removal. Selectman Hawkes stated that someone doing the right thing with the material should be a positive. Selectman Henderson and Chairman Multer agreed that considering something now that was not in the approved request for proposals, was changing the rules and neither wanted to void the process. Administrator Eiane noted the process was fair and open and there are certain Federal and/or State regulations regarding asbestos removal. Selectman Henderson moved, seconded by Chairman Multer to accept the recommendations on the responses received in accordance with the request for proposals. Selectman Hawkes stated there was only \$600 between Labbe and RA Webber's responses and she was partial to using local businesses. Selectman Henderson stated that preference should have also been in the request for proposals. Chairman Multer stated she was uncomfortable including such a preference in bid processes as it would change the process for out of town bidders. Ed Robinson stated he believes there are court decisions prohibiting such preferences as it may lead to corruption. The Board voted 2-0 in favor of the motion; Selectman Hawkes abstained.

7. Recycling Center/Transfer Station Issues

- **Single Stream Update:** Selectman Henderson presented examples of items that are unable to be accepted as recyclable material at the Town as a rationale for considering single stream. Selectman Henderson stated he looked at the costs of other town programs and Harpswell was very high per capita. Selectman Henderson stated that before additional structures are placed on the property, all aspects, including single stream, must be looked at. Fred Cantu, Recycling Center/Transfer Station Manager, stated that 3 – 7 plastics have very little value as they cannot compact. Mr. Cantu reviewed his powerpoint presentation on single stream and possible effects on the existing facility. Selectman Henderson stated that the goals of his review of single stream recycling are threefold: 1. improve the level of recycling, 2. determine if current costs could be reduced, and 3. determine if the recycling facility could be used for the proposed “garage” for paramedic and boat requirements. The Selectmen asked questions that Mr. Cantu answered. Alan Shaver asked about grinding the plastics; Mr. Cantu responded the machine costs \$12,000 and then the plastics still need to be melted as there is no market for the 3-7 plastics. Mr. Shaver noted Brunswick’s density is greater than Harpswell allowing curbside pickup, which would not be affordable in Harpswell.
- **Consider Recommendation for Transfer Station Scale Building:** Mr. Cantu reviewed the responses received to the request for proposals to construct a new scale building and recommended Dirigo Custom Structures’ \$26,900 proposal. Selectman Hawkes asked her colleagues if action should be taken before deciding on facility site plans. Selectman Henderson stated he suspects that if there is a change in the Facility, it would be with the Recycling Center and not the Transfer Station. Chairman Multer moved to accept the recommendation and noted that when there was mold detected in the Town Office, action was taken to clean it and current Transfer Station staff is working in an existing building with mold. Selectman Henderson seconded the motion and it carried 3-0 to enter into a contract with Dirigo.

David Mercier, Harpswell Neck Fire Chief, stated that he understands why the Board is looking at the Recycling Center operations for strategic planning and his concerns are with the emergency services building. Most emergency services buildings have an apron instead of a driveway. Mr. Mercier encouraged the Board to move forward on the garage and not unnecessarily delay its construction. The Board agreed that a parallel investigation could take place; the Recycling Center review and the emergency services building.

Marguerite Kelly, Treasurer, asked if the Board is seeking more analysis on the costs/benefits of the Recycling Center operations compared to other towns. The Board agreed that an analysis of other towns and Harpswell’s program is needed. Chairman Multer moved, seconded by Selectman Henderson to direct staff to complete a detail analysis. Selectman Henderson added that if a basic review determines the Recycling Center building is not useful then move onto alternatives but that seeing costs to renovate the building versus costs to construct a new building would be useful. Motion passed 3-0. Chairman Multer stated obtaining such costs would require experts, such as architects, and take several months. The Board asked for a revised proposal regarding the review of the garage location at the next meeting.

9. Mitchell Field

- **Bluff Work Plan:** Administrator Eiane stated the Mitchell Field Implementation Committee submitted a plan for bluff improvements and the Board attended a site visit. The Town had an engineer look at the site and certain recommendations were made for plantings and other actions. Administrator Eiane stated she understood, as a result of the site visit, the Board is looking for a more detailed plan including a plan regarding fence disposal and more specificity regarding which trees are proposed for removal. Chairman Multer asked for the minutes regarding fence disposals from the past projects. Selectman Hawkes asked why the plan is being held up. Administrator Eiane stated the Board seemed to want more information such as the fence disposal and to assure compliance with the ordinances for tree removal. Chairman Multer agreed and stated she appreciates the Committee’s work and asked staff to work with the Committee to gather the additional information. Selectman Henderson asked for a large scale site plan of Mitchell Field, excluding the business district, showing the bluff, gardens, etc.

- **Pier Repair:** Administrator Eiane noted that on Tuesday voters approved the \$25,000 appropriation for emergency repairs to the pier at Mitchell Field. Jim Hays, Harbormaster, stated when the north cell collapsed and the gangway fell in the water, he solicited quotes from contractors to remove the north and south gangways which ranged from \$16,000 to \$20,000. Mr. Hays stated he is also concerned about the concrete on top of the collapsed north cell but that the area could be roped off and signs stating the danger. Administrator Eiane stated the estimates were not obtained through the sealed bid process pursuant to the competitive bid policy. If the Board agrees to forego the sealed bid process, the Town could negotiate with the lowest bidder for the removal of the gangways and perhaps some additional work. The Board discussed whether to accept the quotes or send the project out to bid. Selectman Henderson moved to send out a request for proposals with two parts: 1. to remove the gangways and 2. to remove the concrete at the same time as 1. The turnaround should be by the next meeting for quick resolution of the safety issue. Motion passed 3-0.

Ed Robinson stated that the Harpswell Oceanic Center (HOC) and RAS have been in discussion with the Town for over a year for use of Mitchell Field business district. HOC/RAS has accomplished a lot in the past year and remains interested in moving forward. Mr. Robinson requested some time on the next agenda to provide a progress update. Chairman Multer agreed as long as the presentation does not include any details of negotiations; Mr. Robinson agreed there would not be any public negotiations or disclosure of negotiations. 7:00 p.m. was set for the June 28 agenda.

10. Consider Letter of Support for a Harpswell Heritage Land Trust Grant Application: Mary Ann Nahf stated the Harpswell Heritage Land Trust is working towards conserving two parcels; one on White Island and one at Wilson's Cove, and will apply for a grant and seeks the Town and Conservation Commission support. Ms. Nahf noted that both parcels are valuable in the coastal habitat and the Conservation Commission voted unanimously to support. Selectman Hawkes stated she wanted the Marine Resources Committee input before supporting. Ms. Nahf noted this transaction will allow the properties to stay in their current form and will protect the flats from development on the land. There was a discussion on how to address the shellfish harvesters concerns. Selectman Henderson moved, seconded by Chairman Multer to agree in concept to the letter based on the response from the Marine Resources Committee chair and to sign it next week; motion passed 3-0.

12. Consider Possible Shellfish Ordinance Amendment for Student Licenses: Administrator Eiane reviewed other town's student license provisions and asked if the Town wanted to consider a revision. Selectman Hawkes stated this needs to be referred to the Marine Resources Committee and the allotment of licenses needs to be looked at. Chairman Multer stated she preferred to send a recommendation to the Marine Resources Committee to consider student licenses for all college students. Selectman Hawkes agreed only if the resource allows; Selectman Henderson agreed.

13. Midcoast Council of Governments (MCOG) and Midcoast Economic Development District (MCEDD) Appointments: Administrator Eiane stated previous appointments for MCOG were Carol Tukey, Jennifer Verplanck, Selectman Henderson and Chairman Multer; to MCEDD were Kristi Eiane and Selectman Henderson. The annual MCOG assembly is June 21 and the MCEDD assembly is June 20, requiring appointments. Chairman Multer moved, seconded by Selectman Hawkes to appoint Kristi Eiane, Jennifer VerPlanck, Selectman Henderson and Chairman Multer to MCOG and Kristi Eiane and Selectman Henderson to MCEDD; passed 3-0.

14. Committees

- **Comprehensive Plan Implementation Committee Size:** Selectman Henderson moved, seconded by Selectman Hawkes to reduce the CPIC from 7 to 5 members; motion passed 3-0.
- **Mission Statements:** Selectman Henderson moved, seconded by Chairman Multer to discontinue the Education Advisory Committee with thanks; passed 3-0. Selectman Henderson moved, seconded by

Chairman Multer to approve the Energy Committee mission; passed 3-0. Selectman Henderson moved, seconded by Chairman Multer to approve the Town Lands Committee mission with adding “and other committees” in the mission and the goals below the mission; passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to approve the Marine Resources Committee mission with technical changes to be provided by Chairman Multer; motion passed 3-0. All missions to have the sentence regarding committee guidelines added. Chairman Multer reviewed her draft proposal to reconstitute the Fire and Rescue Committee and create a second committee to look at the strategic planning aspect of emergency services with members to include one representative from each department and four civilians. Chairman Multer moved, seconded by Selectman Henderson to reconstitute the Fire and Rescue Committee; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to create the new emergency services strategic planning committee; passed 3-0 (Chairman Multer liaison).

15. Other Business: None.

16. Public Comment: None

17. Authorization of the Warrants: Selectman Henderson moved, seconded by Chairman Multer to approve warrant #29 in the amount of \$833,797.10; motion passed 3-0. Payroll warrant #24 in the amount of \$14,871.99 was noted for the record.

18. Administrative Matters: The Board agreed to replace the shellfish closure bulletin board with a notice explaining how to obtain the information. Chairman Multer and Selectman Henderson agreed to hire Tom Allen to design 3 versions of a Town seal and Selectman Hawkes expressed an interest to hold a contest or send it out to bid. Selectman Henderson moved, seconded by Chairman Multer to accept the proposal and to post the designs on the website for comment before editing; motion passed 3-0. Chairman Multer reviewed a proposed timetable for committees to provide items for Town Meeting; Selectman Henderson asked for a December hearing to be included to allow for changes. A purchase order to Ray Labbe & Sons for the work at Graveyard Point Road/Landing was reviewed and approved. Two catering permits were signed.

19. Executive Session Pursuant to 1 M.R.S.A. § 405 (6)(D) to Discuss Labor Negotiations: At 10:35, Chairman Multer moved, seconded by Selectman Henderson to move into executive session pursuant to 1 M.R.S.A. § 405 (6)(D) to Discuss Labor Negotiations; motion passed 3-0.

20. Adjournment: The Board returned to open session at 11:10 p.m. and the meeting was unanimously adjourned.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments:

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