

**Board of Selectmen's Meeting Minutes**  
**July 12, 2012**  
**Harpswell Town Office**  
**Approval on July 26, 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; Carol Tukey, Planner; Marguerite Kelly, Treasurer; and Jim Hays, Harbormaster

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 6:05 p.m.

**1. Adoption of the Agenda:** Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by: moving item 8 to after item 4, moving item 12 to after item 5 and adding a discussion of the Ash Point Community Library under other business; motion passed 3-0.

**2. Public Comment:** Mary Ann Nahf, Conservation Commission Chair, stated the Commission has an Adopt-A-Road Program and after last night's non-resident taxpayer meeting, the Program has been expanded to include beaches. This is an organized effort and the appropriate forms are on the website for anyone that is interested in cleaning up a specific road or beach. Robert McIntyre stated that more than 96 people attended the meeting at the Grange sponsored by Harpswell Heritage Apples regarding the winter moth. Mr. McIntyre suggested the Town consider disseminating more information on the topic, establishing an email list for those affected by winter moths and selling tree bands to property owners. Chairman Multer asked staff to consider this topic and come back to the Board with recommendations. Don Miskell recognized Gina Perow, Recreation Director, for her hard work on the Harpswell Guide; Selectman Henderson agreed as non-residents raved about it.

**3. Town Administrator's Report:** Administrator Eiane also acknowledged Gina Perow for her work on the Guide and Don Miskell for the Portland Press Herald article on Harpswell hiking. Administrator Eiane stated that last night was the annual non-resident taxpayer meeting, which is their Town Meeting since they are not allowed to vote at the annual Town Meeting. Topics ranged from Cedar Beach to a rooster on Bailey Island to bike paths on State roads. Administrator Eiane stated she provided the Board with a proposed towing policy from the Watercraft Task Force for review at an upcoming meeting. The new marine patrol boat is due soon and the Task Force will work on developing policies for its maintenance and operations.

**4. Selectmen's Announcements:** Selectman Henderson noted as the Town works to attract more visitors to Harpswell, the Town needs to consider the management implications. Chairman Multer concurred and stated there may be budgetary impacts as well.

**8. Maine Association of Planners:** Carol Tukey introduced Beth Della Valle, President of the Maine Association of Planners. Ms. Della Valle stated the Association is a professional organization with about 100 planner-members – private, public and civilian volunteer members. Each year the Association recognizes someone who is committed to planning in their community. This year, the Association recognizes Judith Redwine for her tireless work on the Mitchell Field marine business zone and plan. Ms. Redwine gathered views from the community and was a special volunteer. Ms. Della Valle presented Ms. Redwine with the Citizen Planner of the Year award.

**5. Consent Agenda: 1) Harpswell Scouting Assistance Association Request for Use of Mitchell Field; 2) Maine Municipal Association Safety Enhancement Grant Application:** Chairman Multer moved, seconded by Selectman Henderson to approve the consent agenda; motion passed 3-0.

**12. Consider Change to Age Limitation for Student Shellfish License:** Chairman Multer stated the Board requested the Marine Resources Committee review the student license age requirement as it currently ends when

someone turns 18. Shelly Wilson, Marine Resources member, stated that when the student license was originally discussed it was called a junior license with the intent to allow children to learn the trade from their parents. After review, the Committee can suggest the age change to 19 or upon graduation from high school, since some students are in high school until 19. The Committee will be reviewing the entire ordinance for any necessary changes and will hold workshops for public input. The Committee recommends leaving the student license as is with the change of name to junior license and age to 19. Currently there are 9 resident student licenses available and one non-resident student license but only 5-6 are issued. Chairman Multer stated she wants college students included and urged the Committee to review the ordinance as expeditiously as possible as the timetable is tight for ordinance changes. Selectman Hawkes stated that an ordinance change is not necessary just because one person complained. She noted the Committee reviewed the issue and is recommending keeping it the same to protect the resource. Chairman Multer stated she is not recommending a change based on one person but that it seems to help college students. Selectman Henderson stated that including college students would likely include vocational school as well and that allowing more young people may be a positive impact on the resource. Mike Bernier, Marine Resource member, stated the junior license became known as the student license to keep kids in school as they started dropping out to earn money and with the license they could not do so. Justin Farmer, Marine Resource member, stated the resource is dropping off and it would be a bad decision to add more people.

**6. Old Business: Economic Development Plan Request for Proposals:** Carol Tukey, Planner, stated she incorporated the changes made at the previous meeting for the Board's review. Selectman Henderson moved, seconded by Selectman Hawkes to approve the request for proposals; motion passed 3-0.

**7. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her report for June (attached). Ms. Kelly reminded the Board that its new banking relationship with Androscoggin Bank includes the Bank transferring out the funds in \$250,000 increments to multiple banks across the United States for insurance purposes. Ms. Kelly stated the conversion to "positive pay" has been completed. Ms. Kelly stated next will be implementation of e-deposit where staff will deposit checks electronically. On Friday staff will see a presentation on Andropay, where residents can pay for certain items, such as taxes, from their home computers. 85% of the towns in Massachusetts use this service and staff hopes to implement it for the 2012 tax commitment.

**9. J. Lloyd Thompson Commercial Wharf Application, 8 Risska Road, Map 12, Lot 194:** Bill Wells, Code Enforcement Officer, introduced Ben Wallace, agent for the applicant, to review the proposal. Mr. Wallace stated the property is changing hands from Mr. Thompson to Tom Clemons, a lobsterman and boat builder. The proposal is to enlarge the existing dock and boat building and Planning Board approval has been received. Selectman Henderson asked if the proposal will infringe on the public's right to access to the intertidal zone. Mr. Wells stated the public has access to the beach on both sides and not to the existing 15-foot width of the dock. Selectman Henderson moved, seconded by Selectman Hawkes to approve the application and stated the findings of fact for the Notice of Decisions; motion passed 3-0.

#### **10. Pott's Point Town Dock**

- **Recommendation for Contractor for Additional Float System:** Jim Hays, Harbormaster, stated multiple responses were received to construct either 3 8'x16' floats or 2 8' x 24' floats. After review of the responses in comparison to the approved budget, Mr. Hays recommended the Board contract with Norman Wallace for the construction and installation of one 8'x24 and one 8'x16' float system. 40-feet will allow Harpswell to offer more space for this site. **Chairman Multer moved, seconded by Selectman Henderson to accept the proposal from Norman Wallace for the 40-foot system.** Mark Wallace asked if the people in the area donated funds; yes in the amount of \$5,200. Mr. Wallace stated he has to purchase a parking pass at Bethel Point to access Yarmouth Island and suggested stakeholders in this area should contribute to the maintenance. Administrator Eiane noted a management plan is proposed in the next topic. Mr. Wallace noted repairs to the decking of the wharf are needed; Mr. Hays responded boards are replaced as needed. The motion passed 3-0.

- **Proposed Maintenance Plan:** Administrator Eiane reported the Harbor and Waterfront Committee was proactive to plan for management of the new float and submitted a proposal, including an assessment of a fee. The Attorney suggested that with a clear policy, the Board could enact fees to eventually incorporate into the Ordinance. Administrator Eiane suggested she work with the Harbormaster and Chair of the Harbor and Waterfront Committee to develop a policy for Board review. Selectman Henderson stated this system is another thing to enhance Harpswell and should be considered under the general management plan. Selectman Henderson expressed curiosity about how the Bureau of Submerged Lands can review use with different standards than the Board of Selectmen. Deputy Administrator Sawyer reported that since the State owns the land below low-water it can implement whatever review standards it wants and the Board reviews use of the intertidal zone pursuant to State law. Portions of the fixed pier are located beyond the low tide line year round. Selectman Henderson moved, seconded by Chairman Multer to approve the State of Maine Bureau of Submerged Lands lease 1475-L41 regarding the Pott's Point Dock provided the State is informed the size is a maximum of 48-feet since the Town plans only proceeding with 40-feet; motion passed 3-0.

**11. Open Winter Road Maintenance Bid Responses:** The following responses were opened:

<u>Contractor</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
RA Webber	\$348,019.72	\$348,019.72	\$348,019.72
Goodall Landscaping	\$312,017.00	\$321,077.00	\$331,018.00
Ray Labbe & Sons	\$375,000.00	\$395,000.00	\$415,000.00

Selectman Hawkes asked to hear a recommendation from Ronald Ponziani, Road Commissioner. Mr. Ponziani stated the Town asked for bids and perhaps the lowest bid should be accepted given there are new protections in the contract including that the contract is only extended from year to year within the three years upon satisfactory performance. Mark Wallace stated he spoke with all the contractors and while he prefers Webber, the Town should be fine with Chuck Leonard from Goodalls and the Road Commissioner's review. Mr. Wallace stated there will always be complaints and drivers simply need to slow down. Selectman Henderson moved, seconded by Selectman Hawkes to accept the low bid from Goodall. Chairman Multer stated she will abstain as she is not comfortable. Selectman Henderson stated abstention only applies if there is a conflict. The motion carried 2-0 (Chairman Multer abstained).

Mr. Ponziani stated a portion of Lowell's Cove Road will be closed on Monday as Crooker's will be installing the culvert at the head of the cove. Mr. Ponziani stated most projects proceed smoothly and unfortunately during a recent project on Lookout Point Road, a member of the public drove through safety cones jeopardizing the workers and equipment. Mr. Ponziani stated he wished people would be patient. Selectman Hawkes asked if the delay in installing the culvert on Lowell's Cove Road was due to alewives; Mr. Ponziani responded due to fish spawn and wasn't sure which type. Administrator Eiane stated due to regulations, work in streams must wait until after July 15 due to fish habitats and she was still looking into whether it was alewives specifically.

**13. Committees**

- **Appointments:** Selectman Henderson moved, seconded by Selectman Hawkes to move John Papacosma to an associate member and Aaron Fuchs to a full member of the Planning Board; motion passed 3-0.
- **Resignations:** Chairman Multer moved, seconded by Selectman Hawkes to accept with thanks Paul Desjardins' resignation from the Comprehensive Plan Implementation Committee and Andrew Donnley's resignation from the Energy Committee; motion passed 3-0.
- **Mission Statements:** Chairman Multer expressed concern that the list of goals for the Harbor & Waterfront Committee may not be manageable. Burr Taylor, Chair of the Harbor & Waterfront Committee, stated the Committee will work on the list in order and many goals have already been completed. Chairman Multer moved, seconded by Selectman Hawkes to adopt the Harbor & Waterfront mission and goals; motion passed 3-0. Mary Ann Nahf, Chair of the Conservation Commission, reviewed the Commission's proposed mission and goals. Selectman Henderson moved, seconded by Selectman Hawkes to adopt the Conservation Commission mission and goals; motion passed 3-0.

- **Guidelines:** Administrator Eiane stated the Board wanted to review the quorum issue in the Guidelines and consider a range of members. The Board discussed the options and agreed to continue to work on specific language.

**14. Maine Municipal Association Ballot:** The Board decided not to cast votes.

**15. Midcoast Regional Redevelopment Authority (MRRA) Board Nomination Process:** Administrator Eiane stated Kristine Schuman, from the Department of Economic and Community Development, is soliciting nominations for the MRRA Board. The Board can reach out to individuals and the information will also be posted on the website. The information will be provided to the Harpswell Business Association.

**16. Designate a Public Access Officer:** Chairman Multer moved, seconded by Selectman Henderson to designate Kristi Eiane as the Town's Public Access Officer; motion passed 3-0.

**17. Other Business: Ash Point Community Library (APCL):** Selectman Hawkes stated she read in the Anchor that the APCL was holding a Mommy and Me group at the Library. While she believes the concept is great, she is concerned about how small the Library is and that the public may not utilize the services if there are groups meeting at the same time inside the Library. Selectman Hawkes contacted Joanne Rogers, Orr's Island Library, and that Library allows groups to meet outside of normal hours. Selectman Hawkes said it is not her intention to allow meetings during APCL hours. Chairman Multer stated the meetings also compete with the Town renting space. Selectman Henderson stated libraries are often used as a meeting space and the Town should not be regulating its specific use and management. Administrator Eiane stated she was under the impression APCL could host meetings in the Library and she conveyed that to Tom Allen of the Charter School. Selectman Hawkes and Chairman Multer agreed the Library should not be used for meetings. The Lease will be reviewed at the next meeting. Chairman Multer stated she informed Elizabeth Davis that this topic was being discussed tonight.

**18. Public Comment:** None

**19. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Henderson to approve warrant #35 in the amount of \$853,613.07; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #36 in the amount of \$7,410; motion passed 3-0. Payroll warrant #29 in the amount of \$15,065.33 was noted for the record.

**20. Administrative Matters:** The Board scheduled an executive session with Harpswell Oceanic Center on August 6 or 7 at 9:00 a.m. and catering permits were signed. The Board signed an Addendum to the Orr's Island Bridge Lease agreement with George Morgan since his son signed the lease. The Board agreed with the Town Lands Committee recommendation to install the timbers marking the Town property line abutting Mr. Coolidge's property at ground level. The Board was informed of a recently received street light request and the Board agreed not to review additional requests until the next review period. The Board agreed to allow Central Maine Power to store 96 power poles at the Transfer Station under the Manager's supervision for about a month.

**21. Adjournment:** The meeting was unanimously adjourned at 8:50 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachment: Treasurer's Report