

Board of Selectmen's Meeting Minutes
November 29, 2012
Harpswell Town Office
Approved on December 13, 2012

Page 1 of 4

At 5:00 p.m., the Board of Assessors considered an abatement request.

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

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; Fred Cantu, Recycling Center/Transfer Station Manager; and Marguerite Kelly, Treasurer

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

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Henderson to adopt the agenda as amended by removing item 14; motion passed 2-0.

2. Public Comment: Donna Frisoli, Harpswell Community Television Station Manager, provided the Board with annual statistics showing the use of Vimeo. Mary Ann Nahf, chair of the Shoreland Zoning Review Committee, stated there is a public hearing on the proposed ordinance amendments on December 19 at 6:30 p.m. Additionally, property owners affected by proposed zoning changes will be receiving a letter inviting them to a meeting during the week of December 10.

3. Town Administrator's Report: Administrator Eiane announced the Town's second economic development forum was held on December 3, and focused on current assets and how to expand upon them. Planning Decisions is assisting the Town in developing an economic development plan and facilitated the forum. Administrator Eiane stated the Mitchell Field Implementation Committee will hold its annual solstice event at Mitchell Field on December 21 consistent with previous yearly events. Administrator Eiane reported on a continuing effort to improve communication with Cumberland County regarding contract coverage, including Marine Patrol-there is a meeting tomorrow to discuss the County's policy of requiring two wardens in the boat at the same time. The concern is the Town will lose time on the flats and she will continue to follow up and report to the Board on the issue.

4. Selectmen's Announcements: None.

5. Consent Agenda: 1) Approval of the Minutes; 2) Signing of a Municipal Quit Claim Deed; 3) Consider Approval for Use of Contingency: Chairman Multer moved, seconded by Selectman Henderson to approve the consent agenda [11/15 minutes, Robin Moore Deed and use of \$99 from contingency for memberships]; motion passed 2-0.

6. Old Business: Susan & Sydney Smith Wharf Application, 37 Frostfish Cove Road, Tax Map 6, Lot 30: Chairman Multer moved, seconded by Selectman Henderson to remove this item from the table; motion passed 2-0. Administrator Eiane stated Selectman Hawkes was unable to be here and she regrets that as she is very concerned with the issue of using chromated copper arsenate (CCA) in the construction of wharves. Selectman Hawkes will continue to collect information on CCA with the Department of Environmental Protection and Department of Marine Resources. Administrator Eiane stated the Board tabled this application to seek a legal opinion on whether the Board can require use of other material. Chairman Multer stated that if the Board finds that the use of CCA causes injury to the general public's right to fish, that "in order for such a finding to be defensible in court, the Board must identify the specific basis for its factual finding regarding the causal link between the use of CCA-treated material and the injury to the general public's right to fish." Joe Leblanc stated DEP allows use of the material after the wood is aired for 21 days to remove the volatiles. Administrator Eiane stated Selectman Hawkes asked who monitors the 21 days. Ben Wallace reviewed the process for pressure

treating the lumber with CCA. Mr. Wallace stated the wood is processed outside of Maine and takes more than 21 days to get here for a project. Selectman Henderson stated that some research finds that CCA affects marine life. The Board discussed how to proceed with reviewing wharf applications and how to address the concern with CCA. Selectman Henderson stated he cannot conclusively find that CCA does not affect the rights of others and suggested some language to use on the findings of fact relating to the standard affecting injury to the rights of others. The language was reviewed and amended. **Selectman Henderson moved, seconded by Chairman Multer to approve the Smith wharf and noted the findings of fact for the Notice of Decision; motion passed 2-0.** Joe Leblanc stated the research the Board recently read was done in New Jersey where the water is warmer and the tides are not as great, only 2-3 feet in height compared to 9 feet in Maine. Mr. Leblanc noted how Florida uses this treated wood to build on the waterfront for each parcel which is a highly concentrated use in low water depths where there is very little flushing. In Harpswell there is very little impact. The Environmental Protection Agency has identified wood treated with CCA as the only practicable material and he expressed disappointment in the Board taking this approach with CCA.

7. Wharf Applications

- I. **Barbara Messamore, 2260 Harpswell Islands Road, Map 21, Lot 23:** Bill Wells reviewed the proposal to construct a 6' x 30' fixed pier, a 3' x 40' seasonal ramp and a 12' x 20' seasonal float. Ben Wallace stated the State has many biologists reviewing the use of CCA and expressed disappointment in the Board usurping all the other studies and work done on this topic. Mr. Wallace stated that carbon monoxide and the warming of our oceans is more dangerous to sea life than CCA. Selectman Henderson and Chairman Multer agreed they are not prohibiting use of CCA and instead are noting the concerns of its use. Mr. Wallace stated this wharf system proposal needs to be longer than normal to reach a ledge outcropping. This system will be shared use by multiple properties. Selectman Henderson moved, seconded by Chairman Multer to approve the system and stated the findings for the Notice of Decision; motion passed 2-0.
- II. **John and Jane Tisdale, 429 High Head Road, Map 7, Lot 109:** Bill Wells reviewed the proposal to construct a 6' x 76' fixed pier, a 3' x 50' seasonal ramp and a 12' x 20' seasonal float. Ben Wallace stated this system had to be placed further seaward to locate the float outside of eelgrass. Mr. Wallace confirmed this proposal was for seasonal use and noted the Department of Environmental Protection defines seasonal as 7 months. Selectman Henderson moved, seconded by Chairman Multer to approve the system and stated the findings for the Notice of Decision; motion passed 2-0.

8. Consider Authorizing a Recreation Facebook Page: Gina Perow, Recreation Director, reviewed her proposal to create a Facebook page for the Recreation Department and a proposed policy addition to the Town's Use of Information Technology Policy. Selectman Henderson asked if allowing the public to post was essential; Ms. Perow responded in the affirmative but noted the postings will be reviewed by her prior to posting them on-line. Ms. Perow responded to a question that pictures will be posted on the site since any participant in Recreation gives permission for pictures to be used. Also someone does not have to be a member of Facebook to participate on the Recreation page – registration forms and portions of the page will still be available. Administrator Eiane applauded Ms. Perow for this proposal as it seems to be a great way to reach to the public, particularly the younger generations. Chairman Multer suggested adding a word limit to the postings and replace "not approve" to reject in the policy addition. Chairman Multer moved, seconded by Selectman Henderson to authorize the Recreation Director to create a Facebook page; motion passed 2-0.

9. Recycling Center/Transfer Station Matters:

- **Consider Solid Waste Disposal Contractor and Schedule a Workshop re: Recycling:** Fred Cantu, Recycling Center/Transfer Station Manager, stated the Board previously approved a request for proposals (RFP) for a solid waste disposal contractor. The RFP also included requests for single stream recycling pricing. Mr. Cantu reviewed the responses in his memo and stated the lowest bidder was Casella and next lowest was ecomaine, which has been the Town's - provider for the past three years. Lissa Bittermann, of

ecomaine, provided information on how eco-Maine burns solid waste for energy and on its business and education practices. Mr. Cantu stated that since he prepared the memo with the bid summary, Karen McNaughton, of Casella, provided him an update that affects the information placed in his memo. Ms. McNaughton stated when she submitted the bid for Casella/Pine Tree it was planned that the Town's wastes would be disposed of at the Old Town landfill. Since then, Ms. McNaughton stated Casella's contract with that facility has not been finalized; therefore the Town's wastes will now be disposed of at Penobscot Energy Recovery Company (PERC) in Orrington, a waste to energy facility similar to ecomaine's. Mr. Cantu stated in light of the fact that both Casella and ecomaine will burn the Town's wastes and that Casella was the lowest bidder, he recommended the Board contract with Casella for one, two or three years. Additionally, Mr. Cantu asked the Board to consider scheduling a workshop to review single stream recycling. The Board discussed the responses of both companies, what the contract time period should be and the possible effects on the solid waste disposal price if single stream is implemented. The Board agreed a contract should be for one year since soliciting bids in another year along with the possibility of changing to single stream may be an advantage. Chairman Multer noted if the Board contracts with Casella, it be written in the contract that the wastes would be disposed of at PERC and not at a landfill. Selectman Henderson moved, seconded by Chairman Multer to accept Casella's bid for a one year contract; motion passed 2-0.

- **Consider a Contract Extension with Marshall Specialty Grinding:** Mr. Cantu stated the Board previously approved a contract with Marshall Specialty Grinding to grind the Town's woodpile. The contract specified a December 1 deadline and Mr. Marshall requested it be extended. Selectman Henderson moved, seconded by Chairman Multer to extend the contract deadline to December 31; motion passed 2-0.

10. Midcoast Hospital Quarterly Report Re: Dedicated Paramedic Service: David Hudson, lead Paramedic, reviewed a PowerPoint presentation on the Town's dedicated paramedic contract with Mid Coast Hospital for the first six months. Mr. Hudson noted the vehicle will soon be stored at Orr's/Bailey Island Fire Department (OBI) due to the weather. Ed Sparks, OBI Rescue Chief, thanked the Selectmen for supporting this program as it has made a distinct difference in emergency services.

11. Consider Request for Mitchell Field Gate to be Open Year Round: Don Miskell, member of the Mitchell Field Implementation Committee, stated the Committee is asking for the Mitchell Field front gate to remain open year around, with the exception for snow days when the gate should be closed. Chairman Multer asked who will make the determination on whether the gate should be closed; Deputy Administrator Sawyer responded the Cumberland County Sheriff's Office opens and closes the gate on a daily basis now and could make the determination based on weather. Chairman Multer moved, seconded by Selectman Henderson to authorize the year round opening of the gate except for snow days; motion passed 2-0.

12. Consider Draft Conservation Plan for Hildreth Road Property, Map 3, Lot 73: Reed Coles, Harpswell Heritage Land Trust Executive Director, reviewed a draft conservation plan for the Town-owned property on Hildreth Road that he developed based on input from the Board at previous meetings. There was a discussion regarding the specific conservation easement area; Mr. Coles recommended extending the line from the front of the property and protecting the remaining land area, approximately 10 of the 12.5 acres. Mr. Coles explained if the Board agrees to the conservation plan, the next step is to define the conservation area with a survey. The Board suggested a few changes to the draft plan. Mr. Leblanc asked if placing property in a conservation easement leads to resource protection, which is very restrictive. It was noted the 250-foot portion of this property near Otter Brook is currently zoned resource protection. Mary Ann Nahf agreed with the conservation steps the Board is taking particularly since Harpswell Cove has been identified as the most significant wetland with run off from multiple areas. Selectman Henderson moved, seconded by Chairman Multer to agree to define the conservation area and to proceed with the easement using the conservation plan as a guide; motion passed 2-0.

13. Set Annual Town Meeting Date for March 9, 2013: Chairman Multer moved, seconded by Selectman Henderson to set March 9, 2013 as the annual Town Meeting; motion passed 2-0.

14. Consider Contract with Normand Associates Architects for Garage Project: Removed.

15. Consider Cumberland County Development Block Grant Pre-Applications: Administrator Eiane stated the Town can submit applications for two general grants and staff developed one for the removal of the north and south cells of the Mitchell Field pier and the other for funding for the emergency services garage. The Town is required to submit pre-applications by December 20 and the Town will receive input on the concepts prior to the submission of the final applications. Additionally, in January the Town can submit for one planning grant and staff has prepared three concepts for the Board: master plan for Town property, update of the "Protecting Harpswell Marine Resources Report", and determining an area for public bathrooms. Chairman Multer moved, seconded by Selectman Henderson to approve the two general grant pre-applications. Selectman Henderson asked budget questions on the pier cell work and emergency vehicles garage and suggested that the planning grant for the marine resources should include a connection to CCA. Selectman Henderson stated public bathrooms would have operating costs and Chairman Multer expressed an interest in what other towns do. Motion passed 2-0.

16. Other Business: Chairman Multer stated the Board has various information relating to West Harpswell School such as commercial realtor sale price estimates, proposals from Greater Brunswick Housing Authority and Harpswell Coastal Academy and she suggested the information be posted on the Town's website. Selectman Henderson agreed.

17. Public Comment: None.

18. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Henderson to approve warrant #59 in the amount of \$174,836.44; motion passed 2-0. Payroll warrant #49 in the amount of \$18,480.79 was noted for the record.

19. Administrative Matters: The Board set the following meetings: a recycling workshop following the December 5 meeting with the Harpswell Coastal Academy; a meeting with the Conservation Commission at 9:30 a.m. on December 11 regarding a possible conservation easement on Town-owned property on the Mountain Road; the Board agreed to attend the Planning Board's public hearing on proposed ordinance amendments; and it was noted that the Cook's Lobster House benefit dinner for the Harpswell Heating Assistance Program is scheduled for December 14 from 5:00 – 8:00 p.m.

20. Adjournment: The meeting was unanimously adjourned at 9:04 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments:

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