

Selectmen's Meeting Minutes
January 9, 2014
Harpswell Town Office
Approved on January 23, 2014

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; Jim Hays, Harbormaster; and Bill Wells, Code Enforcement Officer

The meeting was recorded and broadcast live on Harpswell Community Television and streamed up to the point of the executive session as a result of miscommunication.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Daniel to adopt the agenda as amended by moving item 17 Executive Session to 8.5 and adding Consider use of Contingency and Consider a Change Order for Bethel Point under 14a and 14b respectively; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane announced that nomination papers for Selectman and two positions for MSAD Directors are available at the Clerk's Office. Completed papers must be returned by January 29. Administrator Eiane reported she spoke with the Scott Kelley from the company that performed a condition survey on the water tower at Mitchell Field. Mr. Kelley indicated that doing nothing is an option for no longer than a couple of years as there is concern regarding the deterioration of the tower. Administrator Eiane stated the Board could consider adding \$2,600 to the budget for an updated report. Administrator Eiane reported the Board previously chose the lobsterman statute for a possible Town seal and the local designer states that this design does not work on letterhead and another design should be selected. Administrator Eiane announced the rescheduled Emergency Vehicles Committee and Fire and Rescue Committee meetings will be held tomorrow at 3:00 and 4:00 pm respectively.

4. Selectmen's Announcements: Selectman Daniel announced the Comprehensive Plan Implementation Committee is holding a live phone-in show at the television studio on Monday, January 13 at 7:00 pm with a focus on conservation subdivisions.

5. Consent Agenda: Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda [December 19, 30 and January 3 minutes; contract with Bowdoin College for use of the pool; accepted a \$100 donation from Elijah Kellogg Church for heating assistance; set the mileage rate to .56; and warrant #62 \$132,758.85 (2013 payables), warrant #2 11,337.45 (2014 payables) and payroll warrant #2 \$14,460.74]; motion passed 3-0.

6. Sean McCormack & Martha Brant Wharf Application, 16 Sea Spot Run, Map 38, Lot 6: Bill Wells, Code Enforcement Officer, stated the proposal is for a residential wharf system consisting of a PT wood 4'x6' access platform, 4'x12' access stairs, 6'x80' fixed pier w/ batter pilings, 3'x40' aluminum ramp, PT wood 10'x20' float and 10' W x 12' H flip-up float storage frame. An on-site hearing was held and the Army Corps. of Engineers (ACOE) has approved the proposal and the Department of Environmental Protection application is pending. Selectman Daniel asked about the concern from the abutters, the Kelleys. The hearing was opened at 6:15 pm. David Silk, the Kelleys' Attorney, stated the Kelley's consultant will provide information proving the proposal should be denied as it interferes with navigation in the cove. Tim Forester, environmental consultant with Ecoanalyst, representing the Kelleys, handed out a package to the Board and reviewed it including apparent inaccuracies in the Brant/Mccormack application and stated his position that the new system will interfere with the Kelleys' approach to their float. Mr. Forester suggested there is an alternative location available in front of the Brant/Mccormack house. Mr. Forester encouraged the Board to visit the site prior to making any decision.

Bill Kelley stated when he built his system he was told the location where it was built was the only place the system could go. Mr. Kelley stated he has to pass his float to turn around and tie up facing out the channel – that is his only option as he cannot back up through a 200-foot channel out to the cove. Joyce Kelley stated she and Mr. Kelley both have recreational lobster licenses and they boat regularly. She wants her neighbors to have a system but in a different location. Mr. Silk asked the Board to consider if the Brant/McCormack application is complete based on what has been presented tonight and asked the Board to visit the site. Jim Hays, Harbormaster, stated if the float is going where he believed it was, there is no issue with navigation but with the information presented tonight, he is unclear where exactly the system will be placed. Joe Leblanc, applicant representative, presented a diagram and reviewed the proposal and addressed each concern expressed by Mr. Forester. Mr. Leblanc stated the Kelleys cannot control the neighbor's waterfront. Mr. Leblanc stated the ACOE accepts a distance of 50-feet between structures and anything over 50 is academic. Mr. Kelley used range finder and measured a distance of 107-feet between structures and 95-feet to the ledge. Mr. Leblanc stated the proposal is reasonable and the abutter on the other side objects to Mr. Forester's alternative location. The Board suggested the best solution is for the parties to reach an agreement. If not, the Board will schedule a site visit and inform the parties. The hearing was closed at 7:05 pm. Chairman Multer moved, seconded by Selectman Hawkes to table the application to allow a site visit; motion passed 3-0.

7. Reconsider Disposition of Media Equipment: David Chipman stated after the last meeting, he went to Mt. Ararat High School and Middle School and spoke to the librarians about the media equipment; they were not interested in using it. The tech person indicated he would accept some but does not have a use for it; Mr. Chipman has some excess equipment he can provide him. Mr. Chipman explained the equipment he wants to see the Harpswell Coastal Academy (HCA) use is for live productions and 5th graders are a bit too young where 7th and 8th graders are more appropriate. HCA also has a live feed and can use the equipment to produce shows. Chairman Multer moved to loan the Town's part of the equipment to HCA. Selectman Hawkes suggested giving the equipment as it is not usable to others. Chairman Multer stated she is not sure where HCA will be in future years and therefore only wants to loan the equipment. Selectman Daniel agreed to loan and seconded the motion. Motion passed 3-0. Mr. Chipman stated he would work on an accurate list of the equipment to be loaned.

8. Ransom Environmental Report Re: Phase II Study of Lookout Point Property: Steve Dyer, from Ransom Environmental, stated the limited Phase II study was conducted as a result of the Phase I study. Soil and water samples were tested with one soil sample exceeding the Department of Environmental Protection's (DEP) guidelines for a park-use scenario. The water sample results were acceptable and one soil gas test resulted in a 42 and 41 is the guideline. Mr. Dyer recommended the site be submitted to the DEP Voluntary Response Action Program (VRAP). The Program will review and approve a plan for remediation and, upon approval, it provides liability protection to the site assuming implementation of the plan occurs. The soil should be capped or remediated through rototilling. Mr. Dyer also recommended if a building is ever built on this site that vapor control standards be built-in to address the soil gas test. Mr. Dyer stated a VRAP application, fees and implementation of a soil plan costs approximately \$10,000. Selectman Hawkes asked what it would cost without going through the Program; Mr. Dyer responded the Program provides protection to municipalities if the standards were to change in the future. Mr. Dyer indicated the soil contamination is in soil that is not native to the site and appears to be fill. If the 25' x 25' area is rototilled resulting in remediation of the soil, there will not be any site limitations as opposed to capping the area, which will require a management plan and limitations. Administrator Eiane indicated a DEP representative thought the VRAP application process could be fairly quick. Albert Rose expressed frustrations as Mr. Allen tried to do the right thing by offering the land to the Town.

Chairman Multer moved, seconded by Selectman Daniel to enter into executive session. The motion was reconsidered to address item 9 first.

9. Consider Recommendation from the Marine Resources Committee Regarding Licenses: Chairman Multer stated the Committee is recommending that licenses not issued due to lack of conservation time or other

reasons, not be reissued. Deputy Administrator Sawyer stated the written recommendation only addresses those licenses not issued due to someone not fulfilling their conservation obligation time. Chairman Multer suggested acting on the specific recommendation and asking the Committee if it wants to consider other reasons for not reissuing licenses such as death, etc. Selectman Daniel asked if someone has to complete conservation time to be in the license lottery; Rosalind Knight, Clerk, responded there are two levels, one lottery with those that completed conservation and if need be, another with those that have not. Selectman Hawkes asked if this recommendation eliminated the lottery; Ms. Knight responded no, if someone does not pick up their license, it will be available for lottery. Selectman Hawkes moved, seconded by Chairman Multer to accept the recommendation and reduce the [commercial] licenses by four; motion passed 3-0.

8.5 Executive Session: Chairman Multer moved, seconded by Selectman Hawkes to enter into executive session pursuant to 1 MRSA § 405 (6)(C) re: acquisition of real property; motion passed 3-0. The Board returned to open session at 8:45 pm with nothing to report.

10. Consider Contract with JARR Management Inc. Re: Emergency Services Garage: Administrator Eiane stated the Town sent out a second request for proposals for the construction of the emergency services garage on Town property and 6 responses were received. The lowest bidder was JARR Management at \$104,570 and staff negotiated with the contractor to increase the building from 20'x36' to 24'x36'. The Planning Board has endorsed the size increase and also changing the turnout to the north side as it is already impervious surface. The revised contract price is \$116,270 and the contractor will be substantially completed by May 15. Staff interviewed the contractor and he can comply with the standards including the performance bond and insurance requirements; contractor references were favorable. Administrator Eiane stated the Deputy Town Administrator will be the liaison with the architect, Code Office, etc. The architect will be involved in certain stages pursuant to his contract. Chairman Multer moved, seconded by Selectman Hawkes to approve the contract with JARR Management; motion passed 3-0.

11. Consider Tax Abatement: Administrator Eiane stated this request is from the Tax Collector to abate taxes assessed on a wharf as it is no longer there and the owner has passed away. Selectman Daniel moved, seconded by Selectman Hawkes to abate \$95.21 in taxes previously assessed to James Groves; motion passed 3-0.

12. Consider 2013 Carryover List: Deputy Administrator Sawyer stated this is an annual process for the Board to consider which funds to carry over into the new year. The list was reviewed and Chairman Multer stated if the \$25,000 budget request to remove a building at Mitchell Field is approved, she would propose the \$1,478 in the removals and improvements carryover be applied to that project. Chairman Multer moved, seconded by Selectman Hawkes to approve the following carryover list; motion passed 3-0.

Special Projects (most expected to be completed in 2014 - 2015)

EMS Garage	137,244.00	
Mitchell Field Removal/Impr	1,478.00	
Mitchell Field Pier	8,873.00	
Legislative Agent	1,800.00	
Energy Conservation	2,502.00	
Hildreth Road Property/wetland delin	3,034.00	
Economic Development	5,510.00	
land purchase map 42, lot 6	3,318.00	
Conservation Subdivision Consultant	1,000.00	
TOTAL		164,759.00

Reserve accounts:

Dry Hydrant Reserve	2,780.00
Marine Hazard Reserve	3,522.00
Local Circuit Breaker Reserve	15,702.00
Failed Septic Reserve	22,649.00

Self-insurance Reserve	833.00	
Heating Assistance Reserve	17,385.00	
Land Acquisition Reserve	1,279.00	
Town Office & Facilities Impr. Reserve	45,555.00	
Voting Machines Reserve	12,300.00	
Vehicle & Equipment Reserve	46,478.00	
Recycling/Transfer Reserve	45,986.00	
Assessing/Reval Reserve	20,235.00	
Boat & Motor Replacement Reserve	23,243.00	
Office Equipment Reserve	12,705.00	
Generator Replacement Reserve	41,000.00	
Emergency Communications Equip Reserve	11,521.00	
West Harpswell School	15,000.00	
TOTAL	<u>338,173.00</u>	
Contingency	<u>36,702.00</u>	36,702.00
 <u>Dedicated revenues:</u>		
Heating Assistance donations	13,971.00	
Joyce Brown Swim Fund (donations)	2,891.00	
Comcast Grant for Cable & Tech.	<u>10,197.00</u>	
	<u>27,059.00</u>	
GRAND TOTAL		566,693.00

13. Consider Secret Ballot Items for March 15, 2014 Town Meeting: Chairman Multer noted that last year the Curtis Memorial Library was on the ballot and on the floor the year before, so it could be on the ballot again this year since the Board's policy says items should be on the floor at least once every three years. The Board discussed whether changing the MSAD Directors term would be appropriate for secret ballot. The Board will further consider items for secret ballot at a future meeting.

14. Other Business: Consider use of Contingency: Chairman Multer moved, seconded by Selectman Daniel to approve use of contingency in the amount of \$3,500 to cover the upfront cost of the Phase II study at Lookout Point; motion passed 3-0. If the purchase is completed, the purchase price is reduced by the \$3,500.

Consider a Change Order for Bethel Point: Administrator Eiane stated the original contract for the replacement of the Bethel Point culvert was \$154,170 and the contractor made the temporary bridge strong enough for heavy vehicles at an additional cost of \$4,000. Chairman Multer moved, seconded by Selectman Hawkes to approve the change order; motion passed 3-0.

15. Public Comment: None.

16. Administrative Matters: The Board signed a purchase order for salt; and considered meeting with Scott Benson of MCEDD and MCOG at a later date.

18. Adjournment: At 9:17 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator