

Board of Selectmen's Meeting Minutes

March 10, 2011

Harpswell Town Office

Approved on March 24, 2011

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Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

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

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

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

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Multer to adopt the agenda as amended by adding 14a. Town Line Boundary Research; motion passed 3-0.

2. Administrative Matters: The Welcome to Harpswell Sign ballot was reviewed as well as the process for vote where by people will be required to sign in before casting a vote. The winner will be determined by majority vote. Selectman Multer stated she finds the relationship and structure of Midcoast Council of Governments (MCOG) and Midcoast Economic Development District (MCEDD) confusing and suggested having representatives come to a future meeting to discuss the roles of each entity; the Board agreed. The Board was provided with two Town Meeting handouts regarding a proposed tax rate and further detail of the 2011 budget. Purchase orders exceeding \$1,000 in value were signed.

3. Public Comment: Anne Heinig stated she read about the 10 commercial licenses that Harpswell proposed in its discussions with Brunswick over the Town Line boundary issue and asked how it was determined to make the request. Chairman Henderson responded he misspoke at the meeting and meant 10% of the non-resident licenses in the area in question. Chairman Henderson stated the license issue is not a major part of the negotiations with Brunswick and suggested it as some people thought Harpswell should not give up everything but that it appears to have been a mistake based on the reaction. Ms. Heinig stated the number of available licenses is based on the resource and should not be exceeded. Robert Jackson stated he was disappointed that Article 75 regarding Cedar Beach was not in the Town Report. Mr. Jackson stated it appears the Town performed a great deal of legal work but questioned the analyzing of the questionnaires as it appears individuals were not followed up on. Mr. Jackson has used Cedar Beach since 1947 without obstruction and believes the easement existed when the current owners purchased the property in 1998. Chairman Henderson responded that due to a lack of response from the Abrahamsons, the article was unable to be in the Town Report. Additionally, the Town's legal counsel concluded that the past use of Cedar Beach has been by permission through signs, legal recordings etc. Chairman Henderson stated the Town attorney will be in attendance at the Town Meeting to answer questions. The Board felt the proposal had to be brought to the Town Meeting and the voters can authorize an amount less than the \$950,000. Mr. Jackson noted sections of the two appraisals and stated a Town vote will come down to the three different sections of Town as there is an issue with each section supporting the other areas of Town. Kay Ogrodnik stated she supports the Town coming together to support its beaches, schools and post offices. Ms. Ogrodnik stated she appreciated the 40 years of services between two of the current School Board members who spoke at the last meeting. Ms. Ogrodnik was surprised to hear that School Board members get paid \$360/year which totals about \$5,000 and stated that this area of the budget should be the first to be cut. Ms. Ogrodnik spoke against the board members stipends, mileage reimbursement and staff preparing food for the School Board meetings.

4. Town Administrator's Report: Administrator Eiane announced that Town Meeting is Saturday with a number of important items including ordinance amendments, the 2011 proposed budget and an article regarding the potential acquisition of public access over Cedar Beach Road to Cedar Beach. The polls are open from 9:00 a.m. to 5:00 p.m. and the business meeting begins at 10:00 a.m. The moderator will entertain a motion to hear the Cedar Beach article at about 11:00 a.m. to maximize voter attendance. Information

regarding Town Meeting is available on the Town's website, in the Town Report and there will be handouts at Town Meeting. Voters are encouraged to bring their Town Reports to Town Meeting. Administrator Eiane reported the Town's team regarding the Town Line Boundary matter held a meeting with Brunswick's team on Tuesday and it was a very cordial meeting that lasted about one hour. Harpswell reiterated its proposal to have the historic line restored and leave the existing line for Brunswick to manage the shellfish activities. While the Town touched on the possibility of having Brunswick allow Harpswell 10% of the commercial shellfish licenses, the concept was not well received so Harpswell will reassess. Harpswell heard Brunswick's concerns regarding wharves, moorings etc. and the Team has asked the Board to authorize the Town's counsel to prepare language in response to the Brunswick concerns, which may be in the form of legislative language that the Board will consider under 14a on tonight's agenda. Administrator Eiane announced the Town has received two applications for the West Harpswell School Re-Use Task Force and encouraged interested parties to contact the Town Office so the Task Force can get to work quickly. Administrator Eiane stated she understands that MSAD 75 may be considering formally offering West Harpswell School to the Town at this evening's meeting. Administrator Eiane stated the newspaper reported that the Department of Education released its list of capital construction projects and ranked Mt. Ararat as #7. At the upcoming budget meeting on Monday night with MSAD 75, Administrator Eiane will ask for estimated costs and the projected impact to the Towns. Selectman Multer stated that MSAD 75 may not have that information as typically when a project is ready to go, the State determines whether to build new or reconstruct and the associated costs. Chairman Henderson agreed that Administrator Eiane should seek any information that may be available at this time. Administrator Eiane reminded residents to apply for the homestead and veteran's exemption by April 1, 2011. Administrator Eiane thanked Selectman Mark Wallace for his service; Selectman Wallace stated he appreciated the experience as he learned a lot including that the Town Office staff is great. Selectman Wallace stated there are two excellent candidates running for Selectman and he supports them both and will continue to support the Town.

5. Selectmen's Announcements: Chairman Henderson stated he was hoping the West Harpswell School Re-Use Task Force can get going soon with its mission since there is a lot of research and information to gather regarding possible reuses of the School building. Chairman Henderson would like to see what uses and why. Chairman Henderson stated the meeting regarding the Town Line with Brunswick was civil and each side listened carefully to each other.

6. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Wallace to approve the March 3 minutes; motion passed 3-0.

7. Michael and Angelique Saraydarian Wharf Application, 39 Crab Apple Point Road, Map 43, Lot 12: Bill Wells, Code Enforcement Officer, explained this application is for a modification to an existing legal wharf system, specifically the ramp and float will be enlarged. Mr. Wells explained when ever a system is proposed to be enlarged, it requires a full review. Mr. Leblanc responded to Selectman Wallace that 90% of the wharf systems Mr. Leblanc processes are built by local contractors. Selectman Multer asked who is notified of a wharf hearing; Mr. Wells responded that every parcel within 500 feet and the hearing is also advertised. Chairman Henderson opened and closed the hearing at 6:48 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not constitute a hazard to navigation or cause injury to the rights of others; motion passed 3-0.

8. Recycling Center and Transfer Station Matters

- **Consider Service Agreement with CPRC Group, LLC:** Fred Cantu, Recycling Center and Transfer Station Manager, explained that CPRC is the entity that removes asphalt and sheetrock from the Transfer Station and returns reclaim to the Facility. CPRC is asking the Town to sign this service agreement at a removal rate at \$48/ton and travel at \$95/hour. Apparently the Town was asked 3 years ago to sign the same agreement and did not do so, but CPRC (previously Commercial Paving)

continued to do business with the Town. The Board expressed concern about the CPI increase language and the language that allows an increase as CPRC deems best. The Board asked staff to look at alternative language and bring the agreement back at a future date.

- **Consider Contract with Marshall Specialty Grinding, Inc.:** Mr. Cantu explained that the grinding of scrap wood collected at the Transfer Station was sent out to bid with two responses. Mr. Cantu recommended proceeding with the lowest price and entering a contract with Marshall Specialty Grinding. Selectmen Multer asked about the insurance requirements and for the “Inhabitants of” to be removed from the contract so that the contract would be with the “town”. Chairman Henderson moved, seconded by Selectman Multer to enter the contract with Marshall Specialty Grinding, Inc. as modified; motion passed 2-0 (Selectman Wallace abstained).
- **Consider Request for Proposals for Replacement of Backhoe Bucket:** Mr. Cantu explained the Town purchased a backhoe in 2005 with a coupler attachment (IT Unit) to allow a snow blower, plow and other attachments in addition to the bucket. The Town has never purchased any other attachments and only uses the machine as a back hoe. Over time, the weight of the bucket has pushed the center of gravity forward and the arms that attached to the IT unit are narrower and when weight is put on the IT unit, it causes cracking. The unit began cracking in 2008 and has been welded 7 times over the last 2 years, with more frequent cracking. Mr. Cantu is recommending eliminating the IT Unit and sending out a request for proposals for a new bucket to attach directly to the backhoe. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to send out the request for proposals for a bucket for the Town’s CAT backhoe; motion passed 2-0 (Selectman Wallace abstained).

9. Auditor’s Report on 2010 Financial Statements: Kathy Tyson, partner with Runyon, Kersteen, Ouellete auditors, reviewed the 2010 financial statements and handouts summarizing the highlights. Ms. Tyson stated this is the first year that staff, primarily Terri Sawyer and Marguerite Kelly, prepared the financial statements. This is a big accomplishment as many municipalities do not prepare their own; there are a few but mostly large cities such as Portland and Lewiston. Ms. Tyson reviewed GASB 54 which will affect the Town in 2011 and cause new terminology and minor changes in the Board’s carry over process. Ms. Tyson stated the audit for the Town takes place over a very short timeframe and thanked the staff for their preparation and assistance. It was an unqualified audit.

10. Consider Contractor Recommendations for Energy Efficient Improvements to Town-Owned Buildings: John Monaghan, chair of the Energy Committee, explained the Town sent out requests for proposals for energy efficient improvement packages such as electrical, weatherization, HVAC and plumbing to be performed on the Town Office, TV Studio building and the Recycling Center. Mr. Monaghan recommended the Town send out the weatherization request again and proceed with the base bid for electrical with Wire Nuts Inc. and for HVAC and wiring with Thayer Corp. The base bid is the price without the alternate to have a VFD to convert the Recycling Center from 1 phase power to 3 phase. If the final costs for all projects allows in the end, the alternate will be considered. Mr. Monaghan stated he had questions for each of the two contractors regarding their proposals, and he has now been satisfied. Selectman Multer moved, seconded by Chairman Henderson to implement elements as specified in c and d; motion passed 3-0 Selectman Multer moved, seconded by Chairman Henderson to implement elements as specified in a and b; motion passed 2-0 (Selectman Wallace abstained). Administrator Eiane stated staff will prepare contracts for the Board’s review. Chairman Henderson moved, seconded by Selectman Multer to authorize sending a request for proposals for weatherization again; motion passed 2-0 (Selectman Wallace abstained).

11. Authorize the Town’s Energy Committee to Partner with the Harpswell Community Housing Trust for a Home Energy Marketplace on April 16, 2011: Administrator Eiane explained this marketplace is the same as what took place last year at Harpswell Island School where the Town sponsored

the event and covered the liability insurance. Chairman Henderson moved, seconded by Selectman Multer to authorize the Energy Committee to partner with Harpswell Community Housing Trust for a home energy marketplace on April 16, 2011; motion passed 3-0.

12. Consider Contract for Ecological Study with Normandeau Associates: Administrator Eiane explained the Board previously authorized a request for proposal for an ecological survey of Town property on the Mountain Road and selected Normandeau Associates as a result. Chairman Henderson moved, seconded by Selectman Wallace to enter into a contract with Normandeau Associates for \$4,450; motion passed 3-0. Mary Ann Nahf stated the options might be performed at a later date.

13. Consider Renewal Liquor License for Este's Lobster House, Map 18, Lot 108: Chairman Henderson explained this is a renewal license and a hearing is not necessary. Chairman Henderson moved, seconded by Selectman Wallace to approve the renewal liquor license for Este's Lobster House; motion passed 3-0.

14. Other Business: Boundary Matter: Chairman Henderson stated that Harpswell's team met with Brunswick's team on Tuesday and that Harpswell's team recommends the next step is to have the Town attorney draft applicable language to cover Brunswick's concerns. Perhaps the language will be written in legislative language. Chairman Henderson moved, seconded by Selectman Wallace to authorize the Town attorney to draft a document for review; motion passed 3-0.

Selectman Multer noted an email from Mr. Forrer outlining his opinion regarding Cedar Beach and she recommended the Town attorney review to see if there is some action the Board should be taking that hasn't been considered. The Board concurred and Chairman Henderson asked that the Town attorney be prepared to address why a public easement by prescription was determined not to be a favorable position for the Town.

15. Authorization of the Warrant: Selectman Wallace moved, seconded by Chairman Henderson to authorize warrant #18 in the amount of \$622,119.58 (587,333.04 to MSAD 75); motion passed 3-0. Selectman Multer moved, seconded by Chairman Henderson to authorize warrant #19 in the amount of \$8,460.72; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #10 in the amount of \$13,974.44 was noted for the record.

16. Public Comment: There was none.

17. Adjournment: The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

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