

**Board of Selectmen's Meeting Minutes**

**April 21, 2011**

**Harpswell Town Office**

**Approved on May 5, 2011**

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**Selectmen Present:** Elinor Multer and James S. Henderson. Selectman Hawkes absent.

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Carol Tukey, Planner; Jim Hays, Harbormaster; and Bill Wells, Code Enforcement Officer.

**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 Multer moved, seconded by Selectman Henderson to adopt the agenda as printed; motion passed 2-0.

**2. Public Comment:** Robert McIntyre announced that grafting workshop will be April 30. Len Freeman stated that Comcast is upgrading its network and has sent misleading communication to its customers stating that without digital devices, channels will no longer be available. Mr. Freeman requested the Board send a letter to Comcast stating the Town doesn't appreciate the misleading comments and poorly explained information. Rob Roark, Chair of Mitchell Field Implementation Committee, stated that vandals have removed the plywood covers on the building windows at Mitchell Field, have tipped over all the picnic tables, tossed material for the pier fence overboard and have been racing around the area on dirt bikes. It is time to address the vandalism and Mr. Roark and Administrator Eiane will meet with Captain Davis, of the Cumberland County Sheriff's Department, next week to brainstorm. Chairman Multer agreed with the sentiment and while she believes prosecution requires catching someone in the act, she hopes there are other ideas and tactics to address the situation. Mr. Roark added that the riders on the dirt bikes threatened a homeowner who confronted them. Mary Ann Nahf and Deidre Strachan introduced the Friends of Cedar Beach Coalition and read a statement regarding acquisition of an easement to Cedar Beach (attached).

**3. Town Administrator's Report:** Administrator Eiane announced that Friday is Earth Day and Saturday is roadside clean up day. Interested parties can pick up garbage bags at local businesses and after filling a bag with trash, leave the bags on the side of the main roads (Harpswell Neck, Harpswell Islands, Mountain Road and Cundy's Harbor) for pick up later in the day. There will be a luncheon for the volunteers at 12:00 noon at the Grange. Administrator Eiane reported that the Greater Brunswick Housing Authority will attend a meeting with the West Harpswell School Re-Use Task Force on April 26 at 3:00 p.m. to review possible housing opportunities at the WHS building. The West Harpswell School Re-Use Task Force will hold a forum at the Merriconeag Grange [changed to Harpswell Heritage Land Trust location] on April 27 at 6:00 p.m. to solicit ideas for re-use. There will be a meeting with Harpswell and Brunswick representatives regarding the Town line boundary matter on April 28, 7:00 p.m. at the Brunswick Council Chambers. Additionally, there will be a work session regarding LD 69 (An Act to Restore the Historical Town Boundary Line between Harpswell and Brunswick) in Augusta on Friday, May 6 at 1:00 p.m. David I. Chipman summarized the roadside clean up process.

**4. Selectmen's Announcements:** Selectman Henderson reported that he and Marguerite Kelly, Treasurer, attended a Friends of Cedar Beach Coalition meeting to hear a brief update and he indicated the Town is available when needed. Selectman Henderson reported the Education Advisory Committee developed a list of questions for the Department of Education (DOE) that has been posted on the website to solicit comments and additional questions from the public. The Committee will hold a meeting with Jim Rier, of the DOE, to review the questions and answers. The information is being gathered to provide to the public before the June 14 vote regarding the petition for withdrawal from MSAD 75.

- 5. Consent Agenda: 1) Approval of the Minutes; 2) Authorization of the Warrant; 3) Maine Municipal Association Safety Enhancement Grant Application; and 4) Abatement for Map 10, Lot 131:** Item 4 was removed from the consent agenda. Chairman Multer moved, seconded by Selectman Henderson to approve items 1-3; motion passed 2-0. Selectman Henderson explained that the Town previously denied an abatement request, which was then appealed to the Cumberland County Board of Assessment Review where a partial abatement was granted. Curt Lebel, Town's Assessing Agent, prepared a memo explaining the Select Board's three options: to appeal; accept and keep the 2010 assessment for 2011; or accept and re-evaluate neighborhood. Selectman Henderson moved, seconded by Chairman Multer to accept Mr. Lebel's recommendation of course of action (third option); motion passed 2-0.
- 6. Sean Kelly, 436 High Head Road, Map 7, Lot 107-1, Wharf Application:** Bill Wells, Code Enforcement Officer, reviewed the application for a 6x60 pier, 3x40 seasonal ramp and 12x20 seasonal float. Selectman Henderson asked if the size of the float was for commercial use; Mr. Wells responded no. The hearing was opened and closed at 6:37 p.m. Chairman Multer moved, seconded by Selectman Henderson to approve the Kelly application as it does not create a hazard to navigation or cause injury to the rights of others; motion passed 2-0.
- 7. Consider Community Gardens Program and Use of Building at Mitchell Field:** Bill Wells stated he inspected the building proposed for use by the Community Garden Program and he believes it is unsafe for use due to the metal structures; exposed wiring and the floor drop off. However, Mr. Wells said that two local men have offered to remove the items at no cost to the Town with one week's notice. The floor issue will remain but it could be filled in with dirt or sand and also a lock would be needed to secure the building. There was a consensus with the Board to proceed with the plan to clean out the building and Chairman Multer noted the open pit floor area must be filled in before use. Deputy Administrator Sawyer stated that Town Meeting authorized the community garden purpose pursuant to guidelines to be adopted by the Board and there are proposed guidelines for review tonight. Additionally, instead of appointing a committee, the Board may want to consider designating Judith Redwine as the community gardens coordinator. Administrator Eiane noted that the Town needs written approval from the Department of Environmental Protection (DEP) for the use and potentially other approvals such as Inland Fisheries and Wildlife. David I. Chipman reported he met with DEP's representative, Naji Akladiss, two times and the soil tested acceptable and samples were taken to test for a hand dug well. The Harpswell Heritage Land Trust grant will cover the well costs, fencing, and other needs for the gardens. Judith Redwine reviewed the guidelines, drafted from South Portland's, and reported that interest has been expressed for 8 plots. Chairman Multer added "all crops must conform to Federal and State laws" to the Guidelines. The Board asked for clarification regarding coverage for the volunteers and the plot renters from the Town's insurance carrier. Ms. Redwine asked if the Board wanted to participate in the mural contest selection; the Board concurred to leave it up to the volunteers. Carol Tukey, Planner, mentioned that if a fence and parking lot are in the future plans for the site, the plan will have to be reviewed by Planning Board under site plan review. There was a discussion as to who is the "Harpswell Community Garden" and since it isn't a separate entity, the Guidelines and associated documents need to clarify that this is a Town program. The Board agreed to delay this item pending clarification regarding insurance and the Town's role.
- 8. Consider Requests for Proposals Re: Boat Ramp Study at Mitchell Field:** Jim Hays, Harbormaster, stated he worked with the Harbor & Waterfront Committee and the Mitchell Field Implementation Committee approval to send this requests for proposals (RFP) to consultants to perform feasibility study and design of a boat ramp and parking area at Mitchell Field. Mr. Hays reviewed a few additions to the RFP. Chairman Multer moved, seconded by Selectman Henderson to approve the RFP; motion passed 2-0.
- 9. Liquor License Application Hearing for Estes Lobster House, Map 18, Lot 108:** The hearing was opened at 7:18 p.m. Chairman Multer noted this application is before the Board again as a result of the

change in ownership. Deputy Administrator Sawyer reported that the application is seeking a State liquor license for spirituous, vinous and malt. There are no known code violations or disorderly complaints from Cumberland County from the past season. Robert McIntyre asked if the Board would consider additional signs regarding excessive speed in this area and also on Basin Point approaching the narrow part of the road near the end of the Town way. Administrator Eiane responded that Harpswell Neck Road is a State road but that perhaps "Road Narrows" signs would be appropriate on Basin Point Road. The hearing was closed at 7:23 p.m. Selectman Henderson moved, seconded by Chairman Multer to approve the application; motion passed 2-0.

**10. Planner's Update:** Carol Tukey, Planner, stated the Comprehensive Plan Implementation Committee (CPIC) continues its work on ordinance proposals and recommends extending Beth Della Valle's contract to April 20, 2012. Her services won't be needed until September-October and there is approximately \$1,200 remaining in her contract. The Board reviewed the proposed extension and questioned what the referenced attachments A&B were; Ms. Tukey responded they are the same as Addendum B. The Board agreed to table this until all the information is available for review. Ms. Tukey requested a workshop with the Board for two topics; one regarding the next steps with the Harpswell Oceanic Center (HOC) proposal and one to review possible ordinance amendments for 2012. Chairman Multer stated a workshop regarding HOC should be after meeting with Jack Sylvester (potential representative on matter). Selectman Henderson asked if the services of MCOG could be useful regarding the HOC proposal; Ms. Tukey responded she has already had assistance from MCOG on this topic. Chairman Multer asked a few questions regarding the Regional Housing Coalition in Ms. Tukey's report.

**11. Comprehensive Plan Implementation Committee Mission Statement:** Chris Hall, chair of Comprehensive Plan Implementation Committee, read the proposed amendments to the Committee's mission statement. Chairman Multer moved, seconded by Selectman Henderson to adopt the mission; passed 2-0.

**12. Midcoast Council of Government and Midcoast Economic Development District:** John Shattuck, Economic Development Director for Topsham and the Vice Chair of Midcoast Council of Government (MCOG), explained the functions and interactions of MCOG and of Midcoast Economic Development District (MCEDD). In summary, MCOG is funded by the several municipalities it represents in offering grant resources, economic and planner support and other services such as group purchasing. MCEDD is a federal designation, typically includes multiple counties, which supports economic needs in a district and provides funding. The federal government looked at the current boundaries of EDDs and implemented some changes. Harpswell was a member of Southern Maine Economic Development District (SMEDD) and has successfully applied to switch to MCEDD but the designation will not be final until all the federal designations are confirmed. However, MCEDD has been assured that Harpswell will not lose any funding that it would otherwise be eligible for in the interim. Fundamentally, the missions of each group have similarities and ultimately will become one organization. Selectman Henderson questioned the benefit to Harpswell to be in MCOG; Mr. Shattuck responded it is for the services such as planning, MDOT, State Planning Office, Community Development Block Grant, cooperative purchasing, Efficiency Maine program and other grants. Selectman Henderson stated the Town is in preliminary discussion with an entity regarding a business proposal at Mitchell Field, could MCOG assist with that? Mr. Shattuck responded the Town could meet with MCOG and define its needs and contract services at a reduced fee. Administrator Eiane noted the Executive Director and Program Director of MCOG also provide services to MCEDD.

**13. Central Maine Power Smart Meter Presentation:** John Carol, CMP representative, stated he was previously in Harpswell regarding complaints on excessive outages and he hopes that Harpswell has seen improvement as CMP has invested in tree care, line inspection and maintenance. Mr. Carol provided a power point handout and reviewed the process for replacing customer's existing power meters with the smart meters. The process will begin late May and small businesses will be notified of the brief power outage

during the replacement. Field technicians will knock on resident's doors and let them know what is taking place and if someone is not home, a door knocker will be left for them to contact CMP to arrange the replacement. Mr. Carol explained there have been some health concerns regarding the equipment and it will transmit no more in radio frequency than a cell phone. Selectman Henderson asked if there were any independent studies on the health risks. Mr. Carol responded the technology has been tested and developed for 5-6 years. The Maine Center for Disease Control studied a complaint and determined there is no shown cause for health concern. The Commission determined not to add to the debate or open review of the health issues as evidence in this case since there is not significant cause for health concerns. The opponents in this case have submitted papers and made arguments to the Public Utilities Commission and Center for Disease Control which have judged the original decision of no hazard as correct. CMP's policy is that opting out is up to others since CMP cannot change approved plans. Until the suit is settled, CMP is allowing one to opt out based on the temporary decision. Robert McIntyre questioned how soon CMP will activate the time of use pricing; Mr. Carol responded that CMP is a delivery company and pricing is set based on market. The August price moves the most due to demand and perhaps a shift in usage will lower the price of electricity which will benefit everyone.

**14. Request to Burn Mitchell Field:** David I. Chipman stated the upper field hasn't been burned in a long time and it is in bad shape with dead growth and small trees growing. The Master Plan calls for leaving this area field but to do so, it needs to be maintained. The bird nesting period begins May 1 and Mr. Chipman would like to burn before that date. There will be fire trucks and trained volunteers on site and safety precautions will be taken. Anyone interested in helping should contact Mr. Chipman. The Town's insurance company approved the action based on certain conditions and it appears the conditions will be met. Chairman Multer moved, seconded by Selectman Henderson to approve the request; motion passed 2-0.

**15. Consider Letter to Maine Community Foundation Re: Grant Request for Cedar Beach:** Deidre Strachan stated the Maine Community Foundation has an anonymous donor who has indicated it would fund \$44,000 towards the acquisition of public access to Cedar Beach. Ms. Strachan prepared a letter for the Board to submit to the Foundation requesting the funding. Chairman Multer moved, seconded by Selectman Henderson to send the letter; motion passed 2-0.

**16. Consider Designating Town Representative Re: Harpswell Oceanic Center Proposal:** Chairman Multer stated the Board is considering designating Jack Sylvester as the Town's representative regarding the Harpswell Oceanic Center (HOC) proposal. Mr. Sylvester has business and real estate experience, has negotiated with Washburn & Doughty on behalf of the Town and chaired the West Harpswell Work Group that generated the detailed report on the property. Administrator Eiane stated that the HOC first asked for an option, which the Town's attorney did not recommend, because the right to negotiate an option had not been specifically granted to the Selectmen, and then HOC indicated it was prepared to enter lease discussions. The Board should meet with Mr. Sylvester first to establish parameters and then Mr. Sylvester can begin meeting with HOC. The Board discussed the proposed scope of work and made a minor amendment. Chairman Multer moved, seconded by Selectman Henderson to designate Jack Sylvester as the Town's negotiator with the approved scope of work; motion passed 2-0.

**17. Consider Secret Ballot Items for June 14:** Administrator Eiane reported the first article on the ballot is the one brought by petition for withdrawal from MSAD #75 and State statute requires it to be voted on by secret ballot and requires recommendations since the article includes funding of \$55,000. Chairman Multer does not recommend the article and Selectman Henderson recommends.

- **Ordinance Amendments for Historic Zone:** This is the second article on the ballot and a public hearing with the Planning Board and Selectmen was held last night. This proposal establishes an Eagle Island historic district and there was some concern about the wording potentially allowing a new residence to be built. If there are any changes to the proposal, it cannot be on the June 14 ballot.

Chairman Multer noted that the Friends of Eagle Island stated at the hearing that there were no plans to construct another residence and the Planning Board will work on additional ordinance language for the March Town Meeting to eliminate the potential. Chairman Multer moved, seconded by Selectman Henderson to place the item on the warrant; motion passed 2-0. Both recommended the article.

- **Lease Option for Mitchell Field:** This is no longer needed as the HOC withdrew its request. Selectman Henderson noted that perhaps this could still be considered for the March Town Meeting.
- **West Harpswell School Matter:** Administrator Eiane stated the West Harpswell School Re-Use Task Force raised the issue on having an environmental assessment prior to a vote on accepting the property. Ransom Environmental has done work for the Town before and provided a price of \$2,400 for a phase 1 environmental assessment. Chairman Multer suggested combing this article with the article asking voters to accept the property. Selectman Henderson questioned what would then happen if voters accepted the school and then the assessment was done and the results were negative. Chairman Multer asked what if the voters reject the funding of the assessment; Selectman Henderson responded then voters will make their own determination on the property before voting on acceptance. Administrator Eiane noted that while a full asbestos study is not included, Ransom will review whatever material is available concerning the property. Administrator Eiane stated a phase I is important because if the Town accepts the property and then environmental issues are discovered, we may lose federal funding and liability protection. Robert McIntyre stated he believes any commercial entity would have to tear down the building so information concerning asbestos would be helpful. Chairman Multer moved, seconded by Selectman Henderson to place \$2,400 for an environmental assessment on the ballot; motion passed 2-0. Both recommended the article.

**18. Consider Recycling Center Manager Recommendation for Seasonal Part Time Hire:** Chairman Multer moved, seconded by Selectman Henderson to proceed with the Recycling Center Manager's recommendation to advertise for a part time seasonal hire to begin July 1; motion passed 2-0.

**19. Consider Contract Extension with Marshall Specialty Grinding, Inc.:** The Board of Selectmen previously entered into a contract with Marshall Specialty Grinding, Inc. to grind and haul away the Town's scrap wood with a May 1 completion date. Chairman Multer moved, seconded by Selectman Henderson to extend the contract to July 1 based on the Recycling Center Manager's recommendation; motion passed 2-0.

**20. Appointments: Committees and Officials:** Chairman Multer moved, seconded by Selectman Henderson to appoint the following officials: Code Enforcement Officer William Wells; Local Plumbing Inspector William Wells; 911 Addressing Officer Jason Marshall; Health Officer Terri-Lynn Sawyer; General Assistance Administrator Kristi Eiane; General Assistance Administrator Linda Strickland; Emergency Management Agent William Labbe; Harbormaster James Hays; Animal Control Officer George Lee Johnson; Alternate Animal Control Officer Monica Graves; Shellfish Conservation Warden George Lee Bradbury; Shellfish Conservation Warden Kyle Neugebauer; Fire Warden Frank True Jr.; Deputy Fire Wardens: Linda Strickland, Melissa Moretti, Richard Wyer, Lisa True, Fred Cantu; Tree Warden Timothy Vail; Sealer of Weights & Measures Louis Levesque; Fire Chief: Harpswell Neck David Mercier; Fire Chief: Orr's/Bailey Island William Beazley; and Fire Chief: Cundy's Harbor Benjamin Wallace Jr.; passed 2-0. Chairman Multer moved, seconded by Selectman Henderson to make the following committee appointments with either a 3-year term or what is appropriate to stagger the terms: Sally Wessel and Hilde Bird to Affordable Housing to 2014; Jim Knight to Board of Appeals to 2014; Linda Hall to Budget Advisory to 2014; David I. Chipman to 2014, Chris Hall to 2013 and Paul Desjardins to 2013 to the Comprehensive Plan Implementation; Mary Ann Nahf and Burr Taylor Jr. to Conservation Commission to 2014; David I Chipman to Energy to 2014 and the Board voted 2-0 to reduce the size of the Energy Committee to 5 members; David Mercier, William Beazley, Ben Wallace Jr., Helen Tupper, Joyce Thomas, Ed Sparks, Leonard Freeman, John Chiquoine and Katherine Chatterjee to the Fire & Rescue Strategic Planning to

2012; Robert Bartley, Henry Schwartz and Lee Bradbury to the Harbor and Waterfront to 2014; John Gormley to Marine Resources to 2014; Jennifer Verplanck to Mitchell Field Implementation to 2014; Nancy Dimmick and Walter Norton to Pipeline Advisory to 2013; John Papacosma to Planning Board to 2014; David I Chipman to Planning Board as an associate to 2012; Judith Arndt to Recreation to 2014; Bill Ewing to Solid Waste to 2012; David Hackett and Ken Oehmig to Town Lands to 2014. The Board voted 2-0 to extend the West Harpswell School Re-Use Task Force 5-members terms to August 20, 2011.

**21. Other Business:** There was none.

**22. Public Comment:** Robert McIntyre spoke for himself and Lee Theberge regarding withdrawal from MSAD 75 and what they consider are the benefits in doing so. Mr. McIntyre stated that he will be speaking with other towns who have withdrawn from their respective districts and he invites suggested questions from the public. Mr. McIntyre asked if questions come to the Town to please forward them onto him; Administrator Eiane responded staff can refer people to him. Chairman Multer noted that she believes the obligation on rebuilding Mt. Ararat High School is based on student population and is a negotiated part of the withdrawal process if that occurs.

**23. Administrative Matters:** The Board asked for a draft policy regarding use of the Town Office meeting rooms; the Board agreed to consider the request to hay Mitchell Field if an application of sorts is submitted; the Board asked that Comcast be invited to speak at a future meeting regarding the recent upgrades and to clarify what users will need; the Board set May 10 at 4:30 p.m. as a workshop with the Planner regarding possible ordinance amendments for 2012; the final Harbor Management Plan was handed out to the Selectmen; and purchase orders exceeding \$1,000 in value were reviewed and signed.

**24. Adjournment:** The meeting was adjourned at 10:55 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Friends of Cedar Beach Coalition Statement  
Comprehensive Plan Implementation Committee Mission Statement

[Attachments are available at the Town Clerk's Office or by email at [harpwell@town.harpwell.me.us](mailto:harpwell@town.harpwell.me.us)]