

Board of Selectmen's Meeting Minutes
January 10, 2013
Harpswell Town Office
Approved on January 31, 2013

Page 1 of 4

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

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Carol Eyerman, Planner; and Bill Wells, Code Enforcement Officer

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 adding Consider Bowdoin College Contract and Consider Secret Ballot Items under #16 and moving item 9 to 6.5; motion passed 3-0.

2. Public Comment: There was none.

3. Town Administrator's Report: Administrator Eiane stated the Town previously entered a contract with Crimson Fire Apparatus for a tanker truck to be leased to the Cundy's Harbor Volunteer Fire and Rescue Department and the contract required it be completed within 240 days of the signing of the contract. Unfortunately, Cundy's Harbor has not been able to approve certain benchmarks due to inaction by Crimson. Administrator Eiane stated she will be contacting the Town attorney to be sure the contract is fulfilled and will continue to work with Cundy's Harbor representatives. Administrator Eiane announced that nomination papers are available for the following positions for three-year terms: Clerk, Tax Collector, MSAD 75 Director and Selectman. Papers are due January 23 by 4:30 p.m. at the Clerk's Office.

4. Selectmen's Announcements: There was none.

5. Approval of the Minutes: Selectman Henderson moved, seconded by Selectman Hawkes to approve the minutes of January 3; motion passed 3-0.

6. Bethel Point Culvert Project Update: Tom Gorrill, of Gorrill-Palmer Engineers, reported that since he last came before the Board regarding the Bethel Point Road culvert project, a meeting was held with the affected property owners. Concerns were expressed with the potential closing of Bethel Point Road. Mr. Gorrill stated that vehicular access could be maintained at a much higher project cost (about \$450,000) and will take about three weeks. If the road is closed with a pedestrian access way only, the project will take three days working around the clock and cost about \$200,000. Mr. Gorrill stated Jonathon Burbank, of the Cundy's Harbor Fire and Rescue Department, has indicated that providing emergency services while the road is closed to vehicles is workable. Mr. Gorrill asked for direction from the Board as whether to proceed with either closing the road or maintaining vehicular access. Selectman Henderson asked when the project would be done. Mr. Gorrill responded it depends on the permitting approved by the Army Corps of Engineer (ACOE) and whether time restrictions will be applied. Chairman Multer stated she preferred the project to take place after summer and before freezing temperatures. Chairman Multer moved, seconded by Selectman Henderson to instruct Gorrill-Palmer to proceed with the 3-day project plans and closing the road. Selectman Henderson asked besides the inconvenience, what were the concerns expressed by property owners; Mr. Gorrill responded primarily relating to emergency services access. Selectman Henderson asked in addition to placing a fire truck at the site, what is the opinion on emergency medical services. Mr. Gorrill responded Mr. Burbank indicated a gurney could be transported over a 4-foot pedestrian access way. Selectman Hawkes noted there is a commercial public boat access to consider. Mr. Gorrill stated once the ACOE issues a permit with possible restrictions, he will come back to the Board to finalize the schedule. Motion passed 3-0.

9. Request from Cedar Beach/Cedar Island Supporters: Mike Helfgott, President of Cedar Beach/Cedar Island Supporters, Inc., reviewed his written request (attached) seeking support from the Selectmen to place an article on the March Town Meeting warrant for \$220,000 to help secure access to Cedar Beaches and Cedar Island. Martin Eisenstein, attorney for the Supporters, stated that while the Supporters prefer to successfully negotiate with the Abrahamsons, a lawsuit has been filed against them. Mr. Eisenstein stated he has 17 affidavits that provide a strong case that the access to and including the beaches has been acquired through a prescriptive easement. In 1979, a fence was erected preventing access to the beach and within 1 day it was torn down. There is also evidence that a previous property owner asked Cumberland County to stop people from using the property without permission; there was no enforcement. Selectman Henderson asked for confirmation that the potential funding is only to be expended if access is secured; Mr. Eisenstein responded affirmatively. Selectman Henderson asked what 'maintaining' means in the proposed article. Mr. Eisenstein responded it means in a broad sense and may include signs. Selectman Henderson indicated maintenance may go beyond as when you attract people to a certain area, there are maintenance costs such as trash and road maintenance. It was discussed that access was being sought for Harpswell residents, property owners and guests. The Board questioned the exact areas that are included in the negotiations and ultimately the end proposal. Mr. Eisenstein indicated negotiations are proceeding well with the Aspatores and Joan Lester has never indicated a desire to block access. Mr. Helfgott stated if the Board supports the article, negotiations and efforts will continue and they will be prepared to answer all possible questions at Town Meeting. Chairman Multer stated she was not ready to support pursuing access over Cedar Beach Road without the beach being secured. Mr. Eisenstein responds the funds would not be expended until the road and beach access is secured. The specific areas were discussed again and the Board noted the Supporters must be specific in which areas will result with legal access such as the road and what parts of the beach. Mr. Eisenstein stated the public has had traditional access and use along the whole shore. Selectman Hawkes noted she is not concerned about the precise details but about the funding source. Administrator Eiane responded the funds could be borrowed or appropriated, which both may affect the LD-1 limit. Selectman Henderson moved, seconded by Chairman Multer to direct staff to contact legal counsel to draft an article to include language for up to \$220,000 in funding for the purpose of acquiring the legal right in perpetuity to access the beach in front of the Aspatore property and Cedar Island upon receipt of certain documents; motion passed 3-0.

7. Consider Cumberland County Development Block Grant Planning Application Topic: Carol Eyerman, Town Planner, reviewed the three planning grant concepts prepared for the Board's review so the Board could select one for submittal. Selectman Henderson expressed interest in the Town District Master Plan and Selectman Hawkes in the Marine Resources update. The Board discussed the concepts. Selectman Hawkes moved, seconded by Selectman Henderson to proceed with the planning grant application to update the Marine Resources report; motion passed 3-0.

8. Shoreland Zoning Task Force Recommendations: Carol Eyerman reported the Shoreland Zoning Taskforce met on January 8 to review the concerns and comments expressed during the public hearings on the proposed ordinance amendments and made adjustments. Ms. Eyerman reviewed the Taskforce's recommendations for three warrant articles containing ordinance and map amendments. Administrator Eiane stated the Board could make additional changes and proceed with its own recommendations and hold another hearing as was outlined in a memo from the Town Attorney. Ms. Eyerman invited the Board to the January 30 hearing on these proposals. Ms. Eyerman reviewed the proposed ordinance language regarding timber harvesting. The Board was concerned about the change that would make local permits unnecessary and asked who would permit such land use activity. Ms. Eyerman will follow up.

10. Consider Cumberland County Clam Flat Survey Proposals: Administrator Eiane reported the Town's contract with Cumberland County for marine patrol services requires clam flat surveys but does not say how many. Prior to 2011, the surveys were conducted on a rotating basis, however in 2011 no surveys were completed and in 2012, 20 were done. Cumberland County representatives previously made a presentation to

Administrator Eiane and Selectman Hawkes regarding the options available for handling the surveys. The options include surveying all 54 in one year or on a rotating basis. A third option is for the wardens to conduct some and for the harvesters to conduct for conservation time (under the wardens supervision). For the remaining 34 coves due in 2013, the wardens would do 12 independently and 22 with the harvesters. In 2014 the coves would be prioritized and 18 would be completed annually on a rotating basis over three years. The surveys are conducted on a grid basis to count how many clams there are for determining how many licenses can be issued. The Board reached consensus to proceed with the plan detailed for 2013 and 2014.

11. Acceptance of Heating Assistance Donations: Chairman Multer moved, seconded by Selectman Hawkes to accept \$7,300 in donations with gratitude; motion passed 3-0.

12. Open Vehicle Bids: The following bids were opened for the 2008 Ford Crown Victoria: Doucett Auto \$2,222; Chicago Motors \$3,007; Tim Gilbert \$3,255; and William and Vicky Packard \$3,527. Selectman Henderson moved, seconded by Selectman Hawkes to accept the Packard bid; motion passed 3-0.

13. Committee Appointments: Selectman Henderson moved, seconded by Selectman Hawkes to appoint Brad Agius to the Marine Resources Committee due to his experience as a wetland scientist; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to appoint Brad Agius as an Associate to the Conservation Commission; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to appoint Scott Couture to the Economic Development Committee; motion passed 3-0. Selectman Hawkes noted she asked Mr. Couture, Brunswick resident, to apply for the Committee as she could not get a fisherman to agree.

14. Consider Carry Over List: Administrator Eiane stated the Board considers the proposed carryover list annually and it primarily includes remaining funds for projects not yet completed and reserve funds. Chairman Multer moved, seconded by Selectman Henderson to approve the list totaling \$519,549; motion passed 3-0.

Carry-over List

EMS Garage	74,000.00
Floodplain/FEMA Consulting	3,602.00
Town landings-Devil's Back	4,993.00
Mitchell Field Removal/Impr	1,478.00
Mitchell Infrastructure	8,373.00
Mitchell Field Pier	7,773.00
Dry Hydrant Reserve	15,590.00
Legislative Agent	1,800.00
Marine Hazard Reserve	3,522.00
Energy Conservation	2,502.00
Local Circuit Breaker Reserve	25,652.00
Conservation Fund Reserve	5,000.00
Failed Septic Reserve	22,649.00
Self-insurance Reserve	1,287.00
Heating Assistance Reserve	11,121.00
Land Acquisition	1,279.00
Town Office & Facilities Impr.	54,000.00
Voting Machines	12,300.00
Vehicle & Equipment	43,463.00
Recycling/Transfer	48,342.00
Assessing/Reval	20,235.00
Boat & Motor Replacement	13,243.00
Office Equipment	7,705.00
Generator Replacement	41,000.00

Emergency Communications Equip	6,521.00
Hildreth Road Property/wetland delin	3,650.00
Economic Development	9,813.00
Contingency	46,530.00
Heating Assistance Revenues	13,515.00
Joyce Brown Swim Fund	3,211.00
Comcast Grant for Cable & Tech.	5,400.00
	519,549.00

15. Consider Use of Contingency: Chairman Multer moved, seconded by Selectman Hawkes to approve the use of contingency as follows: 1. additional \$6.66 (\$605.56 previously) for animal control; and 2. \$1,535.87 for street lights; motion passed 3-0.

16. Other Business: Consider Bowdoin College Contract: Chairman Multer and Selectman Hawkes expressed concern about the Town receiving Bowdoin College contracts so close to the contract time frame. Chairman Multer asked Administrator Eiane to communicate with the College regarding the need for the contracts earlier. Selectman Henderson moved, seconded by Chairman Multer to approve the contract for family swim; motion passed 3-0.

Consider Secret Ballot Items: Chairman Multer moved, seconded by Selectman Henderson to place the Curtis Memorial Library appropriation on the ballot for Town Meeting; motion passed 3-0.

17. Public Comment: None.

18. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #3 (for 2013) in the amount of \$564,570.93; motion passed 3-0. Chairman Multer moved, seconded by Selectman Henderson to approve warrant #65 (for 2012) in the amount of \$32,737.48; motion passed 3-0. Payroll warrant #2 in the amount of \$14,367.47 was noted for the record.

19. Administrative Matters: The Board agreed to invite Curtis Memorial Library representatives to the January 31 meeting to discuss how cards are issued and how to assure the card holder is the one using the card. Selectman Henderson agreed to contact the Harpswell Coastal Academy for an update before the next meeting. Selectman Henderson noted in follow up to a concern expressed earlier, he read the Committee Guidelines that statethat the Town Administrator is to be contacted for authorizing use of funds. The Board agreed to consider the reimbursement of volunteer out-of-pocket expenses after Town Meeting. The Board discussed whether to contact the Maine Aquaculture Association as suggested by Jack Sylvester and agreed to ask for any information in writing first.

20. Adjournment: The meeting was unanimously adjourned at 9:12 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Cedar Beach/Cedar Island Supporters, Inc. letter
[Attachments are available at the Town Clerk's Office or by email at harpswell@town.harpswell.me.us]