

**Special Board of Selectmen's Meeting Minutes**  
**March 15, 2012**  
**Harpswell Town Office**  
**Approved on March 29, 2012**

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

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Carol Tukey, Planner

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

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

**1. Election of the Chair:** Selectman Henderson nominated himself since this is the last year in his term. Selectman Hawkes nominated Selectman Multer to be chair and the nomination carried 2-0.

**2. Adoption of the Agenda:** Administrator Eiane stated the applicant under item 9 has withdrawn the application and will wait until the roads are no longer posted. Administrator Eiane suggested replacing the application from item 9 with another verbal request for a permit to travel a posted road. Administrator Eiane stated the Road Commissioner will be attending the meeting to review a road maintenance proposal on Lower Road. Selectman Hawkes asked to add the West Harpswell School playground under Other Business. Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by adding the Road Commissioner, street lights and wharf processes, and the West Harpswell School playground under Other Business; motion passed 3-0.

**3. Public Comment:** Donna Frisoli stated the Ash Point Community Center organization met today and established a schedule for the library and she provided copies. Ms. Frisoli stated 8 families with 10 children, have been placing the books on the shelves and 200 books have been catalogued. Ms. Frisoli read an article being sent to the Anchor. Ms. Frisoli announced there will be a pot luck meal held on March 20 at 12:00 p.m.; a library open house on April 8 from 4:00 – 8:00 p.m.; and a community potluck on April 14 from 5:00 p.m. to 7:00 p.m. Ash Point Community Center was asked to keep the Town informed of events to have available at the Town Office. Ms. Frisoli stated the Center has a wish list for a vacuum cleaner and comfortable reading chairs. Call 833-6739 or 833-2363 and speak with Donna about donating books.

Linda Hall thanked the Boy Scout, Energy Committee and the Board for their work in reviewing the street lights. Ms. Hall and her neighbors remain concerned with the plan to remove certain street lights in the Pott's Point area and she asked if she could present a specific complaint tonight or how the Board wanted to handle it. Chairman Multer noted Town Meeting voted on the lower budget, endorsing removal of street lights. Selectman Henderson stated the Board will review his suggested application for considering street lights under Other Business. Chairman Multer suggested staff ask Central Maine Power about the process for re-considering certain lights including how often the Town can seek a change and if there is an associated cost. The Board agreed to temporarily delay the removal of certain street lights until further notice. Selectman Henderson stated someone will have to make a case for a specific light before the Board which will then decide to investigate or not.

Ronald Ponziani introduced himself as the new Road Commissioner, and asked the Board to consider maintenance work on Lower Road. Administrator Eiane reported the records are unclear as to whether Lower Road is a private or Town Road. There is an initial road layout from 1885 and then a revised one in 1893. Town Meeting voted to accept the new layout from 1893 which is the current Lowell's Cove Road. In 1893, there was an article at Town Meeting to have the now Lower Road revert back to a private road when the new road is opened for travel. However, it is unclear as to what the Town Meeting action was as the records indicate: "the article was dispensed with." There is information that shows the Town has maintained Lower Road in the past, including plowing. Mr. Ponziani stated this is a serious issue as the portion of the road where the culverts need to be replaced is considered unsafe for some vehicles. Selectman Henderson moved, seconded by Chairman Multer

to repair Lower Road based on the information presented showing a history of maintenance on the road; motion passed 3-0. Mr. Ponziani asked the Board to consider giving the Road Commissioner the authority to make decisions in the field regarding traveling over posted roads to avoid business interruptions. He stated this has been a unique winter and spring and the roads are very firm. Mr. Ponziani asked the Board to consider allowing him to remove the posted signs from roads that are in good shape, that are thawed, solid and have good drainage. Selectman Henderson asked if the posted roads are an issue for businesses if they work within the charted specifications since the Town's ordinance is more lenient than that in most municipalities. Mr. Ponziani responded he has handled one request and has another pending. Selectman Henderson noted the Board needs to protect its investments in roads and he does not believe that it is just a matter of the road condition but also the vehicle weight, tire size and quantity of axels. Chairman Multer stated she believes many are not checking the Town's ordinance and if they did, she suspects their vehicle would often fit within the exemption chart. There was a discussion about the process of posting roads and the Board agreed to consider specific recommendations from the Road Commissioner at the next meeting.

**4. Town Administrator's Report:** Administrator Eiane welcomed back Chairman Multer. Administrator Eiane thanked the election workers and Town Clerk's office for their involvement with Town Meeting. Administrator Eiane stated the Assessing Office would like to remind new residents to file the homestead exemption paperwork with the Assessing Office by April 1 and to contact Debbie Turner with any questions. Administrator Eiane reported the Town received an application for use of West Harpswell School for a business purpose and before the Board reviews it, she suggested the Board meet with its attorney to seek advice on the issues of the Selectmen's authority as it relates to non-Town uses (profit or non-profit) of West Harpswell School. The Board agreed to schedule a meeting under Administrative matters. Administrator Eiane reported she followed up on the Chair's request to inquire of the process to have a "Harpswell" directional sign on located on Interstate 295, which she was informed needed to be handled through legislative action. The Board agreed to first request a copy of the guidelines governing signs on highways and then will later consider sending a letter to the Town's legislators.

**5. Selectmen's Announcements:** Selectman Hawkes stated she cannot believe it has been a year since she was elected and she thanked voters for allowing her to serve as she really enjoys it. Chairman Multer thanked staff and the election workers for all the preparation leading into and associated with Town Meeting. Chairman Multer suggested the Board may want to consider setting goals for the coming year.

**10. Consider Vendor Recommendation for Pumper/Tanker:** Jonathon Burbank, President of the Cundy's Harbor Fire Department, stated that, after a protracted process, the Emergency Vehicles Committee is recommending Crimson Fire as the vendor to build the tanker truck to be leased to the Cundy's Harbor Fire Department. Administrator Eiane stated the Town sent out request for proposals and three companies responded, Crimson \$275,550, Ferrara \$310,673 and Greenwood \$313,035. The Committee met several times to review the proposals and additional information. On 3 /13, the Committee voted to recommend to have the Town negotiate a contract with Crimson. Chairman Multer moved, seconded by Selectman Hawkes to endorse the recommendation and authorize staff to work on a contract; motion passed 3-0. Administrator Eiane noted that one vendor expressed disappointment in the process and the final selection as it believes its submittal is the most compliant.

**9. Consider Application for Permit to Operate on a Posted Way:** Lynda Doughty, president of the Gulf of Maine Lobster Foundation, stated she is overseeing a ghost gear recovery project where old lobster traps and gear are recovered from the ocean floor. Ms. Doughty explained the boats will offload the traps at Interstate Lobster and she needs to have an excavator on-site to crush the traps and place them into roll-off containers. The excavator would travel Ash Point Road on March 19 and 20 and the roll-offs will need to be hauled a maximum of 4 times over 3 days, March 19, 20 and 21. Between the vehicle, with 12 wheels and 10" tires, that will haul the roll-offs and the roll-offs themselves, the registered weight is 68,000 pounds but only a capacity of 38 to

43,000 will be used. Mr. Ponziani stated he does not believe this will harm Ash Point Road. Chairman Multer moved to grant the permit to allow the maximum weight of 43,000 as outlined; motion passed 3-0. Ms. Doughty is not certain of the weight involved with the excavator and associated vehicle. Selectman Hawkes moved, seconded by Selectman Henderson to exempt the excavator based on the Road Commissioner recommendation. The Board discussed that based on some figures given by the Road Commissioner; the excavator may fit within the chart and be exempt. Selectman Hawkes withdrew her motion. [Later in the meeting, Ronald Ponziani, Road Commissioner, stated the excavator for Ms. Doughty's project will weigh 59,000 pounds with 22 tires at 18" in width and will fit within the ordinance.]

**7. Consider Request for Proposals for Shoreland Zoning Consultant:** Carol Tukey, Town Planner, stated the Shoreland Zoning Task Force held its first meeting and currently has four appointed members, two recent applicants, leaving the need for three additional members. Ms. Tukey stated the Board has been provided with a draft request for proposals to hire a consultant to review the Town's shoreland zoning and she asked for suggested changes by the next meeting. Chairman Multer and Selectman Henderson provided suggested changes to be incorporated into the document for review at the next meeting. Chairman Multer stated it was important to get concerned parties involved and that invitations to the public forums should be sent to all licensed shellfish harvesters and lobstermen.

**11. Open Boat Bid Packages:** Administrator Eiane stated that there was an error discovered today in the advertisement for the marine patrol package that listed the outboard as a 70 hp Johnson and it is a 60 hp Yamaha. David Mercier, Harpswell Neck Fire Chief, stated anyone who inspected the package would have been aware of the discrepancy. Chairman Multer stated she did not want to open the Marine Patrol boat bids and instead wants it re-advertised and the bidders contacted to let them know. The Selectmen opened the following bids for the Utility Boat Package: William Proctor \$755; Kirk Alexander \$728; Jason Gaudet \$111; Tom Cloutier \$700; and Tom Griffin \$400. Chairman Multer moved, seconded by Selectman Hawkes to award the utility boat package to William Proctor for \$755.00; motion passed 3-0. Selectman Henderson moved, seconded by Selectman Hawkes to re-advertise the marine patrol package and inform the bidders; motion passed 3-0.

**6. Consider Memorandum of Agreement with the State Planning Office Re: Aerial Maps:** Selectman Henderson asked if the Town's system had enough capacity to handle the resulting GIS data; Deputy Administrator Sawyer responded affirmatively. Selectman Henderson moved, seconded by Selectman Hawkes to enter into the Memorandum of Agreement for the aerial photographs; motion passed 3-0.

**8. Consider Accepting Pumpout System Grant and Sole Sourcing for System:** Administrator Eiane stated that Town Meeting voted to accept the grant of \$29,000 for a pumpout float to be located in the waters of Cundy's Harbor. By combining this grant with donations from Holbrook Community Foundation, there will be no cost to the Town until 2014, which will then be for pumping. Selectman Henderson asked why the item is recommended for sole sourcing instead of bidding. Deputy Administrator Sawyer responded that Harbor Technologies is the only local company that produces these specific floats and has done so for the Great Island Boatyard, Dolphin Marina and Paul's Marina. Administrator Eiane stated the grant application that was submitted to the State included this vendor's information for the system. Selectman Hawkes moved, seconded by Chairman Multer to sole source with Harbor Technologies; motion passed 3-0.

**12. Consider Contract with Coastal Humane Society:** Deputy Administrator Sawyer stated the contract price and provisions are the same as the 2011 contract. Selectman Hawkes moved, seconded by Chairman Multer to sign the contract; motion passed 3-0.

**13. Consider Cumberland County Contracts for Law Enforcement and Marine Patrol:** Selectman Hawkes moved, seconded by Chairman Multer to amend the Marine Patrol Contract by adding language about maintaining a log of hours when the boat is in use; motion passed 3-0. Chairman Multer moved, seconded by

Selectman Henderson to approve the amended contract [\$214,979.76]; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to approve the law enforcement contract [\$341,156.64]; passed 3-0

**14. Other Business:** Selectman Hawkes stated she was contacted by David I. Chipman regarding the grant restriction at the playground area located at West Harpswell School. She asked if the Town wanted to consider keeping the restriction and moving it somewhere else in Town. Selectman Henderson stated the restriction was based on a grant to MSAD #75 through the State Department of Conservation. Selectman Henderson stated the Town can choose to place restrictions on Town-owned properties, subject to Town Meeting approval, without having this MSAD 75 restriction. Robert McIntyre stated the simplest way to have addressed the transfer from MSAD 75 to the Town would have been to sign the agreement accepting the restriction and move the area somewhere within Harpswell instead of MSAD 75 moving it to Topsham. Administrator Eiane noted that MSAD 75 was the grantee and the Board of Selectmen may not have had the authority to sign the agreement accepting the restriction in perpetuity without Town Meeting approval. Selectman Henderson asked Mr. McIntyre what his functional point was; Mr. McIntyre responded that it would have saved the Town some legal expenses.

The Board reviewed the street light change application proposed by Selectman Henderson. Chairman Multer stated the application should be further reviewed at the next meeting once information from Central Maine Power is obtained. Selectman Henderson reviewed his proposal to add a general language condition to the wharf Notice of Decision regarding tying up large vessels.

**15. Public Comment:** None.

**16. Authorization of the Warrants:** Selectman Henderson moved, seconded by Selectman Hawkes to approve warrant #14 in the amount of \$67,806.83; motion passed 3-0. Payroll warrant #11 in the amount of \$15,114.54 was noted for the record.

**17. Administrative Matters:** 1) **Orr's Island Bridge Lease Agreement Process:** Deputy Administrator Sawyer stated the existing leases with wharf owners at the Orr's Island Bridge expire April 30, 2012 and asked if the Board wanted to send out renewal leases with the same terms as last year; the Board responded affirmatively. 2) **Scheduling:** The Board scheduled the following meetings: March 27 at 9:00 am as an executive session with Harpswell Oceanic Center and the Town's negotiator; April 3 at 9:00 am to meet with the Town Attorney and Town Planner regarding the Mobile Food Handler's Ordinance and West Harpswell School uses; and April 4 at 6:30 pm as a workshop with the consultant who prepared the Mitchell Field preliminary infrastructure report.

Administrator Eiane noted the warrant included \$679.74 in additional costs associated with West Harpswell School expenses that occurred prior to Town Meeting.

**18. Adjournment:** The meeting was unanimously adjourned at 9:15 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachments:

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