

**Board of Selectmen's Meeting Minutes**

**March 28, 2013**

**Harpswell Town Office**

**Approved on April 25, 2013**

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**Call to Order and Pledge of Allegiance:** Cub Scout Pack 642 led the 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; Marguerite Kelly, Treasurer; and Bill Wells, Code Enforcement Officer/Local Plumbing Inspector

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

**1. Adoption of the Agenda:** Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by moving item 9 under administrative matters to schedule a meeting; and to consider taking up item 8 upon arrival of Senator Gerzofsky; motion passed 3-0.

**2. Public Comment:** Robert McIntyre stated he provided the front desk with a written guide on how to control the winter moths and the Conservation Commission will be updating its information as well. People using a professional arborist should follow that information and those who have banded trees on their own should remove the bands.

**3. Town Administrator's Report:** Administrator Eiane reported that employee Jared Ricker at the Recycling Center has submitted his resignation as of April 1 to pursue other opportunities. Selectman Hawkes asked if the position will be filled; Deputy Administrator Sawyer responded the Manager will address that and noted that if the Board confirms converting to single-stream the position may not be needed. Chairman Multer moved, seconded by Selectman Hawkes to accept Mr. Ricker's resignation; motion passed 3-0. Administrator Eiane reported that Steve Normand, Town's architect for the emergency services building, is scheduled to present to the Planning Board in April and recommended the Board waive the associated fees. Chairman Multer moved, seconded by Selectman Hawkes to waive all Town fees associated with this project; motion passed 3-0.

**Holding Tank Application, Map 28, Lot 68:** Bill Wells, Local Plumbing Inspector, stated Mr. Cotter has a pit privy for black wastes proposed to be replaced with a holding tank. Chairman Multer asked what the proposed distance from the tank to the ocean is; Mr. Wells responded 80 feet. Chairman Multer asked if it was permissible to be less than 100-feet; Mr. Wells responded he's obtained State approval. Selectman Hawkes asked what the difference is between a holding tank and a septic tank; Mr. Wells responded a holding tank holds all the wastes and is pumped out and disposed off-site and a septic tank holds solid wastes while the gray wastes proceed into a septic field. Chairman Multer stated she prefers to table this item since there is a lot of history surrounding the property and past applications and the information was just provided to the Board. She asked if a water meter can be installed to monitor usage; Mr. Wells responded it is not typical on residences. Selectman Daniel agreed to table and asked how many holding tanks there are in Harpswell and what type of material the holding tank is made of. Mr. Wells responded he does not know how many there are and the material is concrete. Mr. Cotter expressed disappointment with his application being tabled and provided his history of past events regarding his situation. The Board tabled this item by a vote of 3-0. The Board agreed to discuss scheduling a special meeting for this item under administrative matters.

**4. Selectmen's Announcements:** Chairman Multer announced anyone interested in attending the Harpswell Coastal Academy is able to do so without a tuition cost as Charter Schools are part of the public school system.

**5. Consent Agenda:** Selectman Daniel moved, seconded by Chairman Multer to approve the minutes [of 3/14/13] and appointments [William Wells as Code Enforcement Officer, Local Plumbing Inspector and Maine

Uniform Building and Energy Code Inspector and Jason Marshall as Alternate Code Enforcement Officer from April 1, 2013 to March 31, 2014]; motion passed 3-0.

**6. Bond Bank Resolution:** Marguerite Kelly, Treasurer, stated the Town authorized a one million dollar borrowing for roads which will include work on Thompson, Shore Acres, Hildreth, Wharf and Long Point Roads. In February, the Board approved the submission of an application to the Maine Municipal Bond Bank for the borrowing, which has been approved. The Town's bond counsel has asked for the Board to adopt this resolution which authorizes: the Treasurer to execute the loan agreement; the Board of Selectmen to approve and authorize the sale of the bonds; the Treasurer to accept the interest rate and assures the Town will not use the money for a taxable purpose. Chairman Multer moved, seconded by Selectman Hawkes to adopt the resolution; motion passed 3-0.

**7. Auditor's Report on 2012 Financial Statements:** Kathy Tyson, of Runyon Kersteen and Ouellete, reviewed the highlights of the Town's 2012 financials and the audit process. She stated Harpswell is on a calendar year and to have an auditor's report dated January 31 is outstanding. Ms. Tyson thanked staff for preparing the financials and assisting throughout the process.

**8. Signage Proposal Presented by Senator Gerzofsky:** Senator Gerzofsky stated the Transportation Committee killed all proposed sign bills except for LD 712, which was tabled to allow this presentation. Senator Gersofsky stated he submitted the bill on behalf of the business community and Selectmen and has since learned that the signs cannot be on the interstate and he offered alternatives. The Senator reviewed his proposals for the placement of 9 new signs in Topsham, Brunswick and Harpswell directing people to Harpswell. David Bernhardt, Department of Transportation (DOT) Commissioner, explained every state DOT uses the same guide regarding signs, the Manual on Uniform Traffic Control Devices (MUTCD). Guidelines for signs on the interstate are strictly followed and signage on secondary roads can vary. On the interstate there can only be two names on a guide sign and the towns should be a direct exit such as Topsham and Brunswick on the Route 196 exit. Maine is against sign proliferation and the legislature is working on a policy. Gail Kass noted the new sign in Brunswick directing people to Harpswell has the incorrect mileage; Mr. Bernhardt stated he will check into that. Selectman Hawkes questioned the two town limit on signs and cited examples of not following the rules such as Boothbay region. Mr. Berhardt stated Route 123 and Route 24 do not intersect with the highway and therefore cannot have a sign on it. Ms. Kass stated Harpswell is geographically unique and should have an exception for signage. Senator Gerzofsky stated signs on the interstate are not allowable and he worked out a better plan with 9 additional signs in better locations. Ms. Kass stated she appreciated the additional signage and provided a history on the difficulty of locating Harpswell through incorrect internet sites, signage and maps. Representative Jeremy Saxton thanked Senator Gerzofsky and Commissioner Bernhardt for their efforts and asked if a sign for the Harpswell Region would work. Senator Gerzofsky noted the legislative's mood is for no more signs. Robert McIntyre asked everyone to think about getting an institutional sign. Chairman Multer stated the Board will continue to consider alternatives and suggestions. Eric Smith asked when the 9 new signs will be installed; the Commissioner responded by summer's end. Administrator Eiane suggested Harpswell could be added to Route 1 signange near the Cook's Corner exit. Chairman Multer thanked the Senator and stated she looked forward to the new signs.

**9. Cedar Beach/Cedar Island Supporters:** Removed.

**10. Harpswell Coastal Academy (HCA):** John D'Anieri, Head of HCA, thanked Town Office staff and previous Selectman Henderson for their assistance. Mr. D' Anieri announced HCA enrollment target of 60 was met today – with the approximate two class sizes of 36 and 24. 20 students are Harpswell residents and 11 are currently home schooled. Mr. D' Anieri stated he believes the former West Harpswell School would be a good home for HCA for the next three years and possibly long-term. There are different options for negotiations for use such as: 1. as a traditional commercial lease that can include different ways to address budget costs; or 2. can

sell the property to HCA for \$1 similar to Cornville, which may be difficult for three years. Mr. D' Anieri stated HCA has reviewed the Westra and WHS Work Group Reports and performed a walk through. The apparent issues are the windows, roof and possibly the boiler. These items would need to be covered in a lease. He assumes HCA will be co-tenants with the Ash Point Community Library (APCL) and Town recreation programs. The lease and budget costs need to fit within the State budget for HCA which is based on a State formula and he noted the legislature is discussing this formula in the next couple of weeks. HCA would like to have a Memorandum of Agreement by May 1 to fulfill its requirements with the State Charter Commission. Chairman Multer asked if HCA wants to rent the whole building and then work out the details with recreation and APCL; Mr. D'nari responded he prefers to rent most of the area instead of by square footage. Mr. D' Anieri stated the necessary upgrades relating to specific educational uses such as the kitchen, desks etc are included in the HCA's budget of \$480,000. Chairman Multer asked how Mr. D' Anieri believes the State Fire Marshall's inspection will go; he responded conditions that existed under the most recent use can typically be grandfathered. Mr. D' Anieri stated he would like to get Servpro to obtain a air quality read of the building. Administrator Eiane suggested storm windows could be installed instead of replacing the windows at an estimate of \$60,000. Mr. D' Anieri stated if HCA can work under the assumption of a long-term use it can invest funds. Selectman Daniel asked if HCA needs just two classrooms and the common spaces; Mr. D' Anieri responded that can be worked out and if it makes more sense to close off some rooms that could be done. Also use of the outside areas to grow things and maybe have a greenhouse would be desired. Administrator Eiane asked the Board to consider having one Selectman work with staff on developing a memorandum of understanding which would come back to the full Board for consideration.

**11. Consider Changes to Personnel Policy:** Deputy Administrator Sawyer stated the Board asked staff to develop a proposed amendment to establish a Town contribution for insurance coverage of part-time employees. This proposal suggests a Town contribution of 80%, only towards the single premium for part-time employees. Chairman Multer stated this is not unprecedented as the Town contributes 80% of the single premium for the Road Commissioner, Selectmen and Treasurer. Additionally, an employee submitted a request to the Board regarding changing the process in which an employee classification is determined for purposes of calculating sick, holiday and vacation time. This proposal changes the determination of average hours from a quarterly basis to annually: full-time is annual average of 37.5 hours per week; regular part-time is the annual average of 30 – 37.49 or 20 to 29.99; vacation, sick and holiday pay are based on the hours worked range. Additionally, if a full-time employee's average is below 37.5, changing the class to regular part-time, under this proposal the employee will not lose health benefits unless the average is below 35 hours. Each hourly employee was notified of the proposals and was asked to bring any concerns or questions forward. The original suggestion from an employee was made since different departments work more hours during certain times of the year and less during others. Using the annual average will even out the peaks and dips in hours. Selectman Hawkes moved, seconded by Chairman Multer to accept the proposed amendments; motion passed 3-0. Deputy Administrator Sawyer stated if an employee classification status changes, such as if a full-time position is specifically reduced to part-time, the accruals would be effective upon the change. The Board agreed.

**12. Liquor License Renewals: Estes Lobster House Tax Map 18, Lot 108 and Cook's Lobster House, Tax Map 26, Lot 2:** Deputy Administrator Sawyer stated the Code Office confirmed that each entity is compliant with Harpswell ordinances and there have not been any alcohol related incident calls to Cumberland County Sheriff's Department for either entity. Chairman Multer noted the reference to being within two miles of a school on the application for Estes has to be corrected as West Harpswell School is currently not a school. Selectman Daniel asked if the checking with Cumberland County included any alcohol related issues such as serving to minors. Deputy Administrator Sawyer responded she believes so but that staff will make the request more clear for future requests. Chairman Multer moved, seconded by Selectman Daniel to approve both renewals; motion passed 3-0.

**13. Consider Cumberland County Contracts – General Law and Marine Patrol:** Administrator Eiane stated both contract terms are from April 1, 2013 to March 31, 2014. The law enforcement total is \$360,553.73 and includes a new vehicle. Chairman Multer stated the costs were getting to be a lot and stated the costs need to be compared to the Town doing it itself. Administrator Eiane stated Cumberland County provides other services above the law enforcement officers such as detective services, lab, special patrols etc. Administrative Eiane noted some communities have disbanded their own police departments to go to a County contract arrangement. Selectman Hawkes and Chairman Multer agreed to sign the contract and look at different options. Administrator Eiane reviewed the Marine Patrol contract and the proposed changes to address one marine patrol officer using the boat with the Harbormaster as the operator and to be more specific about cove surveys. Selectman Hawkes expressed concern about adding duties to the Harbormaster and stated the Town pays \$188,000 for this contract and the wardens should be responsible for the boat patrol. She prefers there be language about how the boat has to be used on a weekly basis. Administrator Eiane responded that tide coverage would be less which Selectman Hawkes agreed to as long as it was for boat usage. Chairman Multer asked what tide coverage was; Administrator Eiane responded check clam flats, licenses, clam size, perform water quality tests and being available for 10 tides per week plus general law enforcement if needed. Chairman Multer moved, seconded by Selectman Daniel to approve both contracts. Selectman Hawkes asked how the boat usage can be addressed. The Board agreed to discuss usage in a side letter or memorandum of understanding. Motion passed 3-0.

**14. Midcoast Economic Development District Preliminary Project Proposal:** Administrator Eiane stated Harpswell is part of a federal economic district and therefore eligible for federal funding that flows through this district. This submission is an attempt to get on the radar for economic development for certain projects in the region. The preliminary application is seeking funding for infrastructure at Mitchell Field. The Deluca-Hoffman report was used to provide costs and recommendations for soil testing, roadway improvements and a water system. Chairman Multer asked what the plan for the site entrance is. Administrator Eiane stated the Town can petition the Department of Transportation to reduce the speed limit and trim bushes for better visibility near the existing entrance. The application may not be the strongest in the pool since Harpswell does not have a specific business at this time. The end goal of this funding is to mobilize mid coast Maine for businesses. Harpswell is promoting fishing, aquaculture, research and development. This request is for funding ranging from 2.5 – 6.5 million. Chairman Multer moved, seconded by Selectman Hawkes to approve the application submission; motion passed 3-0.

**15. Consider Coastal Humane Society Contract:** Deputy Administrator Sawyer stated this contract is the same as the past two years, including holding the price at \$6,286.80. State law requires municipalities to have a place to take unclaimed domestic animals and the Humane Society is Harpswell's location. Chairman Multer asked for a summary from the Animal Control Officer on how often the Society is used for government use. Chairman Multer moved, seconded by Selectman Hawkes to approve the contract; motion passed 3-0.

#### **16. Request for Proposals**

- **Backhoe Tires:** This is to replace the rear tires for the backhoe at the Recycling Center/Transfer Station. Chairman Multer moved, seconded by Selectman Daniel to authorize the RFP; motion passed 3-0. Selectman Hawkes asked what the Manager found about free tire removal at the Facility; Mr. Cantu will respond at a later time.
- **Ramp for Pott's Point Dock:** Administrator Eiane stated the Town's permitting agent Joe Leblanc last year recommended replacing the ramp and lengthening it for safety. He included the longer ramp in the permit applications with all the agencies. The funds were budgeted and approved at the March 2013 Town Meeting. Selectman Daniel asked what will be done with the existing ramp; Deputy Administrator Sawyer responded it was not in the best condition but believes it may be sold and will confirm with the Harbormaster. Chairman Multer moved, seconded by Selectman Hawkes to authorize the RFP; motion passed 3-0.

**17. Consider Accepting a Gift to Be Used at the Harpswell Community Garden:** Deputy Administrator Sawyer stated Mr. Woods is donating mobile watering systems for use at the Garden with the condition that if it does not work well the items be returned to him. Chairman Multer moved, seconded by Selectman Hawkes to accept the gifts with the clarification on the items; motion passed 3-0. Items are: caddy, backpack sprayer, and a rechargeable sprayer.

**18. Committee Appointment and Selectmen Liaisons:** Chairman Multer moved, seconded by Selectman Daniel to appoint Ellen Shillinglaw to the Budget Advisory Committee from March 28 to April 20, 2014; motion passed 3-0. The Board discussed liaison responsibilities and agreed as follows:

**Ellie Multer**

- Board of Appeals
- Budget Advisory
- Emergency Services Strategic Planning
- Planning Board
- Mitchell Field Implementation

**Rick Daniel**

- Comprehensive Plan Implementation
- Conservation Commission
- Energy Committee
- Fire and Rescue
- Town Lands
- Shoreland Zoning Review

**Alison Hawkes**

- Emergency Vehicles
- Harbor & Waterfront
- Marine Resources
- Recreation
- Recycling

**19. Other Business:** Administrator Eiane handed out the volunteer firefighter and emergency personnel policy details and stated in addition to the worker's compensation, this policy covers the volunteers from door to door on a call, when performing assigned maintenance and while on special activities such as parades. The Board questioned the status of the bill relating to this topic; staff will check. Administrator Eiane noted the volunteers expect this coverage and it was budgeted for. The Board agreed. The Board reviewed and approved the proposed poster for placement at the Brunswick Train Station.

**20. Public Comment:** There was none.

**21. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #15 in the amount of \$178,756.00; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #16 in the amount of \$13,650.00; motion passed 3-0. Payroll warrant #13 in the amount of \$18,125.20 was noted for the record.

**22. Administrative Matters:** The Board approved a purchase order to order computers from Dell totaling \$4,792.75. The Board set April 3 at 5:30 p.m. to meet in executive session with the Town attorney regarding Cedar Beach, followed by open session. The Board set Friday, April 5 as a special meeting to consider the Cotter holding tank application at 3:30 p.m. or 2:30 p.m. if the attorney cannot meet on April 3. Chairman Multer will work with staff on an agreement with HCA.

**23. Adjournment:** The meeting was unanimously adjourned at 9:35 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

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