

Board of Selectmen's Meeting Minutes

March 29, 2012

Harpswell Town Office

Approved on April 12, 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. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by moving item 8 to 5.5 and adding two items under Other Business: LD-849 and Business Friendly Community Program; motion passed 3-0.

2. Public Comment: There was none.

3. Town Administrator's Report: Administrator Eiane reported the workshop regarding the Mitchell Field Infrastructure Study that was scheduled for April 4 must be rescheduled; the Board will consider dates under item 22. Administrator Eiane stated that the public can contact the Town Recreation Director with recreation related requests for use of West Harpswell School. Administrator Eiane announced the Town's annual shellfish lotteries will be held March 30 at 5:00 pm for residents and 5:30 pm for non.

4. Selectmen's Announcements: Selectman Henderson stated MSAD 75's Finance Committee held a meeting last week and invited representatives from the participating towns. The Committee shared the budget difficulties and indicated there were dire consequences on the horizon if the local tax contribution was unchanged. Selectman Henderson stated that Harpswell Selectboard members expressed a desire not to cut essential services even if it resulted in a tax increase. In further support of that meeting, Selectman Henderson submitted a letter to the Times Record (printed in the March 29, 2012 edition) that provided his reasons for support. Selectman Henderson summarized the reasons in his letter and encouraged taxpayers to contact their School Board Members whether in agreement or not. Selectman Henderson stated he attended a Midcoast Economic Development District (MCEDD) meeting last week where the Governor's "Certified Business Friendly Community" Program was discussed. Based on the criteria involved, all communities may not be able to comply, which may have a negative effect on the entire area by creating a competitive situation between towns. MCEDD is discussing how the district can work together to create mutually favorable results for all. Selectman Hawkes stated she was very proud of Harpswell's representation at the District Finance meeting with all three Selectmen, Treasurer and Town Administrator attending. Chairman Multer thanked Selectman Henderson for his letter supporting education funding.

5. Consent Agenda Items: 1. Adopt Policy on Treasurer's Disbursement Warrants for Employee Wages & Benefits; 2. Approval of the minutes; 3. Consider Renewal Liquor Licenses for the Harpswell Inn and Estes Lobster House: Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda; motion passed 3-0.

8. Street Lights: Policy and Procedure Re: Requests and Status of Removals/Additions: Linda Hall stated the Board previously agreed to delay any street light removals to allow concerned citizens time to appeal and she asked if any appeals would be heard tonight. Chairman Multer stated that specific lights would not be discussed tonight and that only the policy and process would be. Administrator Eiane reported that based on the Board's earlier recommendations, she had informed Central Maine Power to begin the removals/additions on March 15 upon Town Meeting approval. Town Meeting approved the budget and CMP began the work on March 15 and at that night's meeting the Board voted to place a hold on the process. She notified CMP on Friday; however, about 13 lights had been removed and no complaints received about those particular changes. Jennifer Pickering asked

if there would be something for members of the public to respond to and asked how to stay informed; Chairman Multer responded there would be a way to register a complaint and interested persons can follow the Selectmen's agendas and minutes, Town website, or contact the Town Office. The Board reviewed the proposed amendments to the policy. Chairman Multer stated she is conscious of the significant discussion and vote at Town Meeting and she is not prepared to reverse the decision. Chairman Multer stated she could consider requests maybe once a year. David I. Chipman suggested the Board may want to consider adding "sharp curves" in the policy for where lights should be. Chairman Multer proposed an addition to the policy that lights should not be expected in all pedestrian areas as pedestrians should be using reflectors and/or flashlights. CMP will install new lights at no cost and will remove lights at no cost as long as they have been in existence for a minimum of 15 years. Maryann Nahf stated that headlights do not pick up a pedestrian's reflectors in a curve and that the island in the middle of the Mountain Road and Harpswell Islands Road intersection is not visible. Jackie Merrill stated the once a year timeframe for reviewing requests may be sufficient after an initial request period. The Board discussed that the 2012 budget was based on the net reduction in lights starting in March and that the budget may ultimately be exceeded. Michael Dana stated there are many ways to conserve energy such as replacing the lights with the more energy efficient types. Selectman Hawkes stated that when the Board visited the lights, her decision was based on safety not cost. Chairman Multer stated there is an issue with light pollution and she does not want Harpswell to look like Brunswick. Selectman Henderson summarized the policy changes and how a request will have to be supported by evidence. The Board agreed for staff to prepare the request form and final policy changes for the next meeting. David I. Chipman explained that the top number listed on a pole is the pole number and the other number may be the telephone company's identification.

6. Old Business: Consider Request for Proposals for Shoreland Zoning Consultant: Carol Tukey, Planner, stated the request for proposals has been provided to the Board and that Selectman Henderson provided a few amendments. Selectman Henderson reviewed his proposed changes and Chairman Multer noted she had minor technical changes. Chairman Multer emphasized the need for public input during this process, including reaching out to certain groups such as shellfish harvesters and meeting at different locations within the Town. Selectman Henderson noted the cover letter could include a statement about the Board's interest for active participation and ask vendors to be proactive in that area. Chairman Multer moved, seconded by Selectman Hawkes to approve the request for proposals as amended; motion passed 3-0.

13. Reconsider Extension for Winter Road Maintenance Contract: Chairman Multer stated the Board approved a three-year contract extension last November and then rescinded the extension in December and agreed to reconsider by April 1. Ben Goodall stated his company had its successes and failures this winter. While his company was not prepared in the early winter, he felt the second half of the winter went smoothly under the new leadership of Chuck Leonard. Mr. Goodall stated his company is prepared to provide quality winter road maintenance and suggested the Board consider a one-year extension that will provide confirmation to the Town. Additionally, Mr. Goodall suggested the new Road Commissioner could inspect his company's equipment prior to the new season. Selectman Henderson commended Mr. Goodall on his candor and for trying to correct the shortcomings and stated if the Board sent the contract out to bid, then Goodall Landscaping could bid again. Mr. Goodall stated he undertook a large investment and saved the Town money and believes he will continue to do so. Selectman Hawkes stated Goodall did perform better later in the season but that due to the disappointments with the quality of care and safety of the roads, she preferred to send the contract out to bid. Chairman Multer stated she could only consider a one-year extension or to send it out to bid. Selectman Henderson stated he would like any available data on winter-related accidents and suggested maybe considering the one-year extension to test the situation. Chairman Multer and Selectman Hawkes agreed that it is difficult to make a connection between the care of the roads and accident data. Ronald Ponziani, Road Commissioner, stated he heard a lot of complaints, including from the MSAD 75 Transportation Department, and encouraged the Board to send this work out to bid. Jackie Merrill stated as a bus driver she needs to know that the roads will be safe when she is transporting children and noted she has seen improvements recently. Chuck Leonard, Goodall crew chief, stated Goodall staff has done the best they can and suggested the Board may want a public works

department if it is looking for more control. Chairman Multer asked her colleagues if the contract should be bid for 1 or 3 years; Administrator Eiane noted the price is typically better for three years. Selectman Henderson noted the bid package and contract could mention that years two and three would be based on satisfactory performance. Mr. Goodall stated his company can do the work and asked the Board for the opportunity of a one-year extension. Chairman Multer and Selectman Hawkes agreed to send this to bid; Selectman Henderson stated he preferred to give Goodall a one-year extension to confirm performance. Ms. Merrill asked who was responsible for initiating road treatment; Administrator Eiane responded the contractor based on the contract. George Smith, Goodall driver, encouraged the Board to give Goodall a one-year extension as he feels the company has done a good job since Mr. Leonard took over and they can continue to do so. Mr. Leonard stated Harpswell's roads are complicated and now that Goodall's staff has conquered it, he believes quality care can continue with great response time. Mr. Goodall stated that based on what has been said by the Board, he wonders if he should bid and asked the Board again to consider the one-year extension. Chairman Multer moved, seconded by Selectman Hawkes to send the winter road maintenance out to a three-year bid; motion passed 3-0.

9. Consider Request to Relocate a House from Mitchell Field Area: Eric Field stated he was interested in relocating the former Navy house closest to the Harpswell Neck Fire Station to property on Allen Point Road. Mr. Field asked if the Board had any questions about his proposal outlined in his letter. Selectman Henderson stated the Board may want to consider sending this out for public bid. Chairman Multer stated she preferred to allow access to Mr. Field to see if he finds it worthwhile to proceed with his request. Administrator Eiane noted the Town applied for a grant to demolish the houses, which was not approved. Deputy Administrator Sawyer noted Mr. Field has already conducted an initial review and is seeking input from the Board regarding his request prior to incurring costs for a more formal review. Chairman Multer asked if Mr. Field would be willing to incur his expert's costs and return to the Board with an update with no promises; Mr. Field agreed. Chairman Multer moved, seconded Selectman Henderson to authorize Mr. Field access for a thorough review of the structure; motion passed 3-0. Selectman Henderson suggested the Board consider a request for proposals to remove one or both houses and remove could mean demolish or re-locate. Staff will prepare a draft for review at the next meeting.

7. Authorize Request for Proposals for Tax Anticipation Financing: Deputy Administrator Sawyer stated the Treasurer has provided a memo requesting the Board authorize her to request financial institutions to submit bids to provide tax anticipation note (TAN) financing with a maximum note amount not to exceed two million dollars. More information regarding exactly what is certified to the successful bidder will be provided to the Board later. Chairman Multer moved, seconded by Selectman Henderson to authorize the TAN bidding; motion passed 3-0.

10. Consider Request to Use Mitchell Field by the Harpswell Festival: Deputy Administrator Sawyer stated Harpswell Festival is requesting use of Mitchell Field on Sunday, July 29 for its annual event. Chairman Multer stated in the past, the Board has sponsored the Festival primarily to extend the Town's liability insurance coverage for the event. Since the Festival will provide its own insurance, Chairman Multer stated she preferred not to sponsor the event and Selectmen Henderson and Hawkes agreed. Chairman Multer moved, seconded by Selectman Hawkes to approve the application submitted by Harpswell Festival, Inc. for the Use of Mitchell Field for a community event on Sunday, July 29 conditioned upon the Town receiving proof of insurance that names the Town as additional insured prior to the event. In addition, the Board agrees to waive provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; and to allow amplification of sound, as described in the application, and the use of motorized vehicles; and requires that Harpswell Festival, Inc. be responsible for monitoring shorefront activity and preventing unauthorized access to the pier. The motion passed 3-0.

11. Conservation Commission's Guidelines for Sustainable Building and Landscaping: Maryann Nahf, chair of the Conservation Commission, stated the Commission has prepared these guidelines to help protect the

marine environment and waters. The material suggests things to consider when building in Harpswell such as the run off and grading. Selectman Hawkes noted the material will be great for those moving into Harpswell. Chairman Multer expressed concern about the length of the material and suggested preparing a summary to provide to builders and architects. Ms. Nahf noted the guidelines are focused on topics that need to be considered before starting to build. Selectman Henderson suggested promoting the sensitivity of the shoreland zone more. Chairman Multer moved, seconded by Selectman Hawkes to approve the guidelines; motion passed 3-0.

12. Consider Issuing Request for Qualifications Re: Road Maintenance: Administrator Eiane asked the Board to consider issuing a request for qualifications (RFQ) for road maintenance similar to last year. The new Road Commissioner believes that while the current list is a great list, he wants to see additional vendors. Chairman Multer stated she preferred to see the work spread around. Administrator Eiane stated that after obtaining prices, if one vendor provides competitive pricing and quality work, that vendor may receive more work. The Board was in consensus to send out the RFQ.

14. Consider Request for Proposals for the Marine Warden Boat/Motor/Trailer: Administrator Eiane summarized the request for proposals for the marine warden boat/motor/trailer and the electronics package, which is optional. Administrator Eiane noted the change in the length of the stokes stretcher area to approximately 6.5-feet. Chairman Multer suggested adding "purchasing" to the heading and first paragraph and the word "new". A change was made regarding the trailer brakes to ask for prices with and without brakes. Chairman Multer moved, seconded by Selectman Hawkes to approve the amended request for proposals; motion passed 3-0.

15. Consider Advertising for the Planning and Code Office Assistance Position: Administrator Eiane stated this is a full-time position with the person working part time in each of the Code and Planning Offices. The Town formerly had a full-time employee between the Planning Office and front desk but the workload has shifted to the Code Office, especially with the addition of the Maine Uniform Building and Energy Code in July. A job description has been developed. Administrator Eiane requested the Board consider authorizing staff to advertise for the position, interview candidates and make a recommendation to the Board of Selectmen which was moved by Selectman Henderson and seconded by Selectman Hawkes; the motion passed 3-0.

16. Consider Issuing a Request for Proposals for Mowing West Harpswell School: Deputy Administrator Sawyer stated this request for proposals is for regular seasonal mowing at West Harpswell School for one year or until a Town Meeting decision regarding the use of the property, whichever comes first. Selectman Henderson asked if the public can use the outside property; Administrator Eiane responded the area and playground continues to be used by the public as it has been in the past. The Board asked to review the current sign at the playground and any rules pertaining to Town-owned properties. Chairman Multer stated section 3 of the RFP should include the required insurance amount. Chairman Multer moved, seconded by Selectman Henderson to approve the RFP; motion passed 3-0.

17. Committee Appointments and Call for Volunteers: Chairman Multer moved, seconded by Selectman Hawkes to appoint Ned Perry, William Saxton, Jr., Walter Ward to the Shoreland Zoning Review Task Force to 2013; Sue Vachon to the Conservation Commission to 2014; Donald Miskill, Jr. to the Mitchell Field Implementation Committee to 2015; Donald Miskill, Jr. and Janel Johnson to the Recreation Committee to 2015; motion passed 3-0. The Board discussed the Comprehensive Plan Implementation Committee mission and will schedule a workshop with that Committee under Administrative matters. Chairman Multer moved, seconded by Selectman Henderson to accept the resignations of Chris Hall and Aaron Fuchs from the Comprehensive Plan Implementation Committee with thanks; motion passed 3-0. Deputy Administrator Sawyer read the list of committee openings and encouraged interested parties to apply. Each committee mission statement is available at the Town Office and on-line.

18. Acceptance of \$400 Gift from Maine Coast Heritage Trust: Chairman Multer moved, seconded by Selectman Hawkes to accept \$400 from the Maine Coast Heritage Trust with gratitude; motion passed 3-0.

19. Other Business: Business Friendly Community Program: Administrator Eiane stated Selectman Hawkes requested information on this program which has been provided. Selectman Henderson reiterated his concerns expressed earlier about the program as discussed at the Midcoast Economic Development District (MCEDD) meeting. Members are concerned about the amount of paperwork required to apply and not all communities may be eligible. Selectman Henderson stated the effects of a municipality applying and then being denied would be severe. Selectman Hawkes asked if the Town would still be eligible for grant funding if it was not part of this program. Selectman Henderson responded he believes a community would still be eligible but that those that are members in the program would receive extra points on its grant application to the Department of Economic Development. The Board agreed to invite Kristine Schuman, of the Maine Department of Economic Community Development, to a future meeting to explain the program. Selectman Henderson stated he would want to consult with MCEDD before making any decision.

LD-849: An Act to Provide Tax Relief for Maine's Citizens by Reducing Income Taxes: Chairman Multer suggested sending a thank-you letter to Senator Gerzofsky for voting against this LD as it will take a large amount from the State's general fund to lower taxes which forces the reduction of funding in other areas. Selectman Henderson noted it also shifts the burden from the income taxes to property taxes. Chairman Multer moved to draft a thank-you letter to Senator Gerzofsky. Selectman Henderson stated that some taxpayers may find it reasonable and suggested that the letter to Representative Olsen could outline why the Board opposes the LD and inquire as to her reasons for supporting it; Selectman Hawkes agreed. Chairman Multer amended her motion to send letters to both Senator Gerzofsky and Representative Olsen expressing the Board's view and asking theirs. Selectman Henderson seconded it and the motion passed 3-0.

20. Public Comment: None.

21. Authorization of the Warrants: Selectman Henderson moved, seconded by Chairman Multer to approve warrant #16 in the amount of \$187,310.73; motion passed 3-0. Payroll warrant #13 in the amount of \$13,160.29 was noted for the record.

22. Administrative Matters: The Board reviewed the abbreviated information packet for wharf applications and agreed to implement it. Chairman Multer moved, seconded by Selectman Hawkes to add language to the Notice of Decision for wharf systems regarding attachments to the system not becoming an obstruction to navigation; motion passed 3-0. The Board rescheduled the Mitchell Field infrastructure study workshop to April 24 at 10:00 am; scheduled a workshop to review goals on April 30 at 9:00 am and a workshop with the Comprehensive Plan Implementation Committee on April 26 at 4:00 pm.

Administrator Eiane stated the Board previously expressed an interest in sending the Town's insurance coverage out to bid and she wondered whether it was the right time with the issues relating to the Mitchell Field pier and the West Harpswell School. The Board agreed and opted to revisit the topic for the 2013-2014 term.

23. Adjournment: The meeting was unanimously adjourned at 9:47 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator