

**Board of Selectmen's Meeting Minutes**

**April 26, 2012**

**Harpswell Town Office**

**Approved on May 10, 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; William Wells, Code Enforcement Officer; Carol Tukey, Planner; Marguerite Kelly, Treasurer; and Jim Hays, Harbormaster

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: adding officials appointments to item 15; moving 4a to item 17 to discuss legislative matters; moving item 11 to after item 8; adding a possible appropriation referendum under item 17; and adding a discussion of Marine Resources Committee under item 15; motion passed 3-0.

**2. Public Comment:** None.

**3. Town Administrator's Report:** Administrator Eiane reported that a full-time position will be available at the Recycling Center/Transfer Station as Lester Goodwin is retiring. Whenever Town positions become vacant, operations are reviewed to determine if it is possible to implement changes and/or re-structure staffing to achieve efficiencies. Administrator Eiane stated there was a review of the facility's operations and options for change, including moving to single-stream recycling, however, at this time, it is suggested that there be no change to staffing or operations. Unless the Selectmen object, the full-time position will be advertised. Administrator Eiane announced that as part of the National Take Back Drugs day, the Town Office will be a medication collection site on Saturday from 10:00 am to 2:00 pm. She encouraged the public to drop off any unused medications to be properly disposed of.

**4. Selectmen's Announcements:** Selectman Hawkes thanked all the volunteers and the businesses that participated in the road side clean up day last Saturday.

**5. Consent Agenda: 1) Approval of the Minutes; 2) Accept \$100 from Harpswell Business Association for Town Lands & Landings Brochure:** Chairman Multer moved, seconded by Selectman Henderson to approve the consent agenda; motion passed 3-0.

**6. Consider Contract with Mid Coast Hospital for Paramedic Services:** Administrator Eiane explained that about a year ago, the Board appointed a committee to review the delivery of medical services in Town. The process involved expanding the Fire and Rescue Committee. After considerable review and discussion, the Committee's recommendation was to work with Mid Coast Hospital to develop a contract for dedicated paramedic service, Monday through Friday, 6 am to 6 pm as well as to continue with back up paramedic services. Lois Skillings, President of Mid Coast Hospital, introduced the Mid Coast staff responsible for developing and overseeing this program—David Hudson, Director of the Paramedic Program and Lori Allen, Director of Emergency Services. Ms. Skillings stated that while the dedicated paramedic is a new program to the Hospital, it has offered paramedic services to many towns for about 15 years. Selectman Henderson asked if the routine fueling and obtaining supplies mentioned in the contract will occur outside of the 6 am to 6 pm timeframe. Mr. Hudson responded the goal is that the paramedic will remain within Harpswell but at times, such as after a call, the paramedic may need to go to Mid Coast Hospital to refill supplies. Selectman Henderson asked about mutual aid. Mr. Hudson responded that Brunswick will respond if the dedicated paramedic and the back up paramedic are both on calls and the Town of Harpswell will pay Brunswick directly. Chairman Multer stated she was concerned that the Town will not own the vehicle at the end of the five years. Ms. Skillings stated a service is being provided, not a vehicle, and that the new vehicle will be rotated within the fleet to help extend the lives of

all the vehicles. Ms. Skillings stated she hopes the relationship will continue after the first five years and the vehicle will continue to be used as the goal is to cover costs, not to make money on the contract. Chairman Multer asked what was included in the equipment line for \$45,000. Mr. Hudson responded the defibrillator alone is \$34,000 plus other equipment. Selectman Hawkes stated she was very excited about this service for the Town and how it supports the volunteer departments; Ms. Skillings stated the Hospital staff is also excited. Chairman Multer moved, seconded by Selectman Henderson to approve the contract, subject to two typos that she will provide tomorrow; motion passed 3-0.

**7. Donald Toussaint Wharf Application, Map 45, Lot 93, 37 Guss Gully Road:** Bill Wells, Code Enforcement Officer, reviewed the proposal to add two floats to an existing wharf system with mixed use. Selectman Henderson asked if the public could traverse under the wharf; Mr. Wells responded the wharf has existed for many years and this proposal is only to add two floats. Selectman Henderson asked if the Town attorney reviewed the applicant's attorney's opinion regarding right, title or interest (RTI). Mr. Wells responded that is the protocol. Administrator Eiane stated she believes the Town attorney would not dispute another attorney's legal opinion as that attorney would need to defend it if there was an issue. The Board agreed it wanted the Town attorney to weigh in on the RTI issue. Tim Forrester, applicant's representative, stated he received an email from Jason Marshall stating the Town's attorney accepted the information. Jason Marshall, Code Officer Assistant, stated the work is being done at low tide over the State of Maine's property, requiring a submerged lands permit making the issue of RTI moot as the State owns that property. The applicant has applied for a submerged lands permit. The hearing was opened and closed at 6:38 pm. Selectman Henderson moved, seconded by Selectman Hawkes to approve the application and cited the findings for the notice of decision; motion passed 3-0.

**8. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her report for the first quarter of 2012 (attached).

**11. Consider Authorization for Harpswell Oceanic Center:** Administrator Eiane stated that Harpswell Oceanic Center (HOC) submitted a request for authorization to speak with certain entities, including preliminarily with the Planning Board, regarding its proposed plans for use of the Mitchell Field property. The Town attorney drafted a letter and Administrator Eiane sent it to Jack Sylvester, the Town's Marine Business negotiator, today. Mr. Sylvester suggested waiting since the Town and HOC have not agreed on lease terms. Selectman Henderson asked if the only issue is not having a lease; Administrator Eiane responded it is a policy decision, not a legal one. Chairman Multer stated she was inclined to wait as Mr. Sylvester suggested. Tony Barrett, HOC negotiator, stated HOC has contracts with Baker Designs and Wright Pierce for the site design work. The authority HOC has requested would allow it to meet with certain agencies, including Planning Board, for preliminary review prior to preparing formal applications. There are schedules in HOC's contracts that the consultants must meet and this will assist in maintaining the schedule. Selectman Hawkes and Selectman Henderson were in favor of authorizing HOC to proceed as there was no apparent downside. Chairman Multer stated HOC would be doing this on behalf of the Town which is unusual as HOC has no recognized right to the land yet. Additionally, there is time to make an application to the Planning Board. Selectman Henderson and Selectman Hawkes suggested additional language could be added to the letter to address Chairman Multer's concerns. Mr. Barrett stated it would be Baker Designs and Wright Pierce representing HOC and both entities have conducted work for the Town before in a professional manner. Carol Tukey, Planner, stated the Planning Board agenda for the May meeting will be set tomorrow; Chairman Multer responded HOC could be listed and then cancelled from the agenda if the Board does not reach a decision. The Board agreed to table this topic to speak with Mr. Sylvester on Monday after its two scheduled workshops.

**9. Consider Latest Draft of Mobile Food Handler's Ordinance for June Secret Ballot:** Carol Tukey, Planner, stated the Board's changes from the last meeting have been incorporated into this version plus Selectman Henderson has suggested a few additional changes. Selectman Henderson suggested clarifying that

only noise-reduced generators be allowed. Jonathon Burbank explained the different fuel sources for generators and the different noise levels. The Board agreed to change the proposed ordinance to allow generators upon Board approval. Administrator Eiane stated that if the Board adds this Ordinance to the June ballot, only non-substantive changes can be made after tonight. Chairman Multer moved, seconded by Selectman Henderson to approve the Ordinance as changed tonight and the associated land use ordinance amendments; motion passed 3-0. Administrator Eiane asked Ms. Tukey to clarify if the ballot will have two separate questions, one for the Ordinance and one for the associated changes; Ms. Tukey responded yes. May 2 is the Planning Board and Selectmen hearing on these proposals. While it is not required for the Selectmen to attend, it has been past practice in Harpswell. There will also be a hearing on May 24 regarding secret ballot items. Selectman Henderson noted he will be attending the Midcoast Economic Development District meeting on May 2 regarding the Business Friendly Community Program.

**10. Consider Request for Use of Mitchell Field for a Class Reunion:** Clifford Bailey stated he has applied for use of Mitchell Field for a family fun day relating to a 1972 Brunswick High School class reunion. The adult reunion is scheduled for the Friday at another location and the family day for Saturday at Mitchell Field. Mr. Bailey stated the event will begin at 11:00 am and end around 9:00 pm. A tent will be erected, extra port-a-potties placed, trash removal services have been arranged and barbecues will be used. Chairman Multer stated reunions tend to involve alcohol and she suggested the Board require a member of law enforcement be present. Administrator Eiane indicated she checked with Cumberland County and an outside entity can hire a detail at \$45 per hour. Chairman Multer moved, seconded by Selectman Henderson to approve the application with the condition that the applicant hire Cumberland County Sheriff's Department to cover the event from 4:00 pm to 9:00 pm and that the Board waives the fees outlined in the Group Use Policy. Chairman Multer stated if the ground conditions are extremely dry to be careful of the barbecues and Selectman Hawkes reiterated the pier is off limits. The motion passed 3-0.

**12. Consider Contract with Crimson Fire For Pumper/Tanker Truck:** Administrator Eiane stated this purchase is part of the capital plan with the Town purchasing the emergency vehicles for leasing to the three fire and rescue departments. This pumper/tanker is for use by Cundy's Harbor Fire Department. A request for proposals was sent out and the responses received had significant price differentials. They were reviewed by the Committee with the Committee recommending to proceed with Crimson. Jonathon Burbank stated the specific details and contract language have been finalized for the Board's review. Administrator Eiane noted there were a few changes in the specifications that resulted in a price increase of approximately \$6,700. Mr. Burbank explained the changes. Chairman Multer asked a question about training and Mr. Burbank stated the contract language was acceptable as there was additional language in the attached specifications. Selectman Henderson moved, seconded by Selectman Hawkes to approve the contract for \$279,290 with Crimson; motion passed 3-0.

**16. Old Business: Consider Work Order for Engineering of Bethel Point Road Culvert Project:** Selectman Hawkes asked what the life expectancy for the slip lining method is versus the concrete culvert. Ralph Norwood, of Gorrill Palmer Engineers, responded the replacement of the concrete culvert has a life span of 70 years and this slip lining method has a life expectancy of approximately 60-75% of the 70 years, about 40 years. Slip lining involves the use of grout and the road can remain open while this option is implemented. Chairman Multer moved, seconded by Selectman Hawkes to approve the work order for \$14,500 for engineering, surveying and permitting for the Bethel Point culvert; motion passed 3-0. Mr. Norwood indicated the surveying and wetland flagging will take approximately one month and then the preliminary design will be prepared and sent to the Army Corps of Engineers and Department of Environmental Protection for permitting. The work will have to take place in the winter due to the fish habitat.

**13. Open Responses to Requests for Proposals:** The following bids were opened:

- **Marine Patrol Boat Package:** Bamforth Marine \$55,194.16 plus two other options for \$60,987.76 and \$7,608.16; Jeff's Marine \$33,850; Port Harbor Marine \$75,157.80. The responses were referred to staff for review.
- **West Harpswell School Mowing:** Midcoast Mowing Services \$198 per mow; Coastal Landscaping \$125 per mow; Jerold's Landscaping \$200 per mow; Kenney Landscaping \$115 per mow; and Goodall Landscaping \$118 per mow. Staff stated the Town has satisfactory experience with Kenney Landscaping, the low bidder. Chairman Multer moved, seconded by Selectman Hawkes to enter a contract with Kenney Landscaping as the low bidder; motion passed 3-0.

**17.1. Consider Referendum Article for Funding for Mitchell Field:** Administrator Eiane stated the vote in June will include the MSAD 75 budget and the Mobile Food Handler's Ordinance. After the infrastructure meeting on Tuesday, at which a number of concerns were expressed about the pier, the Board may want to consider asking voters for funding to remove immediate hazards. Jim Hays, Harbormaster, stated he has solicited a number of bids to remove the gangways and associated work all to be done by barge. With the collapse of the north cell, Mr. Hays believes the same situation exists with the south cell. The estimates with different entities have been approximately \$18,000 without an offset for the revenue from the steel. Selectman Hawkes asked what happens if the need for more money arises to address additional dangers. Chairman Multer stated the Town could hold a special Town Meeting. Administrator Eiane noted a more definitive comprehensive review needs to be done for future decision-making. Mr. Hays stated he has been exploring grant funding that may be available. Chairman Multer moved, seconded by Selectman Hawkes to approve the article for the June ballot for an appropriation of \$25,000; motion passed 3-0.

**14. Consider Renewal Liquor License for Morse's Cribstone Grill, Map 26, Lot 6:** Chairman Multer moved, seconded by Selectman Henderson to approve the renewal license; motion passed 3-0.

**15. Committee and Officials Appointments:** Selectman Hawkes asked if each official has a job description; Administrator Eiane responded some are defined by statute or ordinance and she reviewed which positions are compensated. Selectman Hawkes requested the job description of the marine patrol. Selectman Henderson moved to appoint the following: seconded by Selectman Hawkes: William Wells as Code Enforcement Officer and Local Plumbing Inspector; Jason Marshall 911 Addressing Officer; Kristi Eiane and Linda Strickland as General Assistance Administrators; Terri-Lynn Sawyer as Health Officer; James Hays as Harbormaster; George Lee Johnson as Animal Control Officer; Judith Arndt as Alternate Animal Control Officer; Timothy Vail as Tree Warden; Louis Levesque as Sealer of Weights and Measures; David Mercier, William Beazley, Benjamin Wallace Jr. as Fire Chief of the respective departments; William Labbe as Emergency Management Agent; George Bradbury and Kyle Neugebauer as Shellfish Conservation Wardens; Frank True Jr. as Fire Warden; and Linda Strickland, Fred Cantu, Richard Wyer and Lisa True as Deputy Fire Wardens; motion passed 3-0. Deputy Administrator Sawyer explained there are two applications for the member at large in the shoreland zone for the Shoreland Zoning Task Force and the Board could amend its mission to allow both or keep it the same to allow only one with the other opening being a Marine Resource Committee member. She also explained the Planning Board has an opening for a full member with two associate applications to be appointed by the Board. Selectman Henderson moved, seconded by Chairman Multer to make the appointments as outlined, including appointing Debora Levensailor as a full member to the Planning Board and to amend the composition of the Shoreland Zoning Task Force; motion passed 3-0.

**17.2 Legislative Matters:** Chairman Multer stated Representative Olsen responded to the Board's letter regarding LD-849 and Geoff Herman from Maine Municipal Association offered comments on the same bill. Chairman Multer asked if the Board wanted to respond to Olsen regarding this topic. In the meantime, Mr. Herman sent a letter to towns today asking for support of a bond package, LD 894. Chairman Multer suggested the Board send a letter to its representatives supporting the bond package and forgo an exchange regarding LD 849. Selectman Henderson agreed the infrastructure, including roads and bridges, was very important. Chairman

Multer moved, seconded by Selectman Henderson to send letters to Representative Olsen and Senator Gerzofsky, with copies to the Appropriation Committee supporting LD 894; motion passed 3-0. Selectman Henderson noted the recommended limit of bonding versus the outstanding debt is well below the threshold.

Selectman Hawkes stated she is at a loss on how to get the Marine Resources Committee moving. Many times only a few members attend the meetings so there is no quorum. Administrator Eiane suggested sending a committee application with a cover letter to all commercial and recreational license holders encouraging them to apply. Mary Ann Nahf, chair of the Conservation Commission, acknowledged the difficulties with not having a quorum at meetings and at the Board's next meeting, she will be requesting the Board consider reducing the size of the Conservation Commission. The Board discussed the responsibilities of the Marine Resources Committee based on its mission and the Shellfish Ordinance. Selectman Hawkes expressed concern that the survey work on all the coves is not being done within a year. Administrator Eiane noted that surveying work is included in the Town's Marine Patrol contract with Cumberland County and that in the past generally a third of the coves were surveyed each year on a three-year rotational basis. Administrator Eiane will check on the contract language and obtain more detail on the surveying procedures.

**18. Public Comment:** None

**19. Authorization of the Warrants:** Selectman Henderson moved, seconded by Chairman Multer to approve warrant #20 in the amount of \$107,652.97; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Multer to approve warrant #21 in the amount of \$2,000; motion passed 3-0. Payroll warrant #17 in the amount of \$17,351.01 was noted for the record.

**20. Administrative Matters:** The Selectman agreed to review the mission statements for the committees they are liaisons to and then to schedule a special meeting for the Board to review each committee and mission. They also want to invite suggested mission statement changes from the committees. The Board signed a catering permit for Cook's Lobster House and leases for the wharf owners at the Orr's Island Bridge. Selectman Henderson asked how many families will be impacted by the Town now requiring proof of insurance for the summer and family swim programs. Applications are still being received but it is estimated at least 20. Selectman Henderson asked for information as to why Bowdoin College requires comprehensive health insurance instead of liability and whether the YMCA requires the same.

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

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachments: Treasurer's Report  
Committee Appointments

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