

Board of Selectmen's Meeting Minutes

May 10, 2012

Harpswell Town Office

Approved on May 31, 2012

Page 1 of 6

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

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

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 8.5 Consider Sole Sourcing for Public, Education and Governmental Equipment Financing; Ash Point Community Center applications and a discussion regarding the Town seal under item 19; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane asked the Board to consider endorsing the recommendation to hire Diane Plourde as the full-time planning and code office assistant at \$12.25 per hour with an effective date of May 21. Sixteen applications were received and five were interviewed in two sessions involving several staff members. Ms. Plourde is recommended for her strong secretarial background and customer service skills. Selectman Henderson moved, seconded by Chairman Multer to hire Diane Plourde as outlined; motion passed 3-0. Administrator Eiane stated that part two of the Code Office restructuring plan, primarily due to the addition of the Maine Uniform Building and Energy Code, is to promote Jason Marshall to the Alternate Code Enforcement Officer (CEO) position on an on-going basis. Mr. Marshall has been appointed as the Alternate during times of the current CEO's absence. Administrator Eiane recommended the Board appoint Jason Marshall as Alternate Code Enforcement Officer effective May 21 at a rate of \$19.67 per hour. Selectman Henderson moved, seconded by Selectman Hawkes to appoint Mr. Marshall as outlined; motion passed 3-0.

Administrator Eiane announced that absentee ballots are available for the June 12 election at the Town Clerk's Office. There is a municipal ballot asking voters to consider adopting the Mobile Food Handler's Ordinance and associated amendments and appropriating \$25,000 for emergency repairs of the pier at Mitchell Field.

Administrator Eiane noted that there were 90 participants with a total of 149 pounds of medication collected at the recent medication collection day. She thanked the staff and volunteers who helped facilitate the program. Federal funding for these collection days may no longer be available, however unused medications can be disposed off in the green medication collection boxes, one of which is located in the lobby of the Brunswick Police Department.

Administrator Eiane reported this was the second week with the dedicated paramedic service and she has been impressed with the professionalism of the paramedics and how well the program has started off.

4. Selectmen's Announcements: None.

5. Approval of the Minutes: Selectman Henderson moved, seconded by Chairman Multer to approve the April 26 and April 30 minutes; motion passed 3-0.

6. Consider Contract with Normandeau Associations for Shoreland Zoning Review: Carol Tukey, Town Planner, stated there were three responses to the request for proposals and the Shoreland Zoning selection committee, comprised of a few Shoreland Zoning Review Task Force members, interviewed all three consultants. The Committee is recommending the Board contract with Normandeau Associates and noted they plan to hold

several public outreach sessions, including at the local cafes and stores. Selectman Henderson asked if there was sufficient language in the contract to terminate the project if there is insufficient public participation. Chairman Multer stated lack of participation should not be a reason to cancel the project, particularly since public involvement is hard to achieve until Town Meeting. Administrator Eiane asked if there would be a Town-wide mailing announcing the planning events; Ms. Tukey responded that was not budgeted but she could look into it. Selectman Henderson stated the Board could ask for an update on the public outreach as it progresses. Chairman Multer asked if the certificate of insurance is required to name the Town as an additional insured; Administrator Eiane responded the Town Attorney indicated this is a low risk activity and proof of insurance should be sufficient. Selectman Hawkes asked why the contract includes a one-year workmanship guarantee; Selectman Henderson responded that if there is an error found within that time frame, the consultants would correct it. Chairman Multer moved, seconded by Selectman Hawkes to approve the contract with Normandeau [\$20,000]; motion passed 3-0. Ms. Tukey noted the first meeting with the consultant will be May 14 at 6:30 p.m.

7. Recycling Center/Transfer Station Matters

- **Consider Advertising for Seasonal Employee:** Fred Cantu, Manager, requested the Board authorize advertising for the Recycling Center seasonal position, for 5 days a week, 6 hours a day from July 1 to September 15. Chairman Multer moved, seconded by Selectman Henderson to authorize the advertising; motion passed 3-0.
- **Consider Issuing Request for Proposals for Scale Building:** Mr. Cantu stated he has previously been before the Board regarding the issues with the existing scale building and recently the Board authorized applying to the Planning Board for the new replacement building. Both the Planning Board and the Department of Environmental Protection have approved the project and the funding was appropriated at Town Meeting. Mr. Cantu asked the Board to approve the request for proposals for the new building with a minor change to add an exit sign. Chairman Multer suggested a few minor changes. Chairman Multer moved, seconded by Selectman Henderson to approve the request for proposals; motion passed 3-0.

8. Selection of Banking Institution for Tax Anticipated Note Financing: Marguerite Kelly, Treasurer, stated requests for proposals were sent to nine institutions and seven responded, with three declining and four bid responses. Ms. Kelly recommended accepting TD Bank's response for the \$2,635,000 financing at .81% interest. Selectman Henderson moved, seconded by Chairman Multer to accept TD Bank's response and adopt the resolution (attached); motion passed 3-0.

8.5. Consider Sole Sourcing for Public, Education and Governmental Equipment Financing: Marguerite Kelly, Treasurer, stated that at the Board's next meeting, David Chipman will present a list of necessary equipment for Harpswell Community Television and for the Town's media room. Town Meeting approved the funding through a capital lease-purchase agreement and the lease payment will be similar to the \$6,000 yearly grant the Town receives from Comcast. Ms. Kelly requested the Board authorize sole sourcing with Androscoggin Bank for the lease-purchase financing for three main reasons: 1. interest rates are so low and likely to be similar; 2. significant time would be added to process bids; and 3. the process could begin right away since Androscoggin is our current bank. Chairman Multer moved, seconded by Selectman Hawkes to sole source with Androscoggin for the lease-purchase financing; motion passed 3-0.

9. Business Friendly Community Program Presentation: Kristine Schuman, Account Executive, Midcoast Region Department of Economic and Community Development, reviewed the changes made at the State level to make Maine more business friendly and the Governor's proposal for a Certified Business Friendly Community Program (summary sheet attached) to encourage local friendliness. Selectman Henderson noted that the criteria for application review are still under development and that the State Community Development Block Grant Program awards points for certified communities; Ms. Schuman agreed. Selectman Henderson stated he was a skeptic about the Program but he likes certain aspects such as identifying resources and that a review of Harpswell's permit process would be helpful. Selectman Henderson asked if there was an issue with Harpswell

not having any growth zones; Ms. Schuman responded no since the Program is about supporting businesses. Selectman Hawkes noted Harpswell has numerous small businesses such as fishermen. Ms. Schuman noted the application is a lengthy detailed process that will cause one to look inward and evaluate. The Board agreed to have Administrator Eiane provide an outline and conceptual plan for the application process, including seeking input from other staff for a future agenda. Chairman Multer asked that the application be provided to the Harpswell Business Association to solicit input.

10. Consider Recommendation for Purchase of Marine Patrol Boat Package: Administrator Eiane stated Town Meeting appropriated funds for the Town's boat/motor capital account and three responses were received to the Town's request for proposals for a new marine patrol boat, motor and trailer. The Watercraft Task Force reviewed the proposals and is recommending the Board contract with Bamforths for its package, including a tow bit. Dave Mercier, Watercraft Task Force member, stated that Cumberland County has a no tow policy for its boat on Sebago Lake. However, due to the difference in water conditions from the lake to the ocean, Mr. Mercier recommends having a tow package to assist in dangerous situations and suggested adopting a policy at a later date. Jim Knight, Watercraft Task Force chair, noted it is more beneficial to add the tow package now as opposed to a later date since the area where the package will be installed will be built stronger for that purpose. Chairman Multer stated she wants the Board to adopt a policy prior to the boat being placed in the water. The Board discussed that the policy should allow towing in life and limb situations and that only drivers skilled in towing should do so. Selectman Hawkes asked if Deputy Bradbury was comfortable towing; Administrator Eiane responded a contract amendment may be necessary. Selectman Henderson stated for \$2,500, it was worth installing the package now for future planning. The Task Force recommends users of the boat be trained and that a maintenance schedule be followed. Mr. Knight suggested if the Board amended the Task Force's mission statement, it could consider a policy and training details. Selectman Henderson moved, seconded by Chairman Multer to enter into a contract with Bamforths for \$58,090.10 for the marine patrol boat package as outlined in the response and as amended; motion passed 3-0. Chairman Multer asked for staff to prepare a revised mission statement.

11. Consider Mitchell Field Community Garden Request for an Electric Fence and Acceptance of a \$1,000 Grant: Deputy Administrator Sawyer stated she received updated information from Jane Covey, Harpswell Community Garden Coordinator, and the request is to install a 480-foot solar powered electric fence that is 5-foot high, with the charge on the top wire, around plot one to keep animals out of the garden. The solar system can power the fence wire for 3-6 weeks without recharging. Ms. Covey suggested option two would be to install an 8-foot fence without electricity. Additionally, the New England Grass Roots Environment Fund has awarded the Town \$1,000 to cover the costs of the fence. David I. Chipman, Mitchell Field Implementation Committee and Community Garden member, stated the electric fence is most desirable as the raccoons will climb over the 8-foot fence. Mr. Chipman stated there is virtually not enough current in this fence to cause harm and signs will be installed at the site alerting the public. Selectman Hawkes asked that the Town insurance company be informed. The Board discussed that there should be a policy that clearly outlines the use and how to shut it off and when; Mr. Chipman agreed the Community Garden will be sure to post a use policy. Selectman Henderson moved, seconded by Selectman Hawkes to approve the electric fence as outlined and to accept the grant; motion passed 3-0.

12. Consider Issuing Request for Proposals for Graveyard Point Landing Project: Deputy Administrator Sawyer stated the Board previously approved an improvement plan for Graveyard Point Road and Landing to create parallel parking spaces, demarcate the property lines, change the vegetation on the top of the retaining wall, install additional signage and a bench and smooth the landing area for pedestrians to launch hand-carried boats. This request for proposals is for creating parking spaces (5 with the option of 2 more), installing landscape timbers on certain Town-property line areas, extending the road with gravel and installing four concrete planks to the high tide line. The signs, bench and vegetation will be addressed after this work. Deputy Administrator Sawyer explained that she applied to the Department of Environmental Protection (DEP) to have the concrete

plank area be 15-feet wide but it was denied as the limit for shore access is 6-feet wide. Therefore the four planks will be placed perpendicular to the shore to fit within the limit. The property owners on Graveyard Point Road were notified by mail of the project and one person called for more information. Chairman Multer moved, seconded by Selectman Hawkes to approve the request for proposals; motion passed 3-0.

13. Committees

- **Appointments:** Deputy Administrator Sawyer reviewed the list of applicants and noted that one is for the Harbor & Waterfront Committee, which is established by Ordinance and there are currently no vacancies. Ms. Sawyer stated the Chair of the committee, Paul Standridge, asked that the Board consider the appointment. The Board agreed the person could be appointed as a non-voting associate though the Ordinance does not call for an associate position. Administrator Eiane asked if the Board wanted to consider the applicant for the Marine Resource Committee, which will fill the last vacancy, or wait and send a letter to existing license holders, recreational and commercial, encouraging them to apply for the Committee. Selectman Henderson moved, seconded by Chairman Multer to appoint Michael Bernier, Sr. to the Marine Resources Committee to 2015; Robert Muller to the Mitchell Field Implementation Committee to 2013; Robert Muller to the Harbor and Waterfront as a non-voting associate to 2013; Donald Miskill Jr. as the steward of Mitchell Field; and Gina Perow as the steward of Giant's Stairs and Trufant-Summerton Athletic Field; motion passed 3-0. Selectman Hawkes asked that a letter still be sent to shellfish license holders and the Town will keep the applications on file.
- **Mitchell Field Implementation Committee Mission Statement:** Administrator Eiane stated the Committee also submitted its goals and an improvement plan for the bluff area and is requesting a workshop to review both. The Board agreed to schedule one during the administrative session. Chairman Multer suggested adding a line, "Each Committee shall adhere to the Committee Guidelines as revised from time to time and attached here", to the bottom of the proposed mission statement, and to every committee mission statement. Selectman Henderson moved, seconded by Selectman Hawkes to adopt the mission; passed 3-0.
- **Conservation Commission Membership:** Mary Ann Nahf, chair of the Conservation Commission, stated that despite extensive public outreach, the Commission is unable to reach full membership of 7. When some of the existing five members are unable to attend the meetings, often a quorum of 4 is not reached. The State statute states the Commission should have 3 to 7 members. Ms. Nahf asked the Board to consider reducing the membership size of the Commission to 5. Selectman Henderson moved, seconded by Selectman Hawkes to reduce the size to 5; motion passed 3-0.

14. Adopt Selectmen 2012 Goals and Objectives: Chairman Multer suggested a few minor changes to the list of goals and objectives (attached) and moved, seconded by Selectman Hawkes to adopt; motion passed 3-0. Selectman Henderson asked that the master plan for the Town Office area be placed on the next agenda.

15. Sign Special Town Meeting Warrant for June 12 and Set Public Hearing Date for Secret Ballot Items: Administrator Eiane stated the Board previously voted to place these articles on secret ballot and the warrant now needs to be signed and posted around Town. Selectman Henderson asked for summaries relating to the articles be made available at the Town Office and on-line. The Board agreed to change its May 24 meeting to May 31 so that the Selectmen can attend the MSAD 75 budget hearing. Selectman Henderson moved, seconded by Chairman Multer to set May 31 at 7:00 pm as the public hearing on the secret ballot items; motion passed 3-0.

16. Consider 2012 Wage and Salary Adjustments: Administrator Eiane stated that she has completed annual performance evaluations of all department heads and the department heads completed the reviews of their department members. This year, Administrator Eiane had Deputy Administrator Sawyer participate in the department head evaluations and each department head was asked what administration could do to help, which proved successful. Administrator Eiane noted all work performance was satisfactory and recommended a 2% raise for the staff, with a few exceptions and excluding herself pending her evaluation with the Selectmen. The Board previously endorsed the plan to budget for a 14% increase to the per diem rate for the Animal Control

Officer (ACO) and Alternate ACO. Another exception that the Board endorsed and included in the budget is for a 12% increase (\$10.71 to \$12.00) for the video filmer. Additionally, there was an exception for Jason Marshall, as approved earlier in the agenda. Chairman Multer stated she would like to consider setting aside a small amount of additional funds in the 2013 budget that could be distributed as merit pay for exceptional performance. Selectman Henderson stated the criteria might be difficult to establish but that he could consider the concept. Chairman Multer moved, seconded by Selectman Henderson to approve the wage and salary adjustments as listed; motion passed 3-0.

17. Accept \$5,400 in donations for the Pott's Point Wharf Additional Float: Selectman Hawkes moved, seconded by Chairman Multer to accept the \$5,400 in donations; motion passed 3-0. Administrator Eiane noted that since the Code Enforcement Officer and Harbormaster will be involved in the permitting process as staff, the Harbormaster recommended hiring Joe Leblanc to complete the float's design and necessary permitting. While the expenditure is within the Administrator's authority level, it was noted for the Board's awareness.

18. Consider Nominations for Maine Municipal Association's Legislative Policy Committee: Selectman Hawkes moved, seconded by Selectman Henderson to nominate Ellie Multer for the Maine Municipal Association's Legislative Policy Committee; motion passed 2-0 (Chairman Multer abstained).

19. Other Business: Ash Point Community Center (APCC) Applications: Administrator Eiane stated the APCC has submitted two additional use applications for West Harpswell School. One application is for the charter school group to meet on May 22 under the APCC and on-going monthly. Chairman Multer stated she prefers to wait to approve any on-going uses until a lease is finalized and fee structure considered. Administrator Eiane stated the second application is for a book and yard sale on July 14 and 15 and APCC is seeking approval now to allow time for advertising. Administrator Eiane stated APCC understands there could be a charge and that no Town-owned books are being sold. Chairman Multer stated the Board has to consider maintenance of the building and not leaving the care solely to volunteers. Chairman Multer moved, seconded by Selectman Henderson to authorize the use for the charter meeting on May 22 and for the yard/book sale on July 14 and 15; motion passed 3-0. Selectman Henderson asked whether a change in use from the school to the library/recreation use requires Planning Board approval; Administrator Eiane responded no since library and recreational uses were previously allowed. However, commercial use would require review.

20. Public Comment: None

21. Authorization of the Warrants: Selectman Henderson moved, seconded by Selectman Hawkes to approve warrant #23 in the amount of \$623,626.85; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Multer to approve warrant #24 in the amount of \$654.00; motion passed 3-0. Payroll warrant #19 in the amount of \$13,202.29 was noted for the record.

22. Administrative Matters: 1) Well Release Setback Form: Deputy Administrator Sawyer explained the Maine Subsurface Wastewater Disposal Rules (SSWDR) were amended and now if a septic system design seeks approval to be closer to an abutter's well than the existing system, the abutter is no longer required to sign a well release setback form giving approval of the system. Therefore, the affected abutter will no longer be notified or be part of the process. Mr. Newberg, a Harpswell site evaluator, has requested the Board consider notifying the affected abutter and he believes that the Local Plumbing Inspector (LPI) should challenge each septic application under such circumstances. Since the Rules changed, the LPI has verbally notified any affected abutters. Selectman Henderson and Chairman Multer discussed implementing a policy of notifying the abutters and agree that the LPI should explore design options; Selectman Hawkes preferred to not notify the abutters since Harpswell follows the SSWDR. It was pointed out that the notice could state that a permit has been issued and include information of the appeals process. Selectman Henderson moved, seconded by Chairman Multer to send affected abutters a notice of a permit issuance; motion passed 2-1 (Selectman Hawkes opposed). **2) Orr's**

Island Bridge Leases: The Board signed returned leases. **3) Scheduling:** The Board set the following meetings: 5:00 pm on May 31 for Administrator Eiane's evaluation; 9:00 am on May 21 with Elizabeth Davis, APCC, with an alternative date of May 22; 5:30 pm on June 4 to join the Mitchell Field Implementation Committee; and 6:00 pm on July 1 as the non-resident taxpayer meeting at Harpswell Community School. The Board discussed its process for reviewing committees and agreed to begin with the liaisons revising their committee mission statements and soliciting input from the committees by June 12. Additionally the all-committee meeting was set for June 26 at 6:00 pm. **4) Hildreth Road property planning:** The Board was provided model easement documents and agreed to schedule Reed Coles, Executive Director of Harpswell Heritage Land Trust, to come to the next meeting for discussion. **5) Catering Permit:** The Board signed a catering permit. **6) Town Seal:** Selectman Henderson asked for the status of the Town seal contest and Chairman Multer stated she preferred to speak to a local commercial artist about the best way to proceed and will report back. A purchase order for \$3,550 was signed to relocate the fence at Mitchell Field pier.

23. Adjournment: The meeting was unanimously adjourned at 10:05 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Tax Anticipation Borrowing Resolution
Certified Business Friendly Community Program Summary Sheet
Selectmen 2012 Goals and Objectives

[Attachments are available at the Town Clerk's Office or by email at harpswell@town.harpswell.me.us]