

**Board of Selectmen Meeting Minutes**

**May 30, 2013**

**Harpswell Town Office**

**Approved on June 13, 2013**

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At 5:00 p.m.; Chairman Multer moved, seconded by Selectman Hawkes to enter executive session pursuant to 1 M.R.S.A. § 405(6)(A) regarding a personnel evaluation; motion passed 3-0.

The Board returned to open session at 5:45 p.m. and recessed until 6:00 p.m.

**Call to Order and 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; Bill Wells, Code Enforcement Officer; Carol Eyerman, Planner; and Ronald Ponziani, Road Commissioner

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 adding 19.1 Consider Purchasing Green Crab Traps and 19.2 Consider 2013 Annual Salary Adjustment Re: Town Administrator; motion passed 3-0.

**2. Recognition of Eagle Scouts:** Selectman Daniel stated he wants to recognize the great work of three Harpswell Eagle Scouts – Max Johnstone, Ian Hathaway and Aaron Nordwall - and thanked Mac Henry for the suggestion to do so. Ian Hathaway and Aaron Nordwall described their joint Eagle Scout project, Troop 642, at Johnson Field Reserve that included repairing the fence, drainage issues, picnic table, repairing the barn, removing brush and cleaning the area. Ian and Aaron thanked their troop leaders, Richard Graves and Dale McGlaughlin, for their assistance. Max Johnstone stated his Eagle Scout project, Troop 202, was to restore the boathouse at Skolfield Shore that included repairing the concrete pilings, windows, painting, cleaning and improving the walkway and entrance. He thanked troop leaders Mike Farnsworth, Chris Bennett and Garey Hartley and he also thanked Ned Simmons, Howard Sylvester and Mac Henry. The Board thanked the Eagle Scouts individually for their work.

**3. Public Comment:** Robert McIntyre stated the parasitic fly that was released in Harpswell to help control the moths will be branching out next year. He suggested the Board may want to consider prohibiting spraying to allow the flies to work.

**4. Town Administrator's Report:** Administrator Eiane expressed appreciation to the Eagle Scouts and stated she was impressed by their projects. Administrator Eiane stated the Memorial Day Parade was a great event and thanked Shirley Thompson for organizing such a successful program. Administrator Eiane added the Harpswell Business Association was handing out event calendars. Funding for the printing of the calendars had recently been approved by the Board. She thanked Gail Kass for her efforts with the calendar. Administrator Eiane announced that tonight's meeting is being streamed live and can be viewed on portable devices; she encouraged the public to provide feedback.

**5. Selectmen's Announcements:** Selectman Daniel thanked Shirley Thompson for organizing the Memorial Day Parade and the Scouts for their service. Selectman Hawkes stated Ronald Webber passed away and she expressed condolences to the Webber family, noting how much the family does for the Town. Selectman Hawkes expressed sadness that Leon Ogrodnik also passed and noted how he always supported her. Chairman Multer stated she just received an announcement from Maine Municipal Association (MMA) regarding LD 865. Apparently the bill will eliminate the broad insurance protection that private companies and municipalities include in contracts. She wrote MMA for clarification on the possible effect to the Town and MMA responded that municipalities are now exempted from the prohibition.

**6. Consent Agenda:** Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda [4/3, 4/11, 4/16, 4/25, 5/6, 5/9, 5/15 minutes; summer swim contract with Bowdoin College; Harpswell Garden Club \$100 donation to the community garden; countersigned the MSAD 75 district budget warrant; advertising for temporary employee at Recycling Center/Transfer Station; Ratio Declaration and Reimbursement Form]; motion passed 3-0.

**7. Gary and Nancy Badger Wharf Application, 1306 Harpswell Islands Road, Map 35, Lot 162:** Bill Wells, Code Enforcement Officer, reviewed the application for a 3'x28' seasonal ramp and 8'x12' float. Steven Moore, property owner's representative, stated the Army Corps of Engineer and the Department of Environmental Protection have approved the project. Selectman Daniel asked if the ledges have been carved; Mr. Moore responded only for one beam. Chairman Multer asked if the public could pass under the ramp. Mr. Moore responded yes near the shore and Mr. Wells added the intertidal zone can be walked at any tide. Chairman Multer moved, seconded by Selectman Daniel to approve the application as the Harbormaster indicates there is no hazard to navigation and there is no apparent injury to the rights of others; motion passed 3-0.

**8. Planner's Update:** Carol Eyerman, Planner, summarized her activities, including working with the Conservation Commission on the Wallace Shore Road erosion project and with the Comprehensive Plan Implementation Committee (CPIC) on the conservation subdivision review.

- **Consider Recommendation and Contract for Conservation Subdivision:** Burr Taylor, CPIC chair, stated the Town received two responses to the request for proposals for consulting services relating to conservation subdivisions. The Committee interviewed both and was very impressed with one company and its ability to identify problems and find solutions. The Committee recommends contracting with Planning Decisions at \$14,880 which is also the lowest bid (other was \$15,000). Deputy Administrator Sawyer asked if the Board was prepared to proceed to consider the draft contract provided and authorize Administrator Eiane to sign. Administrator Eiane stated for full disclosure, the Town Planner is married to an owner of Planning Decisions and therefore has not been involved in this selection process. Chairman Multer moved, seconded by Selectman Hawkes to approve the contract with Planning Decisions; motion passed 3-0.
- **Shoreland Zoning Task Force Recommendations:** Mary Ann Nahf, chair of the former Shoreland Zoning Task Force, stated that, at a previous meeting, the Board discussed how to complete the work the Task Force set out to do. Ms. Nahf reviewed the outstanding issues. The first is to complete the review of the shoreline as the Task Force completed the lower 1/3 of the peninsulas last year. Ms. Nahf suggested 3 or 4 ad hoc members could continue the review with the tools that were learned from the consultant during last year's review. Administrator Eiane stated ad hoc would not work as the members would need to be appointed with a clear mission and the meetings advertised and open to the public. Administrator Eiane asked if the Planning Board could do this review in workshops with certain members of the public. Ms. Eyerman responded it would be too cumbersome as the Task Force members have the experience to continue with the project. Ms. Nahf stated five members have expressed interest in continuing – herself, Bruce David, Jim Knight, Bill Saxton and Ellen Shillinglaw. Chairman Multer moved, seconded by Selectman Hawkes to continue with the Shoreland Zoning Task Force, with the named 5 members, to complete the shoreline review part of the mission statement; motion passed 3-0. Ms. Nahf reviewed the other issues and suggested who could continue with each one: identification of major fishing docks – Planning Board; zoning of the cliff at Mitchell Field – Mitchell Field Implementation Committee; home occupations in relation to commercial fishing – Planning Board; stream changes/identification – Planning Office and Conservation Commission; fresh water ponds – Conservation Commission; 15.11.13 regarding septic systems – Code Officer. Ms. Eyerman recommended hiring Normandeau Associates to assist with the stream project and \$1,500 has been budgeted for that purpose.

**10. Public Hearing Regarding Bandstand Article on June 11 Secret Ballot:** The hearing was opened at 7:00 p.m. Selectman Hawkes read the ballot article. Dan Huber stated the Harpswell Community Bandstand Organization was formed to collect funds and build the bandstand. The project is complete and the bandstand will be turned over to the Town on June 16 with a dedication ceremony. It has been the intent of the Organization for self funding through fundraising and donations with no cost to the public. With the Organization disbanding, Mr. Huber hopes the new Bandstand Committee, 5 at large members, 1 from the Recreation Committee and one from the Mitchell Field Implementation Committee, will continue with the no cost to the public concept. The hearing was closed at 7:03 p.m. Selectman Hawkes asked what happens to the funds if there is no Committee; Administrator Eiane responded the fund belongs to the Town and could continue to be used for the stated purpose. Selectman Hawkes asked if the ad that went to the Anchor regarding this article will be available when people vote. Administrator Eiane responded the Town has to be careful about providing information at the polls. Chairman Multer noted there are no taxpayer funds being spent with the Bandstand. Deputy Administrator Sawyer noted there was a minimum amount budgeted for mowing the new area. Chairman Multer agreed and noted the funds were budgeted and not triggered by this ballot article.

**9. Consider Issuing Invitation to Bid on the Emergency Services Building Project:** Steve Normand, project architect, stated the specifications are done and ready to be sent out in an invitation to bid along with a sample contract. The requirement for performance and bid bonds may exclude smaller companies. Mr. Normand will develop a list of companies to send the invitation to. Responses are due June 26 and an on-site meeting will be held. This project could be completed by late September and the Town is asking for a November 1 completion date. Selectman Daniel asked if John Monaghan's suggestions were considered; Mr. Normand responded affirmatively as the roofline was turned to accommodate future possible solar panels. This project includes the septic, well, gravel, building etc. and no paving as that can be done later. Chairman Multer asked if it could be a bid alternative; Mr. Normand responded yes and then costs are known. Chairman Multer moved, seconded by Selectman Daniel to approve the invitation for bid; motion passed 3-0.

**11. Considerations for Capital Road Project and Bethel Point Road Culvert:** Tom Gorrill, Town Engineer from Gorrill and Palmer Consulting Engineers, provided a brief summary on the 5-road capital project: Shore Acres will be reconstructed; Thompson and Wharf involve overlay and certain culvert replacements; Hildreth and Long Point involve overlay with certain portions being reclaimed. The project as currently proposed is estimated to cost \$1,329,000. Mr. Gorrill noted the Road Commissioner, Ronald Ponziani, wants to address an erosion issue at the entrance of Long Point Road, which is not included in this project at this time but is being followed up on with the Department of Environmental Protection and Department Army Corps of Engineers (ACOE). Mr. Gorrill stated the ACOE has approved the Town's permit for the Bethel Point Road culvert replacement project with a condition that the work be done between July 15 and October 1. However, if the Board prefers, the timeline could be changed to October-November by submitting a letter to the ACOE. Additionally trying to minimize the time Bethel Point Road will be closed, Mr. Gorrill asked the Board to consider the start and end time for the work days. Mr. Gorrill suggested the Board consider sending the bid packages for both the capital road project and the Bethel Point Road project at the same time. The Town would then know the costs of both projects and could make the best decision on how to proceed. Chairman Multer stated she preferred to postpone the Bethel Point project until October-November; Selectman Hawkes stated that the school bus route will be affected if the closure is during the school year. Administrator Eiane noted the work could take place on the weekend or the bus could turnaround just before the culvert area. Selectman Daniel asked if there was discussion at the public meeting about the times of day for the work. Administrator Eiane responded there was not. The Board reached consensus on the three issues: work should be done between October 1 and November 30; both the road project and Bethel Point Road should be bid at the same time; and the work day at Bethel Point can occur between 6:00 a.m. and 9:00 p.m. Chairman Multer moved, seconded by Selectman Hawkes to authorize Gorrill Palmer to put both projects out to bid as discussed; motion passed 3-0. Ronald Ponziani, Road Commissioner, stated he did not realize funding for both projects were from the same fund; Administrator Eiane confirmed the funding is from the capital road reserve. Mr. Ponziani noted that if the project costs exceed the

funding, he would recommend removing Wharf Road. Mr. Ponziani stated the turn area by the causeway at Bethel Point is 38-feet long. Chairman Multer suggested informing MSAD 75 of the road closure to allow them to make accommodations. Administrator Eiane asked the Board to consider adding an alternate to the Bethel Point project for a dry hydrant, estimated to cost \$20,000. It has been suggested the Town approach Bowdoin College to fund in whole or part since it has a facility in the area. The Board agreed to include it. Selectman Hawkes asked what input the Town receives on locations; Administrator Eiane responded the Fire Departments make suggestions.

**13. Public Hearings: Amusement Applications:** The joint hearing was opened and closed at 7:40 p.m. Selectman Daniel asked if the amusement license is a new requirement. Administrator Eiane stated the Town has an ordinance from 1978 that was recently brought to the attention of staff. The ordinance requires establishments that have a State liquor license to obtain an amusement license from the Town if the establishment will have live music, entertainment or dancing. Selectman Hawkes asked why the Town has an interest in governing such activities; Chairman Multer noted that while these requests are minimal, there could potentially be unsuitable entertainment such as topless and the ordinance gives local control. Selectman Daniel moved, seconded by Chairman Multer to approve both applications [Morses's Cribstone Grill, 1945 Harpswell Islands Road, Bailey Island and Dolphin Marine Services, 515 Basin Point Road, Harpswell]; motion passed 3-0.

**12. Consider Accepting Gift of Granite Bench for Devil's Back Property:** Because the donors lives in England, Ken Oehmig of the Town Lands Committee offered to answer any questions the Board may have. He noted the Committee is aware of the bench donation for Devil's Back and supports it. Mr. Oehmig informed the Board that there was a concern in the past that a bench on the property may violate the deed clause restricting structures but that benches have been determined not to be structures. The bench is donated in honor of Lester Harris, a long time friend of the donors. Chairman Multer moved, seconded by Selectman Daniel to accept the bench; motion passed 3-0.

**14. Consider Adoption of Selectmen Goals and Objectives:** Administrator Eiane stated she received feedback on the draft goals and objectives from a staff member asking if the salary structure review included hourly employees. The Board agreed to change the wording to salary and wage structure for elected and non-elected staff. Chairman Multer stated the review may not be able to be completed in one year. Selectman Daniel moved, seconded by Selectman Hawkes to approve the goals and objectives as amended. The Board agreed the items are not in order of priority and Selectman Hawkes noted she wants the Marine Services review to be a top priority. Motion passed 3-0.

**15. Consider Disposition of Town Ramp:** Deputy Administrator Sawyer stated the aluminum ramp at the Pott's Point Dock was replaced with a new longer one this year, leaving the shorter ramp as excess. Rob Roark, chair of the Mitchell Field Implementation Committee, emailed the Board earlier this week and asked the Board to store the ramp for possible future use at Mitchell Field. Deputy Administrator Sawyer reported Harbormaster Jim Hays estimates the value of the used ramp at \$1,500 and the value of a replacement ramp at \$3,500. The Board considered if the ramp should be placed for sale by bid or stored at the Generator building at Mitchell Field. The Board agreed the ramp should be stored for now, as long as a review occurs in a year so the Board may re-evaluates its status. Selectman Hawkes moved, seconded by Chairman Multer to store the ramp and re-evaluate in one year; motion passed 3-0.

**16. Consider Sales Approach for Hildreth Road Property:** Deputy Administrator Sawyer stated the Board previously agreed to sell the Tax Map 3, Lot 73 property with a conservation easement. The conservation easement is now in place with the Harpswell Heritage Land Trust. Staff is suggesting the Board authorize the sale of a small portion of the lot known as Parcel C to one of the three direct abutters with a minimum bid requirement. Next, place the remaining portion of the lot (known as Parcels A and B) for sale to the public with a minimum bid requirement. The Board discussed possible minimum bid amounts. Chairman Multer expressed

concern about the Town listing the property for sale on its own and the associated work on the staff. Administrator Eiane responded it would not be too much of a burden. If the lot is unsuccessful in being sold in this manner, the Board can consider other options such as using a realtor. Chairman Multer asked for confirmation that the front portion of the lot can be built on. Deputy Administrator Sawyer responded the lot would be sold as is and any interested party would be responsible for assuring that any plans they may have for the property could be accomplished. The Town will provide copies of the survey of the lot and the report indicating that it had been previously determined the lot could pass for a septic system. Chairman Multer moved, seconded by Selectman Hawkes to offer Parcel C to the abutters with a minimum bid of \$3,500 and then place the remaining portion (Parcels A & B) for sale with a minimum bid of \$175,000; motion passed 3-0.

**17. Appointments:** 1) Committees: Deputy Administrator Sawyer stated there are three applicants for the Bandstand Committee and based on the mission statement there are two at large openings openings. Chairman Multer moved, seconded by Selectman Hawkes to appoint: Chris Huber, Candis Hine, and Richard Meisenbach (Recreation member) as full members to the Bandstand Committee to April 30, 2014; Christopher Hall as an alternate to the Bandstand Committee to April 30, 2014; Michael McCabe to the Mitchell Field Committee to April 30, 2014; motion passed 3-0. 2) Election Workers: Chairman Multer moved, seconded by Selectman Hawkes to appoint the following for the June 11 referendum: Deputy Wardens Margaret Bonarrigo, Thomas Rothwell, Patricia Leary; Wardens Janet Coombs, Megan Hubbard, Susan Lowery; Registrars Carolyn Perow, Sarah Lafond; Election Ballot Clerk Debra Prosser; motion passed 3-0. 3) Midcoast Council of Governments (MCOG) and Midcoast Economic Development District (MCEDD): Administrator Eiane stated the current representatives for MCOG's general assembly are Elinor Multer, James Henderson, Kristi Eiane and Jennifer Verplanck. Ms. Verplanck has resigned and the Town Planner has offered to become a representative on both organizations. MCEDD currently has James Henderson and Kristi Eiane as members. MCEDD may require members to be either staff or municipal officer of the Town which may exclude James Henderson. Chairman Multer stated she did not want to continue on MCOG. Selectman Daniel stated he would replace Chairman Multer on MCOG. Ms. Eyerman will replace Ms. Verplanck on MCOG and James Henderson is to be asked if he wants to continue; if not, Harpswell Business Association should be contacted for a member recommendation. Carol Eyerman will replace James Henderson on MCEDD if he is unable to continue or chooses not to continue. Chairman Multer moved, seconded by Selectman Hawkes to approve the former consensus actions; motion passed 3-0.

**18. Consider Recommendation and Contract for Mowing at Mitchell Field:** Deputy Administrator Sawyer stated bids were due June 3 and two were received: Kenney Landscaping \$200/mow and Goodall Landscaping \$379/mow. This was a learning experience as staff became aware of the areas that Kenney's was currently mowing and what was being done by volunteers. It appears that Kenney's is doing a great job maintaining this site and donates some of its time. Selectman Hawkes moved, seconded by Selectman Daniel to accept the Kenney Landscaping bid; motion passed 3-0.

**19. Other Business: 19.1 Consider Purchasing Green Crab Traps:** Administrator Eiane stated the Marine Resources Committee is recommending the purchase of 2 dozen green crab traps which will be placed in re-seeded areas and high value areas to help protect the clams. The traps are \$69 each... A member of the Committee has asked for some names to be added to the Town's Green Crab Exemption Form and how to go about adding names. After discussion, the Board agreed that Selectman Hawkes is to be informed of the names and if she has any concerns, she can place the item on an agenda for review. Selectman Hawkes moved, seconded by Chairman Multer to purchase the traps; motion passed 3-0.

Robert McIntyre encouraged the Board to review what he believes to be a policy issue with the Board of Appeals.

**19.2 Consider 2013 Annual Salary Adjustment Re: Town Administrator:** Chairman Multer moved, seconded by Selectman Hawkes to authorize a 2% pay increase for the Town Administrator; motion passed 3-0.

**20. Public Comment:** None.

**21. Authorization of the Warrant(s):** Selectman Hawkes moved, seconded by Chairman Multer to approve warrant 27 in the amount of \$88,369.86; motion passed 3-0. Administrator Eiane noted payroll warrant #22 in the amount of \$18,521.69 for the record.

**22. Administrative Matters:** The Board agreed the Fishing Families and Charter School shore dinner application can be reviewed under the streamlined approach. There appears to be no copyright issue with the proposed Town seal for letterhead and the Board agreed to proceed with that process. The Board scheduled a meeting regarding Cedar Beach Road and Robinhood Beach on Tuesday at 2:30 p.m. with the attorney and then 3:30 p.m. with others.

**23. Executive Session:** At 8:53 p.m., Chairman Multer moved, seconded by Selectman Hawkes to enter executive session pursuant to 1 M.R.S.A. § 405(6)(C) regarding acquisition of a property; motion passed 3-0.

**24. Adjournment:** The Board returned to open session at 9:12 p.m. and adjourned the meeting.

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)]