

Board of Selectmen Meeting Minutes

June 13, 2013

Harpswell Town Office

Approved on June 27, 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)(C) regarding Cedar Beach Road and Robinhood Beach; motion passed 3-0.

The Board returned to open session at 5:50 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; Jim Hays, Harbormaster; 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 Consider Sale of Voting Machines under Other Business and moving the Town Administrator's report to before public comment; motion passed 3-0.

3. Town Administrator's Report: Administrator Eiane stated it was great to have such a large audience and that she believes access to Cedar Beach Road/Robinhood Beach is the issue of interest. Administrator Eiane reported the Board of Selectmen has been working diligently on the issue with multiple meetings with the Cedar Beach Cedar Island Supports (CBCIS) and through negotiations with the Aspatores. Progress is being made and the issue will be on the agenda once the Board is able to update the public. Administrator Eiane reported the Town, through its team comprised of Chairman Multer, Town Administrator and Treasurer, has been negotiating a draft lease with Harpswell Coastal Academy (HCA) for use of the West Harpswell School. Some of the terms include \$20,000 rent for year one, \$40,000 for year two and \$60,000 for year three. The Town will hold the funds in a revenue account to be used for certain improvements over time. HCA will have to inform the Town by October, 2014 if it is interested in purchasing the property This would allow time to negotiate a purchase and sales agreement for Town Meeting vote in 2015. HCA will have the authority to sublet to other entities, including Ash Point Community Library, and will allow Town events. The Town will fund up to \$10,000 (if available in the \$40,000 appropriation approved by Town Meeting) of operational expenses in the first year since HCA does not need the entire building. HCA will address maintenance issues under \$1,000 and items over \$1,000 will be referred to the Town for review and may include a cost sharing arrangement. The Town will address a couple of items before occupancy at an estimated cost of \$15,000. The draft lease also will likely include insurance requirements and proposes mediation for dispute resolutions. The lease is moving forward and will be on the next agenda for the Board, if not before at a special meeting.

Administrator Eiane reported there was a low turnout for voting on Tuesday and the Town's article regarding the bandstand passed. The bandstand dedication ceremony is scheduled for Sunday at 2:00 p.m. at Mitchell Field. Administrator Eiane announced the Town Clerk's Office will be closed on August 19 for training.

2. Public Comment: Chairman Multer asked that speakers be limited to 4 on the Cedar Beach Road/Robinhood Beach issue. Martin Eisenstein, CBCIS attorney, thanked everyone working on and involved with the one year process of trying to acquire access to Robinhood Beach. CBCIS has reached a successful agreement through mediation for access over Cedar Beach Road. The agreement includes a time- sensitive contingency requiring access over lot 164 to Robinhood Beach and the expiration period is here. Mr. Eisenstein encouraged the Board to continue to work with the owners of lot 164 on reasonable terms and conditions and to establish a timeline. If the Board reaches an agreement, the Board will come back to the Town and CBCIS for comment. Mr. Eisenstein noted the large crowd is demonstrative of the support for access. Mike Helfgott, CBCIS, stated the timeline is

very important and it would be best if the Board could reach agreement with the property owners of lot 164 and present the agreement to the Town before the end of June. Mr. Helfgott reiterated that the terms and conditions need to be reasonable. Debbie Johnson stated she grew up on the beach as did her husband, his family and her children. She is in support of reasonable rules and stated most, if not all, users are respectful. Steve Black stated this is an important issue and the public is eager for resolution. He encouraged the Board to continue working on the issue and he hopes there will be a celebration in July on the beach. Chairman Multer thanked everyone for coming and stated the Board wants to reclaim the beach and has to be careful to protect the Town in the process.

4. Selectmen's Announcements: Selectman Daniel stated it was refreshing to see such a large group here tonight in support of the beach at Cedar Beach Road.

5. Consent Agenda: Selectman Daniel moved, seconded by Selectman Hawkes to approve the consent agenda [5/22, 5/23 and 5/30 minutes; personal property abatement for Bruce and Melody Hanson; policy waiving Town fees for Town projects; Bill Muldoon appointment to Bandstand Committee]; motion passed 3-0.

6. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for May (attached).

7. Wharf Applications

- **Paul and Cynthia Bencal, 18 Juniper Lane, Map 17, Lot 52:** Joe Leblanc, owner's representative, reviewed the proposal for a 4'x10' access ramp, 4'x87' pier with PT wood 10'x10' rock-filled crib, 3'x50' ramp, 10'x20' float and 8'x40' timber frame float haul-out. The pier deck will be aluminum and supports will be made of pressure treated wood. Jim Hays, Harbormaster, stated the proposal will not cause a hazard to navigation. Selectman Daniel asked about the concerns expressed by two abutters. Mr. Leblanc stated he spoke with them and assured them the public could walk under the pier and that the haul-out is 20 feet from the pier and therefore does not cause an obstruction to passage. Chairman Multer moved, seconded by Selectman Daniel to approve the application and cited the findings that it does not interfere with the rights of others or navigation; motion passed 3-0.
- **Lawrence and Maria Renaud, 6 First Road, Map 50, Lot 50:** Bill Wells, Code Enforcement Officer, stated there was a system on site for many years and it fell into disrepair. The proposal is for the new owner to reconstruct a 14'x5' pier, 36'x5' ramp, 20'x12' float and re-orientate the gangway. Chairman Multer moved, seconded by Selectman Daniel to rebuild the system and cited the findings that it does not interfere with the rights of others or navigation; motion passed 3-0.
- **Mark Stebbins, 6 Dolphin Lane, Map 23, Lot 93:** Bill Wells, Code Enforcement Officer, stated the Code Office has received a lot of public input on this proposal to extend the existing pier by 20-feet. Joe Leblanc, owner's representative, stated the existing pier is 95-feet long and the proposal to add 20-feet is to extend the float beyond a ledge outcropping that interferes with the float. Mr. Leblanc stated he spoke with a neighbor concerned about access. Mr. Leblanc does not understand the concern as there is no issue with access. Chairman Multer stated she needs to see the site before making a decision and moved to table the application. Alan Beck stated he is a direct abutter and opposes the proposal as the existing system projects 160-feet into the cove and is an eyesore that obstructs his view of the cove and his boat. Mr. Beck stated his neighbors, the Logans, have an issue with the system obstructing the use of their mooring balls. Charlie Libby stated he has no objections and does not find the system to be an eyesore. Mr. Libby stated the Logans had a lot of moorings as the property used to be a marina and he does not believe all the moorings are used. Chairman Multer stated the Board is limited by law on what basis the Board can approve or deny an application and appearance is not one – only fishing, fowling and navigating. Selectman Daniel seconded the motion to table and it passed 3-0.

8. Consider Contract with Pine Tree Waste For Single Stream Recycling: Administrator Eiane reported the Board has endorsed transitioning to single stream, where all recyclable material is placed in one container without sorting, as of August 1. This proposed contract is for the 5-month period from August to December for

Pine Tree to remove the Town's recyclables at \$145 per haul. The contract has been reviewed by the Town Attorney. Selectman Hawkes moved, seconded by Selectman Daniel to accept the contract; motion passed 3-0. Selectman Hawkes noted single stream allows for more items to be recycled.

9. Recommendation and Contract for Basin Point Road Maintenance Contractor: Ronald Ponziani, Road Commissioner, stated a request for proposals for road maintenance for Basin Point Road was sent out and two responses were received. He stated both contractors worked hard on the responses and he recommended contracting with the lowest bidder, R.A. Webber & Sons for \$26,262. Ray Labbe & Sons' bid was \$39,330. Selectman Hawkes moved, seconded by Chairman Multer to approve the contract; motion passed 3-0.

10. Economic Development Plan Presentation: Sarah Curran, from Planning Decisions, provided a Power Point presentation (attached) regarding the Economic Development Plan. Ms. Curran responded to questions from the Board of Selectmen.

13. Amusement License Hearing for the Harpswell Inn, 108 Lookout Point Road: At 7:37pm, the hearing was opened and closed on the amusement license application from Harpswell Inn. Dick Moseley, Harpswell Inn owner, stated his application does not include set amusement dates but he is preparing for potential events such as weddings. Chairman Multer move, seconded by Selectman Daniel to approve the license; motion passed 3-0.

11. First Year Review of Paramedic Contract: Dave Hudson, lead paramedic, provided a first year review (attached) of the paramedic contract.

12. Mitchell Field Matters: Rob Roark, Mitchell Field Implementation Committee Chair, stated the Committee is recommending the Board consider allowing alcohol consumption at Mitchell Field for certain events, such as weddings and Bandstand events. Mr. Roark noted he is aware of another Town that does allow alcohol. Chairman Multer stated she is concerned with how to enforce decorum. She prefers to table this item and ask staff to research what other Towns do and if there are any insurance issues.

- **Accept Bandstand Bill of Sale:** Bob Modr, Harpswell Community Bandstand President, stated he was pleased and honored to present the Bill of Sale for the Bandstand to the Town. Chairman Multer moved, seconded by Selectman Hawkes to accept the Bill of Sale; motion passed 3-0.
- **Revised Harpswell Community Garden Guidelines:** Chairman Multer moved, seconded by Selectman Daniel to approve the revised guidelines; motion passed 3-0.

14. Consider Request from Cook's Lobster House for Funding Re: July 5 Fireworks: Administrator Eiane stated the Town received a letter from Mary Coombs asking the Town to sponsor the July 5 Cook's Fireworks display and contribute \$1,000 for advertising the event. The letter indicated the event draws people to Harpswell for the day, thus contributing to the local economy. Administrator Eiane stated the Town has an economic development fund and so far expenditures have been related to requests from the Harpswell Business Association. Chairman Multer stated she is concerned with the request coming from an individual business and on what basis should the Town support an individual business as opposed to the Chamber and Harpswell Business Association (HBA). Selectman Hawkes stated she could consider \$500 since the event does attract a lot of people to Harpswell and helps other businesses. Selectman Daniel expressed a concern about what the advertising would look like and stated he could support a \$500 contribution directly toward the fireworks – not advertising. Janet Coombs, Cook's Lobster House employee, stated Cook's has undertaken a successful campaign soliciting other Town businesses contributions. She noted Maine Magazine touts that the Cook's display is the 6th best display in the State of Maine. Janet Coombs stated advertising will include television, advertisements, website, and Maine Restaurant Association. Chairman Multer stated that if Cook's intends to request contributions in the coming years, she suggested the request be a group effort from businesses such as through the HBA. Selectman Daniel asked how much funding is available; Administrator Eiane stated approximately \$6,500 in the economic development fund. Selectman Daniel moved, seconded by Selectman

Hawkes to issue \$1,000 toward the fireworks specifically. Dick Moseley, HBA president, stated this event is a draw to Harpswell and HBA supports the request and he noted in the future HBA may sponsor the event and request. Motion passed 3-0.

15. Consider Communications Contract with Cumberland County: Deputy Administrator Sawyer stated this contract is basically the same as previous years with the changes relating to the contract period, costs and payment schedule. This contract cycle is from July 1 to June 30 of each year, previously it was from January to December. The total cost is based on population and while the per person rate remained the same; the total cost is less since Harpswell's population decreased. The Town will make monthly payments to the County instead of annually. Chairman Multer moved, seconded by Selectman Daniel to approve the contract; motion passed 3-0.

16. Other Business: Consider Sale of Voting Machines: Administrator Eiane stated the Town Clerk's Office will be using new voting machines as of November and the current machines will be obsolete and not used. The company that sold the machines has offered to buy them back at \$100 each and Rosalind Knight, Town Clerk, is recommending the Town act on the offer. Selectman Hawkes moved, seconded by Selectman Daniel to sell the three machines at \$100 each; motion passed 3-0.

Selectman Daniel stated he received a request to delay the pole installation project for the tourist season and that the other utility companies be asked to relocate their lines on the new poles that have already been installed. Selectman Hawkes and Chairman Multer agreed that the Town had asked for improved service and therefore were inclined not to ask for a delay. Administrator Eiane will pursue the transfer timetable from the phone and cable companies.

17. Public Comment: Dick Moseley, HBA President, handed out the 2013 HBA locator map.

18. Authorization of the Warrant(s): Chairman Multer moved, seconded by Selectman Hawkes to approve warrant 29 in the amount of \$695,972.05; motion passed 3-0. Administrator Eiane noted payroll warrant #24 in the amount of \$14,916.07 for the record.

19. Administrative Matters: The Board signed an Orr's Island Lease Agreement, catering permit and purchase order (for Mackerel Cove parking). The Board discussed continuing the earlier executive session re Cedar Beach Road and Robinhood Beach and agreed instead to meet tomorrow morning at 9:00 am to allow additional notice. The Board agreed to attend the July 2 Harbor and Waterfront meeting to discuss aquaculture; to schedule the Maine Regional Redevelopment Authority on a July agenda; and to work on scheduling a meeting with Planning Decision regarding Wharf Road Town landing.

20. Adjournment: Without objection, the Chair declared the meeting adjourned at 8:40pm.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Treasurer's Report
Paramedic Power Point
Economic Development Power Point

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