

Board of Selectmen Meeting Minutes

June 27, 2013

Harpswell Town Office

Approved on July 11, 2013

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At 5:00 p.m.; the Selectmen attended a workshop with the Harbor and Waterfront Committee regarding aquaculture.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:05 p.m.

Selectmen Present: Elinor Multer and Richard A. Daniel. Alison S. Hawkes absent.

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; and Jim Hays, Harbormaster.

The meeting was recorded and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Daniel to adopt the agenda as printed; motion passed 2-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane stated the Town sponsored an event at the Orr's/Bailey Yacht Club along with the Harpswell Business Association and Southern Midcoast Maine Chamber. It was an opportunity to highlight Harpswell businesses and attractions. The event was successful with over 100 people attending. She heard positive comments about how the Town is stepping up to assist the business community. Administrator Eiane reported negotiations with Harpswell Coastal Academy for use of West Harpswell School continue and hopefully a lease will be on the July 11 agenda.

4. Selectmen's Announcements: Selectman Daniel stated the Town has an ordinance regulating the use and sale of consumer fireworks. Selectman Daniel encouraged everyone to follow the rules and have a safe and happy 4th of July.

5. Consent Agenda: Chairman Multer moved, seconded by Selectman Daniel to approve the consent agenda [6/4, 6/13, 6/14 minutes; \$25 donation to the community garden; \$300 donation for food under General Assistance]; motion passed 2-0.

6. Committees

- **Shoreland Zoning Task Force Revised Mission and Appointments:** Mary Ann Nahf stated the Shoreland Zoning Review Task Force was established in February 2012 to assist in a Town-wide review of Shoreland Zoning and determine whether there is sufficient area designated to protect and maintain a viable fishing industry. There was not enough time to complete the review, so some members have indicated they would like to continue using the same standards as last year. Areas for review would be: Long & Gun Point Peninsula; Middle Bay – north of Lookout Point to Brunswick; East Harpswell – north of Cundy's Harbor; Harpswell Sound – east shore of Orr's and Great Island; Ewing Narrows, Quahog Bay, and Long Reach. Selectman Daniel asked what the proposed timeframe for completion would be; Ms. Nahf responded the work could be done for presentation to the Board in November. Chairman Multer moved, seconded by Selectman Daniel to approve the mission statement and appoint the members [Mary Ann Nahf, Bruce Davis, Billy Saxton, Jim Knight and Jacques Dostie]; motion passed 2-0.
- **Harbor and Waterfront Committee 2013/2014 Goals:** The mission statement is the same as the existing one and proposed changes are related to goals. Selectman Daniel asked if the Harbor & Waterfront Committee has acted as an appeals board as listed in the mission. Jim Hays, Harbormaster, stated he could not recall a case, but an example could be resolving a mooring dispute. Chairman Multer moved, seconded by Selectman Daniel to approve the mission with updated goals; motion passed 2-0.

7. Recycling Center Matters

- **Consider Hire for Temporary Position:** Fred Cantu, Recycling Center/Transfer Station Manager, recommended the Board hire Robert Stailing for the seasonal position at the facility. Mr. Stailing has skills to dismantle machinery which will help with the transition to single stream. Chairman Multer asked if the pay is determined by the Union contract. Administrator Eiane responded this position is a temporary position and is not eligible to join the Union. Mr. Cantu stated the pay is \$8.50/hour and is for 5 days a week from now to September 14. This has been a yearly position to help during the busy summer season. Chairman Multer moved, seconded by Selectman Daniel to hire Mr. Stailing; motion passed 2-0.
- **Consider Request for Bids for Trailers:** Mr. Cantu stated with the conversion to single stream there is no longer a need for four trailers and he recommended they be placed for sale. Chairman Multer moved, seconded by Selectman Daniel to authorize the request for proposals for the four trailers. Mr. Cantu noted the bids are due at the Board's July 11 meeting and while he is unable to be present, he recommends the Board proceed with the responses that are in the best interests of the Town. The Board agreed that if the bids are clear, action can be taken, but, if not, action may be delayed. Motion passed 2-0.

8. Wharf Applications

- **Mark Stebbins, 6 Dolphin Lane, Map 23, Lot 93:** Bill Wells, Code Enforcement Officer, stated this application was tabled at the last meeting for the Board to visit the site (which has occurred). Mr. Leblanc, owner's representative, stated the proposal is to extend the pier by 20 feet to allow the float to be located past a ledge outcropping. Chairman Multer asked for public comment and no one commented. Chairman Multer moved, seconded by Selectman Daniel to approve the proposal as the Harbormaster indicates there is no issue with navigation and there is no injury to the rights of others in relation to fishing, fowling and navigating; motion passed 2-0.
- **Michael and Angelique Saraydarian, 39 Crab Apple Point, Map 43, Lot 12:** Ben Wallace, owner's representative, stated this proposal is to extend the pier and ramp to get the float further out for all tide access. Chairman Multer asked for public comment and no one commented. Chairman Multer moved, seconded by Selectman Daniel to approve the proposal as the Harbormaster indicates there is no issue with navigation and there is no injury to the rights of others in relation to fishing, fowling and navigating; motion passed 2-0.

9. Consider Harbormaster's Request for Removal of Abandoned Vessel: Jim Hays, Harbormaster, stated that on June 19 he authorized the removal of a boat from Mackerel Cove as it was sinking and constituted a hazard to public safety due to the potential leaking of contaminants. Mr. Hays was unable to reach the owner and this has been an intermittent issue over the past year. On June 20 Mr. Hays authorized the relocation of the boat from the beach to the parking lot for safety reasons. Mr. Hays has informed the owner by phone that the boat needs to be removed by July 1. Deputy Administrator Sawyer stated the request is to authorize the boat to be moved to the Transfer Station and the owner will be notified. He can claim the boat at that location, no later than September 1, after reimbursing the Town for its costs. The addresses the Town has on file for the owner are no longer valid and he will not provide a current address, however, his place of employment is known. If the Board agrees to the September 1 date, staff will seek legal assistance to assure the owner receives proper notice. If the boat is not removed by September 1, the issue will be brought back to the Board to review disposal options. Chairman Multer moved, seconded by Selectman Daniel to authorize the boat to be relocated as outlined. Selectman Daniel asked about the direct costs incurred by the Town; Mr. Hays responded that costs were about \$275 at this point, prior to transporting the boat to the Transfer Station. Motion passed 2-0.

10. Mitchell Field

- **Request for Use by Harpswell Community Nursery School:** Dustan Larsen requested use of Mitchell Field on September 28 for a 5K walk/run fundraiser for the Nursery School scholarship fund. She asked the Board to consider waiving the fees and to allow a minimal use of electricity, which will provide a participant's start and finish times through electronic wrist bands. The event will start at 9:00 a.m. and should be completed, including clean up, by 1:00 p.m. Administrator Eiane suggested if there are start-up costs

associated with activating the power, the costs should be passed on. Chairman Multer moved, seconded by Selectman Daniel to approve the application submitted by Harpswell Community Nursery School for the Use of Mitchell Field for a 5K walk/run on Saturday, September 28, and to waive provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; motion passed 2-0.

- **Consider Authorizing Food Sales by Non-profits:** Administrator Eiane stated at the first Bandstand Committee meeting, there was a request from Caroline Daniel (Selectman Daniel's daughter) to sell food during the concerts as a fundraiser for Project Graduation. A couple of days later a request from another non-profit entity was received. Chairman Multer asked if there was a conflict with this agenda item. Administrator Eiane responded the Board is being asked to consider a draft policy on how to handle such requests and is not acting on any one specific request. The Mobile Food Handlers Ordinance does not apply to uses at Mitchell Field and states those uses are reviewed under Mitchell Field policies. This draft policy was modeled after Brunswick's policy for use on the mall. The policy is solely for nonprofits, requires proof of insurance, and allows the Board to limit the number of entities. If a State food handler's license is required, the policy refers to the State rules. Chairman Multer stated she does not want to rely on an applicant to find out whether a State permit is needed and prefers to have a sense of what is exempted by the State. Administrator Eiane asked Planner Carol Eyerman to contact the State and get in writing what is required for nonprofits. Chairman Multer stated she wants to re-visit the definition of nonprofit. The draft policy proposes a fee. Chairman Multer asked what the fees are under the Mobile Food Handlers Ordinance; staff believes it may be \$50 for a day permit. The Board discussed what to charge for nonprofits and agreed on \$15 per day. Chairman Multer moved, seconded by Selectman Daniel to assess a \$15 fee per day for a nonprofit at Mitchell Field; motion passed 2-0. The Board discussed the policy and made changes including allowing the staff to review and approve the applications and requiring evidence from the State on whether a license is needed, if obtainable. Administrator Eiane asked if the Board wanted to require a non-profit entity to have some connection to Harpswell. The Board discussed that topic and agreed a Harpswell connection is not required. Chairman Multer moved, seconded by Selectman Daniel to approve the policy as amended; motion passed 2-0.
- **Consider Contract for Summer Contract Series Performers at the Bandstand:** Administrator Eiane stated this contract was modeled after a contract that the Town of Lisbon uses, and was reviewed by the Town Attorney. The contract will be used for performers at the Bandstand. Chairman Multer asked what the status is of receiving the funds from the former Bandstand Organization. Administrator Eiane stated the Group is transitioning to turn over funding to the Town and until that occurs, the Town will not be in a position to pay for the performers who charge. She understands there is more than enough funding remaining to cover the performers in the summer series. Chairman Multer stated that unless there is a soloist – she prefers the Town pay an entity and not each individual included in a performance. Selectman Daniel asked if the contract reference to media allows for replay on Channel 14; Administrator Eiane responded affirmatively. Chairman Multer moved, seconded by Selectman Daniel to approve the model contract; motion passed 2-0.

11. Other Business: None.

12. Public Comment: None.

13. Authorization of the Warrant(s): Chairman Multer moved, seconded by Selectman Daniel to approve warrant #30 in the amount of \$16,190.17; motion passed 2-0. Chairman Multer moved, seconded by Selectman Daniel to approve warrant #31 in the amount of \$158,337.85; motion passed 2-0. Administrator Eiane noted payroll warrant #26 in the amount of \$19,726.48 for the record.

14. Administrative Matters: Deputy Administrator Sawyer stated the Town Lands Committee is planning a forum at the Orr's/Bailey Yacht Club on August 1 to promote Town Lands and wants to serve wine and beer to attendees. The Board discussed the issue and agreed as long as there is no issue with the insurance company that

it could be allowed. Chairman Multer suggested the Committee take precautions to assure that no one drinks too much. This approval is based on this specific request and any future requests shall be evaluated by the Board. Administrator Eiane confirmed an executive session scheduled for July 9 at 4:00 p.m.

15. Executive Session: At 7:56 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 property; motion passed 2-0.

16. Adjournment: The Board returned to open session at 8:00 p.m. and adjourned the meeting.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Mitchell Field Food Sales by Non-Profits
[Attachments are available at the Town Clerk's Office or by email at harpwell@town.harpwell.me.us]