

Board of Selectmen's Meeting Minutes

June 28, 2012

Harpswell Town Office

Approved on July 26, 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; Bill Wells, Code Enforcement Officer; 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 the Orr's Island Library Fee Waiver Request to item 6 and moving the Agreement for Emergency Animal Services to 17; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane stated she concurred with the Recycling Center Manager's recommendation to hire Theresa Racine as a seasonal employee for the summer at the facility. Selectman Henderson moved, seconded by Chairman Multer to hire Theresa Racine at \$8.50/hour; passed 3-0.

Administrator Eiane briefly explained the State and local fire permit programs; a summary will be placed on the Town's website.

Bill Wells, Local Plumbing Inspector, reviewed a holding tank application, to replace a sink drain and alternative toilet, for map 52, lot 96. The structure is serviced by hand-carried water. Selectman Henderson moved, seconded by Chairman Multer to approve the application provided that a variance to the water setback is obtained if required; motion passed 3-0.

4. Selectmen's Announcements: Chairman Multer stated that Sheriff's Deputies found juveniles on the pier at Mitchell Field beyond the gated portion and they will be charged with criminal trespass. Chairman Multer encouraged parents to prohibit their children from accessing the pier and she encouraged anyone that sees people on the pier to call the Cumberland County Sheriff's Office.

5. Consent Agenda: 1) Approval of the Minutes; 2) MMA Legislative Policy Committee Election; 3) Acceptance of Playset Gift: Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda not including the minutes; motion passed 3-0. Selectman Henderson made a change to the minutes and moved to approve as amended, seconded by Chairman Multer; motion passed 3-0.

6. Orr's Island Library Fee Waiver Request: Peg Bonnarigo, President of the Orr's Island Library, requested the Board waive the fees (\$329.20) assessed to the Library to rebuild its shed that was destroyed by lightning. Ms. Bonnarigo stated reasons why the fees should be waived, including that she believes the fees are excessive. Chairman Multer asked how much of the fees were related to the Planning Board. Administrator Eiane stated staff assessed a full site plan review fee of \$185 even though this application was processed through a staff review; she did not believe it was the Board's intent to assess full site plan fees for staff reviews. Chairman Multer moved to waive the \$185 of the total fees. Selectman Hawkes asked why not waive all; Selectman Henderson stated it was reasonable to waive the \$185 and that fees for permits should be charged. The motion passed 3-0. John Robbins stated a permit from the Code Office was not required for a replacement structure but the Library felt it important to obtain one. Deputy Administrator Sawyer explained the Town's ordinances require permits for all construction, including replacement structures and the Code Office processes each one, incurring costs. Chairman Multer moved, seconded by Selectman Hawkes to direct that fees not be assessed for a staff review process until the Board can review in more detail; motion passed 3-0.

7. Consider Recommendation and Contract for Pier Work at Mitchell Field: Administrator Eiane stated at its last meeting, the Board directed staff to send out to bid the removal of the gangways (work scope 1) and for removal of the north cell (work scope 2). Five responses were received ranging from \$16,000 to \$45,000 for work scope 1 and \$28,780 to \$65,000 for work scope 2 [Cianbro #1 \$45,000, #2 \$20,000; Prock Marine #1 \$17,910, #2 20,580; CPM #1 \$38,034, #2 10,000; Fore River #1 16,000, #2 \$45,000; Atlantic Mechanical #1 16,300, #2 12,480]. Staff reviewed the responses and is recommending the Board contract with Atlantic Mechanical, after checking its references, for both work scopes totaling \$28,780 and to authorize \$3,780 from contingency. Jim Hays, Harbormaster, stated Atlantic Mechanical plans on using a small barge which will be less impactful on the lobstering area than a large barge. Chairman Multer moved to contract with Atlantic Mechanical for \$28,780 and to use \$3,780 from contingency. Chairman Multer noted it is best to do the two work scopes at the same time as the costs are greater to do them at different times. Selectman Henderson seconded the motion and it passed 3-0.

8. West Harpswell School

- **Consider Lease Agreement with Ash Point Community Library:** Administrator Eiane stated the Ash Point Community Library (APCL) has registered with the State and the name changes were made in the proposed lease. The lease was provided to the Board and to APCL and APCL proposed a few changes to include use of the former music room and to section 10 to allow the volunteers access to the leased space outside of the scheduled open hours. Administrator Eiane noted the Town will provide supplies and clean the building with APCL being responsible for keeping its area clean. Donna Frisoli stated APCL has asked for use of the music room to have a separate adult space and a meeting space; APCL will inform the Town prior to use. Chairman Multer stated APCL is using the library space at no cost and she is not willing to add the music room space at no charge. Selectman Henderson stated if a meeting is needed and the music room is available perhaps APCL can ask the Town for use at no charge. Ms. Frisoli noted that any group wanting to meet must provide insurance and pay a fee and allowing APCL use of the music room would allow a meeting space. Selectman Hawkes stated APCL is supposed to be a library and not a meeting space and she is concerned with APCL continually changing its requests. Ms. Frisoli agreed to have the music room removed from the lease. Chairman Multer added “maintain” to section 10 as APCL needs to maintain its schedule of open hours so the public can be assured that the Library is open when it says it will be. Selectman Hawkes stated that allowing access to the lease area outside of open hours was too general; Chairman Multer and Selectman Henderson agreed the language should be allowed. Elizabeth Davis explained volunteers need the additional access for organizational purposes. The Board made additional changes including removing the sentence regarding use of the gym; agreeing the Library has unrestricted use of three parking spaces under section 5 in the parking lot for parking vehicles and the rest of the spaces must be shared; adding “maintain” under section 10 regarding the schedule and allowing volunteer access outside of the open schedule. Chairman Multer moved, seconded by Selectman Hawkes to approve the lease as amended; motion passed 3-0.
- **Consider Recommendation for Property Manager:** Selectman Henderson moved, seconded by Selectman Hawkes to accept the staff’s recommendation and contract with Roland Mayo as the property manager; motion passed 3-0.

11. Harpswell Oceanic Center (HOC) Update: Chris Heinig, of HOC, made a powerpoint presentation updating the Board and public on HOC’s progress and current status. Selectman Henderson noted HOC asked for support on one slide and he asked Mr. Heinig what type of support. Mr. Heinig responded as in working through the terms that both HOC and the Town can agree to. Selectman Henderson stated HOC has the Board’s general support and that the Board needs to protect the Town. Selectman Henderson hopes that HOC will be successful and asked if there is evidence of business financial support. HOC’s Ed Robinson recognized Jack Sylvester, the Town’s negotiator, for his efforts and research. Mr. Robinson stated investor interest is key and HOC is in discussions with an entity. Selectman Henderson stated he was surprised HOC requested its May 8 letter be part of the information package provided to the Board and to the public via the website since he believed

it was previously provided as part of negotiations. The letter referenced the pilot plan had to move elsewhere due to the Town's inability to move forward, indicating the Town has not acted in good faith. Mr. Heinig stated that while negotiations can be frustrating, the pilot plan was moved to CCAR due to permits etc. being in place. Selectman Henderson stated as much as he wants to see this happen, it comes down to the hard issues such as viability and investors. Selectman Hawkes asked if HOC's plan for oysters will conflict with what exists in Harpswell; Mr. Heinig responded no, stating that raising oysters is planned much later after the establishment of the fish. Mr. Heinig thanked the Board for allowing this time.

9. Charter School Initiative: Robert Anderson stated that on behalf of the Harpswell Charter School Initiative he was there to express an interest in leasing West Harpswell School for the Harpswell Coastal Academy in June 2013. Chairman Multer asked when the State would approve the School. Tom Allen responded that if an application is made to the State in the September – November application time period, the Commission would decide in December 2012 – January 2013. Mr. Allen stated that knowing the lease terms and having a guaranteed site would be helpful for any application and also for planning. The School would begin with about 80 students between 6th and 9th grades in the first year and ramp up to 7th and 10th grades in the second and 8th and 11th grades in the third. West Harpswell School is not large enough for long term but would be a launching pad for about three years while a permanent site with direct water access is being sought. Selectman Henderson asked for a detailed proposal in writing and noted that the on-site parking does not meet current site plan standards. Mr. Henderson suggested the Initiative meet with Carol Tukey regarding site plan review. Selectman Hawkes asked if the use would conflict with the Ash Point Community Library; Elizabeth Davis and Tom Allen responded no. Administrator Eiane noted the Board has the authority to approve one-year leases and multiple year leases must be voted on by Town Meeting. The Board agreed the proposal should be submitted in writing to the Town.

10. Consider Process for Street Light Appeal Forms and Status of Others: Chairman Multer moved, seconded by Selectman Hawkes to authorize Central Maine Power to proceed with removing and adding the street lights that have not been appealed; motion passed 3-0. The Board scheduled a site visit to see the appealed lights on July 26 at 9:00 p.m. or immediately following the regular Selectmen's meeting.

14. Consider Process for Garage Site Selection: Administrator Eiane reviewed the proposal to form a team to review potential expandable sites for the garage location, including a review of the Recycling Center and the Normandeau report (an environmental assessment of the Mountain Road Town properties). The team would be comprised of one Selectman, the Administrator, Deputy Town Administrator, Planner and Treasurer with a consultant to assist with evaluating the existing and new infrastructure needs. The team will recommend two sites to the Board and invite public input, including from the Fire and Rescue Departments. Administrator Eiane suggested using the engineering firm of DeLuca Hoffman, which conducted the Mitchell Field infrastructure report. She asked if the Board would agree or prefer to send the project out to bid. Chairman Multer stated she would prefer to sole source given that she is familiar with the work of DeLuca Hoffman through a number of school projects and the firm is highly regarded. DeLuca Hoffman does not perform architectural work but could recommend one when needed. Selectman Henderson asked the team to identify the functions of the building at full capacity, including size, staff needs, storage of boats, emergency services needs now and in the future. Dave Mercier, Harpswell Neck Fire Chief, asked what the timeframe would be; the team would meet very soon and begin the process. The Board agreed that DeLuca Hoffman should be invited to attend the first meeting to work out a schedule and estimated costs for sole source consideration. Chairman Multer moved, seconded by Selectman Henderson to establish the Site Review Work Group as outlined, to talk to DeLuca Hoffman and that Chairman Multer will be the Selectmen on the team; motion passed 3-0.

12. Consider Request for Proposals for Economic Development Plan: Administrator Eiane stated she and the Town Planner developed this request for proposals to hire a consultant to create an economic development plan. This process will include input from the public, including from businesses, to identify goals, assets and plans. Jennifer VerPlanck submitted a few suggested changes to the RFP including using census information as a

baseline and to consider changes to the Comprehensive Plan. Selectman Henderson stated this plan should include ways to enhance the level of business such as marine, small businesses and tourism and promote Harpswell's water asset and scenic views. Selectman Hawkes stated many businesses exist year round and must be supported year round. Chairman Multer stated she would submit her suggested changes to Ms. Tukey, Planner, about the forums and public outreach. Changes will be incorporated and brought back to the Board at the next meeting. Chairman Multer stated she wants to add the Town Administrator in addition to the Planner as the primary staff contacts to allow Planning Decisions to participate if desired.

13. Consider Addendums to Lease Agreements with the Fire and Rescue Departments: Administrator Eiane stated these addendums clarify, in the lease agreements between the Departments and the Town, that the Town is now serviced by a dedicated paramedic service. All three departments have approved and signed the addendums. Chairman Multer moved, seconded by Selectman Hawkes to approve the addendums; motion passed 3-0.

15. Consider Request for Proposals for Holbrook Street Landing Repairs: Deputy Administrator Sawyer stated a portion of the Holbrook boat launch needs to be replaced and repairs to the edge of parking area are needed; funding was included in the Town landings budget approved at Town Meeting. Chairman Multer moved, seconded by Selectman Hawkes to approve the request for proposals as amended by removing "allow corrections of error in omissions;" motion passed 3-0.

16. Appointment of Code Enforcement Officer to Perform Maine Uniform Building and Energy Code Inspections: Administrator Eiane explained State Law went into effect on July 1 requiring municipalities of \$4,000 or more in population to enforce the Maine Uniform Building and Energy Code (MUBEC) and to identify an inspector. Administrator Eiane recommended appointing Bill Wells, Code Enforcement Officer, as he has most of the training and has one year to obtain the remaining certifications. Selectman Henderson asked how this will affect the Code Office's workload. Administrator Eiane stated this has been discussed for over a year and the plan included hiring a part-time staff member and appointing the Code Assistant as the alternate Code Officer, which was budgeted. Chairman Multer moved, seconded by Selectman Henderson to appoint Bill Wells as the MUBEC inspector; motion passed 3-0. The Code Office has been asked to track the additional work to assist when considering possible fees in the future.

17. Other Business: Consider Agreement for Emergency Animal Services: On occasion, the Animal Control Officer (ACO) picks up an injured animal after normal business hours and needs a clinic to take it to for treatment as the Coastal Humane Society will not accept injured animals. The Animal Emergency Clinic in Portland has agreed to offer services to the Town at 40% reduced rates with a services agreement in place. The Town Attorney has reviewed the agreement and questioned the section that allows the general public to bring in injured animals on behalf of the Municipality, which is apparently pursuant to the Good Samaritan statute. The Clinic will attempt to contact the ACO or other Town representative to review approval for treatment. The Board asked that the specific Town representatives, the ACO and Administrator, be detailed. Chairman Multer moved, seconded by Selectman Hawkes to sign the agreement; motion passed 3-0.

18. Public Comment: None

19. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Henderson to approve warrant #31 in the amount of \$149,155.07; motion passed 3-0. Chairman Multer moved, seconded by Selectman Henderson to approve warrant #32 in the amount of \$8,967; motion passed 3-0. Payroll warrant #26 in the amount of \$20,847.73 was noted for the record.

20. Administrative Matters: A purchase order for repairs at the Lookout Point boat ramp and catering permits were signed. Deputy Administrator Sawyer reported the abutter with the retaining wall at Graveyard Point has expressed a concern about the landscape timbers being located above ground on the property line between his property and the Town's. The timbers would limit his access to his cellar entrance and mobility with his

vehicles. The abutter has requested the timbers be placed flushed with ground. The Selectmen referred the matter to the Town Lands Committee for recommendation. The Selectmen scheduled a workshop with the Conservation Commission to review the Normandeau report on Town property for July 10 at 9:00 a.m. The Board agreed to schedule an executive session with the Abrahamsons regarding Cedar Beach for July 10 at 10:00 a.m. only if there is something new in the proposal.

21. Adjournment: The meeting was unanimously adjourned at 9:10 p.m.

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]