

Board of Selectmen's Meeting Minutes

July 7, 2011

Harpswell Town Office

Approved on July 21, 2011

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

Staff Present: Kristi Eiane, Town Administrator; Jason Marshall, Interim Code Officer; and Marguerite Kelly, Treasurer

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

Administrator Eiane stated that Melissa Moretti, Town Planning Assistant and Receptionist, passed away today and she will be greatly missed and always remembered.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:00 p.m.

Following the pledge of allegiance, a moment of silence was observed in memory of Melissa Moretti.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Henderson to adopt the agenda as amended by deleting item 11; motion passed 3-0.

2. Public Comment: Penny Wilson commented on Robert McIntyre's comments regarding the reasons why he believed the vote to consider withdrawing from MSAD 75 was defeated. Ms. Wilson stated her disappointment in the continuing efforts to promote withdrawal from MSAD 75. Robert McIntyre responded the efforts continue in order to explore what other options may be available. Mr. McIntyre commented on the ADA compliance status of the newly merged Harpswell Community School and suggested certain points for the Board to address with MSAD 75. Dee Carrier expressed concern about the repeated attempts by members of the public to continue to negatively address certain topics and she believes these attempts take advantage of the Town's public participation policy. David Johnson stated that anyone seeking information regarding the ADA compliance of the Harpswell Community School can contact Chris Shaw, MSAD 75 Facility Manager, and stated that there have been enough negative comments during the Selectmen's public comment that should cease. Selectman Henderson asked for clarification regarding the ADA compliance; Mr. Johnson stated that it is compliant with the law as it was built before certain provisions and that Mr. Shaw can answer any related questions.

Chairman Multer read an excerpt from the Selectmen's public participation policy that states that the public comment period will not be used for the repeated airing of controversial topics unless the Board needs to take action. Chairman Multer ruled that the question of the relationship between MSAD 75 and the Town falls within this category since there has been at least 2 years of discussion of this topic and there is not a question now before the Board or the people of Harpswell. At such time as a petition is certified, she would consider amending her ruling. Chairman Multer stated she informed her colleagues of this decision in a "do not reply" email and informed them of the process to follow if they desired to challenge the ruling of the Chair. Chairman Multer stated that unless there is a burning issue that is communicated to a Selectman who determines an action is necessary and places the item on the agenda, the relationship between MSAD 75 and the Town will no longer be discussed during public participation. Selectman Henderson appealed the decision for discussion purposes; the motion to appeal was not seconded and therefore died for lack of a second.

3. Town Administrator's Report: Administrator Eiane and Recycling Center Manager, Fred Cantu, recommended the re-hire of James Allen as an attendant at the Facility through Labor Day at \$8.16/hour. Chairman Multer moved, seconded by Selectman Henderson to hire James Allen; motion passed 3-0.

4. Selectmen's Announcements: None.

5. Approval of the Minutes: Selectman Henderson moved, seconded by Chairman Multer to approve the 6/23 minutes; motion passed 3-0.

6. Revised Wharf Proposals

- **Daniel and Linda Hebert, Map 43, Lot 11, 187 Doughty Point Road:** Mr. Marshall, interim Code Officer, stated the Board recently granted an approval for a wharf system at this site and the owners have since then decided not to construct the new system and instead utilize the existing wharf on site and place a new ramp and float. Mr. Marshall stated the new proposal is far less obtrusive than the original proposal and the Code Office recommends its approval as it complies with the applicable ordinances. Selectman Henderson clarified that the Code Office recommends approval under certain Ordinances and since it is greatly reduced from the original proposal in addition to the new location, he believes there is no hazard to navigation nor does it cause injury to the rights of others. Jim Hays, Harbormaster, stated that this proposal does not appear to cause a hazard to navigation in Ewing Narrows. Selectman Henderson moved, seconded by Chairman Multer to approve the revised application since it does not cause an unreasonable hazard to navigation or adversely affect the rights of others; motion passed 3-0. Administrator Eiane noted this was not treated as a new application under the new process. The Board discussed the notice of decision (NOD) and Chairman Multer moved, seconded by Selectman Henderson to approve the NOD with certain language; motion passed 3-0.
- **Richard and Victoria Gallerani, Map 24, Lot 74, 31 West Shore Road:** Jason Marshall, interim Code Officer, stated the Board previously approved this proposal and upon construction, ledge was discovered causing a modification to be proposed to extend the seasonal ramp by 5-feet and modify the float size, netting a 5-foot increase into the channel. Mr. Leblanc, owner representative, stated the float size was adjusted to fit with the new ramp size. Selectman Hawkes questioned the modified system proposal; Mr. Leblanc confirmed the existing system was built and pending the revised approvals, the ramp and float will be adjusted. Jim Hays, Harbormaster, stated the extension of 5-feet does not cause a hazard to navigation. Selectman Henderson asked for clarification regarding injury to the rights of others; Mr. Leblanc responded the public can still pass under the system in the intertidal zone. Chairman Multer moved, seconded by Selectman Henderson to approve the revised application and Notice of Decision since it does not cause an unreasonable hazard to navigation based on Harbormaster testimony or adversely affect the rights of others as the testimony of the owner's agent confirms there is no injury; motion passed 3-0.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for June (attached). There was a discussion regarding the reduction in Recycling/Transfer Station disposals. Selectman Henderson asked for any information regarding the topic and the possible relationship with less extensive land use projects generating less revenue. Administrator Eiane noted the Recycling Manager has had difficulties setting up a Solid Waste Committee meeting and perhaps the Manager should report directly to the Board regarding the "swap tent."

8. Approval of the August 23 Town Meeting Warrant: Administrator Eiane noted the Board needs to review and approve the ballot for the August 23 vote on whether to accept the West Harpswell School building and property. Staff prepared a maintenance cost spreadsheet based on actual past costs, including insurance costs, going forward. Both staff and the insurance agent had previously understood that there would be a "minimal use" policy cost where the building would be used perhaps twice a month to keep the insurance costs reduced. Recently the insurance company determined occupied status as using at least 31% of the school on a regular basis, and less use increases insurance costs. The Budget Advisory Committee met earlier today and agreed to \$22,000 for the basic maintenance and insurance costs through March 2012. There was a discussion with the Insurance Agent, Flint Christie, regarding the active use of the building versus vacant use. He explained that the 31% use figure is based on square footage and the use must be related to the property's customary use (e.g. adult education, recreation programs). The Board discussed what amount would be appropriated and \$22,000 seems to cover the costs of either the building being vacant or in use. Mr. Christie reviewed the difference in vacant building coverage which is a basic coverage for certain situations such as fire, lightning, wind storms, explosions, smoke, air craft, and riot. It does not cover water damage or vandalism. The insurance quote is based on a certain value of the building and of the contents and if there are not contents, some money could be saved, approximately \$3,000 of the \$17,000. The insurance company is willing to review the insurance coverage if the use situation changes. Selectman Henderson noted that if the Town accepts the building, there should be a site

inspection prior to the final transaction. Mr. Christie clarified that a vacant building policy requires a payment covering 90 days and after the 90 days, the policy could be reviewed. There was a discussion regarding either financing the annual insurance policy or paying the entire premium in advance. Based on that information, Administrator Eiane suggested the figure should be \$25,000 to cover the annual insurance premium and other maintenance costs through March 2012. There was one minor change in the warrant article language changing “acquire to accept the transfer of ownership of”. Chairman Multer moved, seconded by Selectman Hawkes to approve the modified warrant article with an amount of \$25,000 from the general fund; motion passed 3-0.

9. Consider Recommendations Re: Fuel Contract: Administrator Eiane reported a request for proposals for fuel prices was sent out and 5 responses were received today by the 3:00 deadline, and one was received later. The lowest price for #2 fuel was \$3.429 from Durham Oil and the lowest for K-1 was with CN Brown (which was the bid received after the deadline). Administrator Eiane stated staff is recommending the Board not accept the bids and perhaps consider seeking bids again in the near future and seek information from Maine Power Options. Marguerite Kelly, Treasurer, explained that Maine Power Options is an entity under the auspice of the Maine Bond Bank and forms buyers groups for commodities such as electricity and now fuel. Maine Power Options has indicated that fuel prices should decrease in the immediate short term. Ms. Kelly recommended further research on this topic. Chairman Multer asked staff to seek reasonable credit information on the vendors. The Board agreed to allow staff to investigate other options, including Maine Power Options, and to proceed if the price is 10% better than the proposals received today. If not, to have staff send out requests for proposals for the next Board meeting with responses to include how long vendors will hold the bid price.

10. Consider Recommendation and Contract for General Road Maintenance: Bob Venard, Road Commissioner, commented on the cash price he is paying for oil with Crowley. Mr. Venard stated that a request for proposals (RFP) for general road maintenance on certain roads was sent out. The RFP expected the contractors to respond with detailed information on what they proposed to do to each specific road, including drainage, tree cutting, culvert work, etc. Four responses were received that ranged greatly in costs. Staff reviewed the responses under criteria such as responsiveness, price, and understanding of the work needed. Mr. Venard recommended proceeding with R.A. Webber & Sons due to the detailed responsive proposal at \$37,290. Mr. Venard stated that perhaps additional planned maintenance could be done in other areas of Town as well. Chairman Henderson asked for an example on how the response showed responsiveness; Mr. Venard responded it was evident in the detail in location and need for work on the culverts, as well as the detail on the length and areas needing for shoulder and ditching work. Administrator Eiane added that the responses were reviewed on the basis of the detail provided on the four categories outlined in the RFP. Chairman Multer moved, seconded by Selectman Hawkes to approve the R.A. Webber & Sons proposal; motion passed 3-0.

11. Consider Community Gardens Site Plan and Designate Authority to Proceed with Land Use Applications: Removed.

12. Consider Retro-Commissioning Project for the Town Office Building

- **Acceptance of Up to \$7,500 from Efficiency Maine and Review Contract with Thayer Corporation:** Administrator Eiane stated that Efficiency Maine approved the Town’s application for this program and will reimburse the Town up to \$7,500 while the Town will contribute up to \$7,500. Basically, the contractor will evaluate the Town’s heating, ventilation and air conditioning system and determine how to better regulate the system and develop computerized control disks for the system. Selectman Henderson moved, seconded by Chairman Multer to accept up to \$7,500 from Efficiency Maine and to authorize the contract with Thayer Corporation; motion passed 3-0.

13. Letter Agreement Re: Hildreth Road Town Landing: Administrator Eiane stated this item is in follow up to the report she provided at the last meeting regarding the public access situation off of Hildreth Road. The public has had access, over what is known as Gravel Pit Road, to the shore for launching boats and other uses.

Staff has been working with the abutting property owner to resolve issues that have arisen over the years of parking on the abutter's property. The Town is proposing to install boulders in the intertidal area and will apply to the DEP to place the boulders to demarcate the property line. The marked line would limit the public's use to the left hand side of the gravel area which may affect some use such as extensive driving but it would continue to allow public access. The agreement also includes that the Town will install additional signage regarding parking and that the Town would continue maintenance of the road and immediately address the bottom of the road where damage has occurred preventing full use of the property. If the Board approves, the letter will be sent to the abutting property owner asking her to sign in agreement. There was a discussion regarding the situation and the use of the boulders from the existing site. Administrator Eiane noted the property line was marked on the gravel area by surveyor Brian Smith and that she and the Deputy Town Administrator met on-site with the abutter the day the surveyor marked the property line at which time possible resolutions were discussed. Staff indicated a proposed agreement would be brought to the Board for review. Administrator Eiane noted the research and surveying work was paid for through a Right-of-Way grant the Town received because the Town owns a lot off Hildreth Road and has a right to access the lot through Gravel Pit Road. Chairman Multer moved, seconded by Selectman Hawkes to approve sending this letter; motion passed 3-0.

14. Consider Adoption of Cumberland County Hazard Mitigation Plan: Chairman Multer read the proposed Resolution from Cumberland County regarding the adoption of the Plan and moved to adopt it. The motion was seconded by Selectman Henderson and passed by a vote of 3-0.

15. Consider Setting Mileage Reimbursement Rate at IRS Rate: Administrator Eiane stated the Town has a policy that the Board sets the reimbursement mileage rate based on the IRS rate which has recently changed to \$.555/mile effective July 1. Staff wanted to raise the issue with the Board to see if the Board wanted to also adopt the change. There was a discussion regarding the reimbursement process and budget effect. Chairman Multer moved, seconded by Selectman Hawkes to adopt the new rate as of July 1; motion passed 3-0.

16. Discuss Implementation Strategies for Mitchell Field Master Plan Housing Component: Selectman Henderson requested the item be tabled to the next meeting and that Hope Hilton be requested to attend that meeting.

17. Other Business: Administrator Eiane stated certain entities are requesting disposal of material at the Recycling Center at no cost. Further investigation is needed and will be brought to the Board at the next meeting.

18. Public Comment: There was none.

19. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Hawkes to approve warrant 39 in the amount of \$673,051.23; motion passed 3-0. Payroll warrant #27 for \$16,636.44 was noted for the record.

20. Administrative Matters: The Board scheduled a workshop with the Town Planner regarding possible ordinance amendments on July 19 at 9:00 a.m. and purchase orders were reviewed and signed. The Board agreed to review raising the purchase order review limit and asked the Administrator to research public comment periods of other municipalities.

21. Adjournment: The meeting adjourned by unanimous vote at 8:35 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer