

**Board of Selectmen's Meeting Minutes**

**July 21, 2011**

**Harpswell Town Office**

**Approved on August 4, 2011**

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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; Fred Cantu, Recycling Center Manager; and Carol Tukey, Planner

The meeting was videotaped 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 Henderson to adopt the agenda as amended by adding 11.1: Consider DEP Application; motion passed 3-0.

**2. Public Comment:** Kay Ogradnik commented on remarks made about her at the previous Selectmen's Meeting and noted an article in the Forecaster regarding the public comment period at MSAD 75. Leon Ogradnik stated that at the last meeting, a Selectman was prohibited from discussing an issue which was wrong as each Selectmen should be heard as voters want to hear from each elected official. Chairman Multer stated she made a policy ruling pursuant to the Town's Public Participation Policy. There was a discussion among the Board members regarding the ruling and Selectman Henderson noted that traditionally, individual Selectman have been seconded for purposes of discussion even if a Board member ultimately opposes the motion. Mrs. Ogradnik noted that Selectman Henderson has always seconded motions for purposes of discussions even if he did not favor the motion.

**3. Town Administrator's Report:** Administrator Eiane explained that with the passing of a Town employee there is an immediate need for secretarial services for the Planning Board and Board of Appeals. Administrator Eiane recommended for an interim period, the Town contract with Secretarial Services to Go at a rate of \$20 per hour for secretarial services needed by the Planning Board and Board of Appeals for no more than 15 hours per week. Chairman Multer moved, seconded by Selectman Hawkes to endorse the proposal as outlined; motion passed 3-0. Administrator Eiane stated that in an effort to improve communication with the public regarding capital road projects, the Town's new engineering firm, Gorrill Palmer, and the Road Commissioner will host an open house on August 1 from 4:00 p.m. to 7:00 p.m. at the Town Office. The public can view the plans for the proposed capital road improvement project involving Lane, Little Island and Lowell's Cove Roads. Invitations have been sent to property owners on the specific roads.

**4. Selectmen's Announcements:** Selectman Henderson announced the West Harpswell School Re-Use Task Force will hold an informational meeting on August 10 at 6:00 p.m. at the Cundy's Harbor Community Building regarding the upcoming vote on whether to accept the property on August 23, 2011. Chairman Multer stated she has yet to decide her position on whether to accept the West Harpswell School property and, therefore, did not recommend it on the ballot.

**5. Approval of the Minutes:** Chairman Multer moved, seconded by Selectman Henderson to approve the 7/7 minutes; motion passed 3-0.

**6. Contract Extension with Beth Della Valle for Planning Services:** Carol Tukey, Town Planner, proposed a contract extension to April 2012, with no additional funding, with Beth Della Valle for planning services relating to the implementation of the Town's comprehensive plan. Chairman Multer moved, seconded by Selectman Henderson to approve the contract extension; motion passed 3-0.

**7. Recycling Center Manager Update:** Fred Cantu, manager, reported that due to recent changes to the Maine Product Stewardship E-Waste Law, National Electrical Manufacturers Association (NEMA) created a recycling

program for florescent bulbs. NEMA will provide containers for packaging the bulbs and cover the shipping costs, reducing the Town's recycling costs. Currently the Town recycles its bulbs with another company at an approximate cost of \$560 per year. Mr. Cantu recommended the Board enter into a Municipal Participation Agreement with NEMA. Chairman Multer expressed concern about the multiple "hold harmless" clauses in the Agreement. Mr. Cantu responded that the Maine Department of Environmental Protection worked with the Attorney General's Office and NEMA regarding the indemnification language and the Agreement was revised to ensure liability is limited consistent with state law. Chairman Multer requested the Agreement be legally reviewed and Selectman Henderson suggested by the Maine Municipal Association.

- **Consider Endorsement of Bargain Bin and Guidelines:** Mr. Cantu reported he has been exploring the options for a "swap shed" and after seeing other municipal models, he prefers a model such as Brunswick's, that charges for the disposal of the item and then allows someone else to remove the item at no cost within a certain period of time. Mr. Cantu proposed that staff would relocate items, disposed of at a cost, and with reusable value, into a storage trailer at the Transfer Station and then the public can view and remove items from the trailer at no cost. Additionally, Mr. Cantu proposed establishing a bulletin board allowing people to post information on items that are no longer of value to them but that may be to someone else. Selectman Hawkes recused herself from the discussion as she is soon opening a recycling, reuse, repurpose business. Mr. Cantu stated he is working on making the trailer and associated area safe for public use. The Board discussed the proposed program and Bargain Bin guidelines and the potential liability exposure to the Town. Administrator Eiane noted the Town currently allows material removal from the facility with the person signing out the item and this proposal will make it more known to the public. The Board agreed to ask the Town's insurance agent to evaluate the potential risks.
- **Consider Policy Re: Disposal Fees:** Mr. Cantu stated he has received recent requests to have material from public events disposed of at no cost. Mr. Cantu recommended a Disposal Policy that waives fees for Town-sponsored events and allows special exceptions to be granted to an organization on a case-by-case basis by the Board or the facility manager. The Fire Departments might be an example. The Board discussed generating a list of the entities allowed to dispose at no cost instead. Mr. Cantu noted that prior to this year, businesses, non-profits etc. could dispose of trash in the waste container at the Recycling Center. However, the amendments to the Solid Waste Ordinance, adopted by Town Meeting in 2011, now require businesses disposing of household wastes to pay the applicable fees at the Transfer Station. The process includes a business first being weighed at the Transfer Station, then disposing of the household wastes in the compactor at the Recycling Center and then returning to the Transfer Station to be weighed and to pay the applicable fees. Dave Mercier, Harpswell Neck Fire Chief, asked how the disposals of trash from the Fire Department regular business and from its events such as the Lobster Luncheon are to be treated. Mr. Cantu responded based on the Ordinance, the material needs to be weighed at the Transfer Station, disposed of and assessed fees. The Board discussed waiving the business requirement for waste generated by non-profit entities for a period of time while the Board reviews the Ordinance and possible policies to address the issues. Chairman Multer moved, seconded by Selectman Henderson to authorize the Recycling Center to accept wastes from various non-profits events and the Town in the same method as residential wastes for the time being; motion passed 2-0 (Selectman Hawkes abstained). Selectman Henderson called for volunteers to join the Solid Waste Committee.

**8. Update on Emergency Services Strategic Planning Process:** David Mercier, Harpswell Neck Fire Chief and the chair of the Fire & Rescue Committee, stated the Committee will be providing a detailed report on the Committee's work and findings in September. Mr. Mercier stated the Committee has been reviewing emergency services principles of: 1. Where are we now?; 2. Where do we need to be?; and 3. How do we get there? The Committee has been investigating emergency services models and sought information from the Brunswick hospitals, Town of Brunswick and a private ambulance service which will be detailed in the final report. Mr. Mercier stated the three citizen members have been helpful in broadening the views. He is confident the final report will show the Committee's exhaustive review and work looking out 5 and 10 years. Chairman Multer stated this process began as a result of the reduction in emergency services volunteers.

## 9. Mitchell Field Update

- **Consider Community Gardens Site Plan:** Carol Tukey, Planner, stated that she and Bill Wells, Code Enforcement Officer, agree that the entire plan, including current improvements and those being considered in the near future, should be reviewed by Planning Board. There was a disagreement between Mitchell Field Implementation Committee (MFIC) members regarding which site plan the Board should be reviewing. Judith Redwine and Rob Roark, Chair of Committee, reviewed the site plan proposal for a swale around the two garden plots and a water well. Ms. Tukey noted that since the land elevation is higher behind the gardens area, the swale would contain any run off, allow infiltration and then divert water into the roadside ditch. There was a discussion regarding the Planning Board's authority since agriculture is exempt from the Site Plan Review Ordinance. Administrator Eiane noted that filling and earthmoving of greater than 1000 cubic yards such as is proposed with the swale, requires Planning Board review and the Committee needs the authority to proceed to Planning Board. Chairman Multer noted that since the well can only be used for watering the gardens and not as potable, there needs to be signs indicating that and a lock on the well pump restricting access. Chairman Multer moved, seconded by Selectman Henderson to allow the MFIC duly authorized representative to seek Planning Board approval for this garden plot plan and to waive the applicable fee(s); motion passed 3-0.
- **Consider Allowing Public Access to the Pier at Mitchell Field:** Mr. Roark reported the pier is ready to be opened for public use as volunteers have completed the 1200-feet of fencing along the edge of the pier (excluding the catwalks and dolphins that have been blocked off) and has remediated the last few items noted by the Town's insurance company and signs have been installed with more expected. The Festival and Shindig will both have monitors on the pier during this weekend's events. Selectman Henderson moved, seconded by Chairman Multer to open the pier gate consistent with the facility's entrance gate; passed 3-0.
- **Discuss Implementation Strategies for Master Plan Housing Component:** Mr. Roark reported the Committee met jointly with the Affordable Housing Committee this week and had a general discussion regarding the affordable housing component of the Master Plan. The committees agreed to arrange meetings with both the Greater Brunswick Housing Authority and with Volunteers of America Northern New England. There was a discussion whether this task should be handled by a newly formed committee or structured through the two existing committees; to be determined as the process is further developed.
- **Consider Use of Mitchell Field by Film Crew:** Administrator Eiane reported that the production company for Extreme Fishing show in the United Kingdom has requested to film the lobster boat races from the Mitchell Field pier with a six-person crew. This use does not appear to be contemplated by the current Group Use Policy and perhaps a more formal policy for this type of use on Town-owned properties should be established. Administrator Eiane recommended the Board approve the request provided that insurance documentation is received, that the Rules for use of Mitchell Field be adhered to and that the Board consider a fee. There was a discussion regarding implementing a \$100/ to \$250 (per day) fee. Selectman Henderson moved, seconded by Chairman Multer to approve the request with a \$100 fee as long as there is no interfere with the public's use; motion passed 3-0.

**10. Consider Grant Application Initiated by Holbrook Community Foundation for Pump Station Float in Cundy's Harbor:** Elsa Martz, from the Holbrook Community Foundation, stated the Foundation purchased the Holbrook property and operates the businesses to support commercial fishing and generate profits that can be used to support the community. Cundy's Harbor is heavily used by both commercial fishing and recreational boaters. The Department of Environmental Protection (DEP) offers grants to towns to cover 90% of the costs for pump-out systems. Ms. Martz presented a proposal for a 10'x20' pump-out float with a 750 gallon tank costing \$26,850, of which the DEP would cover \$24,165 and the Foundation will provide a cash grant of \$2,685 to cover the remaining costs. Additionally, the DEP will reimburse 90% of the operation and maintenance costs in 2012 and 2013, which are estimated at \$1,753 for pumping the tank three times a year, skiff operator, crane rental for hauling the float two times a year and winter storage. Gregory Barmore, Foundation President, stated the Foundation will cover all the maintenance costs for the foreseeable future except for the pumping (approximately \$753/year) which DEP will cover in 2012 and 2013 and the Town would be responsible for thereafter. Jim Hays,

Harbormaster, spoke in favor of the pump out system. Ms. Martz noted there will be a unit on the float to accept donations from the public; Administrator Eiane stated donations need to come directly to the Town. Administrator Eiane noted this system would be Town-owned and covered by the Town's insurance. Administrator Eiane stated the Board has the authority to apply for the grant but that Town Meeting will have to accept the funds since Town Meeting has not previously approved this purpose or appropriated funds for the purpose. Selectman Henderson moved, seconded by Chairman Multer to authorize the Board of Selectmen Chair submit the grant application to DEP for a pump out station near Holbrook's and to accept the agreement with Holbrook Community Foundation as outlined in its July 11 letter; motion passed 3-0.

**11. Report on Phase I Environmental Assessment of West Harpswell School Property:** Administrator Eiane stated the Town has received the Phase 1 Environmental Assessment of the West Harpswell School dated July 18 prepared by Ransom Environmental. The report includes recommendations to further study and test certain areas such as the records with the DEP regarding the history of the underground storage tanks, the lead paint, caulking and possibly the areas with asbestos. Administrator Eiane stated the Department of Environmental Protection has funding available that could cover the costs for this additional exploration at approximately \$7,600 and she provided a copy of the completed application for the Board's review. Selectman Henderson stated basic information was being sought in Phase I regarding what potential liabilities there may be and asked if that goal was accomplished. Chairman Multer noted that the Phase I assessment was also completed to provide the Town coverage to apply for grants in the future for clean up funds. Administrator Eiane responded that while the Phase I assessment did not reveal any major issues, it may be difficult, if future funding is needed, to establish that the contamination occurred during the District's ownership since the Town previously owned the property. Selectman Henderson stated that it appears the Phase I provided the Town clearance on doing its due diligence. Chairman Multer stated there does not seem to be a downside to proceeding with the additional recommendations as it would provide additional information to the voters at no direct local taxpayer cost. Selectman Henderson moved, seconded by Chairman Multer to authorize the execution of the grant application for the additional assessments of the West Harpswell School; motion passed 3-0.

**12. Consider Orr's Island Bridge Lease Agreement Matter:** Deputy Administrator Sawyer stated that the Board decides annually who to enter into lease agreements with for use of the Town-owned property at the Orr's Island Bridge. Traditionally, the Board has entered into one-year lease agreements with the same owners of the wharves located on the site pursuant to a Board policy adopted in 2007. Additionally, the lease agreements include a non-assignability clause. Since at least 2008, George Morgan has submitted his lease with his signature and that of his son's and the Board has chosen to sign an Addendum to the Lease clarifying that the lease is only with George. Mr. Morgan states that his son was inadvertently omitted from the Assessing records in 2001 and if that had not occurred, the lease would have been in both his name and his son's. Deputy Administrator Sawyer noted there is a letter in the file from 2001 indicating that Mr. George Morgan and his son owned the wharf and a memo from the Assessing Office indicating the records should have been updated in 2001. The Board needs to decide whether to allow the son to be on the lease or to enter the Agreement with George Morgan only. Selectman Henderson moved, seconded by Chairman Multer to enter into the lease with the addendum regarding George Morgan only; motion passed 3-0.

**13. Sign August 23 Special Town Meeting Warrant and Set Public Hearing Date:** The Board agreed to sign the warrant; Chairman Multer moved, seconded by Selectman Henderson to set August 4 at 7:00 p.m. as the public hearing, to be held at the Town Office; motion passed 3-0.

**14. Consider Maine Municipal Association Annual Election:** The Board agreed to sign the election papers endorsing all candidates.

**15. Other Business:** There was none.

**16. Public Comment:** There was none.

**17. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Hawkes to approve warrant 41 in the amount of \$145,559.63; motion passed 3-0. Payroll warrant #29 for \$14,360.11 was noted for the record.

**18. Administrative Matters:** Chairman Multer suggested her colleagues review the Sturgis book on parliamentary procedure to consider using it for Board meetings instead of Robert's Rules; public comment information from other municipalities was reviewed and discussed and Chairman Multer stated she may propose amending the Board's Public Participation Policy in the near future; the Department of Transportation Urban/Rural Initiative Program form was reviewed and signed; and the Board scheduled the following meetings: 8/2 1:15 p.m. for website review; 8/2 3:30 executive session Harpswell Oceanic Center lease; 8/4 5:15 p.m. executive session with Town attorney regarding Cedar Beach; and 8/18 4:30 p.m. workshop with Recycling Center Manager.

**19. Adjournment:** The meeting adjourned by unanimous vote at 9:35 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

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)]