

Board of Selectmen Meeting Minutes

July 25, 2013

Harpswell Town Office

Approved on August 8, 2013

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

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

Staff Present: Kristi Eiane, Town Administrator; Rosalind Knight, Town Clerk; Marguerite Kelly, Treasurer; and Carol Eyerman, Planner.

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 amended by adding 7.1: Consider Consolidation of Polling Places for November 5 and 5.1: Consider Recommendations from the Bandstand Committee; motion passed 2-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane stated the members of the business community requested the Town have an ATM machine at the Town Office and the Board directed staff to investigate the issue. Administrator Eiane reported she checked with other towns and while some have investigated the idea, it was implemented in Portland. She checked with Cumberland County and it advised there is potential for an increase in vandalism and potentially theft. The Town's insurance company advised that the financial entity's insurance company would be responsible for any theft or damage to the ATM. Town staff was polled and there was a concern regarding safety of the staff, particularly when working at night. Additionally some members of the public phoned and suggested that an ATM should be the responsibility of a business, not the Town, and that perhaps multiple locations should be considered. Administrator Eiane asked the Board if any more information is needed to make a decision. Selectman Daniel stated he shared a lot of the same concerns and believes the ATM should be located somewhere other than the Town Office. Chairman Multer stated she was not interested in pursuing the issue given staff concerns.

Administrator Eiane announced the Town has a local property tax assistance program that the State allowed municipalities to adopt and the Town did several years ago. The Town's program can reimburse up to half of what someone receives from the Maine Circuit Breaker Program. The Legislature in its recent budget enactment has eliminated the current State Circuit Breaker Program and revoked municipalities' authority to offer local programs as of August 1. Administrator Eiane stated Terri Sawyer, Deputy Town Administrator, has contacted everyone who applied for last year's program, who has yet to apply this year, advising that due to recent legislation, Harpswell applications must be received by July 31. Administrator Eiane asked the public to spread this new July 31 deadline and encourage eligible participants to apply before then. It is not clear that the State intended to repeal local authority and Harpswell may want to consider sending a letter to its legislative representatives encouraging the reenactment.

4. Selectmen's Announcements: Chairman Multer announced, on behalf of the three Fire and Rescue Squads, that all three departments are looking for individuals to volunteer as emergency medical technicians, vehicle operators and firefighters. The Departments are feeling the pinch of the shortage of volunteers and this Town relies heavily on its volunteers. To the extent the three companies cannot be staffed, the Town will have to employ personnel for this work. Contact Ben Wallace Jr., Cundy's Harbor Fire Chief, at 373-0914 for more information.

5. Consent Agenda: Chairman Multer moved, seconded by Selectman Daniel to approve the consent agenda [7/11 minutes; warrant #34 for \$144,795.27 and Payroll #30 for \$15,150.98]; motion passed 2-0.

5.1 Consider Recommendations from the Bandstand Committee: Rick Meisenbach, member of the Bandstand Committee, explained the proposed parking plan for the Bandstand and the re-direction of traffic past the Bandstand and down the road behind the administrative building for those wanting access to the shorefront during a concert. The area from the back road to the shore will be blocked to prevent parking in that area during performances. The traffic change is to reduce the visual impact and noise of the vehicles to the Bandstand attendees. Selectman Daniel asked how the plan will reduce the noise since the vehicles will still pass the Bandstand. Mr. Meisenbach responded this was the best plan to allow the public to still access the shore and help reduce the visual impacts. Selectman Daniel stated the plan does not seem to restrict anyone's access to the shore. Mr. Meisenbach asked for approval for the Committee to implement the plan. Chairman Multer moved, seconded by Selectman Daniel to accept the proposed parking and traffic plan; motion passed 2-0. Mr. Meisenbach stated the Committee is also recommending some form of a security system at the Bandstand for the Town to implement. Dan Huber has put forth a recommendation and Administrator Eiane stated estimates are being collected for a future improvement recommendation. Chairman Multer asked if a vandal is caught, is there an ability to prosecute? Administrator Eiane responded if the evidence is clear, then yes. Doug Johnson suggested installing a camera and then the police can pursue prosecution. Mr. Meisenbach stated that if signs are installed advertising a security system that it may deter vandals.

6. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report (attached) for June. Chairman Multer asked for an itemization of the legal costs per topic.

7. Agreement for Use of Voting Equipment: Chairman Multer stated this Agreement is for voting equipment the State is providing at no cost to the Town. The Agreement addresses security and care guidelines for the equipment. Chairman Multer moved, seconded by Selectman Daniel to approve the Agreement. Selectman Daniel asked the Clerk for her opinion on the equipment. Rosalind Knight, Clerk, stated the equipment is federally funded and all municipalities in the State will have the same equipment. When there is a State vote, the State pays for the ballots and coding and for local votes, the Town pays. Motion passed 2-0.

7.1 Consider Consolidation of Polling Places for November 5: Rosalind Knight, Clerk, stated the Board can discuss setting a public hearing to consider consolidating the three polling places into one. Ms. Knight spoke with the Secretary of State's office and was informed the consolidation can take place only if there is a municipal ballot, and no State ballot. It appears there may be a State bond ballot but the Board could hold a hearing to consider consolidation and it can be contingent on having no State ballot. Chairman Multer stated if there was a municipal ballot it would be for an urgent or important topic and she is loath to limit the polling location based on the Town's geography as it would reduce voter turnout. Selectman Daniel agreed and noted he could consider the idea again at a future time.

8. Request to Use Recreation Special Revenue Account Funds for Trufant-Summerton: Gina Perow, Recreation Director, requested use of funds from the Recreation Special Revenue Account for maintenance items at Trufant-Summerton Athletic Field. The Recreation Committee recommends use of funds up to \$3,500 and the Booster Club will donate between \$400 - \$700. The work includes repairs to the bleachers, garage overhead door and side door, and dugout repairs totaling \$3,672. The Fund currently has \$22,892 and any surplus or deficit from Recreation Programs at the end of this year will be added to or subtracted from it. Chairman Multer moved, seconded by Selectman Daniel to approve the request for use of \$3,500; motion passed 2-0.

9. Consider Endorsing the Rt. 24 Corridor Plan: Carol Eyerman, Planner, stated this plan has been underway for about 8 or 9 months under the direction of a committee comprised of people from towns along Rt. 24 from Richmond to Harpswell. Ms. Eyerman stated the most recent workshop with all affected towns was held in Topsham and this final plan was recommended. Ms. Eyerman reviewed the main changes from the draft plan to this final plan. The next step in this process is for each town to sign the endorsement letter and return it to Midcoast Council of Governments for finalization of the plan and submission to the Department of

Transportation in August. Selectman Daniel asked for clarification of the traffic changes; the request is for DOT to re-route traffic through the coastal connector to Cook's Corner with signage. A recommendation is to make the Route more user friendly, including for bikes. This plan is to be in place for when the State has funds to consider implementing portions or all of it. Chairman Multer stated she has several questions and asked to table the topic until the next meeting. Chairman Multer stated the Plan references Rt. 24 as the only way in and out of Harpswell – not acknowledging Rt. 123. She expressed other concerns and will meet with Ms. Eyerman prior to the next meeting. Chairman Multer moved, seconded by Selectman Daniel to table the item to the next meeting; motion passed 2-0.

10. Acceptance of Normandeau Associates Proposal for Identification of Streams: Carol Eyerman, Planner, asked the Board to approve hiring Normandeau Associates to identify four potential streams. Last year, the Shoreland Zoning Task Force came across these potential streams and asked for further identification of them. Normandeau Associates performed the work with the Task Force last year and is quite knowledgeable of the Town. The work would take place from August 9 through August 12 and letters will be sent out to the property owners along the streams. The cost is \$1,623 and Town meeting approved \$1,600, with the remaining \$23 coming from the Planning budget. Chairman Multer moved, seconded by Selectman Daniel to approve the proposal. Selectman Daniel asked about the field work; the streams will be walked and plotted on GPS. Permission from the owners will be asked via a letter that will go out indicating certain meeting spots in the four areas. Ms. Eyerman has been in contact with some property owners already. Motion passed 2-0.

12. Public Hearing Re: General Assistance Ordinance Maximums: The hearing was opened at 7:10 p.m. Administrator Eiane reported that pursuant to State law, every community has a general assistance program monitored by the Department of Health and Human Services. As long as the Town's program is in compliance, the Town receives 50% reimbursement from the State. The program assists with costs for basic necessities such as food, rent, and heat. The State sets the maximum benefits per category and while the Board does not have a lot of discretion to make changes, it is required to hold a public hearing and take comment on the Town's ordinance. The monthly maximums, retroactive to July 1, are \$623 for a one-person household; \$731 for two; \$941 for three; \$1,244 for four; and \$1,483 for five. Staff reviews the applicant's financial situation for a 30 day period and evaluates eligibility. Applicants are also provided information about other resources as the general assistance program is not intended to be on-going assistance. Administrator Eiane stated the Board is considering the overall maximums and the appendices per category. Staff does not recommend the adoption of Appendix C for housing as the maximum does not reflect the market in Harpswell. By not adopting Appendix C, Harpswell can use the overall maximum and the State allows this appendix to be excluded. The maximums would be adopted for one year. Chairman Multer moved, seconded by Selectman Daniel to approve the maximums with the exception of Appendix C, and from July 1 – June 30, 2014 for Appendix A and from October 1 through September 20, 2014 for Appendices B, D, E and F; motion passed 2-0.

11. Consider Award and Contracts for Capital Road Project & Bethel Point Rd. Culvert: Tom Gorrill, Town engineer from Gorrill-Palmer, reviewed the bid responses for the Bethel Point Road culvert project as follows: Atlantic Mechanical, Inc. \$141,360 plus \$12,810 alternate 1, less \$1 alternate 2; Harry C. Crooker & Sons, Inc. \$234,125 plus \$5,000 alternate 1, less .01 alternate 2; Wyman & Simpson, Inc. \$224,510 plus \$15,000 alternate 1, less \$1,000 alternate 2. The lowest bidder, including the bid alternative for the dry hydrant, is Atlantic Mechanical at \$154,169. This does not include the bid alternative 2 for a dollar credit as the cost is not worth the inconvenience to the neighbors to work 24 hours a day. Gorrill-Palmer has not worked with Atlantic Mechanical and Mr. Gorrill checked with other towns and while there does not appear to be a lot of experience with similar projects, Atlantic Mechanical received good reviews. Al Palmer of Gorrill-Palmer believes the flow of the dry hydrant will be sufficient. Mr. Gorrill recommended the Board contract with Atlantic Mechanical for the Bethel Point Road culvert project including the dry hydrant for a total cost of \$154,170. Selectman Daniel asked Mr. Gorrill if the lowest bid from Atlantic Mechanical may be of concern; Mr. Gorrill stated it appears Atlantic Mechanical wants to perform this type of work and no negative reports on the company have been

received. Mr. Gorrill noted the contract requires a performance bond so if something does not work out, then the performance bond could be used. Chairman Multer asked if Gorrill-Palmer will be monitoring where the explosives are stored; Mr. Gorrill responded there is no anticipation for explosives but if so, the company will have to comply with State regulations. Administrator Eiane noted Atlantic Mechanical removed the two gangways at Mitchell Field as it was the lowest bidder and the Town was satisfied with the performance. Administrator Eiane stated she believes Atlantic Mechanical may also have an option to do the work without closing the road. Larry Paul, owner of Atlantic Mechanical, stated he plans to bring in a single-lane temporary bypass so that traffic can continue to pass during the project. Chairman Multer moved, seconded by Selectman Daniel to accept the Atlantic Mechanical bid and enter into the contract; motion passed 2-0.

Mr. Gorrill reviewed the bids for the road project, including Long Point, Hildreth, Wharf, Thompson and Shore Acres Roads as follows: Gendron & Gendron, Inc. \$1,200,699 plus \$44,000 for Wharf Road; Harry C. Crooker & Sons, Inc. \$832,713.75 plus 22,150 for Wharf Road; and Pratt & Sons, Inc. \$1,074,945 plus 21,170 for Wharf Road. The lowest bidder is Harry C. Crooker for 854,863.75 and Mr. Gorrill recommended the Board accept the bid. Chairman Multer moved, seconded by Selectman Daniel to accept the low bid and enter the contract; motion passed 2-0. Administrator Eiane added that the entrance to Long Point Road is experiencing erosion and is not part of this project. Mr. Gorrill has met with the Department of Environmental Protection and the Maine Department of Transportation (DOT) to investigate what work has to be done and if the DOT will pay for a portion. Mr. Gorrill reported the erosion is not caused by the DOT roadway stormwater but a letter regarding its position will be coming and then the Town needs to decide how to proceed with that issue.

13. Consider Work Scope Regarding Federal Emergency Management Agency (FEMA) Map Changes and Use of Contingency: Administrator Eiane reported, a couple of years ago, FEMA proposed new flood plain maps causing a lot of concern to many property owners. At that time, the Town hired Robert Gerber, Ransom Environmental, to review the proposals and a lot of his work caused FEMA to pause and not proceed with the preliminary maps. FEMA adopted much of Mr. Gerber's methodology and has continued to work on digitizing the maps. FEMA is preparing to release preliminary maps in September. Mr. Gerber has been hired by multiple communities and based on his review of the work maps; there is some work he believes that Harpswell should consider. He recommends reviewing three areas: east entrance to Mackerel Cove, north end of Bailey Island and southwest corner of Orr's Island that he believes may be incorrectly mapped. His work may cause some map changes saving property owners the cost of expensive insurance premiums. Also when the maps are issued, Mr. Gerber suggests the Town have him perform a review at that time. The total cost is up to \$5,000 for the area review and \$2,000 to review the preliminary maps when they are released. Currently there is \$471 left in the account requiring the Board to authorize contingency use if so approved. In 2010, the Town appropriate \$10,000 to review the FEMA maps and in 2011 added \$5,000. The purpose has been approved by Town Meeting and there exists about \$46,000 in the contingency fund. Administrator Eiane noted there are many Letter of Map Amendments (LOMA) issued each year to private owners. Chairman Multer moved, seconded by Selectman Daniel to authorize the use of up to \$7,500 in contingency for hiring Robert Gerber for work on behalf of the Town and local property owners regarding FEMA mapping; motion passed 2-0. Administrator Eiane pointed out, based on the contingency use policy, that the Board could seek input from the Budget Advisory Committee; Chairman Multer stated that time is a concern and she wants to proceed. Selectman Daniel agreed.

14. Execute Documents for Sale of a Portion of Map 3, Lot 73: Administrator Eiane stated there is a Quit Claim Deed for the Board's approval to transfer a portion of the Hildreth Road property to Terence and Julie Kenney for \$7,001, previously approved by the Board. The Board signed the appropriate documents.

15. Consider Conservation Commission Mission Statement: Chairman Multer asked if it was appropriate that the Commission implements the Open Space Plan. Chairman Multer tabled the item until Mary Ann Nahf or another member could attend a meeting.

16. Maine Municipal Association Annual Election: The Board agreed to take no action.

17. Other Business: Administrator Eiane stated the Planning Office asked whether the Chair or Vice Chair of the Planning Board should be paid (\$10 a meeting) when attending a Staff Review Committee meeting. There were two meetings in 2012 and one so far in 2013. Chairman Multer moved, seconded by Selectman Daniel to authorize payment when attending staff review meetings; motion passed 2-0.

18. Public Comment: None.

19. Administrative Matters: Administrator Eiane noted the Local Road Assistance Program (LRAP) Certification is required to certify annually that the Town spends the State funds on capital road improvements. The Board is certifying that the funds were spent in accordance with the rules and based on the information submitted. Administrator Eiane noted the Town has received \$52,800 in the most recent years and will now receive \$37,952 for the State's fiscal year 2013. Additionally there is an Orr's Island Bridge lease agreement for signature by the Board. The Board scheduled a tentative special meeting to set the tax rate on August 1 at 5:00 p.m. The Board reviewed the action list.

20. Executive Session: At 8:10 p.m., Chairman Multer moved, seconded by Selectman Daniel to enter executive session pursuant to 1 M.R.S.A. § 405(6)(C) regarding acquisition of properties; motion passed 2-0.

21. Adjournment: The Board returned to open session at 8:30 p.m. and adjourned the meeting.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Treasurer's Report

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