

Board of Selectmen's Meeting Minutes
September 15, 2011
Harpswell Town Office
Approved on October 13, 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; Marguerite Kelly, Treasurer; and Bill Wells, Code Enforcement Officer

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 Proclamation of Constitution Week under Other Business, adding Review of a Mission Statement for a Library at West Harpswell School under Other Business, adding Acceptance of Deed to West Harpswell School as item 1a, and by deleting item 11. Public Participation Policy to re-schedule the item for a separate meeting; motion passed 3-0.

1a. Acceptance of Deed to West Harpswell School: Brad Smith, Superintendent of School Administrative District #75, stated that pursuant to Harpswell's Town Meeting on August 23 vote to accept the West Harpswell School and property, the District has prepared a Quit Claim Deed for the property, Bill of Sale for the playground equipment, Letter Agreement releasing all interest in the artwork and a Real Estate Transfer Tax Form. Mr. Smith stated the District will continue to work with the Town on transitioning to new ownership. Selectman Hawkes asked if there is any continued warrantee of the playground equipment; the response was no. Selectman Henderson asked if the District has a list of who owns the intellectual rights of the artwork; Mr. Smith responded lists of the artworks, artists and pictures have been provided. Selectman Henderson moved, seconded by Chairman Multer to accept the Bill of Sale, Deed, Letter of Interest as provided; motion passed 3-0.

2. Public Comment: Joanne Rogers stated she hopes the Recycling Center remains as it currently operates as she is not in favor of single stream. Selectman Henderson moved, seconded by Chairman Multer to allow Mark Grover, a non-resident, to speak; motion passed 3-0. Mark Grover introduced himself and stated he is running for the County Commissioner seat in District 3.

3. Town Administrator's Report: Administrator Eiane briefly reviewed a memo highlighting the recent and notable projects relating to Town-owned lands and landings. She noted how fortunate the Town is to have volunteers who have been instrumental in many projects. Administrator Eiane stated the budget process will begin soon and staff looks for input from the Board, Harbormaster, Town Lands Committee and the Planner to plan for long-term goals on these sites. Administrator Eiane announced the Town's annual flu clinic will be held on October 6 from 9:00 a.m. to 12:00 noon and 5:00 p.m. to 7:00 p.m. Administrator Eiane announced the Town has been notified by the Department of Environmental Protection that its grant application for a pump-out station in Cundy's Harbor has been approved [\$29,000] and will be on the 2012 Town Meeting warrant for acceptance by voters.

4. Selectmen's Announcements: Selectman Henderson read the Maine Coast Heritage Trust's steward report for the Mackerel Cove Town-owned property which noted the property is in fine shape. Selectman Hawkes thanked Administrator Eiane and Deputy Administrator Sawyer for the information since being recently elected, she was not aware of the history. Chairman Multer asked interested parties in the street lights discussion to sign in and plan for a main spokesperson to speak per area.

5. Consent Agenda: 1) Approval of the Minutes; 2) Maine Municipal Association Safety Enhancement Grant Applications; 3) Consider Contract with Bowdoin College for Family Swim Program: Chairman Multer moved, seconded by Selectman Henderson to approve the consent agenda; motion passed 3-0.

6. Consider Contract with Crimson Fire Apparatus for 2,000 Gallon Tanker: Walter Johnson, of the Orr's and Bailey Island (OBI) Fire Department, stated the Town sent out requests for proposals and received four responses, which were reviewed by the Town's Emergency Vehicles Committee. The OBI Fire Department worked with Crimson Fire Apparatus to finalize the specifications and recommends entering a contract with the company. Chairman Multer moved, seconded by Selectman Henderson to approve the contract [\$209,022.24]; passed 3-0.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her report for the month of August (attached).

8. Peter Brooks Wharf Application, 85 Basin Cove Road, Map 15, Lots 70 & 70-2: Bill Wells, Code Enforcement Officer (CEO), reviewed the application. Selectman Henderson asked if the Harbormaster checked for navigation issues; Mr. Wells responded the Harbormaster found no navigation issues. The hearing was opened at 6:37 p.m. C. Matthew Rich stated there were errors with the application such as a reference to a SR1 zone which is unidentified in the Ordinance; there's no indication of what the flood zone is for the property and if it is a velocity zone; the Resource Protection District applies; and the August 25 minutes were not signed by the Code Enforcement Officer. Mr. Rich asked the Board to table this application until the errors have been corrected. Mr. Rich suggested the Board consider imposing an annual fee for wharves, a removal deposit, limit the time period of a wharf permit, consider requiring limited access to wharf systems for commercial fishermen and consolidating wharf applications for an annual or bi-annual review. Mr. Wells stated the Resource Protection District does not apply as the area is developed and that the SR1 zone is a reference tool as it indicates the property is in the Shoreland Residential Zone within the first 75-feet and SR2 indicates from 76-feet to 250-feet. Joe Leblanc, Brooks' representative, stated that Basin Cove is not in a v-zone as it is a sheltered cove and most of the points by Mr. Rich were general in nature and not specific to this application. Mr. Leblanc stated he believes the Board is well versed in this process and all wharf applications are reviewed by the Department of Environmental Protection, the Army Corps. of Engineers and some by the Bureau of Submerged Lands. The hearing was closed at 6:45 p.m. Chairman Multer asked her colleagues how to proceed. Selectman Henderson stated the CEO has described the location and the use of the SR1/SR2 and he does not believe the objections substantiate tabling the application. Selectman Hawkes agreed. Selectman Henderson moved, seconded by Chairman Multer to approve the application as there is no issue with navigation and it does not cause injury to the rights of others; motion passed 3-0. Selectman Henderson moved the Notice of Decision with the findings of fact; motion passed 3-0. Chairman Multer stated that the Board often will hear concerns from people on a certain wharf proposal such as concern with preserving a view and under the Wharves and Weirs Act the Board makes a decision based on navigation and injury to the rights of others as it pertains to fishing, fowling and navigation.

9. West Harpswell School Art Collection: John Loyd stated the artwork was originally given to the children of West Harpswell, which is not a real entity. With the transfer to the Town, there will be an issue with insurance and a clear ownership. Mr. Loyd recommended a workshop with the Board to discuss how provenance can be determined. Chairman Multer stated the Board will discuss a time for a workshop when it deals with administrative matters.

10. Hearing on Street Light Proposals: Chairman Multer stated that an Eagle Scout organized volunteers to look at each street light and make recommendations based on the Town policy, which the Energy Committee reviewed and modified. Tonight's hearing is the first part of this process and for each light for which there is objection to removal, will be followed up. Chairman Multer asked that one person speak per light and limit the comments to two minutes. The following people spoke about certain lights:

- Joanne Rogers – opposed to removing light #8 on Abner Point Road as the area is heavily used by commercial fishermen. She submitted a petition signed by about 30 people in the area objecting to the removal.
- Gail Kass – opposed to removing light #13 at the Ash Cove Road intersection for school bus stop safety.

- Jackie Merrill – opposed to removing any lights as she is a bus driver and picking up and dropping off kids in the dark is dangerous. Pole #2 at the Bailey Island General Store location is a bus turnaround and used heavily by pedestrians.
- Clive Tillotson – stated there has not been a problem in the past with the lights and asked why now?
- Linda Hall – opposed to removing lights in the Pott’s Point area (south of the causeway) as the area is heavily populated and a walking community.
- Ruth Weeks – opposed to removing lights in the same area as Ms. Hall since there are pedestrians and seasonal houses.
- Frank Gatchell – opposed to removing light #44 at Bufflehead Road (Basin Point) as it is a bus stop.
- Sue Vachon – opposed to removing lights on Bayview Road due to speed limit being 25 mph and the area is congested with many pedestrians. She has a petition signed by 23 neighbors who are opposed to removal.
- Joe King – opposed to removing light #9 on Garrison Cove Road due to the heavy traffic and large trucks for Cook’s Lobster House and the overgrown bushes block safe passage for drivers and pedestrians.
- Diana Estes – opposed to removing lights on Pott’s Point, including Hurricane Ridge for security reasons.
- Virginia Brown – opposed to adding a light on pole #118 at Eagle Bluff which is located on a blind curve and drivers leaving Eagle Bluff at night look for headlights to help determine when it is safe to pull out.
- Shannon Lamb – opposed to removing light near 1845 Harpswell Island Road as it helps guide into the S-turn.
- Pem Johnson stated it does not make sense to remove any lights to save \$6,600.
- Sally Rich – in favor of removing the two lights on Dingley Island Road and opposed to adding any lights on the Road. She has petition signed by 27 homeowners in favor of “Keep Dingley Dark.”
- Donna Dillman – opposed to adding a light on pole #93 due to privacy and there are no pedestrians in the area.
- George Johnson – opposed to removing the light at 44 Hugh Ave. for security and snow travel reasons.
- David Johnson – opposed to removing light 53.4 on Steamboat Wharf Lane as it lights a Town public easement area and commercial fishermen use the area to check on the boats in Mackerel Cove.
- Ken Mockler at 4 Oceanside Road stated no lights should be removed. He stated the only light objectionable is the one on the Bailey Island Fire Station – Chairman Multer suggested he contact the Fire Department.
- Robert McIntyre stated many lights project 360° light and they should be replaced with down lights. He believes he is safer running in dark areas rather than lighted area.
- George Eliades at 3 Hills Way, spoke against adding a light at pole #118.
- Laura Crawford – opposed to removing lights on Lowell’s Cove as it is a walking area.
- Andrew Parker - opposed to removing the light on pole #192 as it provides guidance over dangerous icy areas.
- Everett Petty – opposed to removing light #13 on Harpswell Neck Road as it is a bus stop.
- Ed Sparks, Orr’s/Bailey Island Rescue Captain, stated concerns relating to several light removal proposals including: Garrison Cove Road due to heavy traffic; Oceanside Road as it is steep hill; pole #165 at Mariner Lane as it is an ice glacier all winter; pole #229 across from Cooper Lane as it too is icy and a bad corner; and he requested a light on pole #182.1 at Wilson’s Pond at the bottom of two steep hills. Mr. Sparks will submit his list of concerned areas to the Town.
- Richard Moseley – opposed to removing #5 on Lookout Point Rd as it is on a hill and helps with heavy traffic.
- Claude Messamore stated light 53.2 on Steamboat Wharf Lane could be removed but asked to keep 53.4.

David Chipman, of the Energy Committee, stated the Board asked the Committee to look at the street lights due to the costs and energy consumption. Generally, the lights were originally placed without any criteria and the Committee attempted to apply criteria which will make the lights more effective. The Board will further review the lights in contention and Selectman Hawkes asked for the light at Holbrooks and Field Road also be reviewed.

11. Consider Amendments to the Public Participation Policy: Removed.

12. Cedar Beach Update: Administrator Eiane stated the Board received communication from the Abrahamsons regarding an offer for an easement over Cedar Beach Road and she asked how the Board wants to proceed. Selectman Henderson questioned if the offer was worth pursuing since there are outstanding legal

issues. Administrator Eiane noted the proposal is seeking more funding than the Town has available and is only for the road; voters approved \$220,000 for the road and beach. Chairman Multer suggested sending a letter in response stating that the Board is not able to proceed given the limits of empowerment by Town Meeting of the amount, specific areas and given the Abrahamson's deadline of 10/1/11. Selectman Henderson and Hawkes agreed.

13. Member Access to Maine Municipal Association Website: Administrator Eiane stated that the Maine Municipal Association (MMA) declined to answer the question of whether the Town's password to the member's only section of MMA's website is subject to the Freedom of Access Law and suggested referring to the Town's attorney. MMA did respond that users can have unique passwords and municipalities can limit use of the site such as to exclude the use of legal services. There was a discussion regarding a committee member's request to have access and whether such committee access was necessary. Chairman Multer suggested obtaining a legal opinion and Administrator Eiane responded the Town Attorney states this is really a policy level decision. Selectman Henderson stated he was willing to allow access with individual passwords, which could be cancelled if necessary. Chairman Multer moved, seconded by Selectman Henderson to authorize committee member's access to the MMA member's only website with individual passwords and to block access to legal services; passed 3-0.

14. Mitchell Field

- **Consider Request for Proposals for Infrastructure Plan:** Administrator Eiane stated the Board is currently in negotiations with a business to locate at Mitchell Field and there are many unknowns about the infrastructure. Funds were allocated in the 2011 budget to engage the services of an expert to develop a plan and costs for the infrastructure at Mitchell Field such as moving the entrance, roads, potable water supply, electrical, septic, storm water management. Administrator Eiane reviewed the proposed request for proposals (RFP) which will be sent to 30-40 firms with responses due in three weeks. Chairman Multer suggested asking for an overall bid and also individual bids on each area. Administrator Eiane noted the RFP does ask for a breakdown of the costs by area. The Board agreed to proceed as currently structured. Chairman Multer moved, seconded by Selectman Hawkes to authorize the RFP; motion passed 3-0.
- **Consider Contract for Removal of Contents from Generator Building:** The Board previously authorized a request for proposals for the removal of the contents from the generator building at Mitchell Field with a minimum bid of \$10,000. One response was received from Richard Graves and Eric Field with a bid of \$10,000 plus any additional revenue (after deducting costs) received above \$30,000 will be split three ways. There was a discussion regarding the additional revenue. Selectman Henderson moved, seconded by Selectman Hawkes to approve the contract with Richard Graves & Sons and Field's Auto; passed 3-0.

15. Consider 2012 Budget Directives: Administrator Eiane stated the budget process for 2012 is soon to begin and staff seeks input from the Board related to: 1. wage/salary increase, if any, with a new union contract due in 2012; 2. is the Board seeking a LD-1 compliant budget; 3. does the Board have any new areas of spending to consider such as West Harpswell School, Emergency Medical Services, Town landings and economic development services. Alternatively, Administrator Eiane asked for input on whether the Board wants to maintain the same level of service and/or consider selling certain Town assets, e.g. the Hildreth Road property. Administrator Eiane will be providing the Budget Advisory Committee with an overall budget review at the October 12 meeting and input from the Board by then would be helpful. The Board agreed a LD-1 compliant budget is desired. Selectman Henderson questioned if funding is needed for the implementation of the Harbor Management Plan; Administrator Eiane responded the Harbormaster will provide that input. Selectman Henderson suggested a new area of spending would be a further interpretation of the ecological study of the Town-owned properties on Mountain Road such as future planning of community structures. The Board discussed how specific input for certain structures would be difficult until the structure use and need are known. Chairman Multer would advocate an analysis of the area of buildable land relative to building sizes. Chairman Multer noted this may be the year to hold the wage/salary level without an increase.

16. Consider Policy Regarding Website Links: Chairman Multer stated she provided a draft policy and requested input. Selectman Henderson questioned if controversial topics would be allowed; Chairman Multer responded if it is of general interest. The Board suggested that individual business links should not be allowed but that organizations funded by the Town should be, along with governmental and quasi-governmental sites (e.g. MSAD 75, Department of Marine Resources etc.). This draft will be re-worked and brought back to the Board.

17. Consider Request for Proposals to Sell the Tractor-Trailer: Administrator Eiane stated this proposal comes from the Recycling Manager to sell the tractor-trailer that is unstable and unsafe for scrap and if no bids are received, to give it away at no cost. Selectman Hawkes stated she could support seeking bids but if none are received, the Town should scrap itself and not give it away. Chairman Multer moved, seconded by Selectman Henderson to approve the proposal with the caveat the Manager return if none are received; passed 3-0.

18. Acceptance of A Donation for the Heating Assistance Program: Selectman Hawkes moved, seconded by Chairman Multer to accept with thanks \$100 from Lands End for the heating assistance program; passed 3-0.

19. Appointments and Committee Resignation: Selectman Henderson moved, seconded by Chairman Multer to appoint Jane Covey to the Mitchell Field Implementation Committee to April 30, 2013 and as the Community Gardens Coordinator; Walter Scott Moody, Sr. to the Watercraft Task Force; Dick Wyer as alternate Animal Control Officer to December 31, 2011; and to accept the resignation from Spike Haible from the Solid Waste Committee with thanks; motion passed 3-0. Selectman Henderson will bring a proposed revised mission statement and new name for the Solid Waste Committee to the next meeting.

20. Other Business: A. Review of a Mission Statement for a Library at West Harpswell School:

- Chairman Multer stated there is a draft mission statement for a Town Committee to explore the library concept. Donna Frisoli stated that she and others who are interested in establishing a library at West Harpswell School prefer to be known as the Friends of the Library and not a Town Committee as it will not be a municipal library. Ms. Frisoli has enlisted 14 interested volunteers to assist in setup and working at the library. The Board discussed the difficulties involved with insurance and entering an agreement with a group of volunteers as opposed to an entity. Selectman Henderson suggested that perhaps some existing 501(c)(3) may sponsor the group. Selectman Hawkes noted that at least 1/3 of the building has to be used to potentially reduce the insurance costs and suggested the gym be used in addition to the library area. Ms. Frisoli stated she is willing to coordinate with recreation and has already spoken with the Recreation Director who indicated she could use the gym for basketball practice. Ms. Frisoli stated she prefers to move forward with this concept and have 6 months of use before the March Town Meeting and she has contacted the Curtis Memorial Library for a mentor. Administrator Eiane questioned who the books will belong too and noted other logistical issues such as minimal available funding. When the school was active, the operating costs were \$80,000 per year and the Town appropriated only \$25,000 to cover costs until the March 2012 Town Meeting, with \$13,000 for vacant building insurance coverage. The Board needs to understand that if this concept is pursued, there may be budget overages requiring use of contingency. Additionally, the Town is required, under terms of its insurance policy, to pay for the vacant building insurance coverage for a minimum of 90-days. The Board suggested that Administrator Eiane forward the detailed questions and concerns to Ms. Frisoli for response at the next regular meeting (10/13).
- **Proclamation of Constitution Week:** Chairman Multer read the Proclamation and moved, seconded by Selectman Hawkes to adopt it; motion passed 3-0. The Board asked the document be sent to Harpswell Community School and posted on the website for the time period.

21. Public Comment: There was none.

22. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Hawkes to approve warrant 49 in the amount of \$1,918,766.33 (including the County tax payment and a payment to MSAD 75); motion passed 3-0. The Board discussed and approved the insurance policy payment for the West Harpswell School at \$13,078.94. Payroll warrant #37 for \$14,143.95 was noted for the record.

23. Administrative Matters: The Board set aside the mornings of September 26 and 27 for scheduling an executive session regarding the Union contract, a meeting to discuss the public participation policy and a workshop regarding the artwork from West Harpswell School. The Board discussed the proposed amended Notice of Decision with regard to wharf applications, that includes language regarding de minimus changes. Selectman Henderson moved, seconded by Selectman Hawkes to adopt the new Notice of Decision for wharf permits; motion passed 3-0.

24. Adjournment: The meeting adjourned by unanimous vote at 10:00 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

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