

Special Selectmen's Meeting Minutes
September 19, 2013
Harpswell Town Office
Approved on October 17, 2013

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

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Gina Perow, Recreation Director; Fred Cantu, Recycling Center Manager; Jim Hays, Harbormaster; and Carol Eyerman, Planner

The meeting was recorded and broadcast live on Harpswell Community Television and streamed.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by adding Consider Mowing Policy and to Review a Memo from Selectman Daniel both under Other Business; motion passed 3-0.

2. Public Comment: Mary Ann Nahf, representing Curtis Memorial Library, stated there will be a Beginning of Genealogy Class at the Town Office on September 23 from 6:00 – 8:00 pm. The class will show to start a family genealogy and provide subscription website addresses that can be used, through the Curtis Memorial Library, to continue the research. Gina Perow, Recreation Director, stated the Devil's Back parking project has been completed by R.A. Webbers and looks great. There is no longer a ledge outcrop and it has curbing along the road to direct traffic and yellow wheel stops indicating the parking spots.

3. Town Administrator's Report: Administrator Eiane agreed the parking at Devil's Back is a nice new amenity that will be heavily used and thanked Ms. Perow for leading that project. Also Administrator Eiane noted the new parking specific for fisherman at Mackerel Cove. Administrator Eiane reported the Federal Emergency Management Agency recently notified the Town that the scheduled release of the preliminary flood maps for Cumberland and York counties has been delayed. The new schedule is uncertain. Many property owners in Harpswell would have been affected by the amended maps and the Code Office has been very busy since letters were sent to owners. This delay allows more time to be prepared. Administrator Eiane announced the Town has new voting machines that will be used for the November 5 vote and people can view a video on-line on how to use the machines. The new machines will tell a voter if the ballot cannot be read and allows a voter to update the choices by touch screen. Administrator Eiane reported the second meeting on the Bethel Point Road culvert project as held and the need for the temporary bridge to support fire trucks and buses was made clear. The contractor did not realize the need for heavy vehicles and there may be an extra cost of about \$2,000 to add the additional support to the bridge. The Board agreed there was value in having the supported bridge. Administrator Eiane announced the Town's annual Flu Clinic will be held on October 10 from 9:00 – 12:00 pm and 5:00 – 7:00 pm. Additionally there will be a free health screening clinic at the Town Office on Saturday, October 12 from 10:00 am – 2:00 pm, sponsored by the USM Nursing Program. October 26 is a Medication Collection day at the Town Office. October 26 is also Household Hazardous Waste Day from 9:00 am – 1:00 pm at the Brunswick Public Works Building and pre-registration is required and can be done by contacting Fred Cantu, Recycling Center Manager.

4. Selectmen's Announcements: Selectman Hawkes encouraged the public to be aware of any road condition concerns and to contact the Town Office. Additionally, there is an on-line form that can be used to report specific maintenance concerns.

5. Consent Agenda: Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda [September 5 minutes; Raymond Sohl appointment to the Recreation Committee; Janel Johnson's resignation from the Recreation Committee; Cumberland County Tax Assessment Form; warrant#42 for \$1,795,791.97, warrant 41 for \$4,043.71 and payroll warrant #38 for \$15,438.48]; motion passed 3-0.

6. Bandstand Committee Recommendations and Designate a Selectman Liaison: Gina Perow, Recreation Director, stated she amended the existing Mitchell Field Group Use Policy to include use of the Bandstand and changed the format. Ms. Perow reviewed a couple of minor changes made at yesterday's Bandstand Committee meeting. Chairman Multer stated she has a number of changes including the need to define "financial benefit" and "immediately". She will work in her suggested changes for the next meeting. Selectman Daniel asked how the \$2.00 per person fee applies; it was noted the Board has never assessed the fees. Selectman Daniel agreed to be the Bandstand Committee liaison.

7. Recycling Center/Transfer Station Matters

- **Consider Contractor for Solid Waste and Recycling Disposal:** Fred Cantu, Recycling Center/Transfer Station Manager, reviewed the responses to the Solid Waste and Recycling Disposal Requests for Proposals. Casella was the lowest bidder and has provided excellent service this past year. Casella proposed \$63/ton and will incinerate the solid waste at a waste-to-energy plant. Casella submitted a second bid, with a cost at \$55/ton, that includes allowing Casella to determine the disposition of the solid waste at a waste to energy plant or at a landfill. Based on the Town's estimated tonnage, the annual costs with Casella on proposal one is \$118,700 and the second proposal will be \$110,900. The Selectmen agreed they did not want additional waste in a landfill. Chairman Multer moved, seconded by Selectman Daniel to contract with Casella for proposal one with the solid waste being incinerated for energy; motion passed 3-0.
- **Consider Recommendation and Contract for Wood Grinding:** Mr. Cantu stated a request for proposals for wood grinding was sent out with two options – one to grind and test the wood on-site and the other to haul the wood away for grinding and testing off site. There was one response from Marshall Specialty Grinding Inc. (MGI) to remove the wood off site to another site, where he will combine with other material, for grinding and testing and the contractor becomes fully responsible for the wood and testing once removed from our site. Costs are \$36 per ton for the waste wood, \$75 per truck load, and \$0 per ton for the brush. Selectman Hawkes moved, seconded by Chairman Multer to contract with MGI; motion passed 3-0. There was a brief discussion regarding signs at the Recycling Center.
- **Consider Request from Scouts to Sell Popcorn at Recycling Center:** Chris Rose, Den Pack 642 leader, requested permission to sell popcorn at the Recycling Center on September 21 and 28. The Pack keeps 35% of the sales, the local Scout Council keeps 35% and the distributor keeps 30%. The funds are used to help support activities. Mr. Cantu stated as a former scout he understands fund raising and expressed concerns about the safety at the operation and parking issues. Mr. Cantu suggested if the Board wants to pursue, that the Scouts be located on the back of the facility. Mr. Cantu also expressed concern about the "slippery slope" asking where will the requests end? Selectman Daniel stated he was concerned about safety and stated he likes the compromise of locating the Scouts on the back side and placing a sign up front. Selectman Hawkes suggested the Television Studio parking lot; Chairman Multer responded it is tiny and they will not get the traffic. Mr. Cantu stated he would set up orange safety cones around the Scouts. Chairman Multer moved, seconded by Selectman Hawkes to authorize the sale of the popcorn in the designated area on the requested dates; motion passed 3-0.

8. Consider Possible Ordinance Amendments: Carol Eyerma, Planner, reviewed the list of potential ordinance changes for the 2014 Town Meeting: Conservation Subdivision, impermeable/impervious surface definition, timber harvesting and a few minor changes from the Code Office. Ms. Eyerma stated there will not be any changes proposed by the Shoreland Zoning Task Force until 2015. Burr Taylor, chair of the Comprehensive Plan Implementation Committee, invited the Board and staff to attend the forum on Monday night that will feature Randall Arndt, the conservation subdivision expert. The Board set a workshop on October 10 at 6:30 p.m. to review the timber harvesting options and other ordinance proposals.

9. Consider Abandoned Vessel(s) Issue: Jim Hays, Harbormaster, reported that following the August 8 Selectmen's meeting, a certified letter was sent to the last known owner of the vessel abandoned on Sheep Island. The letter was picked up and the person phoned Jim and advised he sold the boat over 10 years ago and is not

responsible for it. Mr. Hays stated he posted a question, through the harbormasters' list serve, on how other municipalities handle abandoned vessels on private property and 6 responses were received. 4 responses were from municipalities stating that it is the landowner's responsibility on private property. One response was from the Department of Army Corp. of Engineers encouraging assistance but did not state you must. Dan Prichard, from the State Submerged Lands Program, offered to take the case over if the municipal officers declare the vessel to be abandoned. Selectman Hawkes asked if the vessel could be hauled off with a rope. Chairman Multer suggested turning the issue over to the State. Selectman Daniel agreed stating unfortunately on private property it is the property owner's issue; Chairman Multer agreed. Selectman Hawkes noted if the State says no to proceeding, she does not want boats on shores. Chairman Multer moved, seconded by Selectman Daniel to declare the boat on Sheep Island abandoned. Deputy Administrator Sawyer asked if the motion includes the boat on the beach at Mackerel Cove that may be on private property. The motion was revised to include both boats. Motion passed 3-0. Chairman Multer stated she wants to consider regulating floats in the future, particularly those that break apart.

10. Consider Request for Use of Mitchell Field as Access to Abutting Property for Tree Harvesting

Operation: Deputy Administrator Sawyer stated the Board tabled this request pending input from the Mitchell Field Committee. The Committee met and recommends a number of specific points, per the minutes, to be included in a Road Use Agreement if the Board decides to proceed. The Committee discussed assessing a fee (or work in lieu of a fee like filling in the road cuts) but felt that was a Board of Selectmen issue. The Committee chair was unable to attend that meeting and phoned Deputy Administrator Sawyer today asking two questions: does the harvester have to remove portions of the property line stone wall and does the swale have to be filled in. Mr. Bond responded the Navy formerly removed the stone wall in front of the gate and there is no swale in front of the gate. Chairman Multer stated she wants the Town's legal costs on this topic to be paid for by the harvester. Selectman Hawkes stated she also wants a fee as the company is making money and use of Mitchell Field cannot always be free. Mr. Bond noted the property owner will also make a profit. Selectman Daniel and Chairman Multer were not in favor of a fee outside of the legal costs and a road use bond. Mr. Bond asked if a fee is necessary for a public road. Deputy Administrator Sawyer noted this property is owned by the Town and the Board, acting on behalf of the Town, can implement rules and policies and can allow use or limit use. It was suggested the road be videotaped prior to use. David Chipman suggested the company may be able to chip some brush. Chairman Multer moved, seconded by Selectman Daniel to grant the request for trucks to traverse Mitchell Field roads subject to: paying legal fees for the Road Use Agreement (RUA) review, submitting a bond, and providing activities such as chipping. Deputy Administrator Sawyer asked if the Board wants specifics requirements in the RUA above what the Committee recommended; Chairman Multer responded it can be reviewed at the next regular meeting. Mr. Bond stated they will incorporate the Committee's recommendations into the RUA and send it to the Town for review. Motion passed 3-0.

11. Execute Contract of Sale Re: Lookout Point Road, Map 8, Lot 30: Administrator Eiane stated this is the first public discussion regarding the purchase of map 8, lot 30 for \$85,000 from Dain Allen. The lot directly abuts the existing Town lot and is approximately .14 acres. The Board agreed to put this on a November ballot and negotiated certain terms, including allowing Mr. Allen and Albert Rose to use a portion of the property and the public for emergency purposes for up to 14 days for 20 years. The Town plans to conduct a phase I environmental study, survey and title work of the property. Mr. Allen has signed the Contract of Sale. Chairman Multer moved, seconded by Selectman Hawkes to execute the Contract of Sale with Mr. Allen; motion passed 3-0. Selectman Daniel thanked Mr. Allen for considering the Town first and encouraged others interested in selling to contact the Town.

12. Consider Secret Ballot Items for November 5 Referendum, Sign November 5 Town Meeting Warrant and Set Public Hearing for October 17, 7:30 PM: Administrator Eiane stated the warrant includes the article for the purchase of Map 8, Lot 30 which will be by secret ballot. The public's opportunity to speak on secret ballot items is at the public hearing. The Board discussed sending a bulletin or postcard to voters informing of

the matter and public hearing date. Chairman Multer moved, seconded by Selectman Hawkes to approve and sign the warrant; motion passed 3-0. Each Selectman recommended the article. The Board agreed to hold the hearing on October 17 at 7:30 p.m.

13. Consider 2014 Budget Directives: Administrator Eiane reviewed her memo regarding the upcoming 2014 budget process. On the revenue side, the Town will see a reduction in revenue sharing, Department of Transportation road funding, and loss of income from the sale of recyclable materials. On the expenditure side, there are possible new or increased areas of spending such as increased paramedic coverage, contribution to the Harpswell Community Playground fund, certain wage and salary adjustments and reserve set asides. Chairman Multer noted there is the potential to have an expense relating to Cedar Beach. Selectman Hawkes added she wants funding for Wharf Road town landing and for restructuring marine services. The starting proposed budget will reflect the costs to maintain existing marine patrol services, which can be adjusted as the Board determines how it wants to proceed. Chairman Multer suggested joining an on-line service that details available grants. The Board concurred with applying a 2% for wage and salary increases for budgeting purposes, that the budget should be LD 1 compliant with possible items shown outside LD1.

14. Consider Request for Proposals for Realtor Re: Hildreth Road Property Sale: Administrator Eiane recommended sending a Request for Interest to realtors located in Harpswell followed by interviews. The interview team could be comprised of two staff members and one Selectman and would provide an opportunity to the realtor to provide training information, suggested listing price and how best to market the property. Chairman Multer replaced “training” with “sales/accomplishments”. Chairman Multer moved, seconded by Selectman Hawkes to send the Request for Interest; motion passed 3-0.

15. Consider Requests for Proposals for Winter Sand: Deputy Administrator Sawyer stated: annually the Town seeks proposals for supplying winter sand. Last year’s price was \$10.24 per yard. The Road Commissioner will oversee the deliveries and determine when needed. Chairman Multer moved, seconded by Selectman Hawkes to approve the request for winter sand; motion passed 3-0.

16. Select Voting Delegate for the Maine Municipal Association Annual Business Meeting: Chairman Multer stated she is not certain she will be attending the conference this year. Administrator Eiane stated she planned to attend and could attend the business meeting. Chairman Multer moved, seconded by Selectman Hawkes to delegate Administrator Eiane; motion passed 3-0.

17. Sign Proclamation of Constitution Week September 17-23: Chairman Multer read the Proclamation and moved to endorse it. The motion was seconded by Selectman Hawkes and the motion passed 3-0.

18. Other Business: Consider Mowing Policy: Deputy Administrator Sawyer stated the Board previously adopted this policy after the Town purchased the riding lawn mower for use at the Community Garden. Certain Mitchell Field volunteers would like to use the mower for other areas within Mitchell Field. Selectman Hawkes moved, seconded by Chairman Multer to remove the sentence limiting the use of the mower to the Garden; motion passed 3-0. **Review a Memo from Selectman Daniel:** Selectman Daniel stated he understands the Energy Committee is working on the idea of placing solar panels on top of the generator building at Mitchell Field to supply energy for Harpswell street lights. Selectman Daniel stated he believes the infrastructure is in place at Mitchell Field to supply electricity back out on the line. He would like to ask the Energy Committee to investigate the potential costs and viability of contracting with a solar company to place solar panels at Mitchell Field to supply power to all of Harpswell and possibly wholesale to Central Maine Power. Selectman Daniel stated he spoke with the Chair of the Energy Committee and the concept was well received. The Board concurred with the Committee researching the concept and providing the Board with more information, including what grants may be available to assist.

19. Public Comment: None.

20. Administrative Matters: Selectmen will be attending the Jensen, Baird, Gardner & Henry Legislative Update meeting; and a brief Selectmen's meeting was scheduled for October 3 at 4:15 pm to approve the warrant. Deputy Administrator Sawyer stated the Board of Appeals requested legal advice on how to handle after-the-fact variance requests for structures that have already been built in violation of the ordinance. The Town attorney advised that after-the-fact variance requests should be reviewed under the standards that pre-construction variances are reviewed. The self- created hardship prong of the variance can be difficult to pass in post construction requests. As a practical matter, many municipalities have this type of post construction matters proceed through the municipal officers and not the Board of Appeals. The Code Enforcement Officer has enforcement authority and for certain cases, the CEO can refer to the municipal officers for resolution, which may include a consent agreement, fine, and/or removal of the violation. The Board agreed to follow this process.

21. Adjournment: At 8:40 p.m. the Chair adjourned the meeting without objection.

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]