

Board of Selectmen's Meeting Minutes
September 20, 2012
Harpswell Town Office
Approved on October 4, 2012

Page 1 of 4

At 5:30 p.m. the Selectmen met in a workshop with the Assessing Agent to review the municipal valuation return.

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

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; William Wells, Code Enforcement Officer; Marguerite Kelly, Treasurer; and Jim Hays, Harbormaster

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

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by adding a discussion regarding the marine warden services under other business and an additional executive session topic; motion passed 3-0.

2. Public Comment: Robert McIntyre stated Harpswell Heritage Apples will have material available on controlling winter moths and banding supplies and kits for sale by the Harpswell Garden Club at the Harpswell Heritage Land Trust every Monday in October from 6:00 pm to 8:00 pm. Call 833-7870 or 833-6905 for details.

3. Town Administrator's Report: Administrator Eiane stated the first installment payment for the 2012 taxes was due on September 17, 2012 and the Tax Office was very busy with a high tax collection rate. Administrator Eiane complimented Martha York and Jill Caldwell for their work including using new procedures through this tax season. Administrator Eiane stated staff met with Frank O'Hara and Sarah Curran, both from Planning Decisions, regarding the economic development plan and they will be reaching out to the public and the Harpswell Business Association. It was suggested the Town form an Economic Development Strategic Committee with 5-7 members and a proposed mission will be provided at the Board's next meeting. The first forum regarding the economic development plan will be held October 25 at 7:00 p.m. Administrator Eiane announced Saturday, September 29 is a medication collection day from 10:00 am to 2:00 pm; Thursday October 11 is the Town's annual flu shot clinic from 9:00 am – 12:00 noon and 5:00 pm – 7:00 pm; and Household Hazardous Waste Day is Saturday, October 13, interested participants should contact the Recycling Center manager. Administrator Eiane asked the Board to consider 2013 budget directives for the next meeting.

4. Selectmen's Announcements: Selectman Henderson encouraged members of the public to join Town committees such as the Energy and Comprehensive Plan Implementation as both have openings and there is lots of exciting work taking place. Selectman Hawkes stated she is very excited about the economic development plan process and she encouraged the public to participate. Selectman Hawkes stated that Chairman Multer will replace her as the liaison to the Budget Advisory Committee due to scheduling conflicts. Chairman Multer stated she attended the Budget Advisory Committee yesterday and outstanding issues raised during the 2012 budget review were discussed.

5. Consent Agenda: 1. Approval of the Minutes; 2. Contract with Bowdoin College for Family Swim; 3. Grant Contract Amendment from the State Planning Office: Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda; motion passed 3-0.

6. Old Business: Town Boat Maintenance Policy: Administrator Eiane stated this item was previously tabled to ask the Harbormaster whether the policy should apply to the Harbormaster boat. Mr. Hays stated the policy does not need to apply as he completes his own maintenance log and the proposed attachments would not apply to his use as he is essentially the only operator of the Harbormaster boat. Selectman Henderson stated if the only issue is the attachments, he would prefer the policy apply to both the Marine Patrol and Harbormaster boats and

not require the attachments for the Harbormaster boat. The Board made changes to the draft policy. Chairman Multer moved, seconded by Selectman Hawkes to adopt the policy as amended; motion passed 3-0. Administrator Eiane thanked Jim Hays for overseeing the new marine patrol boat, including training and the purchasing of necessary equipment.

8. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for August (attached).

9. Recycling Center/Transfer Station Matters

- **Consider Request for Proposal for Solid Waste and Recycling Disposal:** Fred Cantu, Recycling Center/Transfer Station manager, reviewed the request for proposals for municipal solid waste and construction debris disposal that also include options for single stream recycling, for dual stream recycling and transportation options for future planning purposes. Chairman Multer moved, seconded by Selectman Henderson to approve the request for proposals; motion passed 3-0.
- **Consider Recommendation and Contract for Wood Grinding:** Mr. Cantu stated two responses to the Town's request for proposals for wood grinding were received, one from Webb Construction and one from Marshall Grinding, Inc. Both entities' responses were incomplete based on the request for proposals. Mr. Cantu recommended entering a contract with Marshall Grinding, the lowest bidder, and that contract include a price per ton for disposal if the required test fails. Mr. Marshall has since provided that cost at \$57.50 per ton. Selectman Henderson moved, seconded by Selectman Hawkes to accept Marshall Grinding's response and enter a contract with the addition of mentioned price per ton; motion passed 3-0.

Selectman Hawkes asked Mr. Cantu to promote the recycling of paper by advising the public that the Town receives revenue for the sale of its recycled paper.

10. Wharf Applications

- **Matthes, 365 Gun Point Road, Map 37, Lot 27:** Joe Leblanc, Matthes' representative, stated the site was challenging and explained the proposal for a 4' x 50' pier plus a 6' x 35' fixed pier, 3' x 34' seasonal ramp and a 6' x 20' seasonal float. Mr. Leblanc stated the proposal has been revised multiple times in an effort to work with the concerned property owners in the area. The remaining concerns are from the property owners of map 37, lot 25 (Coyne) and Mr. Leblanc reviewed proposed conditions to be placed on the permit that would address the concerns. Selectman Henderson suggested the conditions be re-written to be more general with reference to map and lot parcels without including individuals' names and phone numbers. Selectman Hawkes expressed concern with the condition that allows a boat to berth at the float for an hour as it may be a hindrance to navigation during that time. Chairman Multer stated she preferred to obtain legal advice on how to assure the conditions follow the involved properties and how to incorporate them into the Notice of Decision. Selectman Hawkes reiterated her concerns relating to a boat tying up to the float. The hearing was opened at 7:12 p.m. Mr. Leblanc noted the proposal occupies 22% of the channel (25% is permissible) and if an 8-foot boat was tied to the float, 20-feet would remain for passage by other boats. Jim Hays, Harbormaster, noted that if any boat in any situation impeded navigation, he could be contacted to remove it. Greg Coyne, one of the property owners at 346 Gun Point Road, stated he had concerns about being able to travel past the structure and he believes the conditions are acceptable as long as they are made more general to follow the properties and not specific names. The hearing was closed at 7:30 p.m. The Selectmen agreed to have the Town attorney review the conditions and make recommendations on how best to proceed. Chairman Multer moved, seconded by Selectman Henderson to table the application; motion passed 3-0.
- **Flanders, 111 Ash Point Road, Map 15, Lot 193:** Joe Leblanc, Flanders' representative, presented the application for a 4'x100' pier, 3'x50' seasonal ramp and 10'x20' seasonal float. Selectman Henderson asked if the public could travel under the system in the intertidal zone. Mr. Leblanc responded yes. Selectman Henderson moved, seconded by Chairman Multer to approve the wharf system and cited the findings of fact for the notice of decision; motion passed 3-0.

11. Public Hearing re: Norman Stevens Junkyard Application, Map 46, Lot 31: The hearing was opened at 7:36 p.m. Bill Wells, Code Enforcement Officer, stated that Mr. Stevens applied for his annual permit. An on-site hearing was held today and in attendance was Mr. Wells and Mr. Stevens. Mr. Wells stated he completed a review and the appropriate checklist and did not find anything of concern. Selectman Henderson moved, seconded by Selectman Hawkes to issue the permit; motion passed 3-0. The hearing was closed at 7:48 pm.

12. Determine Town Way Status of Lower Road: Administrator Eiane explained that a legal document and aerial photograph overlaid with the tax map has been prepared for the Board's consideration. If the Board signs the document, it will be recorded and will solidify Lower Road being a Town way for maintenance responsibility unless someone later challenges it in court. Selectman Henderson moved, seconded by Chairman Multer to issue the determination of Lower Road with the revised documents (aerial and tax map attachment); motion passed 3-0.

13. Consider Request for Proposals (RFP)

- **Culvert Replacements:** Administrator Eiane stated last year the Town had general road maintenance performed in certain areas, which generated a list of culverts needing to be replaced. Ronald Ponziani, Road Commissioner, stated he inspected the culverts and flagged the areas and provided a list of his notes for the request for proposals to Administrator Eiane. In addition to replacing certain culverts, some need repairs and/or rip rap. Selectman Henderson noted the specificity of culvert types should be added. Selectman Henderson moved, seconded by Selectman Hawkes to authorize the Town Administrator to issue the RFP with the details and adjustments; motion passed 3-0.
- **Road Maintenance:** Administrator Eiane stated as part of general road maintenance, roads in certain areas have had shoulder repair, culverts cleaned out and ditches maintained. Cundy's Harbor and Harpswell Neck have had areas done in past years and this year, a few roads on Orr's and Bailey Islands are being considered. Mr. Ponziani stated Shore Acres and Hildreth Road really need some work; Administrator Eiane noted those roads are potential capital projects. Selectman Henderson asked for a list of roads suggested for road maintenance that cites the issues, priorities and if the road is being considered for capital improvements.

14. Comprehensive Plan Implementation Committee Update: Burr Taylor provided an update on the Comprehensive Plan Implementation Committee's work, including working with other committees to identify items in the Comprehensive Plan that have not been accomplished; exploring conservation subdivisions for Harpswell, including possible ordinance amendments. A forum on the topic has been scheduled for October 15 at 5:30 pm (later changed to 7:00 pm). [Mr. Taylor later encouraged public members to join the Comprehensive Plan Implementation Committee.]

7. Consider Request for Proposals for Parking Improvements at Devil's Back: Deputy Administrator Sawyer stated the Recreation Director, Gina Perow, has worked with a consultant on developing a plan for parking improvements at the Devil's Back area. The plan includes an entrance and exit with angled parking and a guard rail between the entrance and exit. Ms. Perow has worked with the Department of Transportation on the plan and will be obtaining a permit on the Town's behalf for the project. Chairman Multer moved, seconded by Selectman Hawkes to issue the request for proposals; motion passed 3-0.

15. Consider Contract Amendments with Field's Auto and Ronald Chipman: Deputy Administrator Sawyer stated both Mr. Field and Mr. Chipman have experienced delays in their projects of removing the structures at Mitchell Field and have requested extensions. The contract amendments extend the deadline to November 15 for Field's Auto and October 31 for Mr. Chipman, all other components of the contracts remain in effect. Selectman Hawkes moved, seconded by Selectman Henderson to approve the contract amendments; motion passed 3-0.

16. Sign November 6, 2012 Town Meeting Warrant & Set Public Hearing on Secret Ballot Item:

Administrator Eiane stated the Board previously approved the language for the article relating to the Town Treasurer position and the Board is asked to sign the warrant. The Selectmen amended the wording of the article and each recommended the article. Selectman Hawkes moved, seconded by Selectman Henderson to approve the

warrant with the amended language (if the ballot has not been printed); motion passed 3-0. The Board set October 18 at 7:00 p.m. as the public hearing. The Board discussed whether an opinion piece from the Selectmen should be mailed to each resident or just a notice stating the hearing date. Chairman Multer was in favor of sending the opinion piece stating the reasons why the Board is recommending the article. Selectman Henderson and Selectman Hawkes shared concerns of promoting one side only without stating the pros and cons to both sides. Administrator Eiane suggested the postcard could state the public hearing date and direct voters to the Town's website to see the Selectmen's statement if cleared by Maine Municipal Association (MMA). Selectman Henderson moved, seconded by Selectman Hawkes to send a post card with the public hearing date and direct voters to the website to view the Board's piece and post comments (subject to review by MMA); motion passed 2-1 (Chairman Multer opposed). Burr Taylor complimented the Board for allowing freedom of speech.

17. Select Voting Delegate for the Maine Municipal Association Annual Business Meeting: Selectman Henderson moved, seconded by Selectman Hawkes to appoint Chairman Multer as the voting delegate for the October 3 meeting; motion passed 3-0. Chairman Multer noted she will try to attend.

18. Sign Proclamation of Constitution Week September 17 – 23: Chairman Multer moved, seconded by Selectman Hawkes to proclaim September 17 – 23 as Constitution week; motion passed 3-0. Selectman Henderson encouraged the public to read the Constitution.

19. Other Business: Selectman Hawkes stated someone approached her and offered to submit a proposal for marine patrol services. After a discussion, the Board agreed to look at a proposal if submitted. Administrator Eiane noted she will let Cumberland County know if a proposal is received. Selectman Hawkes noted the proposal is public information once received. Selectman Henderson moved, seconded by Selectman Hawkes to appoint Diane Plourde as Deputy Fire Warden; motion passed 3-0.

20. Public Comment: None.

21. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #46 in the amount of \$305,894.13; motion passed 3-0. Payroll warrant #39 in the amount of \$15,008.94 was noted for the record.

22. Administrative Matters: Deputy Administrator Sawyer stated the Assessing Office no longer has a need for a dot-matrix, continuous feed printer or two boxes of the wide paper that is used in it. Harpswell Community School has expressed an interest in the items; the Board approved donating the items to the school. Selectman Henderson asked staff to investigate whether a webcam could be placed at Steamboat Wharf Lane similar to the one at the Orr's Island Yacht Club. Chairman Multer noted amplified microphones for the meeting room should be part of the budget.

23. Executive Sessions Pursuant to 1 M.R.S.A. § 405(6)(C) Re: 1) Cedar Beach Status; and 2) Mitchell Field Lease Negotiations; 3) Labor Negotiations pursuant to 1 M.R.S.A. § 405(6)(D): Chairman Multer moved, seconded by Selectman Henderson to enter into executive session as listed on the agenda; motion passed 3-0.

24. Adjournment: At 9:58 p.m., the Board returned to open session and adjourned.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: 1. Boat Maintenance Policy; 2. Treasurer's Report
[Attachments are available at the Town Clerk's Office or by email at harpswell@town.harpswell.me.us]