

1 Board of Selectmen's Meeting Minutes

November 15, 2012

Harpswell Town Office

Approved on November 29, 2012

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

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; Carol Eyerman, Planner; and Marguerite Kelly, Treasurer

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; motion passed 2-0.

2. Public Comment: Robert McIntyre stated the winter moths are here and information on how to control them will be available at the Harpswell Heritage Land Trust building on November 19 and 26 from 6:00 p.m. to 8:00 p.m. and next Saturday from 2:00 p.m. to 2:30 p.m. Mr. McIntyre asked the public not to use pesticides as they are dangerous to aquatic species and to the parasitic fly which eats the winter moths and will be introduced in Harpswell in the spring. Mr. McIntyre asked the Board to issue a declaration stating what can and cannot be done relating to the winter moths. Bill Allen stated there was a service at the Old Town Hall on Veteran's Day in honor of the Veterans and motorists did not respect the traffic director and drove too fast through the service since the Town will not make signs available to alert motorists. Additionally Mr. Allen was disappointed that no Selectman was present for the service and said it is the duty of the Board to show support for our Veterans. Chairman Multer and Selectman Hawkes agreed they were unaware of the service and will note it for next year. Administrator Eiane stated this is the first time she has become aware of a sign issue and will follow up.

3. Town Administrator's Report: Administrator Eiane announced the Town's second economic development forum will be held on December 3 at 7:00 p.m. at the Town Office which will focus on current assets and how to build off them to create new opportunities. Administrator Eiane stated the budget process is well underway and the Committee will offer a public comment period at the start of its weekly meetings at 3:00 p.m. For those unable to make it at 3:00 p.m., the Committee will try to accommodate them at another time. The Committee prefers advance notice of the topic but it is not required. Ronald Ponziani, Road Commissioner, stated there was a culvert needing replacement on Oakhurst Island Road that is about 60-feet long and 7-feet deep. The Town previously put out a package for several culvert replacements and Ray Labbe & Sons was awarded that package. Administrator Eiane stated that this culvert was not included in the package and since the cost to replace it will be over \$4,000, pursuant to policy, the Board could send it out to bid or sole source based on past selection and satisfaction. Chairman Multer asked if replacing the culvert will require the road to be closed; Mr. Ponziani responded the project could be broken down into parts and the contractor is responsible for flaggers, etc. The culvert is caving in and blocked on the side of the pond causing flooding on the adjacent land. Chairman Multer moved, seconded by Selectman Hawkes to sole source with Ray Labbe & Sons for the culvert replacement costing about \$7,000; motion passed 2-0. Mr. Ponziani stated the paint striping on Oakledge Road was completed today. He is hopeful motorists will turn onto Oakledge Road at the appropriately marked area where the visibility is clear. Mr. Ponziani had observed the traffic there and almost all turned too soon, where the visibility is not clear. He met a Department of Transportation (DOT) engineer on-site who agreed that painting lines on Oakledge Road and extending the solid lines on Cundy's Harbor Road should help direct traffic where to turn. Mr. Ponziani stated the stop sign on Oakledge Road is missing and needs replacement. He will also consider having red lines painted indicating to stop as well. He has also recommended to DOT to place orange flags on the curve signs on Cundy's Harbor Road. Mr. Ponziani stated he has four new speed strips coming and suggested a couple of strips might be able to be used for next year's Veteran's ceremony. Administrator Eiane stated DOT would have to be consulted for the strips and/or signs.

Bill Wells, Code Enforcement Officer, stated he met with multiple representatives from Central Maine Power on-site by the Long Reach marsh and CMP has agreed to remove the four utility poles it placed on the west side of Route 24 and place new poles back on the original east side of the road. Mr. Ponziani noted the Town had its first snow storm and things went really well.

4. Selectmen's Announcements: None.

5. Consent Agenda: 1) Approval of the Minutes; 2) Acceptance of Safety Enhancement Grant: Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda [11/1, 10/25, 10/26 minutes and safety grant of \$938.31 for barriers at the Recycling Center]; motion passed 2-0.

6. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed monthly report for October (attached).

7. Susan & Sydney Smith Wharf Application, 37 Frostfish Cove Road, Tax Map 6, Lot 30: Bill Wells, Code Enforcement Officer, stated this proposal is in compliance with the Shoreland Zoning standards. Joe Leblanc, applicant's permitting agent, stated the proposal is for a 4'x 4' access platform, 4'x 20' access stairs, 6'x 32' fixed pier, 3'x 34' seasonal ramp, 10'x 16' seasonal float and a 3'x 15' set of shoreline access stairs. The hearing was opened at 6:48 p.m. James Katsiaficas, attorney, stated he is representing Robert and Carmen Garver, the Smith's abutter. Mr. Katsiaficas stated his clients have concerns regarding a bridge and platform/stairway structure constructed along the common boundary line and have been in communication with the Smiths regarding the issue. The Smiths are considering the Garver's request to remove the bridge and stairs and relocate the easement to the other side of the property to allow shoreline access to easement holders via the set of stairs on the proposed wharf system. Mr. Katsiaficas stated with that proposal, the Garvers support the Smith's proposed wharf system. Patricia Watson stated she is the former owner of the Smith's property and while she will agree to the easement change for the Smiths, she believes it best to leave the easement and structures to access the shore in their current location as the structures cannot be seen by either home, the Garvers or Smiths. Ms. Watson stated the Garvers blocked off the traditional access to the shore across the Garvers property and that is why the Watsons constructed the bridge to access the shore. She noted that they were unaware a permit was needed before they started construction. The hearing was closed at 6:53 p.m. Chairman Multer read an email from the Marine Resources Committee that states the Committee cannot support wharves that will be built with wood treated with CCA (chromated copper arsenate) as it is detrimental to the shellfish. Chairman Multer stated she prefers to table this application to seek legal advice regarding the Board's responsibility on this topic. Selectman Hawkes stated she is aware of the guidelines regarding building with wood treated with CCA but she and the Committee read a research paper regarding the effects of CCA and it is alarming. Mr. Leblanc stated he objected to the Board's tabling of the application given the Board's statutory limits and given that CCA has been studied by the Environmental Protection Agency and is allowed under certain procedures. Wood treated with CCA is the only material that will work for wharves due to the marine worms etc. Selectman Hawkes stated she understood Mr. Leblanc's frustration but she is looking at the bigger picture and the possible effects on the industry and needs more information. Chairman Multer moved, seconded by Selectman Hawkes to table the application; motion passed 2-0.

8. Planning Matters

- **Ordinance Amendments**

- **Shoreland Zoning Task Force Proposals:** Carol Eyeran, Planner, introduced Jim Knight, Shoreland Zoning Task Force member, and Jim Cassida, consultant from Normandeau Associates, as both will provide additional information regarding the proposals. Jim Knight stated the Chair, Mary Ann Nahf, could not be here and he stated the Committee has worked for several months on this review. Primarily the proposed changes promote fishing as a home occupation, increase setbacks for chemical fertilizer use, promote recreational access to the water, and clarify stream and tributary stream designations. Jim Cassida reviewed the proposed amendments in detail and the proposed map changes.

The Board, staff and members of the public, Bob Schmidt and Jim Knight, asked questions. The Planner will be reviewing the proposed changes with the Planning Board at next week's meeting. Comments and feedback will then be shared with the Shoreland Zoning Task Force. It was noted that if ordinance amendments are being proposed for the annual Town Meeting warrant in early March, particularly with regard to creating new Resource Protection Zones, the Planner should be aware of the timeline that will need to be followed in order to ensure that all notifications and public hearings are held as required by law.

- **Other Proposals:** Ms. Eyerman reviewed the proposed definition changes suggested by the Conservation Commission and the proposed Subdivision Ordinance changes proposed by the Planning Board.
- **Cumberland County Development Block Grant (CDBG) Pre-Applications:** Ms. Eyerman stated the Town can apply for two general grant applications from the CDBG program and one planning grant. Staff met and is suggesting the general application seek funding to remove the north and south cells from the pier at Mitchell Field. There were three planning concepts, one to develop a Town-owned land master plan, one to plan for public bathrooms and one to update a report regarding the protection of Harpswell's marine resources. The general grant applications require a pre-application due December 20 and the planning grants are not subject to the pre-application. Selectman Hawkes asked if the general grant could include a larger funding request for more extensive removal of the pier; typically the CDBG awards are lower than what would be needed for funding the entire pier and it has yet to be determined if the Town wants to remove the pier or repair it. Selectman Hawkes stated she preferred the Town submit for two general grants since that is the allowed limit. Staff will revisit concepts that were previously discussed, such as funding for the emergency vehicles garage.

9. Open Bids for Media Equipment: David I. Chipman stated Harpswell Community Broadcast hosted the CTAN meeting and showed the available equipment to attendees. Since only one bid was received, the Town could advertise the remaining equipment on Ebay. Chairman Multer opened the bid from Ned Lightner, Belfast Community TV, for the Compix in the amount of \$75. Mr. Chipman stated the software is Windows 98 and worth a lot. Chairman Multer moved, seconded by Selectman Hawkes to accept the bid; motion passed 2-0.

11. Consider Request to Fund Advertising in "Allure of the Coast" Publication: Gail Kass, representing the Harpswell Business Association, asked the Town to help pay for one of the headers that will be printed in the Allure of the Coast brochure put out by the Southern Maine Midcoast Chamber. The header promotes the whole Town and not just one business and will have the Town's website address included. Chairman Multer moved, seconded by Selectman Hawkes to approve the use of \$171 from the economic development funds; motion passed 2-0.

10. Consider Contract Extensions with Field's Auto and Ronald Chipman: Deputy Administrator Sawyer stated the Board entered into contracts with Field's Auto for the removal of house 163 from Mitchell Field, with Ronald Chipman for the removal of both garages and with Ray Labbe & Sons for removal of house 162. House 162 has been removed and earlier today, house 163 was transported to Lookout Point in two parts. The Board previously granted both Field's Auto and Ronald Chipman extensions and each desires another extension as indicated in their respective letters. Field's Auto has to now remove the foundation 1-foot below grade and backfill the area and plant a tree to replace the one that was removed to facilitate the house removal. Mr. Chipman has one garage jacked up and ready for transport. Chairman Multer moved, seconded by Selectman Hawkes to extend Ronald Chipman's contract to December 15, 2012 and Field's Auto to December 31, 2012; motion passed 3-0.

12. Consider Request from Bandstand Community Organization: Removed from the agenda.

13. Committee Appointments: Chairman Multer moved, seconded by Selectman Hawkes to appoint Robert Hutchins, Gail Kass, Eric Smith, Lisa Burke, John Halpin and Jennifer Verplanck to the Economic Development Strategy Committee and Walter Johnson to the Emergency Vehicles Committee all to April 30, 2013 and to accept the resignation from Ed Sparks with thanks and regret; motion passed 2-0.

14. Other Business: None.

15. Public Comment: None.

16. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #56 in the amount of \$666,645.89; motion passed 2-0. Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #57 in the amount of \$34.90; motion passed 2-0. Payroll warrant #47 in the amount of \$18,407.63 was noted for the record.

17. Administrative Matters: The Board set a Board of Assessor's abatement review for 5:00 p.m. on November 29.

18. Adjournment: The meeting was unanimously adjourned at 9:49 p.m.

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]