

**Board of Selectmen's Meeting Minutes**  
**December 13, 2012**  
**Harpswell Town Office**  
**Approved on January 3, 2013**

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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, James S. Henderson and Alison S. Hawkes

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; James Hays, Harbormaster; 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 as amended by moving item 15 to 6.B; removing item 12 as discussions are on-going with Curtis Memorial Library regarding a budget increase cap; adding committee guidelines under item 17; motion passed 3-0.

**2. Public Comment:** There was none.

**3. Town Administrator's Report:** Administrator Eiane stated the Clerk's Office is announcing that nomination papers will be available starting December 14 for the following 3-year term positions: Selectman, Town Clerk, Tax Collector and District Director of MSAD 75. Administrator Eiane announced the second installment for tax payments is due December 17 and if not received or postmarked by the 17<sup>th</sup>, interest will be assessed. Administrator Eiane stated that Cook's Lobster House annual benefit for the Town of Harpswell's Home Heating Assistance Program is Friday, December 14 from 5:00 to 8:00 p.m. Administrator Eiane reported she attended a meeting hosted by Cumberland County that reviewed the upcoming proposed bills for Cumberland County in the next legislative session. While legislative members were present, Administrator Eiane asked for support of a bill Harpswell may seek regarding placing Town of Harpswell signage on I-295. Administrator Eiane stated there is a 3-week period for submitting bills and suggested she follow up with the Harpswell Business Association (HBA) regarding the specific signage request. Selectman Henderson stated he recently attended a meeting with Senator Gerzofsky, who has reserved a bill for the Town's signage request. Additionally, Selectman Henderson also attended a HBA meeting and he suggested the signs list Harpswell with Orr's, Bailey's Islands and Cundy's Harbor indented underneath.

**4. Selectmen's Announcements:** Selectman Hawkes apologized to her colleagues for missing the last meeting and thanked them for handling the chromated copper arsenate (CCA) issue regarding wharves.

**5. Approval of the Minutes:** Selectman Henderson moved, seconded by Chairman Multer to approve the 11/29 minutes; motion passed 2-0 (Selectman Hawkes abstained).

**6. Treasurer's Report:** Marguerite Kelly, Town Treasurer, reviewed her monthly report for November (attached).

**15. Engagement Letter with Runyon, Kersteen, Ouellette (RKO) for 2012 Audit:** Administrator Eiane stated this engagement letter is required annually to permit RKO to perform an audit of the Town's 2012 financial statements, which are prepared by the Deputy Town Administrator and Treasurer. The auditors will review the financial information and test certain internal controls. The cost for this year's audit will be up to \$13,600. Marguerite Kelly suggested striking sentences that reference the auditors' involvement with preparation of the financial statements since staff prepares them; suggestion accepted. Chairman Multer moved, seconded by Selectman Henderson to approve the engagement letter; motion passed 3-0.

**7. Consider Harbor and Waterfront Ordinance Amendments and Revisions to Pott's Point Dock Policy:** James Hays, Harbormaster, proposed certain amendments to the Harbor & Waterfront Ordinance relating to the

Town pier at Pott's Point. The changes include assigning the authority to the Board of Selectmen to create a policy regarding use of the wharf and floats system. Chairman Multer stated the policy needs to specify the extended time limit to tie to the float system with permission by the Harbormaster. Administrator Eiane noted the policy is not clear on a time limit for transient boaters. Selectman Henderson asked that the "first come, first served" process be spelled out, whether it is a lottery, or in person is considered priority or if the applications are dated and time stamped on receipt, including through the mail – define whether the application is prioritized by the postage date or day received. The Board discussed removing the fee amount from the policy to only reference there is a non-refundable fee set by the Board; and the non-refundable aspect was discussed.

**9. Consider Request for Proposals (RFP) for Replacement Furnace in Town Building Used by Harpswell Community Broadcasting:** David I. Chipman stated the original Television Studio furnace was donated many years ago and it is now leaking water and not working properly. Mr. Chipman stated this was the time to look into alternative methods such as solar energy and the Town's Energy Committee is recommending a triangular tube boiler system sized to fit the building. The RFP requires a site visit for interested bidders to allow an inspection of the current system and building needs. Mr. Chipman stated he spoke with Chairman Multer as she expressed concerns from her son (who is in the business) that the system may be too big for the building's hot water needs and will constantly circulate. Chairman Multer moved, seconded by Selectman Henderson to approve the RFP with the understanding that John Monaghan (chair of the Energy Committee) may adjust the items for purchase; motion passed 3-0.

**10. Consider Contract with Normand Associates Architects for Garage Project:** Administrator Eiane stated Normand Associates Architects was selected, through a public process, to perform the architectural and site work for the emergency services building. The professional services agreement includes detail on the five phases and an aggressive timeline with a design and estimate for construction costs by February 15, 2013. Administrator Eiane noted the Town currently has \$74,000 available with the contract not to exceed 7.8% of \$134,000 for the building with living quarters, plumbing, boat storage and heated paramedic vehicle storage. Selectman Henderson asked how the recycling building fits into this process; Steve Normand stated looking at that building would be included in the site review. Administrator Eiane noted there is a side agreement naming Tom Saucier as the engineer who will perform preliminary review to see if the Town's development on the lot with the Recycling/Transfer Station and Town Office has exceeded the allowable percent of impervious coverage. If this is the case, a separate contract will be needed. It was explained that the contract was written to include 7.8% for Mr. Normand of the \$134,000 (\$10,400 plus \$1,000 for reimbursable expenses) and that Mr. Normand may receive 7.8% of the construction costs above the \$134,000, if any. Selectman Henderson asked if that is an incentive for the architect to design an expensive project; Mr. Normand stated he is resident of Harpswell and understands the funding is through taxes and will work diligently to achieve the goal at the lowest possible costs. The Town should know an estimate of costs for the construction of the building before Town Meeting and can adjust the budget request at Town Meeting from \$60,000 to what is needed. Chairman Multer moved, seconded by Selectman Hawkes to approve the contract with Normand Associates; motion passed 3-0.

**11. Define Proposed Conservation Portion of Town-owned Hildreth Road Property, Map 3, Lot 73:** Reed Coles, Executive Director of the Harpswell Heritage Land Trust (HHLT), proposed a conservation line which will result in about 12.5 acres in conservation of the 14.5 acre lot. Deputy Administrator Sawyer stated the "front lot" on the road passed a soils test for a septic system and can meet building setbacks, making it an apparently buildable lot. Mr. Coles noted a difference between the Town's survey of the property and Mr. Robert Bryan's report of the property at the Otter Brook area. Chairman Multer expressed concern of selling the front lot as buildable without certain knowledge that it is; Deputy Administrator Sawyer stated the front lot appears to be buildable but the Board does not have to promote it as such as a potential buyer would likely enter a purchase and sales agreement and satisfy certain desired permitting requirements. Selectman Henderson stated there are two issues: one to determine the conservation area and the other to define a saleable lot. It was discussed that the Board could sell the "boot" portion to an abutter and the other front lot with the conservation area. Mr. Coles

stated that if the Board agreed on the area, the Town shall have its surveyor update the conservation area on a survey and the HHLT will conduct a title search. Selectman Henderson moved, seconded by Selectman Hawkes to proceed with the surveyor and conservation plan; motion passed 3-0.

**8. Consider Amendments to the Mitchell Field Rules:** David I. Chipman stated the Committee met and agreed to the proposed changes. Selectman Hawkes moved, seconded by Chairman Multer to approve the amended rules; motion passed 3-0.

**12. Curtis Memorial Library Memorandum of Understanding:** Removed.

**13. Consider Holiday Schedule for Town Office:** Administrator Eiane stated the Board has the discretion pursuant to policy to grant a ½ day of holiday (4 hours) on Christmas Eve and New Year's Eve. Chairman Multer moved, seconded by Selectman Henderson to approve a ½ day holiday for Town Office employees on Christmas and New Year's Eves; motion passed 3-0.

**14. Consider Solid Waste Disposal Contract with Pine Tree Waste, Inc.:** Deputy Administrator Sawyer reported the proposed contract was provided to Karen McNaughton, of Pine Tree Waste, and she made a few changes which were reviewed and amended by the Town Attorney. Ms. McNaughton has not been able to review the Attorney's changes and it was suggested to table this item to the next meeting. Selectman Henderson stated the contract should make it clear that if Pine Tree's ability to dispose of material at the Penobscot Energy Recovery Company is terminated, then the Town can terminate the contract. Chairman Multer moved, seconded by Selectman Hawkes to table this item to the December 27 meeting; motion 3-0.

**16. Consider Selling Vehicle by Public Bid:** Deputy Administrator Sawyer reported Cumberland County returned both a former Marine Patrol truck and a Deputy Sheriff's car to the Town. Staff prefers to retain the truck for use by the Assessing Office, Recycling Center Manager, and Harbormaster. The car has about 117,000 miles and would be sold in as-is condition. Private sale estimates were provided to the Board from on-line sources for consideration of whether to require a minimum bid. Selectman Hawkes moved to sell the vehicle with a minimum \$3,000 bid; motion passed 3-0.

**17. Other Business:** Administrator Eiane reviewed a proposed change to the Committee Guidelines that would add a 60-day time period for appointees to execute the appropriate appointment sheet or the appointment will lapse. Chairman Multer added "of the appropriate year" after the "appointments terminate on April 30". The Board discussed an effective date of the amended Guidelines and agreed on December 31 to allow time to notify those people who have been appointed but have not been sworn in. Chairman Multer moved, seconded by Selectman Hawkes to approve the revised Guidelines; motion passed 3-0.

**18. Public Comment:** None.

**19. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #61 in the amount of \$638,426.61; motion passed 3-0. Payroll warrant #51 in the amount of \$14,741.77 was noted for the record.

**20. Administrative Matters:** Administrator Eiane stated the Road Commissioner is recommending the replacement of two culverts on Peabody Road and he obtained two estimates – one from Ray Labbe & Sons and one from R.A. Webber & Sons. Webber's was the lowest at about \$3,700. Selectman Henderson moved, seconded by Selectman Hawkes to approve the Webber bid; motion passed 3-0. Administrator Eiane stated the Town Clerk has asked her how to handle an unpaid parking ticket that was issued in May. Apparently the vehicle was parked in a bus turnaround on Basin Point on a Sunday and the vehicle owner was issued a Town ticket even though the Town does not have a parking ordinance for that area. Administrator Eiane stated it does not appear

the Town owns the turnaround area and the Assessing Office is researching who the property owner is. Selectman Henderson suggested informing the person that the ticket will be voided and suggesting that they not park in that area while school is in session. Also it was noted that Cumberland County Sheriff will be notified that the Town does not have the authority for issuing tickets in that area. The Board agreed and wants MSAD 75 to be carbon copied. The Board discussed possible meeting dates for a meeting regarding Cedar Beach.

**21. Adjournment:** The meeting was unanimously adjourned at 8:20 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachments: Mitchell Field Rules  
[Attachments are available at the Town Clerk's Office or by email at [harpwell@town.harpwell.me.us](mailto:harpwell@town.harpwell.me.us)]