

**Selectmen's Meeting Minutes**  
**March 6, 2014**  
**Harpswell Town Office**  
**Approved on April 3, 2014**

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 p.m.

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

**Staff Present:** Kristi Eiane, Town Administrator and Terri Sawyer, Deputy Town Administrator

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 an executive session at 2.5; motion passed 3-0.

**2. Public Comment:** Robert Jackson, of Cedar Beach/Cedar Island Supports, Inc. (CBCIS), read a March 6 letter to Sally Daggett of Jensen, Baird, Gardner and Henry from David Bertoni, CBCIS trial attorney. The letter states the Board is in receipt of a gift from the Aspatore and references a State Statute that obligates the Board to present such gift to the next legislative body that has the authority to accept or decline. Instead the Board changed the terms without notification and robbed the legislative body of the right to accept the gift. CBCIS counsel demands the Board comply with law and present the gift unaltered to voters. Chairman Multer stated that since the letter has gone to counsel there is no need for action.

**2.5 Executive Session:** At 6:37 pm - Chairman Multer moved, seconded by Selectman Hawkes to enter into executive session pursuant to MRSA § 405(6)(e) and 405(6)(c) to consult with the Town Attorney regarding the possible acquisition of property at Lookout Point; motion passed 3-0.

The Board returned to open session at 7:35 p.m.

**3. Town Administrator's Report:** Administrator Eiane announced the 2013 Annual Town Report has been received and she is proud of the staff's work and the outside help with some design elements, including the cover. The warrant included in the report does not contain the Cedar/Robinhood Beach article that was voted to be added last night. Town Reports will be in mailboxes soon. The Report is dedicated to Martha York and three Rescue Chief/Captains who collectively have provided more than 75 years of service.

**4. Selectmen's Announcements:** None.

**5. Consent Agenda:** Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda; motion passed 3-0 [February 20 and 27 minutes; and warrant #10 in the amount of \$723,526.71 and payroll warrant #10 in the amount of \$14,330.12].

**6. CHH Properties, LLC Wharf Application, 47 Dyers Cove Road, Map 47, Lot 55:** Joe Leblanc, owner representative, reviewed the proposal for a 4'x8' platform, 4'x20' stairs, 6'x35' pier, 3'x40' ramp and a 10'x30' float. The abutter has authorized a reduction in the sideline setback in writing and the other sideline setback is met. An on-site hearing was held and the Code Officer and Mr. Leblanc attended. The hearing was opened and closed at 7:40 pm. Mr. Leblanc stated the public can walk under the system in the intertidal zone and Mr. Hays indicated there is no issue with navigation. Chairman Multer moved, seconded by Selectman Daniel to approve the application as the Harbormaster indicates that it does not cause a hazard to navigation and it does not interfere with the public's right to fish, fowl and navigate; motion passed 3-0.

**7. Consider Grant Application to Harpswell Heritage Land Trust for Community Garden:** David Chipman stated the Harpswell Community Garden (HCG), which is sponsored by the Town, exists to engage neighbors in gardening with a grant from the Harpswell Heritage Land Trust (HHLT). Site improvements

include improvements to the playground, a sand box, lawn area and improvements to the soils at the garden plots. Selectman Hawkes asked how many plots there are; Mr. Chipman responded 15. The beds are raised as the site soils are very bad since the Navy placed impermeable soil in the locations around the tanks. Selectman Daniel asked if the Harpswell Coastal Academy is involved; Mr. Chipman responded yes as well as the 4-H and there are plans to work with the high school. Deputy Administrator Sawyer stated Jane Covey was unable to be here as something came up. She explained that Julia McCloud, employee of HHLT, who was the Garden's outreach coordinator last year, is no longer able to fill that role. HHLT is working on a plan for a new coordinator and it may include the need for a Memorandum of Understanding with the Town. Deputy Administrator Sawyer stated the Mitchell Field Implementation Committee voted to withdraw the \$5,000 budget request for the Garden. The funds were planned to be used as a grant match to install drains in the garden area. However, the volunteers plan to explore other options. Chairman Multer moved, seconded by Selectman Hawkes to approve the grant application to HHLT; motion passed 3-0.

**9. Mid Coast Hospital Paramedic Report:** Dave Hudson, Mid Coast Hospital Lead Paramedic, reviewed call information for 2013 and for the period from January 1 through February 28, 2014. The Board agreed when the EMS building is complete that an open house will be held. Mr. Hudson noted commonly used supplies between the three departments and the paramedic will be stored in the new building. Selectman Daniel asked if other towns have approached Mid Coast since the Hospital entered into Harpswell's dedicated paramedic contract. Mr. Hudson responded yes.

**8. Consider Change Order for Emergency Medical Services (EMS) Building:** Deputy Administrator Sawyer reviewed the proposed changes to the contract with JARR Management for the construction of the EMS building. Changes include additional fill required for the foundation work; changing the interior walls; adding a code lock door; and increasing the size of the shower. The original contract price was \$116,270 and would be \$121,520 with the changes if approved by the Board. Chairman Multer moved, seconded by Selectman Hawkes to approve the Addendum to the Agreement with JARR Management as outlined; motion passed 3-0.

**10. Consider Mitchell Field/Bandstand Group Use Policy:** Deputy Administrator Sawyer reviewed the most recent draft of a combined Mitchell Field Group Use and Bandstand Use Policy, including the fee schedule the Board previously agreed upon. The policy was provided to both the Mitchell Field Implementation (MFIC) and Bandstand Committees. The MFIC suggested some changes including requiring additional restrooms for events with greater than 100 people; removing the prohibition of food inside the Bandstand; clarifying what and where power is available; asking if a definition of "private equipment" is needed; adding a time limit of 10:00 pm for amplified sound; adding the rules relating to intoxicating beverages and swimming at one's own risk; and including something about the use of picnic tables. Deputy Administrator Sawyer incorporated the changes for the Board's review. Chairman Multer objected to allowing food inside the Bandstand; Selectman Daniel and Selectman Hawkes agreed the Town could start out allowing food and if it becomes a problem, could restrict it later. Chairman Multer moved, seconded by Selectman Hawkes to adopt the policy as modified with removing the food restriction; motion passed 3-0.

**11. Approval of the 2014 Town Meeting Warrant and Budget:** Administrator Eiane proposed a \$5,000 increase in the Code Office budget to bring in help for the Alternate Code Officer while the regular Code Officer is out. Additionally, a raise is proposed since the Alternate Code Office recently obtained his certifications to be a Local Plumbing Inspector. Also an interim raise is proposed while he is the acting Department Head. Administrator Eiane stated the actual raises and details for the additional help will come back to the Board after Town Meeting, provided the budget is approved. Another proposed change to the warrant is the removal of \$5,000 from the Mitchell Field article due to the withdrawal of the request for the Garden. Administrator Eiane requested that the Board consider amending article 70, since at the time the warrant for the Town Report was prepared; it was uncertain what was going to happen with revenue sharing resulting in the suggestion of using up to \$425,000 of fund balance to offset possible revenue sharing reductions. Recently revenue sharing was restored

and staff is suggesting reducing the use of fund balance to \$380,000 or \$392,000. Chairman Multer stated that using \$392,000 could offset some of the school increases. Each Selectman confirmed their recommendations for the articles. Chairman Multer moved, seconded by Selectman Hawkes to approve the warrant and changes in the budget (budget total \$4,458,382 and using \$392,000 of fund balance); motion passed 3-0.

Chairman Multer stated she wants Town Meeting to address article 72 (Cedar/Robinhood Beach) much earlier than at the end of the meeting and suggested publicizing that the article will be moved to the front. The Board agreed to advertise the proposed change and suggest placement of the article near article 9.

**12. Other Business:** Administrator Eiane stated that while one of the Marine Wardens is unavailable for work, the Town will receive a reimbursement. The status of the Warden returning is unknown and the County has decided to post the job internally and may consider posting outside as well. Administrator Eiane stated a science teacher at the Harpswell Coastal Academy (HCA) is interested in receiving training to use the Town pH meter. A Committee member that previously received training is interested in receiving additional training as well. She will coordinate a training session and may suggest HCA pay for it if the Board can agree that HCA can use the equipment perhaps through a memorandum of understanding. Chairman Multer stated that while a warden is out, she is willing to entertain a trade off such as paying for HCA's training if they use it for the Town. Selectman Hawkes noted that if the budget for a marine services contract is approved, that person will need pH meter training and maybe the Harbormaster.

Administrator Eiane noted the Governor is setting up a Green Crab Task Force and maybe the Town could reach out to Representative Saxton to express its interest in proposing a member to serve. Administrator Eiane stated the Town Attorney's input regarding what the 10% number requirement is for non-resident licenses based on resident/taxpayer licenses. Sally Daggett reports that in her opinion 10% of 65 results in 6 licenses. The Ordinance calls for the Selectmen to weigh in on the number of licenses only if there is a disagreement between the Department of Marine Resources and the Committee.

**13. Public Comment:** Joe Leblanc noted an article in USA Today indicates that the flood plain map issue is now at the Congressional level and the article suggests that the full impact may not occur.

**14. Administrative Matters:** Administrator Eiane reminded the Board of the SAD 75 budget meeting on March 11 at 6:30 pm at the High School. At this point, there is no Selectmen's meeting scheduled next week.

**15. Adjournment:** At 9:00 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 [harpswell@town.harpswell.me.us](mailto:harpswell@town.harpswell.me.us)]