

Selectmen's Meeting Minutes
March 27, 2014
Harpswell Town Office
Approved on April 17, 2014

Call to Order and Pledge of Allegiance: The meeting was called to order at 4:00 p.m.

Selectmen Present: Richard A. Daniel, Elinor Multer and Kevin Johnson

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 Daniel moved to adopt the agenda as amended by adding public comment; motion passed 3-0.

1.2 Public Comment: Donna Frisoli, Harpswell Community Television Station manager, announced the Maine Association of Broadcasters recognized HCBC with a \$5,000 grant towards the digital upgrade of the transmitter. This is the second \$5,000 grant award from the Association to HCBC for this purpose. Ms. Frisoli stated HCBC is getting close to reaching its goal and stated tax deductible donations could be sent to PO Box 99, Harpswell.

2. Executive Session: Paul Driscoll, Town Attorney, stated there have been several executive sessions which are appropriate when considering matters pertaining to the possible acquisition of the Allen property. In his opinion, Mr. Driscoll stated that 405(6)(C) allows the Town to negotiate terms in executive session as negotiating in public might prejudice the Town's position. Final decisions cannot be made in executive sessions so when a contract is at the point of final consideration, the Board must return to open session.

Chairman Daniel moved, seconded by Selectman Multer to enter into executive session pursuant to 1 MRSA § 405(6)(C) to discuss the acquisition of the Lookout Point property; motion passed 3-0. The Board returned to open session at 5:00 pm.

3. Consider Extension with Dain Allen Re: Lookout Point Property: Mr. Driscoll stated the Board considered terms relating to the purchase of the Allen property which are now subject to a public vote. As a brief summary, Mr. Driscoll stated the northerly portion of the property was found to have some contaminants. He spoke with Nick Hodgkins, director of Department of Environmental Protection (DEP) Voluntary Response Action Program (VRAP), and discussed that the contaminants are minor, but since the Town is a public entity, the property needs to be cleaned. Through discussions between the Town and Mr. Allen, the plan has been revised. Mr. Allen will convey the property to the Town by May 15 free and clear of title issues and no amount of the purchase price will be conveyed. Once the Town owns the property, it can apply for VRAP and a grant to remediate the property and bring it into compliance. These grants are only available to public entities and not private individuals. Once DEP approval is issued, the work can commence. Upon completion and given a final approval by DEP, the Town will pay \$71,500 to Mr. Allen within 10 days. The amended contract of sale includes an outside date for all tasks to be accomplished by November 1. If not, the property will revert back to Mr. Allen. Chairman Daniel moved, seconded by Selectman Johnson to sign the amended contract of sale. Selectman Multer stated the Town has been diligent in this process and while the contamination is small, the clean up process has to be followed. The Town has made solid decisions and ultimately will pay less than the original price and anticipates grant funds for the clean up. Chairman Daniel stated it has been a long process with delays due to the circumstances and he is proud of the work done and thanked Mr. Allen for coming to the Town to offer the property. Selectman Johnson stated the property is great access in perpetuity. The Board and Mr. Allen signed the document with Mr. Driscoll witnessing.

4. Consider Letter of Support for Maine Coast Heritage Trust Grant Application Re: the Goslings: Keith Fletcher, Maine Coast Heritage Trust (MCHT) Project Manager, asked the Board of Selectmen to support a grant application to Land for Maine's Future for funds to help purchase the Goslings and the island Irony will be

donated as part of the purchase. Additionally, MCHT acquired a 44-acre conservation easement on Lower Goose, affirming public access that will contain trails and public use of the Nubble. The Dolphin Marina, Maine Island Trails and Harpswell Heritage Land Trust have also provided letters of support. Chairman Daniel asked what the limitations of use will be. Mr. Fletcher responded the traditional use of the Goslings will continue such as overnight camping. The Lower Goose easement prohibits camping but allows access, hunting and fishing. Mary Ann Nahf, Conservation Commission Chair, noted the Goslings are part of the Town's Open Space Plan and US Coast Guard designated anchorage for boats. Selectman Multer moved, seconded by Chairman Daniel to sign the letter of support; motion passed 3-0.

5. Consider Contracts (General Law Enforcement and Marine Patrol) with Cumberland County:

Administrator Eiane stated she has not heard back from the County on the Town's proposed changes to the Marine Patrol contract. The amendments create more responsibility for the wardens in relation to conservation activities and also require the County to reimburse the Town for costs if it is unable to provide two wardens. This situation happened this year with one warden out for an extended period of time and the County plans on reimbursing the Town. Selectman Multer moved, seconded by Selectman Johnson to approve the Marine contract contingent on County approval; motion passed 3-0. There were no major changes to the general law enforcement contract. Chairman Daniel moved, seconded by Selectman Johnson to approve the general law enforcement contract; motion passed 3-0.

6. Consider Contract Amendment with Mid Coast Hospital: Administrator Eiane stated the Town entered into a five-year contract with Mid Coast Hospital with one amendment to go to 24 hours/7 days a week coverage January – March 2014. Town Meeting approved yearly 24-7 coverage. The Town Attorney suggested a Letter of Understanding that obligates the Town to pay \$23,130 for the 24/7 coverage and the administrative work by the lead paramedic, including training. Selectman Multer stated upon contract renewal she wants to look at the vehicle arrangement as she is not happy with the Town paying for it and not having it returned to the Town after use. Selectman Johnson stated he assumes the miles are not similar to the law enforcement and marine vehicles. Chairman Daniel stated MC1 is often here so MC2 is not used solely in Harpswell. Administrator Eiane responded she will follow up on the matter. Selectman Multer moved, seconded by Selectman Johnson to approve the Letter of Understanding; motion passed 3-0.

7. Consider Easement with Bruce Allen for Utility Line Under Abner Point Road: Administrator Eiane stated the Board previously gave Bruce Allen a license to allow him to connect the power that he placed under Abner Point Road without prior approval. The license expires April 1 and Town Meeting authorized the Board to give Mr. Allen a permanent easement. Chairman Daniel moved, seconded by Selectman Multer to sign the easement; motion passed 3-0.

8. Authorization of the Warrant: Selectman Multer moved, seconded by Chairman Daniel to approve warrant 13a in the amount of \$127.76; motion passed 3-0.

9. Executive Session: At 5:45 pm, Chairman Daniel moved, seconded by Selectman Multer to enter into executive session pursuant to 1 MRSA § 405(6)(A) to discuss a personnel matter; motion passed 3-0. The Board returned to open session at 6:00 pm. Chairman Daniel moved, seconded by Selectman Multer to compensate Jason Marshall with a 2% raise as of January 1, 2014; an additional 4% as of March 3 for obtaining his local plumbing inspector certifications; and an additional 6% as of March 3 as acting department head and terminating upon the return of Bill Wells. The motion passed 3-0. Selectman Multer explained that Bill Wells is out for an extended period and the full responsibility of the office falls on Mr. Marshall and he is entitled to an increase in compensation. Chairman Daniel thanked Mr. Marshall for his work.

10. Adjournment: At 6:05 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]