

Selectmen's Meeting Minutes
April 3, 2014
Harpswell Town Office
Approved on April 17, 2014

The Board of Selectmen met at 4:30 pm to review Cedar/Robinhood Beach matters. Selectman Johnson stated he was listed as a litigant in the two law suits brought by Cedar Beach Cedar Island Supporters (CBCIS) – one with the Aspatores and one with Abrahamsons. The Aspatore suit has been settled. Upon his election as Selectman, he withdrew from the Abrahamson suit. Selectman Johnson stated he does not see an existing conflict with him acting on this topic. Selectman Multer stated she agrees there is no conflict tonight and wants to reserve the right to object in the future if need be on a specific point. Administrator Eiane stated the remaining Board members should vote on whether to allow Selectman Johnson to participate. Selectman Multer moved, seconded by Chairman Daniel to allow Selectman Johnson to participate; motion passed 3-0.

The Board discussed possible language for easement signage; possible mechanisms for identifying beach users; budgeting for the beach monitor; and parking options on Robinhood Road. The Board reached a consensus on draft sign language and asked for pricing (2 rules and 2 end of easement signs) and mock ups for review. The Board tentatively agreed that one person in a group using the beach can provide a license or student identification proving they are a Harpswell resident is sufficient. Additionally, others such as non-resident taxpayers and guests may need something such as a pass. The Board agreed it would be open to suggestions such as from Cedar Beach/Cedar Island Supporters, Inc. The Board reached a consensus that \$4,000 should be budgeted for the monitor and a job description prepared. The Board discussed parking matters and asked for an estimate from a contractor to widen the shoulder near the Fathom Lane intersection for all 7 or 5 spaces; for the full 17 parking spaces; and one turnout. These matters will be on a future agenda.

The Board recessed at 5:50 pm.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:07 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, seconded by Selectman Multer to adopt the agenda as amended by removing item 9 and replacing it with Consider Cook's Lobster House renewal liquor license; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane reported the Town received a letter from the Harpswell Coastal Academy expressing an interest in purchasing the former West Harpswell School. She stated under administrative matters, the Board should schedule an executive session to begin determining the asking price. Administrator Eiane asked if the Board wanted to continue to pursue a recommendation for the Governor's Green Crab Task Force; Selectman Johnson asked if David Wilson or Mike Bernier would be interested. Administrator Eiane will check and report back.

4. Selectmen's Announcements: None.

5. Consent Agenda: Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda; motion passed 3-0 [March 5 and 6 minutes; a \$500 donation from Maine Coast Heritage Trust; election worker appointments (Ruth Allen, Cindy Baumgartner, Hannah Beattie, Kimberly Bernat, Sandra Bichrest, Hildegard Bird, Margaret Bonarrigo, Sally Brooks, Janet Coombs, Monique Coombs, Susan Daignault, Catherine Doughty, Theresa Dunning, Diane Gagne, Jane Gott, Linda Hall, Joanne Harris, Hope Hilton, Megan Hubbard, Marilean

Johnson, Tracey Johnson-Colby, Sarah Lafond, Patricia Leary, Ellen Lebauer, Debora Levensailor, Susan Lowery, Lydia Mears, Melody Moore, Mary Ann Nahf, Carolyn Perow, Megan Perry, Debra Prosser, Carol Jean Richter, Thomas Rothwell, Linda Strickland, Marilyn Strout, Sara Theberge, Joyce Thomas, Shirley Thompson, Patricia Tillotson, Helen Tupper and Karin Watson); and warrant #14 in the amount of \$102,416.59, warrant #14a in the amount of \$1,237.47 and payroll warrant #14 in the amount of \$15,108.25].

6. Accept Delivery of Aspatore Public Access Easement Deed: Selectman Multer moved, seconded by Selectman Johnson to accept the easement deed. C. Matthew Rich spoke against accepting the easement without first obtaining legal advice stating that Town Meeting altered the article and accepted an easement and terms that did not exist as it had not yet been tendered to the Town. Additionally Mr. Rich asked if the Board agreed behind closed doors on the terms and the easement and whether the Board received a written offer of a gift from the Aspatores. Selectman Multer stated the Town has a legal opinion. Administrator Eiane stated there is no opinion in writing but that she received an email from Martin Eisenstein with the signed easement deed. She spoke with the Town Attorney who advised the Town should obtain the original and obtain in writing that the Aspatores are tendering the easement deed. Administrator Eiane stated she received the original and an email from the Aspatore Attorney stating the deed was being tendered to the Town. Selectman Multer asked what the last page of the document was; Administrator Eiane responded it was a notarization form but the notary chose to use a pre-printed stamp. Mr. Eisenstein agreed. Chairman Daniel stated this easement agreement was reached after a lot of work involving the Board, CBCIS, staff and the Aspatores. Chairman Daniel stated regardless of the article language presented to Town Meeting it was amended and passed by the voters and he takes his direction from the voters. Motion passed 3-0.

7. Consider Recycling Center/Transfer Station Matters

- **Request for Bids for Balers and Floor Scale:** Fred Cantu, Recycling Center/Transfer Station Manager, stated with the transition to single stream 8 months ago, there are 3 balers and a floor scale no longer needed since single stream is a success. Mr. Cantu asked for approval to send out a request for bids for the sale of the equipment. Chairman Daniel moved to approve the request for bids. Selectman Multer asked if Mr. Cantu wanted to add the date when the equipment was purchased; Mr. Cantu responded the dates are unknown. Chairman Daniel asked how this will be advertised; Mr. Cantu responded through the Maine Resource Recovery Association. Motion was seconded by Selectman Johnson and passed 3-0.
- **Request for Bids for Skid Steer:** Mr. Cantu stated the skid steer was purchased in 2008 for use when loading the balers (which are no longer needed with single stream) and it has only been used for snow removal. He noted a minimum bid of \$10,000 is required and stated he would like to purchase a snow blower for snow removal in its place. Selectman Multer moved, seconded by Chairman Daniel to approve the request for bids; motion passed 3-0.
- **Request for Proposals for Installation of Rebar and Concrete:** Mr. Cantu stated with the transition to single stream, staff had been replacing the recyclables and trash containers when full with the backhoe. This was not very efficient and Mr. Cantu asked the Budget Advisory Committee to allow \$20,000 in the capital plan for a roll-off truck to swap the containers. Since then, he and staff have conquered the replacement process but noted the full containers are placed on asphalt and due to the weight, are causing damage. Mr. Cantu asked that capital funds be re-allocated for the purchase of a truck to replacing the asphalt with rebar and concrete. This concrete area will be joined with the concrete under the location where the containers are while in use. Selectman Johnson asked if 6" of concrete is preferred; Mr. Cantu responded he is not sure of the thickness and has asked contractors to determine what is needed to hold 500 pounds per square inch. The work must be done by June 1 and conducted on a Wednesday so the concrete can cure on Thursday-Monday. For Friday and Saturday Mr. Cantu plans to use both compactors for trash and place a silver bullet, at a fee, in the parking lot for recyclables. Deputy Administrator Sawyer asked if the silver bullet would be at a cost as she believes Pine Tree Waste's salesperson previously offered a bullet. Mr. Cantu responded he will check and noted haul out costs will be more since the container will contain less as it will not be compacted. Selectman Multer moved, seconded by Chairman Daniel to approve the RFP; motion passed 3-0.

8. Consider Request for Use of Mitchell Field for 5K Fundraiser: Kayla Brown stated she is requesting use of Mitchell Field for a 5K run to raise funds for her cousin, a victim of domestic violence, and her two children. Deputy Administrator Sawyer stated Ms. Brown has provided proof of liability insurance naming the Town as an additional insured. Additionally she has asked for a waiver of the newly established fees of \$100 associated with not being a resident or benefiting a Harpswell resident. Chairman Daniel moved, seconded by Selectman Johnson to approve the request for use and waiver of fees. Selectman Multer stated she was unhappy with the waiver since the Board just worked through and recently adopted the fees. Chairman Daniel stated this worthwhile event could raise awareness. Selectman Johnson noted the victim has two students in the district. Ms. Brown stated she is a teacher at a Harpswell School. Chairman Daniel stated the fees are at the Board's discretion. The motion passed 2-1 (Selectman Multer opposed).

9. Consider Proposal for Water Tower Inspection: Removed.

9. Consider Cook's Lobster House Renewal Liquor License: Deputy Administrator Sawyer stated Cumberland County Sheriff reports no alcohol-related calls and the Code Office reports the establishment is compliant with ordinances. Chairman Multer moved, seconded by Selectman Johnson to approve the license; motion passed 3-0. Selectman Multer asked staff to send a letter to the businesses with liquor licenses informing them that license requests must be received at least 30-days prior to expiration. Also to include that a special Selectmen's meeting will not be arranged if the request is received late. Deputy Administrator Sawyer stated Cook's has not submitted its request this late before, indicating there may have been some extenuating circumstances. Administrator Eiane suggested a business friendly letter may be better without including any definitive policy statements. The Board agreed an informative letter could be sent.

10. Consider Bandstand by the Sea Concert Series and Fundraising Letter: Administrator Eiane stated the Town's Bandstand Committee has tentatively scheduled this season's concert series and is looking for the Board's endorsement. Additionally, the Committee has drafted a fundraising letter for the Board's review. Selectman Johnson asked why the Board has to endorse these items. Administrator Eiane responded the Town owns the Bandstand, the property it is on and the Committee is a Town committee. At this time there is enough funding available to cover the concert series expenses and the bricks that have been ordered. Selectman Johnson asked if power would be run to the Bandstand. Deputy Administrator Sawyer responded underground power was preferred and due to the costs, the group proceeded with the solar power. Chairman Daniel moved, seconded by Selectman Johnson to approve the schedule and fundraising letter; motion passed 3-0.

11. Consider Issuing Request for Proposals for Contracted Marine Management Services: Administrator Eiane explained this issue has been discussed for quite some time with consideration of different variations from an employee, replacing a shellfish warden to the final version of contracted services. Town Meeting has approved \$30,000 for this purpose. Administrator Eiane reviewed the RFP and the key aspects being sought from a contractor. Selectman Multer suggested the contractor be in touch with agencies that monitor relative legislation such as the Maine Clammer's Association. Jim Hays, Harbormaster, stated he has been to several green crab meetings and this contractor is needed to help in that area. Meredith White stated she is a biological oceanographer and asked if the contractor would plan to monitor the pH in the sediment. Administrator Eiane responded affirmatively. Selectman Multer indicated she has few minor non-substantive changes. Chairman Daniel moved to approve the RFP and it passed 3-0.

pH Meter Training: Administrator Eiane stated Casco Bay Estuary Partnership has again offered training at a cost of \$500 for a group of 3 to 4 people. The warden and Committee member who attended the training session last year would like to attend another session. Additionally, a science teacher at Harpswell Coastal Academy (HCA) is interested in training and using the pH meter and conceivably the new contractor. Selectman Multer stated she could consider allowing the teacher to use the equipment but absolutely no students. Selectman Johnson stated the students would be with the teacher in the field but not using the equipment. Selectman Multer

stated as long as it is understood no students can use the equipment and that HCA pay for its portion of the training. The Board agreed to wait to schedule the training until the contractor has been selected.

12. Consider Change Order for Emergency Medical Services Building: Deputy Administrator Sawyer stated this is the second proposed change order to the contract with JARR Management for the emergency services building. The Town has received conflicting information from the Fire Marshal's Office regarding whether the Town is required to have a sprinkler system. While the Town's permits with the Fire Marshal's Office are pending, the Town was last informed that a sprinkler system was not required given that certain safety features are incorporated in the plans. Therefore, some of these changes include adding an egress door from the living space, increasing the fire separation to 2 hours between the living space and the garage space along with a few other changes, totaling \$4,131. Chairman Daniel moved, seconded by Selectman Multer to approve the change order [new contract price \$125,651]; motion passed 3-0.

13. Consider Contract with Humane Society: Administrator Eiane stated that annually after the Town Meeting a new contract is signed and this contract amount is \$6,287. Municipalities are required by law to have an Animal Control Officer and a place to take stray animals. Chairman Daniel stated he was pleased by the Society's 98% success rate for placing animals in homes as compared to the national average of 50%. Selectman Multer stated the second sentence under Other-C should be removed as it is not up to the Society to tell the Town what it has to do. The item was tabled to look into that possible change.

14. Consider Designating Selectmen Committee Liaisons: Chairman Daniel stated the Shoreland Zoning Task Force has completed its mission so it could be removed from this list. Selectman Multer asked what role a Selectmen has in relation to Planning Board and Board of Appeals given the statutory requirements for both Boards. Additionally the Emergency Services Strategic Planning Committee was never established. Selectman Johnson noted he has attended both Marine and Harbor & Waterfront meetings and he is fine with his list. Selectman Multer offered to take on others from the Chairman's list as the Planning Board and Board of Appeals liaison will be dropped. Final selections were tabled.

15. Consider Nominations for Maine Municipal Association Election: The Board agreed not to take action.

16. Other Business: None.

17. Public Comment: Mike Helfgott, President, Cedar Beach/Cedar Island Supporters, Inc., thanked the Board for accepting the Aspatore easement. He looks forward to the relationship continuing as part two (the road) progresses.

18. Administrative Matters: The Board scheduled an executive session to discuss the purchase price of the former West Harpswell School for Monday, April 7 at 4:00pm; April 17 at 4:30 pm to discuss Board goals; and the Board agreed to attend the April 16 Planning Board meeting regarding timber harvesting. Possible dates for the committee-wide meeting were discussed for staff to follow up on. Linda Hall, MSAD 75 Director, noted the MSAD 75 district wide budget meeting is scheduled for May 22 at 6:30 pm.

19. Adjournment: At 7:37 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator