

**Selectmen's Meeting Minutes**  
**April 17, 2014**  
**Harpswell Town Office**  
**Approved on May 15, 2014**

The Board of Selectmen met at 4:30 pm to discuss goals and objectives.

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

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

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Treasurer

The meeting was recorded and broadcast live on Harpswell Community Television and streamed.

**1. Adoption of the Agenda:** Chairman Daniel moved, seconded by Selectman Johnson, to adopt the agenda as amended by adding a review of the Coastal Humane Society Contract under other business; motion passed 3-0.

**2. Public Comment:** Robert McIntyre stated Harpswell Heritage Apples will hold an informational meeting at Harpswell Heritage Land Trust on April 27 from 2 to 4pm. Mr. McIntyre stated anyone with sticky tape still on their trees to kill winter moths should remove it now. Mr. McIntyre stated that Mt. Ararat High School is at the top of the State's list for a new or renovated high school. He suggested the Town have a meeting to discuss whether to remain in MSAD 75 or not. Robert Jackson asked what agenda item 12 is; Chairman Daniel responded a discussion of the signs and beach monitor in relation to a warrant article for June. David Chipman stated he provided the Anchor with the incorrect date for roadside clean up, which is April 26 not 22. He stated there are free garbage bags at the stores and that bags with trash should be left along the sides of main roads. Lunch will be provided to volunteers at the Grange. Amy Morin, member of the Harpswell Community School Parent's Teacher Organization, announced the school children made a tulip garden poster for the Town to thank the Town for its contribution towards the playground. She reported \$54,000 is available at this time for the project with one more fundraising event planned in the spring. The MSAD 75 facility department has approved the project.

**3. Town Administrator's Report:** Administrator Eiane announced that, in addition to roadside clean up, on April 26, there will be a medication collection session at the Town Office from 10 am to 2 pm. Administrator Eiane asked if the Board is prepared to act on the Department of Transportation's proposal to replace the concrete barriers at the Pott's Point causeway with guard rail, either aluminum or brown in color. Selectman Johnson suggested the brown color and Selectman Multer the aluminum. Chairman Daniel moved, seconded by Selectman Multer to accept the plan and finalize the color in two weeks [after visiting the Brunswick Station]; motion passed 3-0.

**4. Selectmen's Announcements:** Chairman Daniel stated the Town met with Harpswell Coastal Academy last week to begin negotiations for the purchase of the former West Harpswell School. Chairman Daniel announced the Comprehensive Plan Implementation Committee needs members and noted it is a great committee.

**5. Consent Agenda:** Chairman Daniel moved, seconded by Chairman Multer to approve the consent agenda [2/19, 2/26, 3/20, 3/27, 4/3 and 4/7 minutes; \$200 donation from Bill Muldoon for heating assistance; \$1,500 from Jim & Eileen Horner for the Bandstand; a release deed to Ronald Arquette; warrant 16 \$709,507.90, warrant 17 \$21.00 and payroll warrant 16 \$14,585.84]; motion passed 3-0.

**6. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her monthly report for March (attached). Ms. Kelly stated the non-resident taxpayer paid all outstanding taxes and the Board approved a release deed returning ownership of the property. The resident property owner of a property on which the Town has foreclosed, has made two payments which were applied primarily to interest.

**7. Consider Proposal for Water Tower Inspection and Updated Condition Report:** Scott Kelley, Utility Service Company, Inc., reviewed the proposal to inspect the integrity of the water tower structure, the foundation, its coatings and the sanitation and security of the tower. Mr. Kelley stated his crew will be able to be safely secured and climb the dome to access the roof hatch to inspect the inside as well. Selectman Multer asked if the report will include what action needs to be done, when action needs to be taken and how much it will cost. Mr. Kelley responded that the report will outline what needs to be done to bring the tower up to standards with estimated costs. Regarding the timeline, Mr. Kelley stated action needs to be now as the tank is a liability, has not been maintained, has deficiencies and is a greater liability without water. Mr. Kelley asked if the Town considers it as an asset and if there are any future plans for use. Chairman Daniel stated safety is first and asked Mr. Kelley if there are other uses for the tower. Chairman Daniel suggested that if anyone wants to re-use the tower, ideas need to be formulated for next year's Town Meeting warrant. Additionally there may be an article on the warrant to consider removing the tower. Mr. Kelley stated upon completion of the report, he could provide suggestions for possible reuses. Ronald Ponziani, Road Commissioner, stated the Town has changed since this water tower was needed and noted some want to keep it for character and some want it torn down. Deputy Administrator Sawyer asked for clarification relating to Mr. Kelley stating that the tower is more dangerous without water. Mr. Kelley stated the tower was designed to hold water and without water it is less stable. Mr. Kelley stated his company has a division for communications and can market the location for cell use, which revenue could cover the maintenance costs. Administrator Eiane noted in some cases it can be less expensive to tear down and rebuild. Deputy Administrator Sawyer asked if a cell company would potentially pay to bring the site up to standards; Mr. Kelley responded not typically. Chairman Daniel moved, seconded by Selectman Johnson to approve the work order for \$2,500; motion passed 3-0.

**8. Consider Request from Dirigo Timberlands to Release Performance Guarantee:** Administrator Eiane stated the Town entered into a contract with Dirigo Timberlands to access the Childs' property through Mitchell Field for harvesting timber. As part of the contract, Dirigo submitted \$10,000 to be held by the Town for up to a year to cover any road damage. Dirigo Timberlands has completed the project and is requesting the funds be released. Ronald Ponziani, Road Commissioner, reported he inspected the roads and there was no damage given that the work was done during the coldest winter. He recommended the funds be released. Chairman Daniel moved, seconded by Selectman Johnson to release the performance guarantee. Selectman Multer asked if any problems with the roads could occur once the roads were dry; Mr. Ponziani responded the roads are dry now and in great shape. The motion passed 3-0.

**9. Road Commissioner's Report:** Ronald Ponziani, Road Commissioner, recommended the road postings be removed effective April 23. Selectman Multer moved, seconded by Selectman Johnson to accept the recommendation; motion passed 3-0. Mr. Ponziani recommended a culvert on Basin Point Road be removed as it presents a problem to the neighborhood and prevents the natural flow of the water. Selectman Multer stated she preferred the Road Commissioner meet with the Town engineers to review the situation as once a culvert is removed it is very difficult to put it back. Selectman Johnson stated he visited the site and agrees with the recommendation to remove the culvert stating that the engineers are not needed. Mr. Ponziani stated that during the heavy rains, the neighbors plugged the culvert and the run off proceeded down the hill and did not cause any issues. Selectman Multer moved, seconded by Chairman Multer to approve the removal of the culvert pending the input from the Town engineer; motion passed 2-1 (Selectman Johnson opposed).

**10. Public Hearing on Estes Lobster House Amusement Application:** The hearing was opened at 7:05 pm. Administrator Eiane stated the Town's Amusement Ordinance requires establishments that hold liquor licenses to obtain an amusement license if live entertainment will be provided. The application was advertised in the Times Record. The hearing was closed at 7:07 pm. Selectman Multer moved, seconded by Selectman Johnson to approve the permit; motion passed 3-0.

**11. Consider Appraisal Contract for Hildreth Road Property:** Administrator Eiane stated this item was on a previous agenda and removed pending changes. Nathaniel Shipley, Associated Appraisers of Maine, Inc., will review the tax-acquired property on Hildreth Road and appraise its value considering the conservation easement. The realtor the Town engaged did not object to an appraisal prior to listing the property. Administrator Eiane stated she contacted several appraisers that were not interested as a special skill was required due to the conservation easement. Selectman Multer moved, seconded by Chairman Daniel to approve the appraisal contract for \$2,500. Administrator Eiane noted an abutter has offered to trim portions of the parcel to enhance its marketing. The Board concurred as long as the volunteer signs a written waiver.

**12. Cedar/Robinhood Beach Cost Estimates and Possible Warrant Article:** Administrator Eiane stated Town Meeting accepted the easement, including the terms and conditions, from the Aspatores that requires budgeting for a beach monitor and signs costing a total in the range of \$3 to \$5,000. She spoke with a current Town employee who is interested in being the monitor. Selectman Multer stated in addition to two possible easement marking signs, signs would be needed along Robinhood Road to make the parking rules and violations more clear. Selectman Multer noted the vegetation along Robinhood Road also needs to be trimmed for parking. Mr. Ponziani stated he reviewed the road and noted besides its narrowness, it was not clear where the trimming should be done. Selectman Johnson stated the excessive growth occurs during and after spring. There was a discussion regarding the sign language, potential capital road improvements, and the mechanism for identifying the beach goers as required by the easement terms. Robert Jackson suggested that beachgoers should be able to simply identify themselves to the monitor as opposed to carrying some identification. Selectman Multer suggested asking the Aspatores' attorney regarding the identification. Administrator Eiane read the proposed article: "To see if the Town will vote to appropriate the sum of \$5,200 from unassigned fund balance to fulfill the Town's obligation for 2014 pursuant to the easement deed it recently acquired from Jonathan and Rachel Aspatore for property on Bailey Island." Chairman Daniel moved, seconded by Selectman Johnson to place the article on the June 10 ballot to seek \$5,200; motion passed 3-0. All three Selectmen recommended the article.

**13. Consider Contract for Town Mowing Services:** Deputy Administrator Sawyer stated the Board previously approved the request for proposals (RFP) for mowing services of Town properties, which asked for price per mow per site. Based on the price per mow, of the three responders, Coastal Landscaping appears to be the least costly. Chairman Daniel moved, seconded by Selectman Johnson to approve Coastal Landscaping as the Town's landscaper. Terence Kenney, Kenney Landscaping, stated with his experience as the Town's current landscaper, he knows some sites require less mowing times than others such as the Center Cemetery and Commons which were bid as one package. Mr. Kenney reviewed how many times each site was mowed in the past season. Mr. Kenney stated he believes by structuring the RFP by price per mow that it may cost the Town more if the contractor mows when not necessarily needed. Deputy Administrator Sawyer responded splitting up the costs for certain sites was a good point. Gene Graffam, Coastal Landscaping, stated he would not mow if the site did not need it and he could split up costs. Motion passed 3-0.

**14. Consider Amended Marine Services Contract with Cumberland County:** Administrator Eiane stated the County submitted a few proposed changes clarifying the language after the Board approved the contract. Selectman Multer moved, seconded by Chairman Daniel to approve the amended contract; motion passed 3-0.

**15. Accept Emergency Management Agent's Resignation:** Administrator Eiane stated William Labbe, Emergency Management Agent, plans on stepping down this year upon a replacement being named. She suggested the Board accept his resignation and allow him to continue until replaced. The position will be advertised. Selectman Multer moved, seconded by Chairman Daniel to accept Mr. Labbe's resignation; motion passed 3-0.

**16. Consider Authority for Town Administrator Re: Proposed Legislation:** Selectman Multer stated she was frustrated when the Maine Municipal Association would ask municipalities to contact legislators on certain

topics within a short deadline. Since the Board meets every two weeks, some deadlines pass. She suggested the Board authorize the Town Administrator to communicate to legislators on certain topics when needed and she moved the same. Selectman Multer stated this action would be one of trust and stated she believes the Town Administrator would contact the Board members prior to communication when possible. Selectman Johnson suggested the Town Administrator should contact the Board members prior to communication on any controversial topic. Selectman Johnson asked if this action would be an administrative burden for the Town Administrator and noted the person filling the Administrator position may change. Selectman Multer suggested this power be given on a year by year basis. Chairman Multer moved, seconded by Selectman Johnson to authorize the Town Administrator to communicate with legislative representatives and to notify the Board of such communication and to obtain Board members input in advance when feasible; motion passed 3-0.

**17. Authorize Board Chair to Sign Closing Related Documents for Dain Allen Property:** Selectman Multer moved, seconded by Selectman Johnson to authorize the chair to accept delivery of the quitclaim with covenant deed and to execute any necessary paperwork reasonably incident to the purchase of the property located at Lookout Point Road; Tax Map 8, Lot 30 from Dain Allen consistent with the November 5, 2013 Town Meeting authorization; motion passed 3-0.

**18. Consider Designating Selectmen Committee Liaisons:** The Board discussed assignments and the Comprehensive Plan Implementation Committee was moved to Selectman Multer.

**19. Other Business: Coastal Humane Society Contract:** Administrator Eiane stated the sentence Selectman Multer expressed a concern about at the last meeting has been removed. Animals are released from the Society without direct proof of payment, but the Town's Animal Control Officer follows up on each incident. Selectman Multer moved, seconded by Selectman Johnson to approve the contract; motion passed 3-0.

**20. Public Comment:** None.

**21. Administrative Matters:** The Board set May 1 at 5:00 pm as a workshop with the Assessing Officer; May 1 at 4:00 pm to review goals and objectives and agreed to set the Committee-wide meeting for sometime in June. The Board agreed to send out lease agreements to the existing wharf lease holders at the Orr's Island Bridge property with the addition of language that puts the burden of removing a wharf on the lease holder or heirs.

**22. Adjournment:** At 8:20 p.m. the Chair adjourned the meeting without objection.

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 [harpswell@town.harpswell.me.us](mailto:harpswell@town.harpswell.me.us)]