

Selectmen's Meeting Minutes
June 9, 2016
Harpswell Town Office
Approved June 23, 2016

At 4:30pm, the Board held a workshop to review 2016 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-Lynn Sawyer, Deputy Town Administrator; Fred Cantu, Code Enforcement Officer; and Ronald Ponziani, Road Commissioner

1. Adoption of the Agenda: Chairman Daniel moved, seconded by Selectman Multer to adopt the agenda as amended by adding 5.5. Consider Two Applications for Outdoor Fireworks Displays and two matters under Other Business – Request from Cranberry Horn Hill Cemetery to Waive Disposal Fees and Nomination to Maine Municipal Association's Legislative Policy Committee; motion passed 3-0.

2. Public Comment: Robert McIntyre noted Google Earth does not recognize Basin Point Road and deliveries get confused with Basin Cove Road. Mr. McIntyre expressed concern about the speeding on Basin Point Road and asked that the speed bumps be installed as in the past. Ronald Ponziani, Road Commissioner, stated speed bumps are a nuisance and the recent painting of stripes on the road should help. Mr. Ponziani stated Cumberland County should be called for speeding issues. Terri Sawyer noted Basin Point seems to get a lot of attention relating to speeding and she noted speeding occurs throughout the Town and the problem should be addressed Town-wide.

3. Administrator's Report: Administrator Eiane stated on May 10, she and Chairman Daniel attended a meeting at the Department of Environmental Protection (DEP) with representatives from the company that monitors the wells at Mitchell Field. Since the soil and water samples have shown significant improvement, the DEP is ready to recommend removal of the deed restrictions associated with soil and water use at the site. All the test wells will be removed, except for the four around landfill, the new supply well and former supply well. Removal will begin as soon as next week. The Town did ask if the monitor wells around the Business District could remain but they cannot as the wells were not intended to be used for potable water purposes. Administrator Eiane stated that Prock Marine will start the pump house removal project as soon as next Friday.

Administrator Eiane stated at the last meeting, the Board approved an application for the Harpswell Heritage Land Trust to host an overnight camping trip at Mitchell Field. Administrator Eiane stated the fee was not discussed and she asked the Board to consider waiving the fee. Selectman Multer expressed concern about waiving the fee as it voids the purpose of the fee schedule if the fees are regularly waived. Deputy Administrator Sawyer stated the event is part of a collaborative effort between the Trust, the Town and the local Preschool. Chairman Daniel moved, since it is part of a partnership with the Town, to waive the fee, seconded by Selectman Johnson and passed 3-0. Administrator Eiane reminded the public to vote on Tuesday on the MSAD 75 budget and two Town articles.

4. Selectmen's Announcements: Chairman Daniel stated he attended the Devil's Back Trail eastside opening and recognized the efforts by the volunteers who make it happen. He thanked the Recreation and Town Lands volunteers and all the others involved.

5. Consent Agenda: Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda [May 25 minutes; appointment of David Hunter to the Marine Resources Committee; acceptance of John Gormley's resignation from the Marine Resource Committee; appointments for the June 14, 2016 election (Election Ballot Clerk: Elaine Karath Baur, Melanie Rubins, Jennifer Watson, Ellen Shillinglaw, Marjorie McFarland; Deputy Registrar: Melanie Rubins; Warden: Catherine Doughty, Patricia Leary, Megan Hubbard,

Janet Coombs; Deputy Warden: Joyce Thomas, Thomas Rothwell, Monique Coombs); Woodford Trail road name; authorization of warrant 24 in the amount of \$831,273.00, warrant 24a in the amount of \$144.50 and payroll warrant 24 in the amount of 15,113.16]; motion passed 3-0.

5.5. Consider Two Applications for Outdoor Fireworks Displays: Tristan Coffin, from Atlas PyroVision Entertainment Group, requested use of Town waters for two fireworks displays from a barge – one in Mackerel Cove on June 25 for a consumer fireworks display and the other in front of Cook's on July 2 for a commercial firework display. The events are covered under the State Fire Marshall's Office and require a Town representative signature for use of the waters. There was a discussion regarding whether the Mackerel Cove event was prohibited by the Town's Ordinance to Prohibit the Sale and Restrict the Use of Consumer Fireworks. Mr. Coffin stated State permits override local regulation, which was supported by a section in the Town's Ordinance that notes the ordinance does not override State regulation. Chairman Daniel moved, seconded by Selectman Johnson to approve the two applications for fireworks in Harpswell waters on June 25 and July 2; motion passed 3-0.

6. Wharf Applications

- **Periwinkle Cottages, LLC, c/o Gary Vincent, 7 Periwinkle Lane, Map 63, Lot 97:** Joe Leblanc, owner representative, reviewed the proposal to modify a previously approved system by extending the ramp to 3'x40' and rotating and expanding the float to 10'x25' with two finger floats 6'x24' – one on each side. The additional floats are to accommodate four common users and their families. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster indicates there is no hazard to navigation and no injury to the rights of others for fishing, fowling and navigating; motion passed 3-0.
- **Thomas Butler, 6 Malcolm Drive, Map 17, Lot 36, commercial floats:** Fred Cantu, Code Enforcement Officer, stated this proposal is to add floats to a commercial wharf system [add a second 16'x30' float, and adding 3 – 8'x20 floats in single file] and has been approved by the Planning Board. The floats will point away from the abutter's system. Mr. Cantu stated he has been informed that the Department of Environmental Protection and Army Corps permits will be approved. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster indicates there is no hazard to navigation and there is no injury to the rights of others for fishing, fowling and navigating; motion passed 3-0. Selectman Multer noted she wants the Code Office to require legible drawings that replicate well.

7. Request for Use of Mitchell Field Bandstand: Administrator Eiane stated this application is for a memorial service for a long-standing Town committee member. Staff recommends the Board waive the fees and approve it as a Town supported event. Selectman Johnson moved, seconded by Selectman Multer to approve the July 31 event as outlined; motion passed 3-0.

8. Selection of Contractor and Contract for Capital Road Project: Administrator Eiane stated the Town's next major capital road project for Lookout Point Road, Stover's Cove Road, and a portion of Stover's Point Road was sent out to bid and two responses were received. The Town's engineer, Gorrill Palmer recommends proceeding with Crooker Construction for \$362,450.20. Ronald Ponziani, Road Commissioner, stated he was pleased with the bid process. Mary Ann Nahf stated she has seen the tide cover the end of Lookout Point Road and asked if there was any plan to raise that section. Mr. Ponziani responded that would require a large area to be built up; it would be quite a project and is not part of this project. Chairman Daniel stated perhaps it could be considered at some point in the future. Chairman Daniel moved, seconded by Selectman Johnson to approve the contract with Crooker Construction LLC for this capital road project; motion passed 3-0.

9. Next Steps Graveyard Point Property: Deputy Administrator Sawyer stated the Town recently acquired a parcel abutting the Town's road and landing at Graveyard Point Road. A shed and other personal property was left on the property and the former owners were notified that such property had to be removed by May 31. No property was removed as of the date. The Town Lands Committee has scheduled a clean-up of the property for

June 25 and also recommends the shed be removed. Selectman Multer moved, seconded by Selectman Johnson to authorize the clean up and removal of the shed; motion passed 3-0.

10. Planning Services Contract: Administrator Eiane stated the Town's current planning services contract with Planning Decisions will end on June 30. The owner of Planning Decisions has created a new company – Plan ME, and proposes to continue to work for the Town at a reduced rate of \$60 per hour. Administrator Eiane stated the new contract is essentially the same as previous with planning support to the Planning Board, other committees, Town officials and staff. Chairman Daniel moved, seconded by Selectman Multer to enter into a contract with Plan ME; motion passed 3-0.

11. Cumberland County Communications Contract: Administrator Eiane stated the current communications contract expires June 30. The new contract is for three years as authorized by Town Meeting. The 7/1/16-6/30/17 rate is \$31,900; 7/1/17-6/30/18 \$32,848; and 7/1/18-6/30/19 \$33,844 (3% each year). The Fire Chiefs commented (in writing) that while some of the protocols adopted by the County are not used 100%, there is no reason not to proceed with the contract. The Board moved to approve the contract and motion passed 3-0.

12. Accept Donations: Chairman Daniel moved, seconded by Selectman Johnson to accept the following donations for the Bandstand: Connie Tassinari & Karin Blake \$150, Bill Bergquist & Kathleen O'Donnell \$50, in memory of Alexis and Anita Theberge \$15, Charles Cary \$25, Ed & Sherry Holt \$100; \$100 from the Harpswell Garden Club for the Harpswell Community Garden; and \$10 anonymously donated for recreation; motion passed 3-0.

13. Other Business: Request from Cranberry Horn Hill Cemetery to Waive Disposal Fees: Administrator Eiane stated the request from Cranberry Horn Hill Cemetery to waive disposal fees was sent to the Recycling Center Manager for review. The Manager suggested extending a limited no charge disposal for all the cemeteries with certain restrictions. Administrator Eiane stated before the Board considers extending the offer, perhaps it wants to approve this one request and see how it goes. There will not be any large trees or heavy items so the loss in revenue will be minimal. Selectman Multer moved, seconded by Selectman Johnson to approve this particular request under the supervision of the Recycling Center Manager; motion passed 3-0.

Nomination to Maine Municipal Association's Legislative Policy Committee: Administrator Eiane stated she was willing to accept a nomination to the Legislative Policy Committee. Chairman Daniel moved, seconded by Selectman Multer to nominate Kristi Eiane to the Maine Municipal Association Legislative Policy Committee; motion passed 3-0.

14. Public Comment: None.

15. Administrative Matters: Chairman Daniel moved, seconded by Selectman Multer to approve the catering permit extension for Cooks Lobster & Ale House provided the State confirms; motion passed 3-0. The Board scheduled a workshop with the Code Office for June 23 at 5:00pm; a workshop with the Emergency Management Agent for June 28 at 5:30pm; and a workshop with the Energy Committee and Mitchell Field Committee regarding solar panels at Mitchell Field for June 27 at 4:30pm.

16. Adjournment: At 7:18 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator