

Selectmen's Meeting Minutes
June 19, 2014
Harpswell Town Office
Submitted for Approval on July 10, 2014

At 5:00pm, Chairman Daniel moved, seconded by Selectman Multer to enter executive session pursuant to 1 M.R.S.A. § 405(6)(c) regarding the disposition of Town-owned property on Hildreth Road; motion passed 3-0.

The Board returned to open session at 5:45pm and recessed.

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 Johnson

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; Fred Cantu, Recycling Center/Transfer Station Manager; Carol Eyerman, Planner; and Jim Hays, Harbormaster

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 under Other Business: Consider Listing Agreement with Homes and Harbors; motion passed 3-0.

2. Recognition of Cub Scout Pack 642: Fred Cantu, Recycling Center/Transfer Station Manager, stated he reached out to Pack 642 to help clean up the Facility and grounds. Over two days, the scouts did a terrific job and collected 960 pounds of trash. Mr. Cantu presented the troop with a certificate of appreciation.

3. Public Comment: None.

4. Town Administrator's Report: Administrator Eiane announced the emergency services building is completed and the paramedics have moved into it. She thanked Terri Sawyer and Selectman Johnson for their assistance on the project. Administrator Eiane reported 7 firms responded to the Town's request for proposals for legal services ranging in hourly fees from \$170 to \$260. She asked the Selectmen to review the responses and submit their top four choices to interview and to think about who they want on the interview team. Administrator Eiane reported there were 5 responses to the Town's request for proposals for a compensation study ranging in costs from \$6,300 to \$13,000. She suggested that since staff members' salaries are part of this study, that the Board should be responsible for selecting the consultant. Administrator Eiane asked the Board to review the responses and submit their top three choices to interview. Administrator Eiane stated the Town received communication that the Federal Emergency Management Agency (FEMA) is delaying the release of the revised flood plain maps for Cumberland County and York County. FEMA is being challenged in the Massachusetts area and a third party review will take place prior to finalizing the York and Cumberland County maps. Administrator Eiane stated the Clerk's Office reports many mooring fees remain unpaid for the 2014 season. A reminder postcard is mailed to all mooring holders in April stating the May 1 deadline and the doubling of the fee if not paid by May 1. The Town is not required to send reminders and it is the Harbor and Waterfront Ordinance that sets the late fee as double the original fee. Administrator Eiane stated she wanted to make the Board aware that the Clerk's Office has been receiving a lot of complaints about the late fee. Selectman Multer stated she is not inclined to act against the ordinance; the timely payment is up to the mooring holder. Jim Hays, Harbormaster, stated he also places reminders on the actual moorings if they are marked with the identification numbers.

5. Selectmen's Announcements: Selectman Multer stated she has seen notices stating municipalities that provide general assistance to illegal aliens will not receive State reimbursement. She was told this is not an issue in Harpswell and expressed disappointed in how the State has handled this issue.

6. Consent Agenda: Selectman Multer asked that the road name be removed from the consent agenda. Selectman Multer moved, seconded by Chairman Daniel to approve the consent agenda [donations for the bandstand fund: Sally Clifford \$100; Ruth Green \$25; Hati & Bob Modr \$100; David Baribeau \$25; and Brad Adler \$25; Jane Jukes appointment as a Town Steward; Nancy Sohl appointment to Mitchell Field Committee; May 29 minutes; Warrant 27 \$1,029,365.30 and payroll Warrant 26 \$17,539.45]; motion passed 3-0. The Board discussed the road name choices and the associated difficulties with pronunciation. Chairman Daniel moved, seconded by Selectman Johnson to approve Peboniwi Ledge; motion passed 3-0.

7. Consider Grant Application for Sea Level Rise: Carol Eyerman, Planner, stated she saw a presentation of a project in Lincoln County where actual houses were used to demonstrate the sea level rise effects. She would like similar information for Harpswell. The first step is the mapping and second is to figure out what options, such as ordinance changes, Harpswell may want in place. Chairman Daniel asked that the information be contained on a readable disk as well as paper. Ms. Eyerman responded she hopes to post it on-line and integrate the information in the geographic information system. Selectman Multer asked what the source of Town match would be; Ms. Eyerman responded all in-kind services totaling \$5,890. Ms. Eyerman stated the \$6,960 requested grant funds will be for the consultant work. Selectman Johnson stated since the State is conducting a study, does Harpswell need to do this. Ms. Eyerman responded the State has not included Harpswell yet and this information will be an extension of previous work by the Casco Bay Estuary as well as Bowdoin College students. Selectman Johnson stated he preferred not to do this as there appears to be time and he expressed concerns about possible premature regulations. Selectman Multer asked that 10-year intervals be plotted out over the 30 years. Administrator Eiane noted the request for proposals requests that 1-foot, 3-foot and 6-foot interval impacts be explored. Mary Ann Nahf, Conservation Commission chair, stated the Commission worked with the Planner on this project and it is really intended as a planning tool. Selectman Multer moved, seconded by Chairman Daniel to approve the grant application; motion passed 2-1 (Selectman Johnson opposed).

8. Wharf Applications

- **Mark & Monique Davies, Map 50, Lot 90, 167 Indian Rest Road:** Bill Wells, Code Enforcement Officer, stated the proposal is to replace and modify an existing system. It took time to resolve right, title or interest but it has been approved by the Town attorney. Joe Leblanc, owner's representative, reviewed the proposal to replace a seasonal system with a permanent system and to add an access ramp. Mr. Leblanc noted the public can walk under the system in the intertidal zone. Selectman Multer asked if any part of the old system will remain; Mr. Leblanc responded only some support posts for the new system. Chairman Daniel moved, seconded by Selectman Multer to approve the application as the attorney has confirmed they have the right and the harbormaster confirms there is no issue with navigation; motion passed 3-0.
- **Julie Chapman Trust, Map 38, Lot 36, 248 Gun Point Road:** Mr. Wells stated the Code Office does not issue the Town permit until evidence of permits from the other required entities has been provided; which has already occurred for this particular proposal. Joe Leblanc reviewed the proposal to replace the pier; lower a portion; add a set of stairs. Chairman Multer moved, seconded by Selectman Johnson to approve the application as the owners presented evidence that they have the legal right and the Harbormaster indicates there is no issue with navigation; motion passed 3-0.

9. Recycling Center Matters

- **Request for Proposals (RFP) for Portable Attendant Building:** Fred Cantu, Recycling Center/Transfer Station Manager, requested the Board authorize him to send out requests for proposals to construct a 4'x6' portable attendant building to be primarily located in front of the compactors. There will be no heat in the building but it will help keep employees out of the weather while directing users to the appropriate compactor. Chairman Daniel moved, seconded by Selectman Multer to approve the RFP; motion passed 3-0.

- **Recommendation for Seasonal Hire:** Mr. Cantu recommended the Board hire Garrett Rice to fill the seasonal position at the Facility. Selectman Multer moved, seconded by Selectman Johnson to hire Garrett Rice as a seasonal employee; motion passed 3-0.

10. Consider Contract with Gorrill & Palmer for Review of 2014 Capital Road Project: Administrator Eiane stated this work order is a follow up to the Board's decision to proceed with Crooker & Sons for the 2014 capital road project. The work order includes a peer review that the Town engineers will perform on Crooker's planned designs and includes monitoring the construction at a total cost of \$12,500 plus \$500 for reimbursables. Selectman Multer moved, seconded by Chairman Daniel to approve the work order; motion passed 3-0.

11. Marine Resources Consultant Report: Darcie Couture, Marine Resources Coordinator, reviewed her monthly report (attached). Ms. Couture suggested the Town have a drop off box in the lobby for regulatory items that could be picked up by the State warden such as lobstering applications. Chairman Daniel asked if there was one location to find marine related information for all municipalities and the State; Ms. Couture responded no. Selectman Multer noted the marine wardens should be noted as a work partner as well. Chairman Daniel asked if sampling on the sides of coves yields helpful information and if the testing just covers clam flats; Ms. Couture responded water testing has to be done just as the water rolls off the area so the timing can be difficult and at this time the Marine Resources top priority is testing clam flats. Selectman Johnson asked how many green crabs the traps in Butter Cove are catching; not large quantities at this point but she heard from a diver that has seen large sized green crabs off Bailey Island causing great destruction. Selectman Multer asked staff to seek an opinion from the Maine Municipal Association as to whether the Department of Marine Resources (DMR) has the authority to require that the Town authorize Darcie to request the information she requested. Administrator Eiane will check with DMR first.

12. Public Hearing Re: Conservation Closure of Strawberry Creek: Chairman Daniel opened and closed the hearing at 7:11 p.m. Selectman Multer moved, seconded by Chairman Daniel to place a conservation closure on Strawberry Creek effective July 1 through December 31, 2014; motion passed 3-0.

14. Proposal for Maintenance of the Upper Field at Mitchell Field: Jim Cornish reviewed his proposal to pasture horses for the summer in the upper field at Mitchell Field. Long-term plans include implementing a rotational system and agriculture – from- seed- to- loaf with the Harpswell Coastal Academy. Selectman Johnson asked if there would be a problem with dogs; Mr. Cornish responded he has spoken with people at the site and they seemed excited at the prospect of having horses. Mr. Cornish would install an electric fence about 3-feet off the ground and rotate the location one acre at a time. The fence gives a zap and walkers should be responsible for children and dogs. Deputy Administrator Sawyer asked whether there would be a shelter or some form of shade for the horses; Mr. Cornish responded no, that some of existing bushes are sufficient. Mr. Cornish stated he will also remove the woody vegetation and hopefully in 2-3 years the site will produce hay again. Deputy Administrator Sawyer noted there is no water source so water would have to be carried to the site for the horses. Administrator Eiane stated she received an email from someone concerned about shelter; Mr. Cornish stated a shelter is not required from May through October. Selectman Multer noted the Mitchell Field Committee tabled this topic until it could hear directly from Mr. Cornish and asked if the Board should act or wait for the Committee. Selectman Johnson suggested approving the request as a trial basis. The Board reached a consensus in favor of the proposal and asked that a contract be drafted for review by the Committee and Board.

13. Public Hearing Re: Robinhood Road Parking Ordinance Amendments: Chairman Daniel opened and closed the hearing at 7:33 pm. Administrator Eiane reported the Board recently approved an updated Robinhood Road Parking Ordinance. At that meeting, the Board wanted language to be added that prohibits vehicles from being parked in a manner that obstructs emergency vehicles. Language has been added to address that issue and the measurements for the no parking areas have been confirmed in the field and updated. Administrator Eiane

stated Brunswick provided her with a list of approved tow companies and she is following up with them. Selectman Multer moved, seconded by Selectman Johnson to adopt the amended ordinance; motion passed 3-0.

15. Consider Request for Temporary Closure of Lowell's Cove Road: Administrator Eiane reported a few years ago the Board considered and approved this same request. Jack Sylvester has requested that a segment of Lowell's Cove Road be closed for a community event. Municipal Officers are required to review such requests and if approved, staff will notify Cumberland County and the Orr's/Bailey Island Fire and Rescue Department. Selectman Multer moved, seconded by Selectmen Johnson to approve the request; motion passed 3-0.

16. Consider Quahog Bay Pamphlet for Distribution: Mary Ann Nahf, chair of Conservation Commission, stated the new owners of Quahog Bay want to see water quality improved and the bay open again for shellfish harvesting so they are providing a free septic pump- out service to boaters. The Commission prepared a flyer promoting the benefits of using the pump- out service and listing the other pump- out systems available to boaters in Town for distribution. The pump out boat will go to boats and offer to pump out the tanks. Selectman Multer suggested some minor word changes. Chairman Daniel moved, seconded by Selectman Johnson to approve the flyer; motion passed 3-0.

17. Consider Designating Beach Monitor(s): Administrator Eiane stated the Town is obligated to have a beach monitor under the terms of the easement given to the Town by the Aspatores. The monitor must visit the easement area once a day from July 1 through Labor Day to check the parking and easement areas, and be on call. Administrator Eiane recommended the Board designate two existing Town part-time employees: Mary Ann Nahf as the primary monitor and Judith Arndt to be an alternate. Administrator Eiane stated she will reach out to the Aspatores and to the Cedar Beach/Cedar Island Supporters (CBCIS) informing them who the monitors are. She recommended a rate of \$10 per hour plus reimbursement for mileage. Access will be by kayak, Harbormaster boat, or vehicle with parking on Robinhood Road. Selectman Multer asked that CBCIS find someone in the area that will allow the monitors to park on their property. Administrator Eiane stated there will be a number of staff resources available to assist the monitors. A flexible site visit schedule will be developed. Chairman Daniel moved, seconded by Selectman Multer to designate Mary Ann Nahf and Judith Arndt as beach monitors; motion passed 3-0.

18. Other Business: Consider Listing Agreement with Homes and Harbors: Administrator Eiane stated last fall the Board agreed to list the Hildreth Road property with Homes and Harbors. The Board decided to have an appraisal of the property to determine the sales price. The Board met earlier and reached a consensus to list the property for \$89,000. Selectman Multer moved, seconded by Selectman Johnson to list the property for \$89,000 and sign the agreement with Homes and Harbors; motion passed 3-0. Deputy Administrator Sawyer stated the Town received a request from Cook's Lobster House that went to business owners asking for monetary support towards the 4th of July fireworks display. There are different support levels and last year the Town contributed \$1,000. Selectman Multer stated she could support the request but she will not again unless the request proceeds through the fall budget process. Economic development funds are available to cover this request. Selectman Multer moved, seconded by Selectman Johnson to contribute at the gold level (\$400) with payment directly to the fireworks company; motion passed 3-0.

19. Public Comment: None.

20. Administrative Matters: Administrator Eiane stated requests for bids to repair the road cutouts at Mitchell Field were sent out and three responses were received. The Road Commissioner is recommending Ray Labbe & Sons, Inc, which is not the lowest bidder but he believes the job is more extensive than he originally thought. Selectman Multer moved, seconded by Selectman Daniel to approve Labbe to repair the nine road cuts at a cost of \$9,300 plus \$800 to butt the joints; motion passed 3-0. The Board approved a catering permit. The Board will consider what it wants for a sign on the emergency services building for discussion at the next meeting. The

Board agreed to revisit the previously proposed Town stationery designs. The Board set June 26 at 5:15 pm as a site visit to Long Point Road.

21. Adjournment: At 8:10 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]