

Board of Selectmen's Meeting Minutes

April 10, 2008

Harpswell Town Office

Approved on May 8, 2008

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Selectmen Present: James S. Henderson, Mark Wallace and Chairman Amy N. Haible

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Marguerite Kelly, Treasurer and William Wells, Code Enforcement Officer

The Board met at 6:00 p.m. to handle administrative matters; Bob Venard, Road Commissioner and Randy Tome, of Woodard & Curran, reviewed the different options for a capital road project; the Selectmen agreed to not have staff research other towns regarding possible elected officials/employee situation; purchase order requisitions, wharf notice of decisions and committee appointment sheets were signed.

Call to Order and Pledge of Allegiance: The meeting was called to order by Selectman Haible at 6:40 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Selectman Henderson amended the agenda by adding an item under #10 – to consider stewards for Town properties and the Board concurred. Chairman Haible moved, seconded by Selectman Henderson to adopt the agenda; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane explained that Town Meeting approved \$135,000 in 2007 for the purchase of a brush truck for the Fire Departments (primary use at Orr's/Bailey Island Fire Dept.) and the Board previously reviewed and approved sending out request for proposals. Two responses were received and Bill Beazley, OBI Fire Chief, worked with a sub-committee to review the bids and recommends proceeding with CET, a Canadian company, for \$122,567. Administrator Eiane requested the Board authorize her to draft a contract that will come back to the Board for review and signatures. Chairman Haible moved, seconded by Selectman Henderson to authorize Administrator Eiane to work on a contract with CET for future review by the Board; motion passed 3-0. Administrator Eiane explained that Town Meeting (2008) approved funding for a consultant to assist the Comprehensive Plan Implementation Committee and the Board previously reviewed and approved sending out request for proposals. Three responses were received and reviewed by a sub-committee (including Selectman Henderson) and the recommendation is to contract with Beth Della Valle. Administrator Eiane requested the Board authorize her to draft a contract that will come back to the Board for review. Selectman Henderson moved, seconded by Chairman Haible to authorize Administrator Eiane to draft a contract with Beth Della Valle for future review by the Board; motion passed 3-0. Administrator Eiane announced the Public Utilities Commission is holding a hearing on Monday regarding the complaint filed concerning the phone outage many residents experienced due to a phone cable being vandalized in Harpswell including the issue that the utility company didn't contact the Town. The Board agreed Administrator Eiane should attend the hearing even though testimony will not be allowed. Administrator Eiane requested the Board meet next Thursday for a very brief meeting to consider the TAN responses and the Treasurer's recommendation. The Board agreed to meet at 8:30 a.m. on the 17th.

3. Selectmen's Announcements: Selectman Wallace thanked the public for their continued support and encouraged everyone to be patient through the employee/selectman situation and let business proceed. Chairman Haible stated the Board completed negotiations on a consent agreement with Bowden and it was complicated and she believes it serves the Town well.

4. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for March (attached as further review). Ms. Kelly explained the Town foreclosed on a property due to unpaid taxes from 2005, 2006 and 2007 and the Board entered into a purchase and sales agreement allowing the owner to purchase the land

back by paying the back taxes, interest and fees. The Agreement called for monthly payments and while the February payment was made, the March 10 payment was not which generated another letter and phone calls to the owner giving him until April 10 to make payment. Ms. Kelly stated the Town has not heard from the owner and asked the Board if the owner comes in tomorrow, is the agreement to be enforced and not accept payment or is the payment to be accepted? The Board discussed the issue and noted that if the payment came in by mail on Monday but was postmarked the 10th then that is acceptable following normal Town policy but in person after the 10th violates the agreement. Chairman Haible moved, seconded by Selectman Wallace to abide by the agreement; motion passed 2-1 (Selectman Henderson opposed).

5. Wharf Applications

- **Maida Tucker, Map 2, Lot 38, 42 Walini Way:** William Wells, Code Enforcement Officer, reviewed the application and stated there were no objections from abutters. Chairman Haible moved, seconded by Selectman Henderson to approve the application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.
- **Andrew Davis, Map 43, Lot 37, 26 Hannah's Cove Road:** William Wells reviewed the application. Selectman Henderson moved, seconded by Selectman Wallace to approve this application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.
- **Foster & Rosalie Treworgy, Map 14, Lot 96, 45 Randall Road:** William Wells reviewed the application and stated this was a reconstruction of an existing wharf that was destroyed by the Patriot's Day storm. Joe Leblanc, representative, explained the proposed improvements to the new system. Selectman Henderson moved, seconded by Selectman Wallace to approve this application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.
- **Dorothy Bonito, Map 11, Lot 121, 83 Clark Shore Road:** William Wells, Code Enforcement Officer, reviewed the application. Chairman Haible moved, seconded by Selectman Henderson to approve the application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.

6. Petition Re: Iran: Kate Chipman stated the Board agreed at the last meeting to make a decision tonight on how to proceed with voting on this item. Ms. Chipman recommended, on behalf of the signers, to vote on this item by secret ballot on the June 10 SAD vote. Selectman Henderson stated he believed the June 10 vote will have a larger turnout as it is a primary as well. Chairman Haible stated she believed this item requires a moral debate and a full discussion which should be on the floor at a Town Meeting. Selectman Henderson stated the required hearing for a secret ballot item should provide discussion before a vote. Ms. Chipman again recommended a secret ballot vote which allows for a larger vote and doesn't require people to miss work or the meeting. Glenn Gott spoke against secret ballot. David W. Chipman agreed with Ms. Chipman. Dexter Kamilewicz spoke in favor of airing the issue either by secret ballot or Town Meeting. Mr. Gelwick spoke in favor of secret ballot to allow for the larger turnout. Selectman Henderson moved, seconded by Chairman Haible to place this item on the June 10 ballot; motion failed 1-2 (Haible and Wallace opposed). Chairman Haible moved, seconded by Selectman Wallace to vote on this item at a special Town Meeting in May; motion passed 3-0. Tentative dates discussed are May 12 at 7:00 p.m. with an alternate date of May 13.

7. Capital Road Project: Chairman Haible stated the Board heard from Bob Venard, Road Commissioner, and Randy Tome, of Woodard & Curran, earlier at the Administrative meeting regarding the different engineering options for the proposed capital road project for Grassy Road, Steamboat Road and one-third of Ash Point Road. Chairman Haible summarized the question as being to sole source with Crooker or to send the project out to bid and she is willing to accept the Road Commissioner's recommendation and proceed with Crooker. Selectman Wallace stated there are other companies such as Labbe and Whorff that do free estimates

and he wants to see other bids and that engineering is not needed for these roads. Mr. Tome stated that you need to know what's under a road to properly design what improvements are needed and if this project is sent out to bid, more engineering information will be necessary than sole sourcing with Crooker. Selectman Henderson questioned Selectman Wallace as to what one might use for road improvement information if you don't know what's under the road. Selectman Wallace responded that contractors can drive down the roads and know what it needs. Selectman Wallace expressed concern about the condition of roads that have been engineered, such as Dingley Island Road that is already cracking. Warren Graybill agreed that some roads require engineering while others do not and he encouraged Selectman Henderson and Chairman Haible to support Selectman Wallace. Selectman Wallace moved, seconded by Chairman Haible to send the project out to bid. Selectman Henderson suggested bidding Steamboat and Grassy only and not Ash Point. Motion passed 3-0.

8. Mitchell Field Action Plan: Judith Redwine reviewed the items in the Proposed Mitchell Field 2008 Action Plan dated April 4, 2008. Selectman Henderson moved, seconded by Selectman Wallace to authorize Town (Bill Wells) to sole source with Alder Stream Fencing for erecting new fence at Mitchell Field further out on causeway (Estimated cost \$5,000±) because this company provided the lowest estimate to the Town previously and the Town has been satisfied with its work both at the Town Office and for repair at Mitchell Field; motion passed 3-0. Ms. Redwine explained there are volunteers ready to remove the fence along the shorefront once the pier fence is in place. Administrator Eiane stated she looked into the liability issue and volunteers will be asked to sign a release form understanding they are performing this work at their own risk, own cost and own equipment. Ms. Redwine explained the proposal to build a terraced walkway access to the shore with timbers, stone and a rope walkway. Selectman Wallace suggested instead of the terraced walkway to place mats and erosion control mix over the existing location and perhaps wheelchairs could also use the access. Chairman Haible moved, seconded by Selectman Henderson to authorize Town staff (Bill Wells) to apply immediately to DEP for a permit-by-rule to remove fencing and footings at Mitchell Field along the waterfront from Point A to Point B and to facilitate beach access by creating a 4' x 50' path consisting of erosion control mix and a rope rail, and to authorize Town staff to apply for a Town Land Use Permit and to waive said fee for the Town Land Use Permit; motion passed 3-0. Carol Tukey, Town Planner, noted this item doesn't require Site Plan Review and she will do a memo for the file. Chairman Haible moved, seconded by Selectman Wallace to authorize removal of fencing at Mitchell Field along the beach from Point A to Point B (Volunteer labor, equipment and materials under the direction of Bill Wells). Removal to occur only after new fencing has been erected on pier. Fencing is to be stored on site for possible future use. Motion passed 3-0. Ms. Redwine reviewed the plan for a kiosk and provided a list of items needed that could be collected at the Transfer Station so the project can be at no cost. Chairman Haible moved, seconded by Selectman Henderson to authorize Town staff to apply for a Town Land Use Permit and to waive said fee for the Town Land Use Permit and allow the construction and installation of a 8 ft wide x 9.5 ft tall kiosk near the entrance to the field at no cost; motion passed 3-0. Chairman Haible agreed with the concept of green construction at Mitchell Field but deferred a vote until more specific language and information is available. The Board agreed with the additional signage ("swim at your own risk) and "keep off" signs at the site. Ms. Redwine briefly reviewed the items that the Committee will be discussing and bringing back to the Board in the future.

9. Tide Mill Cove Landing: Deputy Administrator Sawyer reviewed the history of this project and asked the Board to review the proposed landscape and parking plan for Tide Mill Cove Landing and give direction on how to proceed. Bob Waddle stated in his opinion, the entire 33-foot Town property should be cleaned up and money shouldn't be spent on plantings on Town-owned property. Mr. Waddle encouraged the Board to get input from the Harbor & Waterfront and Marine Resources committees in addition to the Recreation, Town Lands and Conservation that they have heard from. Chairman Haible suggested a meeting including the Board with those committee members and to notify the abutters of the meeting; the Board agreed. Bob Waddle stated

the Town needs stewards for Town-owned properties. Selectman Henderson suggested establishing a program to monitor the properties and solicit volunteers. Donna Frisoli suggested better signage on the Long Reach trail.

10. Committees

- **Acceptance of Resignation:** Chairman Haible wished Melinda Small well.
- **Appointments:** Selectman Henderson suggested waiting on the Library Committee as he is still speaking with the members. Selectman Henderson moved, seconded by Chairman Haible to appoint Richard Neiman to the Comprehensive Plan Implementation Committee; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to appoint Donald Jones to the Conservation Commission; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to appoint Robert Bartley, Henry Schwartz and Lee Bradbury to the Harbor & Waterfront Committee for 3 year terms; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Haible to appoint Debora Levensailor as an associate to the Planning Board; motion passed 3-0.
- **Consider Mission Statement and Number of Members:**
 - **Energy Task Force:** Chairman Haible asked for volunteers.
 - **Governance Committee:** Chairman Haible read the mission statement and moved to adopt it, seconded by Selectman Henderson; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to appoint John Chiquoine, CV Noyes, Debora Levensailor, Elsa Martz, Elinor Multor, Judith Redwine, Mary Ann Nahf, and David I Chipman to the committee; motion passed 3-0.
 - **Mitchell Field Implementation Committee:** Chairman Haible read the mission statement and Selectman Henderson moved, seconded by Chairman Haible to adopt it; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to appoint Judith Redwine, Sally Carignan, Jim Hays, Don Miskell Jr., Dan Boland, Paula Conley, R. Scott Ruppert, David I. Chipman, Rob Roark as members of the committee and Chris Duval as an alternate; motion passed 3-0.
- **Liaison Responsibilities:** Chairman Haible asked for this item to be on an administrative agenda.
- **Committee-wide meeting rescheduled for Saturday, April 26, 9:30 a.m.:** Chairman Haible encouraged all committee members to attend and asked for a reminder to be sent out.

11. Discussion Regarding Town Compensation for Select Board Members Involved in Lawsuits in Their Official Capacities: Selectman Henderson asked if insurance covered Selectman Wallace's legal fees in the current lawsuit. Administrator Eiane announced a letter was received today from Massamont Insurance that states Selectman Wallace's fees are not covered in this situation. Selectman Henderson asked if the Town should cover Selectman Wallace's attorney fees. Administrator Eiane stated that Selectman Wallace's attorney has requested the Town reimburse his attorney fees in his filing to the court.

12. Open Bids for Replacement of Failed Septic System: Chairman Haible opened the bids for project 4 under the Town's grant program: JR Hill \$15,500; Davis Construction \$14,429; Skillin \$14,490; and Tupper \$13,981. Chairman Haible moved, seconded by Selectman Wallace to award the project to Tupper; motion passed 3-0.

13. Accept \$300 From Maine Coast Heritage Trust: Administrator Eiane explained Maine Coast Heritage owns property in Harpswell which is tax exempt and they send this money in lieu of taxes. Selectman Henderson moved, seconded by Chairman to accept the \$300; motion passed 3-0.

14. Authorization of the Warrant: Administrator Eiane recommended approval of warrants 18, 19, 20 and payroll warrant 15. Chairman Haible moved, seconded by Selectman Henderson to approve warrant 18 in the

amount of \$663,793.98; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Haible to approve warrant 19 in the amount of \$15,421.52; motion passed 2-0 (Selectman Wallace abstained). Chairman Haible moved, seconded by Selectman Henderson to approve warrant 20 in the amount of \$61,675.32; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Haible to approve payroll warrant 15 in the amount of \$12,781.12; motion passed 2-0 (Selectman Wallace abstained).

15. Approval of the Minutes: The Board made changes to the March 13 minutes; Chairman Haible moved, seconded by Selectman Wallace to approve them; motion passed 3-0. The Board made changes to the March 18 minutes; Chairman Haible moved, seconded by Selectman Henderson to approve them; motion passed 3-0. The Board made changes to the March 27 minutes; Chairman Haible moved, seconded by Selectman Wallace to approve them; motion passed 3-0.

16. Public Comment: Glen Gott stated he voted for Mark Wallace and spoke against the lawsuit.

17. Adjournment: The meeting was adjourned by unanimous vote at 10:25 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report