

Board of Selectmen's Meeting Minutes
November 12, 2009
Cundy's Harbor Community Building
Approved on November 19, 2009

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At 6:00 p.m. the Board met to handle administrative matters; the action list was reviewed; the Board was reminded of the Monday, November 16 site visit to Map 46, Lot 31 for a junkyard hearing; and purchase orders exceeding \$1,000 in value were signed.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Terri Sawyer, Deputy Town Administrator; Marguerite Kelly, Treasurer; and Carol Tukey, Planner

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 PM.

The meeting was videotaped for future broadcast on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to adopt the agenda as printed; motion passed 3-0.

2. Public Comment: None.

3. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Wallace to approve the October 29 minutes as edited earlier by email; motion passed 3-0.

4. Town Administrator's Report: Deputy Administrator Sawyer announced that 70% (2863 of 4078) Harpswell voters participated in the November 3 Election and thanked the Town Clerk's Office and election workers for their efforts. Deputy Administrator Sawyer announced that there has been an increase in burglaries in Harpswell as covered in the Times Record and Portland Press Herald. The Cumberland County Sheriff's Office asks that residents secure their properties, be extra vigilant and report any suspicious activity right away. Deputy Administrator Sawyer advised the Board that the Public Utilities Commission (PUC) continues to work on the Town's filed complaint against Verizon (now Fairpoint) in relation to the vandalism experienced in 2008 that created large phone outages. The PUC granted Fairpoint an extension for submitting on-going performance reports and updated process documents. Deputy Administrator Sawyer announced that Mid Coast Hospital is hosting a medication collection on Thursday, November 19 5:00 p.m. to 7:00 p.m. and another medication collection on Friday, November 20 10:00 a.m.- 2:00 p.m. will be held at a number of community collection points.

5. Selectmen's Announcements: Selectman Wallace encouraged Verizon cell phone users to go to the store and have their phones programmed to roam off US Cellular's equipment that is on the new tower. Selectman Wallace stated that AT&T has approvals to be on the tower but that it is proving difficult to get a commitment date from AT&T as to when they will be activated. Selectman Multer announced that Jack Sylvester, chair of the West Harpswell School Work Group, held its first meeting today and will be inspecting the school next week with MSAD 75's facilities manager. Chairman Henderson expressed concern that the Cumberland County Sheriff's Office did not contact the Town directly about the increase in burglaries and stated how important communication is. Chairman Henderson asked if Ms. Tukey has been able to compile the GIS information provided by the County; Ms. Tukey responded no.

6. Old Business: None.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for October (attached). Ms. Kelly announced the Town is now accepting and processing credit and debit card transactions.

8. Freedom of Access Policy Amendment: Chairman Henderson stated that many of the Town's shape files are small and asked why the Town should charge for them. Carol Tukey, Planner, stated she has received two requests for shape files and the charge would be to cover the Town's costs for obtaining the data. Ms. Tukey's current request is from a commercial entity for the tax maps that the Town paid for. Chairman Henderson responded the Town paid for the tax maps for a Town purpose and now they should be made available under freedom of access requests at no charge since the information is not being created. Selectman Multer felt that it is different when the request is from a commercial entity instead of an individual and asked if the law would allow a different charge. Chairman Henderson responded he believed that would not be legal as a person is not required to divulge the purpose or even be a citizen. Chairman Henderson moved to not adopt the GIS file amendment to the Freedom of Access Policy [if the information is provided on a disk, the charge is currently \$5.00 for electronic media]. Ms. Tukey asked what to charge if the request is to send the information by email. Chairman Henderson responded that if the information exists and is not time consuming to do, that there is no charge. Selectman Wallace seconded the motion and it passed 2-0 (Selectman Multer abstained).

9. Planner's Update: Carol Tukey, Planner, stated that the Comprehensive Plan Implementation Committee has made great progress in the efforts to implement the Plan, including focusing in on 4 village areas, down from the original 11. Ms. Tukey reported that approximately 1/3 of the task list detailed in the contract with Beth Della Valle has been completed and they are now ready to go to the community for input. Ms. Tukey read the standards for a village area and explained the purpose is to direct growth to those areas to leave rural areas on the outside boundaries. Villages tend to have smaller building lots than rural areas. Ordinance changes will be ready for the 2011 Town Meeting.

10. Proposed Warrant Article on the Long Reach/Cliff Trail Area: Mary Ann Nahf, chair of the Conservation Commission, explained that the 77-acre parcel that the Town Office is on is located in one of the largest focus areas on the Open Space Plan. The Commission wants to explore placing a conservation easement on the portion of the property that encompasses the Cliff Trail and wants to ask Town Meeting to for authority to apply for a grant to study the property and possibilities to place a conservation easement. Chairman Henderson read the proposed warrant article and suggested placing it on the December 10 hearing. Selectman Multer stated she wanted to avoid hearings in December due to the holidays and also would prefer to not hold two hearings for all items on the Town Meeting warrant. Chairman Henderson explained the reason to hold a hearing in December and January is to allow changes to be made after collecting public input. Chairman Henderson moved, seconded by Selectman Multer to place this article on the Town Meeting warrant; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to consider this item on the December 10 hearing; motion passed 2-0 (Selectman Multer abstained).

11. Animal Task Force Report for Mitchell Field: Sue Luce, chair of the Animal Task Force, reported the Task Force has been meeting since July and is ready to make recommendations to the Board. In developing the recommendations, the Task Force sought public input through a survey in the lobby and an on-line questionnaire. Mrs. Luce provided a summary of the 62 replies, received from all areas of the Town: 42 replies stated there were no issues at Mitchell Field; 16 agreed that some leash time would be acceptable; 3 replies preferred no dogs; and one had no preference. Mrs. Luce reviewed the Task Force's recommendations: 1. provide waste cans on the doggie bag stations; 2. empty the waste stations weekly; 3. create a leash-only time daily from 11:00 a.m. to 1:00 p.m.; and 4. place new signs at the site with language suggested by the Task Force. The Board agreed that the Task Force was thorough and the Board was in favor of its recommendations. Deputy Administrator Sawyer noted that without an Ordinance or an amendment to the current Animal Control Ordinance, the leash time frame would not be enforceable. The Board understood and agreed to a trial period

and thought that the public would respect the new rule. Chairman Henderson stated he preferred friendlier signs and suggested some language. Selectman Multer responded she liked the recommended language from the Task Force. Chairman Henderson moved to accept the recommendations and to authorize the wording on the signs. Deputy Administrator Sawyer asked if the Board wanted to apply an effective date, especially given the budget implications. Chairman Henderson amended his motion to add that the Board will attempt to implement as soon as possible. Selectman Multer seconded the motion and it carried 3-0.

12. Extend Timeframe for Vehicular Access to Mitchell Field: Deputy Administrator Sawyer explained the Board previously approved having the entrance gate at Mitchell Field opened daily on a trial basis until November 1 and that the Deputies open and close the gate. The Town currently plows the center road in the winter and the Implementation Committee is recommending that the gate remain open daily on a year-round basis. Selectman Wallace was opposed to having the gate open in the winter as the road would require sanding and treatment for vehicular traffic. Selectman Multer moved, seconded by Selectman Wallace to allow vehicular traffic at Mitchell Field year round except for the period from December 1 to April 15; motion passed 3-0.

13. Cumberland County Development Block Grant Contracts Re: Hamilton Place: Deputy Administrator Sawyer explained that since the November 3 vote authorized the Town to accept a \$40,000 grant from Cumberland County for the Greater Brunswick Housing Corporation's Hamilton Place project, the next step is to enter into a contract with the County and another contract with Bill Whorff & Sons for the actual road improvements. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to sign the contract between Bill Whorff & Sons and the Town in the amount of \$40,000 with a payment schedule of 95% and a 5% retainage; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to sign the contract with Cumberland County for \$40,000 for the paving at Benaquist Way for Greater Brunswick Housing Corporation; motion passed 3-0.

14. Set Date and Time for Public Hearing on Proposed Ordinance Amendments

- **Sign Ordinance:** Selectman Multer reviewed her suggested changes and the Board concurred. Chairman Henderson asked that the changes be communicated to the interested parties and placed under Old Business at the next meeting.
- **Blasting Ordinance:** The Board began making minor changes. Deputy Administrator Sawyer explained that the Board previously gave the directive that the deadline for all draft ordinances was November 12 at which time the Board would set a public hearing date to review them and not continue to make changes. Therefore, based on that directive, committees were advised it was not necessary for them to attend and answer questions this evening.
 - **Affordable Housing Ordinance**
 - **Minor Site Plan Amendment**
 - **Non-Conforming Issue**
 - **Shellfish Ordinance:** Deputy Administrator Sawyer informed the Board of the history surrounding this proposal and stated that while the full Committee still needs to review the proposals, feedback at this time indicates that the Committee would prefer not to proceed with a change in section 202.3.8.3. Chairman Henderson suggested keeping the change in for now for the hearing as it can be removed at that time.

The Board discussed the hearing schedule and individual preferences for one or two hearings. Chairman Henderson moved to set December 10 at 7:00 p.m. as a public hearing at the Harpswell Islands School for all items except for the Housing Ordinance. It was noted that the Planning Board is required to hold a hearing on Shoreland Zoning Ordinance changes that the Board usually makes a joint hearing. The Board agreed that if the Planning Board can attend the December 10 hearing that the Site Plan, Non-conforming issue, Blasting and

Housing proposals will be scheduled. If the Planning Board cannot attend, then the Sign and Shellfish Ordinances will be scheduled.

15. Consider Committee Input Re: Potential Interest in Upland Lane Parcel: Chairman Henderson explained that property owners of a certain parcel on Upland Lane have offered to sell their property to the Town. The Board previously referred the offer to certain Town committees for review and the consensus from all the committees was not to engage in the offer at this time. David Brooks, chair of the Recreation Committee, agreed that while the Committee does not recommend purchasing the property, it does recommend exploring whether the owners would be interested in giving an easement as a walking extension to the Cliff Trail. Deputy Administrator Sawyer suggested that staff prepare a letter to the property owners thanking them for the offer and declining at this time but asking them to contact staff if they are interested in talking about a walking easement. Chairman Henderson moved, seconded by Selectman Multer to direct staff to draft a letter to the property owners indicating the Town is not prepared to enter negotiations to purchase the property and encouraging them to contact staff if interested in giving an easement; motion passed 3-0.

16. Acceptance of Maine Municipal Association Safety Enhancement Grants: Chairman Henderson moved, seconded by Selectman Multer to accept the MMA safety enhancement grant for a cabinet at the Recycling Center [for an amount not to exceed \$506.43]; motion passed 2-0 (Selectman Wallace abstained). Chairman Henderson moved, seconded by Selectman Wallace to accept the MMA safety enhancement grant for the Harpswell Neck Fire Department [in an amount not to exceed \$488.67]; motion passed 3-0.

17. Open Bids for Asphalt Surfacing at the Transfer Station: The following bids were opened: Mitchell Construction, Inc. \$5,600 for 2" thick hot top; Casco Bay Paving \$5,400; and Ray Labbe & Sons \$6,075. Chairman Henderson stated that Mitchell Construction's bid was confusing as it lists \$4,300 and then \$5,600 towards the bottom labeled "2-inch thick". Chairman Henderson moved, seconded by Selectman Multer to accept Mitchell Construction's bid if it's confirmed to be \$4,300 for the 2" hot top, and if not, to accept Casco Bay Paving's bid for \$5,400; motion passed 2-0 (Selectman Wallace abstained). Paul Labbe, of Ray Labbe & Sons, expressed concern about the first bid process on this item and how it left his company's bid exposed to a second bid process. Chairman Henderson apologized on behalf of the Town that the process was not clear the first time.

18. Verizon Wireless Sub-Tenant Agreement: Deputy Administrator Sawyer explained that the Board previously signed a Sub-Tenant Agreement for Verizon but after further research, Verizon is asking for a legal alternative access to the Town property in case the Community Drive entrance becomes unavailable. The only difference in this updated Agreement is the additional language for the alternative access through the entrance between the existing Community Drive entrance and the Town Office, where the sand pile used to be stored for public use. The Agreement has been reviewed by legal counsel. Chairman Henderson moved, seconded by Selectman Wallace to approve the revised Sub-Tenant Agreement; motion passed 3-0.

19. Consider Contract Extension with Comcast: Deputy Administrator Sawyer reported she spoke with David I. Chipman and CV Noyes, both of the Communications Advisory Committee, and they recommend signing the extension that will provide more time for the Committee to negotiate a new Franchise Agreement with Comcast. The State just adopted a model Franchise Agreement and the Committee will meet on Tuesday to customize it to Harpswell and then meet with Comcast for negotiations. Chairman Henderson moved, seconded by Selectman Wallace to approve the three month extension; motion passed 3-0.

20. Consider Policy Re: Secret Ballot: Chairman Henderson handed out his suggestions for a policy and asked the Board to review it for the next meeting.

21. Authorization of the Warrant: Selectman Wallace moved, seconded by Chairman Henderson to approve warrant #75 in the amount of \$64,559.17; motion passed 3-0. Selectman Multer moved, seconded by Chairman Henderson to approve warrant #76 in the amount of \$19,102.71; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #46 in the amount of \$16,770.09 was noted for the record.

22. Adjournment: The meeting was adjourned by unanimous vote at 9:05 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

[Attachments are available at the Town Clerk's Office or by email at harpwell@gwi.net]