

Board of Selectmen's Meeting Minutes
September 3, 2009
Harpswell Town Office
Approved on September 17, 2009

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Special meeting called to order at 5:00 p.m. Chairman Henderson moved, seconded by Selectman Multer to enter into executive session pursuant to 1 M.R.S.A. § (6)(A) regarding a personnel matter and 1 M.R.S.A. § (6)(C) regarding real property; motion passed 3-0.

At 5:45 p.m. the Board returned to open session to handle administrative matters; the Board scheduled a workshop with the Comprehensive Plan Implementation Committee for September 16 at 4:30 p.m.; the Board agreed to schedule the engineering review for the next meeting; the Board reviewed and signed two catering permits; the Board briefly discussed outage information from Central Maine Power and asked for more information regarding pole placement; Administrator Eiane reported Bill Wells will make a recommendation regarding lighting in the Town Office; the Board signed a purchase order exceeding \$1,000 in value.

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

The meeting was videotaped and broadcast live on Harpswell Community Television.

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

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

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to amend the agenda by adding 9a. Request for Proposals for Emergency Communications Equipment and to adopt the agenda as amended; motion passed 3-0.

2. Public Comment: None.

3. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Multer to approve the August 20 minutes as edited earlier by email and amended tonight by striking 'business owner' and replacing with 'member of Harpswell Business Association' in number 14; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane reviewed the documents provided to the Board, including the letters from the Federal Emergency Management Agency (FEMA), emails from Jack Sylvester and Robert Gerber. Administrator Eiane stated that she drafted a letter to the Congressional Delegation regarding the Flood Insurance Rate Map (FIRM) changes proposed by FEMA. Additionally, Administrator Eiane spoke with So. Portland and they drafted an outreach letter (attached for Board review) and that she will contact Portland about joining forces in contacting our congressional delegation. Administrator Eiane asked the Board to consider hiring Robert Gerber to obtain expertise on this issue and possibly to file an appeal on behalf of the Town that may "stay" the 90 day appeal period for the new maps to take effect. The Board reached a consensus to send a letter to the congressional delegation, to obtain a proposal from Robert Gerber and to send a letter to the listed affected owners after circulating it for comment. Administrator Eiane announced last Thursday, she [in addition to State Senator Gerzosfky and U. S. Representative Pingree] attended a celebration at the Brunswick Naval Air Station where Wing 5 prepared for its last mission. BNAS wanted to thank the area communities for their past support as they prepare for closure. Administrator Eiane announced the Town received six (6) responses to the request for proposals for a consultant to prepare zoning and performance standards for Mitchell Field and that a workgroup will make a recommendation to the Board. Chairman Henderson wanted to be sure that as the candidates are interviewed, that a swifter schedule be impressed upon the candidates. Administrator Eiane announced that Comcast is now offering and promoting its customer

guarantee where they promise a 30-day money back guarantee and other things such as scheduling a convenient time for the customer. Deputy Administrator announced the Town's seasonal flu clinic is scheduled for October 8 from 9:00 a.m. – 12:00 noon and 5:00 p.m. to 7:00 p.m.

5. Selectmen's Announcements: Chairman Henderson announced the start of two Town Recreation programs: Yoga and Digital Photography. More information on both classes is available at the Town Office and on our website under Town Departments-Recreation.

6. Old Business

- **Schedule Town Meeting Vote Regarding Hamilton Place Grant Acceptance:** Administrator Eiane explained that the Brunswick Housing Authority (BHA) for the Hamilton Place project was awarded a grant through the Town for \$40,000 from Cumberland County Development Grant Block program. Since the Town has never appropriated funding for this purpose, a Town Meeting vote would be required. John Hodge, of BHA, has indicated it would be more beneficial to them if the vote was sooner rather than later. Administrator Eiane stated the Town Clerk has indicated a special Town Meeting would be more cost effective than having a ballot on the November 3 referendum. Administrator Eiane noted that the vote regarding West Harpswell School will likely not be ready for the November 3 referendum as the school closure report is not yet prepared, the Commissioner of Education has 20 days to comment on the report and the clerk needs ballots 45 days before a vote. There may be another issue to consider for the November 3 vote regarding an easement that Fairpoint needs for the cell tower project. Chairman Henderson moved, seconded by Selectman Multer to direct the Town Administrator to place the Hamilton Place article on the November 3 ballot; motion passed 3-0.
Chairman Henderson moved, seconded by Selectman Multer to move 6b. to after item 14; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to move items 6c and 6d to after item 14; motion passed 3-0.
- **Consider Statement Re: West Harpswell School Closure Matter:** The Board discussed the suggested changes to the posted draft statement from Karin Blake. Selectman Multer moved, seconded by Chairman Henderson to use the original posted statement with the addition of a sentence from Ms. Blake's draft; motion passed 3-0.
- **West Harpswell School Physical Conditions Work Group Proposal:** Chairman Henderson stated that RSU 75 (formerly MSAD #75) has information on the West Harpswell School (WHS) building they will provide to the Town. Selectman Multer moved to establish the WHS physical conditions work group as outlined in her August 31 proposal. Selectman Multer suggested a five member group and that the Board invite potential members and discuss their abilities in executive session. Chairman Henderson disagreed with executive session as he believed the qualifications of the potential candidates could be discussed in open session. Chairman Henderson asked for the workgroup proposal to be posted to solicit volunteers to submit a statement of interest indicating their specific skills.
- **Consider Selectmen Position on Reduction to Excise Tax Referendum:** The Board tabled this item until they attend a Maine Municipal Association meeting on the topic. Selectman Multer noted she favored the Town's appropriating practice of funds for road work instead of dedicating excise tax.

7. Wharf Applications

- **Dolphin Marina, Commercial Application, 515 Basin Point Road, Map 17, Lot 34:** Chairman Henderson opened the public hearing at 6:58 p.m. Bill Wells, Code Enforcement Officer, reviewed the application. Chris Saxton, applicant, provided the highlights of the wharf proposal and the facility improvements. Chairman Henderson closed the hearing at 7:04 p.m. Chairman Henderson moved, seconded by Selectman Multer to approve the Dolphin Marina application as it does not create a hazard to navigation or cause injury to the rights of others; motion passed 3-0.

- **David Waterman, Residential Application, 103 Laurel Cove Road, Map 52, Lot 152:** Chairman Henderson opened the hearing at 7:05 p.m. Bill Wells, Code Enforcement Officer, reviewed the application for a seasonal walkway system. Mr. Spencer, representative, explained that only ½ of the float (none of the walkways) will rest on the mudflats at low tide. Chairman Henderson closed the hearing at 7:10 p.m. Chairman Henderson moved, seconded by Selectman Multer to approve the Waterman application as it does not create a hazard to navigation or cause injury to the rights of others; motion passed 3-0.

8. Recycling Center/Transfer Station Manger's Update: Fred Cantu, Recycling Center and Transfer Station Manager, provided an update on the projects and activities taking place at the facility (attached). Mr. Cantu recommended that the Board consider closing the wood slot available at the Recycling Center and stated his reasons (primarily due to abuse of the rules governing use of the wood slot). If the slot is closed, all persons disposing of wood would be required to pay at least the minimum charge of \$1. Mark Wallace, speaking as an employee of the Transfer Station, disagreed with closing the slot due to the increase in traffic at the Transfer Station. Rob Roark stated that if the slot is closed, items that could be recycled will end up in the compactor. Selectman Multer stated she preferred to leave the slot open and address the issue of incorrect usage through an ordinance change. Chairman Henderson was not in favor of closing the slot which will essentially punish the residents that abide by the rules as a result of the small percentage that abuse the use and requested other suggestions of how to address the situation from the Manager.

9. Communications Tower Update from Tower Specialist Owner Paul Strout: Paul Strout, owner of Tower Specialists, reported that two of the three base anchors are completed and if the tower is delivered next week, it can be installed by the end of September. US Cellular should be active on the tower by mid-October (2 weeks after completion of the tower). Mr. Strout stated that in addition to the two carriers that have been approved to locate on the tower (AT&T and US Cellular) he is now in negotiations with Verizon to locate. Mr. Strout agreed with Administrator Eiane that Fairpoint is requesting an easement directly from the Town and stated it could be retroactive. Mr. Strout requested that the Town's equipment be on site to install while he is installing the tower itself. It was noted that the request for proposals will be sent out tomorrow with Board approval.

9a. Request for Proposals for Emergency Communications Equipment: Ed Sparks, Rescue Captain for Orr's/Bailey Island Fire Department, stated that many people have worked on this tower project and expressed the importance of elevation to avoid dead zones within the Town. Mr. Sparks reviewed the request for proposals for the package of equipment to be placed on top of the new tower, which should cost approximately \$45,000. Chairman Henderson asked if the new equipment and tower will make everyone fully interoperable. Mr. Sparks responded technically no since each person would also need a \$3,000 radio but functionally yes since the emergency providers could communicate with one another and with the hospitals, State Police, Cumberland County and Brunswick. Chairman Henderson moved, seconded by Selectman Wallace to authorize the issuance of the request for proposals with a 20 days response period; motion passed 3-0.

10. Mitchell Field Implementation Committee Pier Improvement Proposal: Rob Roark, Mitchell Field Implementation Committee, reviewed the proposed pier improvement plan, primarily to install a railing with fish net along the outer edge of the pier. The estimated project costs total \$1,375. Administrator Eiane reported that the Board has the ability to authorize use of the remaining approximately \$4,500 of funds in the Mitchell Field removal/improvement account. Selectman Multer moved, seconded by Selectman Wallace to authorize an amount not to exceed \$1,500 for use in this project; motion passed 3-0.

11. Consider Winter Road Maintenance Contract: Chairman Henderson explained bids were opened at the last meeting and the low bidder was Goodall Landscaping. The bids were referred to the workgroup that is now

recommending proceeding with Goodall. Administrator Eiane stated the workgroup interviewed Goodall Landscaping and Ben Goodall assured the Town that he will assemble the resources to satisfy the Town's needs. Administrator Eiane noted that RA Webber and Harry Crooker have done a terrific job for Harpswell and it was just time to test the market. Selectman Wallace stated he visited Goodall's site and was impressed with the operation and Mr. Goodall's plan. Selectman Multer asked that the type of fuel be added to the provision in the contract that allows for possible negotiating if the price exceeds \$4.00/gallon and that 'prolonged period of time' be better defined. The Board discussed whether the further definition was needed since the section allows for flexibility regarding negotiating. Chairman Henderson moved, seconded by Selectman Multer to execute the contract [year 1 = \$286,000; year 2 = \$294,340; year 3 = \$302,930] with Goodall once the grade of fuel is designated; motion passed 3-0.

12. Review Contract with Maine State Planning Office for Harbor Management Grant: Administrator Eiane explained that the Board previously authorized the grant submittal and since the Town was awarded the grant, the contract needs to be signed to accept the \$20,000 to hire a consultant. Chairman Henderson moved, seconded by Selectman Multer to accept the grant and sign the contract; motion passed 3-0.

13. Acceptance of Donations: Heating Assistance Program and Hannaford Gift Cards: Chairman Henderson moved, seconded by Selectman Wallace to accept the \$100 for heating assistance, \$400 in food cards and \$50 for dog waste bags; motion passed 3-0.

14. Renewal Liquor License Request for the Log Cabin, Map 24, Lot 30, Log Cabin Lane: Deputy Administrator Sawyer reported that there have been no complaints filed with Cumberland County regarding disorderly conduct and that the Code Office reports there are no known code violations. Chairman Henderson moved, seconded by seconded by Selectman Multer to approve the liquor license; motion passed 3-0.

15. Use of Contingency for General Assistance: Administrator Eiane explained that the general assistance budget has exceeded the Town Meeting appropriation and must be augmented by the use of contingency. Selectman Multer moved, seconded by Selectman Wallace to authorize the use of up to \$5,000 from contingency to cover anticipated overages in the General Assistance budget; motion passed 3-0.

16. Authorization of the Warrant: Selectman Wallace moved, seconded by Chairman Henderson to approve warrant #60 in the amount of \$52,605.98; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #61 in the amount of \$5,556.56; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #36 in the amount of \$14,533.81 was noted for the record. Selectman Multer noted she may come in to view the general assistance records to see if there is a trend. She stated that she was not interested in seeing the names. Administrator Eiane stated since the Board members are also Overseers of the Poor, they may review such records.

17. Adjournment: The meeting was adjourned by unanimous vote at 9:00 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Recycling Center Manager's Update
[Attachments are available at the Town Clerk's Office or by email at harpswell@gwi.net]