

Board of Selectmen's Meeting Minutes

April 7, 2011

Harpswell Town Office

Approved on April 21, 2011

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Selectmen Present: Elinor Multer, James S. Henderson, and Alison S. Hawkes

Staff Present: Terri Sawyer, Deputy Town Administrator

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:00 p.m.

The meeting was video recorded and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by moving item 2 to the end of the meeting and adding 9.1. Professional Engineer Contract for Bethel Point Culvert; motion passed 3-0.

2. Administrative Matters: Moved to the end.

3. Public Comment: Robert McIntyre announced that Harpswell Heritage apples are available this year and there will be a grafting workshop on April 24; contact 833-7870 for more information. Mr. McIntyre stated he understood the Board will allow the Education Advisory Committee to explore the withdrawal rules with the Department of Education and not with other towns, which he will speak to at an extended public comment period of a future agenda. Mr. McIntyre asked the Board to make clear the difference of the two votes as some are confused and believe the June vote is to actually withdraw. The first vote is to form a withdrawal committee to explore the options and develop a plan for withdrawal; vote two is to accept or reject the proposed plan and requires a 2/3 majority vote. Selectman Henderson asked if Mr. McIntyre has considered using channel 14 as a forum to distribute information regarding withdrawal. Chairman Multer clarified that the Board didn't bar the Education Advisory Committee from seeking information on other systems; only from consulting other towns. Selectman Henderson asked for clarification as he thought the Committee couldn't seek information on other systems. Chairman Multer stated the Committee could seek the information on other systems from the Department of Education and not from the towns as she feels a withdrawal committee, if one is formed will need to contact those towns and this would be duplication of effort.

4. Town Administrator's Report: Deputy Administrator Sawyer announced there will be a meeting with Harpswell and Brunswick representatives regarding the Town line boundary matter on April 28, 7:00 p.m. at the Brunswick Council Chambers, Building 3 at Maine Street Station. Additionally, the Joint Standing Committee on State and Local Government will hold a work session regarding LD 69 (An Act to Restore the Historical Town Boundary Line between Harpswell and Brunswick) in Augusta on Friday, May 6 at 1:00 p.m. in the Cross Building. Deputy Administrator Sawyer announced the Town Clerk's Office will be closing at 12:00 noon on Monday, April 11 for required training. This past winter season, the Town received numerous complaints from the public that the Town's contracted snow plow truck drivers used excessive speed. Goodall Landscaping has informed the Town they have installed GPS equipment in their trucks which will help monitor and address any speed related issues with their drivers and help maintain safety. Deputy Administrator Sawyer reported that Volunteers of America Northern New England (VOANNE) will attend a meeting with the West Harpswell School Re-Use Task Force on April 11 at 3:30 p.m. to review possible senior housing opportunities at the WHS building.

5. Selectmen's Announcements: Selectman Henderson reported he attended a meeting last Thursday at the Harpswell Heritage Land Trust along with the Bailey Island Association regarding the Cedar Beach efforts. Any questions relating to the project should be directed to Mary Ann Nahf. Selectman Henderson stated the discussions include a wide range of various options that will be further investigated. There is another meeting this Tuesday at 9:00 a.m. Selectman Henderson reported the Education Advisory Committee

developed a list of questions for the Department of Education (DOE) and would like to have them posted on the website to solicit comments and additional questions from the public. The next Education meeting is scheduled for April 25 and a tentative meeting with DOE in early May. Selectman Hawkes stated she has received complaints from the public that additional funds over the \$220,000 should not be raised for Cedar Beach. Selectman Hawkes stated she read the warrant article and Town Meeting and that article allows grants and donations to be accepted. Selectman Hawkes questioned the part of the article that stated that access must remain open; Selectman Henderson and Chairman Multer responded that the Town can't require that of the Abrahamsons. Selectman Hawkes asked staff to place a box in the lobby to accept suggested new names for the Harpswell Islands School. Selectman Hawkes called for volunteers to join Town committees, the PTO, earth day, Shindig or Festival.

2. Administrative Matters: Eric Field reviewed his letter he submitted offering to remove the scrap metal items from the generator building. The Board referred the matter to the Mitchell Field Implementation Committee for a recommendation.

6. Consent Agenda: 1) Approval of the Minutes; and 2) Authorization of the Warrant: Chairman Multer moved, seconded by Selectman Henderson to approve the 3/30 and 3/24 minutes; motion passed 3-0. Selectman Hawkes asked a question about a payment on the warrant. Chairman Multer moved, seconded by Selectman Hawkes to approve the warrant; motion passed 3-0.

7. Report on Street Lights Project: Thaddeus Bond stated he was authorized by the Board of Selectmen to conduct a survey of the Town's street lights. Mr. Bond surveyed each street light to determine how each one complied with the Town policy on street lights that was generated by the Energy Committee. Based on the survey, 71 (of the 199) are recommended for removal which will save approximately \$9,000/year. Four lights were double billed and Central Maine Power will credit the Town approximately \$355. One light is missing and 16 lights are suggested for addition based on the policy. Mr. Bond stated that some locations needing a light could be satisfied in other manners, i.e. sharp curve sign. Mr. Bond recommended the Board publish any recommendations for street light removals and work with the public in the areas slotted for removal as there may be concerns. Deputy Administrator Sawyer asked the Board to think about how they want to proceed with implementation of the recommendations, including a process for removal. The Board asked for the information to be supplied to the Energy Committee for any recommendations.

8. Consider Requests for Qualifications for General Road Maintenance: Bob Venard, Road Commissioner, explained the request for qualifications is to develop a list of contractors to call upon for road maintenance work such as potholes, etc. Mr. Venard stated the responses should include who can respond within 24-48 hours and what equipment and qualifications they have. The larger tasks will still be processed through competitive bid. Mr. Venard is hopeful that several responses will be received and perhaps a short list of contractors will be developed. Selectman Henderson moved, seconded by Chairman Multer to issue the request for qualifications; motion passed 3-0.

9. Consider Contract with Gorrill Palmer Consulting Re: Capital Road Project: Bob Venard, Road Commissioner, explained the Town needs preliminary work in preparation of a capital road project for Little Island Road, Lowell Cove Road and Lane Road. The roads were selected through a management pavement condition report. Gorrill Palmer, Town engineers, will conduct the necessary work, including surveying the roads, designing the plans, conducting ledge bore tests, preparing and administering the bid process for \$43,900. Chairman Multer stated the purpose is to complete the project sooner rather than later but that there may be options she asked Mr. Gorrill to explain. Tom Gorrill stated the preparation work, including bidding, will be completed by summer and it may be best to allow the selected contractor to start in the fall and complete the paving in the spring of 2012. Mr. Gorrill stated they will conduct neighborhood meetings that provide additional knowledge of the area and capture public concerns. Selectman Hawkes asked what the

preliminary estimate of the project was; Mr. Venard responded based on past project estimations it's in the range of \$500,000 but as the survey is completed, the treatment and costs will be refined. Chairman Multer moved, seconded by Selectman Henderson to authorize the Deputy Administrator to sign the contract; passed 3-0.

9.1 Consider Contract with Gorrill Palmer Consulting Re: Bethel Point Culvert: Mr. Venard explained that the State inspects "bridges" and is responsible for the repairs of bridges that meet certain requirements. Unfortunately, the large culvert on Bethel Point Road is not quite large enough to qualify for State-funded repairs. The State has inspected the culvert and cited certain needed repairs due to rust and holes within the structure and that more significant repairs (the Town did perform temporary repairs) must be completed within 4-5 years. Gorrill Palmer will study the best options between completely replacing the culvert and installing a sleeve inside it which requires reviewing the permit requirements and performing a capacity study. The contract is for \$1,950 and will detail the advantages and disadvantages, including costs, with the options. Mr. Gorrill will also include information about installing an actual bridge as an option; Selectman Henderson wants to see the life expectancy of a bridge versus culvert in addition to the price estimates. Selectman Henderson moved, seconded by Selectman Hawkes to authorize the Deputy Administrator sign the contract for the Bethel Point Road culvert; motion passed 3-0.

10. Harpswell Oceanic Center (HOC) Economic Development Concept for Mitchell Field: Chris Heinig stated last week the HOC met with the Board in executive session to explain its proposal. Mr. Heinig stated he is here to announce that the HOC would like to bring back the working waterfront to Mitchell Field and reviewed the proposal for marine aquaculture (letter attached as further reference). The HOC has established a website (harpswelloceaniccenter.org) that will provide information as it is available. Mr. Heinig stated there is a lot of preparation work to be done including research and development of the system. Alan Shaver stated the HOC would like to ask for an exclusive option from the Town to lease the entire marine business district at Mitchell Field. Deputy Administrator Sawyer reported the Town Attorney has advised that the Board doesn't have the authority to negotiate an option for a lease, voters only authorized the authority to negotiate a lease by passing Article 14 at the March 12, 2011 Town Meeting. Chairman Multer previously questioned whether the Board could agree not to enter negotiations with any other potential business for a period of time. The Town Attorney responded that as practical matter, the Board could but that she doesn't recommend it as such an agreement does not appear to be what was contemplated by Article 14. Chairman Multer stated the Board could place an article on the June 14 ballot asking for the authority to negotiate options in general or bring a specific option to vote. Selectman Henderson stated another proposal would have to be more attractive than this proposal and the Board collectively seems impressed with the HOC proposal, however one never knows what may come forward. Selectman Henderson stated he could support asking the Town for the general authority to grant an option for a lease. Chairman Multer stated that preliminary conversations with Jack Sylvester indicate he is willing to serve in some capacity for the Board on this proposal. The scope of services for his role will be further discussed at the next meeting. Mr. Shaver agreed the Board should seek authority from the Town as many businesses wanting to locate at Mitchell Field will benefit by an option. Selectman Henderson suggested the Board make a finding pursuant to the Town's Economic Development Policy regarding the informal proposal received by the HOC and asked the HOC if it wanted other Town Committees to consider the current status now or wait; Mr. Shaver responded wait. Selectman Henderson moved, seconded by Chairman Multer per section 5.2 of the Policy Regarding Significant Economic Development Proposals, the Board determines the HOC proposal is a written informal expression of interest; motion passed 3-0.

11. Consider Proposal for Mural Contest on a Building at Mitchell Field: Judith Redwine, of the Mitchell Field Committee, requested that the community gardens volunteers be permitted to clean out the building near the gardens and use it for tool and supplies storage. Additionally, Ms. Redwine stated the Committee would like to conduct a contest for children for mural designs to be painted on the exterior walls

of the same building. Ms. Redwine asked if the Board wanted to judge the designs or the Committee; the Board responded: the Committee. Selectman Henderson stated if the building is considered for demolition at some point in the future, he does not want the mural to be a deterrent. Chairman Multer expressed a concern about the designs being depicted properly on the building and asked for adults to outline the design prior to being painted by young children. Ms. Redwine responded adults will oversee the execution. The Board expressed concern about the safety of the building and asked that Bill Wells inspect it and provide a report to the Board for the next meeting. Deputy Administrator Sawyer asked that Town staff be informed of the details of the contest and for it to be posted on the website. Selectman Hawkes encouraged the community garden concept to expand into other areas of Town. Ms. Redwine noted it has been difficult to solicit interested participants for the community garden at Mitchell Field but it would be nice to expand the concept throughout Town someday. Mary Ann Nahf encouraged anyone interested in implementing a community garden to contact the Harpswell Heritage Land Trust as there is funding available for that purpose. Ms. Redwine announced 10x10 plots are available for \$25 and 10x15 for \$35. Chairman Multer asked for the information pertaining to the prior approval of the Board regarding the process for the community gardens particularly the handling of charges and payments. David I. Chipman stated that the Department of Environmental Protection authorized 2 100x100 plots and approximately ½ is developed. There remains a lot of work to be done including a fence to protect the gardens from deer. Anyone interested in volunteering can contact Mr. Chipman, Ms. Redwine or the Town.

12. Consider Offer From SAD 75 Re: West Harpswell School Property: Chairman Multer stated MSAD 75 has offered the property to the Town and there are pros and cons associated with accepting it. The deadline for adding any secret ballot items to the June 14 ballot is April 28. Elizabeth Davis, member of West Harpswell School Re-use Task Force, reported the Task Force met and discussed whether the Town could lease the property from MSAD 75 for a year so that the Task Force and Town could continue its due diligence to uncovering the reasons to accept or not accept the property. The Task Force will be holding a forum on April 27 [location and time TBD] to provide information to and solicit suggestions from the public. Chairman Multer stated she informally contacted Superintendent Wilhelm and asked if he thought the District would entertain a lease and he responded he believed it would. Hope Hilton, member of Task Force, has expressed the need for an environmental assessment prior to accepting the property. Selectman Hawkes expressed concern about complicating the issue and taking a long time to get to a point where a business would be interested. Selectman Hawkes suggested that any interested business could do an assessment if so desired. Chairman Multer stated this is a difficult market and the property is not suitably located for a lot of businesses. Town voters need all the information that can be provided for them to make a well informed decision since there are costs associated with holding the property from \$30,000 – 80,000 annually. Selectman Hawkes stated the Town already has the report the Work Group prepared in December 2009 which is quite comprehensive. Selectman Henderson suggested asking MSAD 75 to give more time until Town Meeting of 2012; Chairman Multer responded the District would not be agreeable due to associated costs. Deputy Administrator Sawyer suggested sending the proposed draft letter and including additional questions such as an extension. Ms. Davis stated it was critical to have programming in the building by September 1 for the community and due to insurance costs associated with a vacant building. Selectman Henderson stated it would be great to have education and recreational programs in the building but is there an expectation of the people to come from other areas of Town? Selectman Henderson stated he doesn't believe the Board should take any action right now and instead focus on gathering use information for the site. Ms. Davis reported so far the options include a private school, outdoor education center, teen center, multi purpose including offices, daycare and preschool. Selectman Henderson responded the ideas are great but the details need to be further explored as to the costs, viable practical interests, fees, conflict with other uses, etc. The Board discussed different options for placing on the June 14 ballot: to accept, to lease, an appropriation for maintenance. Selectmen Henderson expressed concern that the Town may turn down accepting the property if there isn't enough information regarding use plans. Selectman Hawkes is not in favor of leasing – why would the Town spend money to lease it when we could acquire it at no cost?

Selectman Hawkes stated that she supports all the community use concepts but a business needs to be solicited for use. Chairman Multer stated it would be risky to accept the building at an estimated annual cost since the Town may be holding it for awhile. Ms. Davis stated the Task Force met with Gina Perow, Recreation Director, and she has lots of good ideas and several associated with fees. Selectman Henderson stated he believes June is too soon. The Board will further discuss the issue at the next meeting and in the meantime send a letter to Superintendent Wilhelm asking certain basic questions. Chairman Multer stated she isn't locked into June 14 but certainly by August 31 which may require a special Town Meeting. Robert McIntyre stated it would be great for the Town to accept the property and Title 20A, Chapter 202 references leasing as an option. Mr. McIntyre further states the School board cannot sell until the Town and citizens reject.

13. Consider Contract with Brian Smith Surveying Re: Town Line: Selectman Henderson stated the intention of the survey of the land portion of the historic Town line is so that the State and Local Governments Committee of the Legislature can have the information. Brian Smith was approached for ideas and he proposed two methods, one to use the documents only but that alone would be inconclusive and the other method was to also use land transactions in addition to the original boundary documents. The second option is clearer and will allow the conclusion to be better defended. The line may vary somewhat from what the Carrying Place Assembly asserts but it should be fairly close. Selectman Henderson recommended sole sourcing with Brian Smith due to time restrictions. Deputy Administrator Sawyer stated Town Meeting passed \$10,000 for the Town Line Boundary matter and there were some funds carried forward and approximately \$3,000 has been spent. Chairman Multer moved, seconded by Selectman Hawkes to approve the contract for \$5,000; passed 3-0.

14. Committee Appointments: Selectman Henderson moved, seconded by Chairman Multer to appoint Don Miskill, Jennifer Nadeau and Hope Hilton to the West Harpswell School Re-Use Task Force; motion passed 3-0.

15. Consider Nomination(s) to the Maine Municipal Association Executive Committee: There was no interest for nominations.

16. Consider Requests for Proposals for Energy Improvements Pursuant to the Cumberland County Development Block Grant (CDBG) Program: Deleted.

17. Consider Request for Use of Mitchell Field by Harpswell Shindig: Selectman Hawkes is a member of the Harpswell Shindig and recused herself from the discussion. Stacey Welner and Alison Hawkes, from the floor, represented the application. Chairman Multer moved, seconded by Selectman Henderson to approve the application submitted by Harpswell Shindig for the Use of Mitchell Field for a community event on Sunday, July 24; agree to sponsor the event; waive provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; that the Board agree to allow amplification of sound as described in the application; and that the Shindig will be responsible for monitoring shorefront activity and for preventing unauthorized access to the pier; motion passed 2-0 (Selectman Hawkes abstained).

18. Consider Requests for Proposals for a Copier: Deputy Administrator Sawyer explained this request is to replace a copier in the Clerk's office and was budgeted in a new office equipment reserve account. Selectman Henderson asked if purchasing a used copier was less expensive than leasing; Deputy Administrator responded that generally it is for this less expensive type copier. Chairman Multer moved, seconded by Selectman Hawkes to approve the request for proposals; motion passed 3-0.

19. Acceptance of \$400 Gift from Maine Coast Heritage Trust: Deputy Administrator Sawyer explained that the Maine Coast Heritage Trust owned the tax exempt property of Whaleboat Island. Chairman Multer moved, seconded by Selectman Henderson to accept \$400 from Maine Coast Heritage Trust with thanks; motion passed 3-0.

20. Acceptance of Donations to the Harpswell Heating Assistance Program: Deputy Administrator Sawyer reported that the students at Harpswell Islands School had a fundraiser a few years ago and started a fund to assist with heating costs for those in need. The balance in the fund, \$188.56, was being offer to the Town to continue to assist with heating costs for residents. Selectman Henderson moved, seconded by Chairman Multer to accept the funds with thanks to the students of Harpswell Islands School; motion passed 3-0.

21. Other Business: There was none.

22. Public Comment: Len Freeman stated we are very fortunate to live in a democracy. On March 20, he witnessed the recount of votes for a school member candidate and that the Town spent money to assure the accuracy of such a vote. The Selectmen struggled to determine what the intent of the voters was. Mr. Freeman stated we are lucky to have voting taken so seriously and to have processes that ensure a fair and accurate outcome. Mr. Freeman thanked Roz Knight, Town Clerk, for protecting the ballots and Selectman Henderson, Chairman Multer and Mark Wallace (former Selectman) for attending a recount and assuring democracy.

2. Administrative Matters: The action list was reviewed; Selectmen liaison responsibilities were established; current committee list and openings were reviewed; the Board agreed to send renewal leases to existing Orr's Island bridge lessees; the Board was informed of the Census Count Questionnaire Resolution; the Board tentatively reserved April 26 for a Selectmen's meeting if needed regarding secret ballot items; May 10 and 11 were provided as possible dates for the annual legal session; the Board agreed to provide the street light report to the Energy Committee for input at a future meeting; the Board agreed to have a question added to the letter to Superintendent Wilhelm asking if a lease concept would be entertained for the associated expenses; and three purchase orders exceeding \$1,000 in value were reviewed and signed.

23. Adjournment: The meeting was adjourned at 9:25 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

[Attachments are available at the Town Clerk's Office or by email at harpwell@town.harpwell.me.us]