

Board of Selectmen's Meeting Minutes

May 14, 2009

Harpswell Town Office

Approved on May 28, 2009

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

Staff Present: Kristi Eiane, Town Administrator and Marguerite Kelly, Treasurer

At 5:30 p.m. the Board met to handle administrative matters; the Board endorsed the revised wharf application disclaimer regarding the right, title or interest to the intertidal zone issue; the Board signed Orr's Island Wharf leases as previously approved; the Board reviewed the definition of resident in other town shellfishing ordinances and Chairman Henderson's suggested definition and agreed to send the proposal to the Marine Resources Committee for review; the Board requested the Marine Resources Committee prepare a draft policy regarding the procedure for missed conservation times; the Board signed a purchase order exceeding \$1,000 in value, a catering permit and an appointment sheet for Dick Wyer as Deputy Fire Warden; the Board discussed concealed weapons permits and agreed to ask the Town's law enforcement to review the requests instead of the Selectmen; Administrator Eiane reviewed the road salt vendor choices: Greater Portland Council of Governments (GPCOG and Maine Department of Transportation (MDOT) and the differences between service and price and the Board agreed to continue with GPCOG; Administrator Eiane handed out a synopsis of the Volunteers In Police Service program and the Board agreed to have Cumberland County's volunteer coordinator come to a future meeting to discuss the program and for clarification of liability; the Board reviewed and agreed to posting certain financial information on the Town's website; Deputy Bradbury introduced the new Marine Warden, Trevor Cody, who is replacing Sam Cafone; and Chairman Henderson reported on the Energy Task Force meeting on Tuesday with an outside company that is interested in conducting a wind study within the Town and asked for certain public information for the company once they submit their request in writing.

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.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to adopt the agenda as amended by adding under Old Business: New Language for Wharf Application Disclaimer; motion passed 3-0.

2. Public Comment: None.

3. Approval of the Minutes: Selectman Multer and Chairman Henderson made changes to the April 30 meeting minutes. Chairman Henderson moved, seconded by Selectman Wallace to approve the April 30 minutes as amended; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the May 5 minutes as printed; motion passed 2-0 (Selectman Wallace abstained).

4. Town Administrator's Report: Administrator Eiane reported as part of the Town's Economic Disclosure Policy, staff received an inquiry from a cell phone provider wondering about the use of the water tower for cell phone equipment and the Town indicated the tower is not in the tower district and that if the provider wanted to proceed it would need to place its request in writing. Administrator Eiane announced the State's 2009 valuation for Harpswell at \$2,042,850,000 which represents a decrease for the first time in years. Administrator Eiane stated the State's Department of Environmental Protection has approved the Town's Shoreland Zoning changes approved at the March Town Meeting. Administrator Eiane explained the Town currently belongs to the Southern Maine Economic Development District (SMEDD) and has applied to change to the MidCoast Economic Development District (MCEDD) as Harpswell has more in common with the midcoast region and at the next meeting MCEDD will vote on Harpswell's application. Administrator Eiane announced that the

contract for the removal of the pipeline has been sent out to bid and that there is a contractor meeting at Mitchell Field on Tuesday at 9:00 a.m. Administrator Eiane reported that after a workshop, the Legislature's State and Local Government Committee, voted 10 -3 "ought not to pass" with regard to LD1410: An act to restore the historic boundary between Harpswell and Brunswick.

5. Selectmen's Announcements: Selectman Multer announced that the school consolidation meetings continue with the next one scheduled for Monday at 6:30 p.m. at West Harpswell Elementary School. A vote by the School Board in June is scheduled and then the Town may have to decide how to act at that point. Chairman Henderson reported that at least half of the State and Local Government Committee was engaged in what the Carrying Place Assembly (CPA) offered as testimony and evidence about the boundary issue and that members of the CPA had discovered new evidence after the first hearing and the workshop. However, despite the new evidence, the Committee voted "ought not to pass" as people made the best decision they could 11 years ago. Selectman Multer noted the work and effort Chairman Henderson vested in this subject.

6. Old Business:

- **Law Enforcement Services Task Force:** Chairman Henderson presented a revised statement with grammatical changes, the committee composition and the report date. The Board discussed the proposal and Chairman Henderson moved, seconded by Selectman Multer to approve the revised mission statement; motion passed 3-0.
- **Wharf Approval Disclaimer:** Chairman Henderson noted that the Town's legal advisors have suggested that the Town obtain clear evidence of an applicant's legal right, title or interest to the intertidal zone before approving a wharf application. Chairman Henderson stated the Board is proposing to add a statement to the existing wharf application regarding the applicant's claim to right, title or interest to the intertidal zone. Chairman Henderson read the proposed disclaimer. Chairman Henderson moved, seconded by Selectman Multer to adopt this language; motion passed 3-0.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for April (attached). Ms. Kelly stated that one of the two property owners who have entered into installment contracts with the Town is current and one is behind by a small amount but should become current before the end of the grace period. Ms. Kelly reported that she has begun the process for foreclosing on the two parcels near the Town Office with unknown owners by placing three consecutive ads in the Times Record informing the public of the situation. One parcel has a known owner of a half interest and the other owner of the remaining half interest is unknown and is what the Town will foreclose on. Ms. Kelly reported that the Budget Advisory Committee will meet throughout the summer to review matters such as the transfer station fees and also plans to develop a survey to put on the web to solicit more public input in the budget process. Selectman Multer suggested advertising the survey in the Anchor. Selectman Multer inquired of some items on the Treasurer's Report.

8. Consider Investment Policy: Marguerite Kelly, Treasurer, reported that in 2006 and 2007 audits, the auditors recommended the Town adopt an investment policy. Ms. Kelly has drafted a policy for consideration and it has been reviewed and recommended by the Budget Advisory Committee. As the discussion progressed, it was discovered that the Board did not have the most recent and complete draft policy. Ms. Kelly read the missing item #11 and asked the Board to defer a decision until the next meeting after reviewing the complete policy.

9. Mitchell Field Update

- **Dog Control Issue at Mitchell Field: Consider Scheduling Public Hearing:** Administrator Eiane suggested the Board hold a public hearing on the dog use at Mitchell Field. Signs could be posted at Mitchell Field and newspaper advertisements to solicit input regarding different ideas such as leashing dogs at all times and enforcing the clean up of dog waste. The Board agreed to hold a hearing on June

11 at 7:00 p.m. as the hearing. Judith Redwine, chair of the Mitchell Field Implementation Committee, stated the hearing will certainly gather those in favor and opposed to the issues and suggested the Board may be favorable to creating a group, including persons with varying points of view, to make recommendations to the Board. Rob Roark, Mitchell Field Implementation Committee, inquired whether other town properties would be subject to potential dog ordinances changes as Mitchell Field shouldn't be unique.

Judith Redwine stated the Board had a site visit to Mitchell Field and experienced all the work volunteers have completed on removing hazards from the pier. Don Miskell stated that almost every Saturday, volunteers got together and worked on improving the safety of the pier with a view to opening the pier to the public. The remaining issue is whether a handrail is required and what type. Ms. Redwine stated the immediate goal is to open the front gate to the public for vehicular traffic on June 1 for a two-week trial period. Don Miskell, Mitchell Field Implementation Committee, announced a meeting on Tuesday with DOT regarding setting the speed limit for the center road. Only the center road is proposed for vehicular traffic with the two side roads remaining for pedestrian use. Bob Venard is planning to fill the cut in the center road with reclaim. Rob Roark said volunteers will continue to repair the ladders and remove other items but to install the hand rail all by June 1 may be too much for volunteers within that timeframe. Mr. Roark requested the Board consider opening without handrails. Chairman Henderson questioned what the open hours would be and whether volunteers would monitor use of the pier without handrails. Ms. Redwine stated this is Harpswell's land and just as with the beach fence removal, it is expected everyone will behave appropriately and the Sheriff Department should increase patrol within the field. Mr. Roark stated the Committee had not thought of monitors but could organize it for the first few days. The key is to install specific signage such as NO DIVING, NO KIDS UNDER 12 etc. Chairman Henderson expressed concerns about the pier but was comfortable with the front gate. Mr. Roark questioned if the rail would eliminate the concerns. Chairman Henderson responded it would show due diligence. Selectman Multer asked for further insurance input. Ms. Redwine stated there are several public recreational wharves across the State without rails. Mr. Roark asked for specific direction on what would be acceptable before implementing the rail. The Board reviewed the letter from the insurance company outlining its recommendations about the pier, including a rail. The Board questioned whether there were any OSHA or Recreational Statute standards. The Selectmen expressed concerns about individuals falling over the edge of the pier. The Selectmen discussed different options such as just opening the front gate to the Field and to delay the pier opening to gather costs on what would be needed to complete the rail on the pier. Mr. Roark stated the volunteers were considering a 42" high rail with posts every 10 feet with rope as the rail on top, which would take about 2 months and more material than what is presently available. Chairman Henderson moved, seconded by Selectman Multer to open the front gate to Mitchell Field on June 1 from sunrise to sunset for a 2-week trial period with the exception that the pier remains closed. There were questions about the specifics of what is allowed through the gates. Chairman Henderson amended his motion to include suspending the portion of the current Rules that prohibit the specific motorized vehicles for the two-week trial period. The motion carried 3-0. Chairman Henderson moved, seconded by Selectman Multer to open the gates on the pier for public access for two weeks provided that the conditions in the insurance letter are completed (two life rings, trip hazards mitigated, ladders repaired or removed, warning signs posted, metal pieces in small dock area be removed). Selectman Wallace stated he was not comfortable opening the pier without a rail. Selectman Multer suggested opening the pier only when volunteers could be present and Ms. Redwine responded that might be feasible. Chairman Henderson withdrew his motion and Selectman Multer withdrew her second. The Board reached a consensus that the pier needs to be railed for safety prior to opening and Administrator Eiane was asked to research and detail what is needed to accomplish the rail.

10. Consider Construction Monitoring Services Contract: Administrator Eiane stated this contract is specifically for having Woodard & Curran monitor the capital improvement project on Ash Point Road. The capital road project contract is based on unit costs and Woodard & Curran would oversee the project and verify the units. Administrator Eiane asked the Board what schedule they want to commit to with the monitoring –

weekly, every other week, daily. Selectman Wallace expressed concern about what would be missed if the engineer only goes once a week and stated you need to entrust the contractor for material used and have the engineer review the billing. Selectman Multer questioned the difference in fees for different persons from Woodard & Curran and inquired how the person being sent to is determined. The Board discussed how to handle the situation and agreed that placing a cap (\$12,000 as suggested by the contractor) on the contract is best. The Board discussed sending the engineering services out to bid after this Ash Point Road project. Chairman Henderson moved, seconded by Selectman Wallace to approve work order #29 between the Town and Woodard & Curran for up to \$12,000 for weekly site visits; motion passed 3-0. Selectman Wallace stated that Bob Venard, Road Commissioner, has agreed to contact him for issues that may arise, prior to contacting the engineers.

11. Committees: Chairman Henderson solicited volunteers for the Energy Task Force.

- **Appointments:** Chairman Henderson moved, seconded by Selectman Multer to appoint Ken Oehmig to the Town Lands Committee to 2011 and Ned Perry as an alternate to 2010; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to appoint Judith Arndt with a term to be determined by the Town Administrator, to the Recreation Committee; motion passed 3-0.
- **Liaison Responsibilities:** The Board reviewed the committees and selected the liaisons as follows: Chairman Henderson: Communications Advisory, Comprehensive Plan Implementation, Conservation Commission, Energy Task Force, Town Lands; Selectman Wallace: Emergency Vehicles, Fire and Rescue, Harbor & Waterfront, Marine Resources, Pipeline Advisory (as of May 15); Selectman Multer: Affordable Housing, Board of Appeals, Planning Board, Budget Advisory, Mitchell Field Implementation. Selectman Multer suggested looking into creating a commission to oversee Mitchell Field. Selectman Wallace expressed concerns about not participating in the decisions for Mitchell Field. Selectman Multer suggested the group could be elected and asked that the idea be investigated.
- **Set Committee-Wide Meeting Date:** The Board set June 18 at 6:00 p.m. as the meeting date with committee members.

12. Consider Policy Re: Closing of Municipal Facility: Chairman Henderson stated this was in reaction to such pandemics as the swine flu and when to close the Town Office. Chairman Henderson read the draft policy and Selectman Multer made some minor simplifications. Chairman Henderson moved, seconded by Selectman Multer to approve the policy as amended; motion passed 3-0.

13. Authorization of the Warrant: Selectman Multer moved, seconded by Selectman Wallace to approve warrant #33 in the amount of \$676,806.57; motion passed 3-0. Selectman Multer moved, seconded by Chairman Henderson to approve warrant #34 in the amount of \$14,226.48 motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #20 in the amount of \$14,363.55 was noted for the record.

14. Adjournment: The meeting was adjourned by unanimous vote at 9:10 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

Law Enforcement Task Force Mission Statement

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