

**Board of Selectmen's Meeting Minutes**  
**October 13, 2011**  
**Harpswell Town Office**  
Approved on October 27, 2011

Page 1 of 5

At 5:00 p.m. the Board of Selectmen held a workshop with the Town's engineers regarding the status of the capital road project.

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

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Treasurer

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

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 6:05 p.m.

**1. Adoption of the Agenda:** Chairman Multer moved, seconded by Selectman Henderson to adopt the agenda as amended by removing item 9 and adding item 20.5 Consider Sole Sourcing with R.A. Webber & Sons for road maintenance; motion passed 3-0.

**2. Public Comment:** Elizabeth Davis requested use of the former West Harpswell School building on a temporary basis as a meeting place for Harpswell home schoolers for 10 families, including 18 children. She noted that parent volunteers will monitor the heat and security, and that this proposal could possibly coordinate with the library proposal. Selectman Henderson stated a formal entity has to be tied to the proposal and suggested the Board further discuss this under item 14.

**3. Town Administrator's Report:** Administrator Eiane stated the transfer process of the pipeline easement will hopefully conclude by the end of 2011. This project involved considerable study, review and analysis by the Navy and Department of Environmental Protection; the property owners will be pleased to reach its conclusion. Administrator Eiane stated the 2012 budget process is underway and the schedule of meetings will be posted on the website.

**4. Selectmen's Announcements:** None.

**5. Consent Agenda: 1) Approval of minutes; 2) Consider Disposing of Town-owned Vehicle; and 3) Election Appointments:** Chairman Multer removed item 2 from the consent agenda. Chairman Multer moved, seconded by Selectman Henderson to approve items 1 and 3; motion passed 3-0. With regard to item 2: Deputy Administrator Sawyer stated there is a known issue with the vehicle related to the linkage and the Town will sell the vehicle in as is condition. Additionally, the Town will provide a written agreement disclosing the existing concern with the vehicle and require the purchaser to sign it. The Board discussed whether a minimum bid should be required and Selectman Hawkes suggested \$2,000. Selectman Hawkes moved, seconded by Selectman Henderson to place the vehicle out to bid with a minimum bid of \$2,000; motion passed 3-0.

**6. Old Business: Consider Policy Regarding Website Links:** Chairman Multer moved, seconded by Selectman Henderson to adopt the policy as amended by changing "shall to may"; motion passed 3-0 (attached).

**7. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her monthly report for September (attached).

**8. Recommendation for Banking Services:** Marguerite Kelly, Treasurer, stated requests for proposals were sent to 9 entities and 7 responses were received. Androscoggin Bank proposed free banking with no required compensating balance and FDIC coverage up to 7.5 million dollars on interest-bearing accounts. Additionally, electronic deposit hardware and software will be provided to the Town at no cost and a web-based payment service will be available eventually. Ms. Kelly stated she spoke with the Towns of Jay and Gray and both are

satisfied banking with Androscoggin. She also noted that TD Bank has provided excellent service. Ms. Kelly recommended the Board agree to make Androscoggin Bank the Town's bank and there is no formal agreement to sign except for features such as positive pay, electronic deposits. Chairman Multer moved, seconded by Selectman Henderson to authorize the Treasurer to sign the required documents to enter into a banking relationship with Androscoggin; motion passed 3-0.

**9. Mark Stebbins Wharf Application, Map 23, Lot 93, 6 Dolphin Lane:** Removed from agenda.

**10. Report of the Expanded Fire and Rescue Committee Re: Emergency Services Strategic Plan:** David Mercier, Chair of the Expanded Fire and Rescue Committee, thanked all the Committee members for their hard work over the last year; William Labbe, Kristi Eiane and Marguerite Kelly for their assistance as well; Frank O Hara for his facilitator role and assistance and also Selectman Multer. Mr. Mercier recommended the public read the report and recommendation to hire a dedicated paramedic to support the current emergency medical services system from 6:00 a.m. to 6:00 p.m., Monday through Friday. Chairman Multer thanked the Committee for its hard work and stated that the Board needs more time to review the report and it will be discussed in detail at a future meeting. Selectman Henderson concurred on the great effort and work entailed in the detailed reports, including the minority reports, from the Committee. Mr. Mercier explained the Town is one of five towns currently contracting with Mid Coast Hospital for the "fly car" which is a paramedic on-call response to certain calls based on protocol. The Committee is recommending the Town hire a dedicated paramedic who would be located at the Town Office and plan to provide a heated garage that would house the vehicle, equipment and medications in a controlled environment. In addition to the medical calls, the paramedic will provide administrative support to the three Departments with the run sheets, training, etc. Selectman Henderson asked if the paramedic will respond to calls in place of volunteers. Mr. Mercier stated the volunteers will still respond as they do now and then be released from the scene a lot sooner as the paramedic will complete each call, including the associated paperwork. Volunteers are decreasing and are often working during the week day time periods. The addition of the paramedic will help ensure that when someone dials 911, there will be someone to respond. In the case of multiple same time calls, mutual aid will be relied upon.

**11. Consider Use/Sale of Fireworks:** David Mercier, Harpswell Neck Fire Chief, stated he will take the Board's request to review the fireworks issue back to his Board and to the other Departments. Chairman Multer stated the default position: if towns do not enact ordinances, the sale and use of fireworks will be legal as of January 1, 2012. Selectman Henderson requested to see statistics relating to injuries. Chairman Multer stated she would like to enact an ordinance that imposes an age limit and restricts certain locations. Deputy Administrator Sawyer reported the Town's poll on the website regarding fireworks, currently has recorded 187 votes as follows: 52% no limitation; 26% limit use and sale; 13% limit use; 9% limit sale. Chairman Multer said she would like to see an ordinance with common sense restrictions such as a minimum age. Selectman Hawkes stated she does not want to see more rules and that it is not the Board's place to regulate parents and their kids. Selectman Hawkes stated the State law already limits the age to 21 and the types of fireworks. Selectman Henderson asked to see model ordinances, information relating to injuries and if restrictions have been effective in reducing injuries. The Board also asked for more detail regarding what types of fireworks will be allowed.

**12. Consider Sole Sourcing for Community Television Digital Cameras:** David Chipman, Vice President of the Harpswell Community Broadcast Corporation's Board of Directors, stated that the Town receives funds from Comcast for capital purchases and Town Meeting authorized \$11,000 for capital purchases in 2011. Mr. Chipman recommended purchasing two digital cameras from Maine Video as they are a local dealer that will provide support and is comparable in price to out-of-state vendors. The cameras will be owned by the Town and used by Harpswell Community Television and others. Selectman Henderson moved, seconded by Chairman Multer to sole source with Maine Video for two HXRNXS5 cameras at \$4,049 each; motion passed 3-0.

**13. Consider West Harpswell Exploratory Library Committee and Appointments:** Katherine Chatterjee stated the Board has been discussing interim uses of the West Harpswell School building when the people voted only to accept the school – no uses. The Re-Use Task Force highlighted on its decision tree that upon acceptance, there will be a process to then determine uses for the property. Ms. Chatterjee encouraged the Board to consider a holistic approach and not to react to different uses here and there. Chairman Multer noted that the Board is working on long term uses. Selectman Henderson agreed there have been many ad hoc requests which is a way to test the community’s interest. Ann Standridge stated her opinion that the Town would save money if the building was used as the vacant building insurance policy would not be needed. Donna Frisoli clarified that the volunteers interested in establishing a library do not intend it to be a Town library or a Town committee. Ms. Frisoli stated she hadn’t been able to combine with a non-profit yet and the group just wants to use the former library room for movies, games, internet etc. Selectman Henderson questioned whether this purpose could be sponsored by the Town’s Recreation Department. Administrator Eiane stated it could be looked into but that if the building is regularly opened, it may help the Town with insurance costs (31% of the building must be used on a regular basis) but there will be additional costs such as heat and electricity. Chairman Multer stated that other than basketball practice, she is less inclined to allow other uses on this temporary basis. David Chipman stated there are several benefits to having the building used such as reducing the risk of vandalism. There was a discussion regarding the approved budget and the possible effects on the budget and that if the budget is exceeded prior to Town Meeting 2012, contingency will have to be used. Selectman Hawkes stated she would like to allow the “library” use parallel to working on a use policy but that she feels Town Meeting should approve the uses. David Chipman suggested volunteers could raise funds through donations. Administrator Eiane noted that since the “library” concept is no longer proposed to be a Town Committee, there is no formal entity willing to take responsibility. Chairman Multer and Selectman Henderson agreed a formal entity with insurance is required for the Town to enter an agreement for use. Selectman Henderson agreed to draft a Use Policy for the next meeting. Ms. Frisoli stated if the group is unable to join with a non-profit or if the idea does not work under the Recreation concept then she will drop it. Chairman Multer asked citizens to consider to what extent the Town should consider allocating the building for Town uses and what percent for outside activities. Selectman Hawkes noted that Ms. Frisoli’s proposal is a great community concept that would bring the young and old together which is very important. Chairman Multer moved, seconded by Selectman Henderson to table the appointments to the next meeting; motion passed 3-0.

**14. West Harpswell School Artwork and Use of Building:** Administrator Eiane reported she met with representatives of the Bowdoin College Museum of Art and they have agreed to move, with their equipment and van, the artwork from the West Harpswell School to the Town Office. The Museum of Art representatives also agreed to hang the artwork at the Town Office. Administrator Eiane stated she spoke with David Etnier, the son of one of the artists, to update him. Administrator Eiane reported she advised the Town Attorney of the issues raised by John Loyd regarding ownership and the Attorney is unclear of the exact issue and not convinced this is a direction the Town needs to go. Chairman Multer encouraged the Town Attorney and John Loyd to talk directly regarding the issue. Administrator Eiane referenced her memo regarding the Recreation Director’s request to use the West Harpswell School building for basketball practice and noted the request may push the budget over. Chairman Multer postponed discussion of the issue.

**15. Set Public Hearing to Consider General Assistance Ordinance Maximums:** Chairman Multer moved, seconded by Selectman Henderson to set October 27 at 7:00 p.m. as a public hearing to consider the general assistance ordinance maximums; motion passed 3-0.

**16. Consider Next Steps for Tax-Acquired Property on Hildreth Road, Map 3, Lot 73:** Administrator Eiane stated the Board knows the history of this property and that if the Board is planning to sell the property, or a portion thereof, the Conservation Commission is recommending a conservation easement, potentially held by a third party, of the stream and surrounding area. Mary Ann Nahf, Chair of the Conservation Commission, recommended the Board place a conservation easement on the area within 250-300-feet of the stream with no

buildings allowed. Chairman Multer stated she was inclined to retain the property as the Town needs to own more land. Selectman Henderson stated he was inclined to allow a portion of the property to be used for affordable housing. Selectman Hawkes noted the Marine Resources Committee thought this parcel could be used for parking to access the other Hildreth Road property with water access. Robert McIntyre noted that diggers are looking for paths that will provide long-term protected access to the water. Selectman Hawkes inquired of the status of securing access and road improvements to the Gravel Pit Road water property. Administrator Eiane reported she will be meeting with one former road commissioner to obtain the level of detail requested by the Attorney and Deputy Administrator Sawyer is working with another former road commissioner on obtaining his information. Chairman Multer suggested sending another letter to the property owner mentioning legal action; Selectman Henderson suggested waiting for the road commissioner research. Selectman Hawkes expressed concern about the time involved and questioned why the Town cannot repair the road. Administrator Eiane responded that if directed, staff will have the road repaired. However, the Town Attorney has advised that while the Town has the right to travel on the road as it borders the Town property, further information is needed to determine if the Town has the right to maintain it. Selectman Hawkes questioned if someone impedes access over a road that one has access to, what is the Town's right. Selectman Henderson noted the right to travel an easement may not include by vehicle.

**17. Consider Holiday Schedule for the Recycling Center and Transfer Station:** Chairman Multer stated Christmas and New Years are on Sunday and the facility Manager is recommending closing the facility on Saturday, December 24 and Saturday, December 31 instead of the employees having separate floating holidays. Selectman Hawkes moved, seconded by Selectman Henderson to accept the Manager's recommendation; motion passed 3-0.

**18. Solid Waste Committee Mission Statement:** Selectman Henderson stated he prepared this draft of an amended mission statement to move the focus from the manager level to recycling. Chairman Multer suggested one change where the Committee would work through the Manager; Selectman Henderson reiterated he wanted the Committee to consider ideas but that he could accept the Manager reviewing them. Selectman Henderson moved, seconded by Chairman Multer to accept the mission statement as amended and to seek committee members; motion passed 3-0.

**19. Committees: Resignation and Appointment:** Chairman Multer moved, seconded by Selectman Henderson to appoint Scott Ruppert as an Associate to the Planning Board to 4/30/12; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to accept Burr Taylor's resignation from the Conservation Commission with thanks; motion passed 3-0.

**20. Accept Donation for Harpswell Heating Assistance Program:** Chairman Multer moved, seconded by Selectman Hawkes to accept the \$200 from American Legion Unit #171 with thanks; motion passed 3-0.

**20.5. Consider Sole Sourcing with R.A. Webber & Sons for Road Maintenance:** Selectman Henderson stated the Road Commissioner cited certain roads that need maintenance and based on a recent experience with R.A. Webber on other roads, recommends sole sourcing with Webber for additional roads not to exceed \$35,000. If these roads were sent out to bid, there would be no time to complete the work within this calendar year. Selectman Henderson moved, seconded by Selectman Hawkes to sole source with R.A. Webber & Sons to maintain certain Town roads; motion passed 3-0.

**21. Public Comment:** Anne Standridge spoke in favor of maintaining the water access at Hildreth Road; and of multiple possible uses at the West Harpswell School for offices. Chairman Multer noted the office space has been mentioned and anyone with a specific proposal can submit it in writing. Donna Frisoli stated many Comcast customers are having difficulty obtaining channel 14 and that Comcast is not being responsive. Problems with the Channel's volume were also noted.

**22. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Hawkes to approve warrant 53 in the amount of \$991,677.71; motion passed 3-0. Payroll warrant #41 for \$13,931.91 was noted for the record.

**23. Administrative Matters:** The Board set aside mornings of October 24, 25, 31 and November 1 to allow for scheduling meetings with the Planner and Jack Sylvester. The Board agreed to November 7 at 5:30 p.m. to attend the Mitchell Field and Affordable Housing meeting regarding housing at Mitchell Field. Staff was asked to check when the next Business Association meeting is planned to schedule a forum with the Association, the Board and representatives of Midcoast Council of Governments. The Board agreed to investigating whether parking at Devil's Back is in compliance with the deed. The Board agreed to obtain a report from the Town engineers regarding moving the retaining wall at Graveyard Point Road. The Board agreed to not appeal the State's 2012 evaluation for Harpswell. Selectman Henderson asked the Town Administrator to provide an update regarding any pending litigation at the next meeting.

**24. Adjournment:** The meeting was adjourned at 9:55 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Website Links Policy  
Treasurer's Report

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