

Special Selectmen's Meeting Minutes
October 17, 2013
Harpswell Town Office
Approved on November 7, 2013

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

Selectmen Present: Elinor Multer, Alison S. Hawkes and Richard A. Daniel

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; and Marguerite Kelly, Treasurer

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

1. Adoption of the Agenda: Selectman Hawkes moved, seconded by Chairman Multer to adopt the agenda as amended by adding an appointment to the consent agenda and removing items 9b and 16; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane reported the Town has received several complaints regarding the concrete jersey barriers used by the Department of Transportation (DOT) along the causeway on Pott's Point. It is uncertain if the barriers are being used on a temporary basis or as a permanent solution. Administrator Eiane stated the Board may want to consider sending a letter to DOT asking for a different solution. The Board agreed to send a letter. Administrator Eiane reported on two change orders, one for \$12,004.20 for additional grade A gravel and one for approximately \$3,000 for tree cutting, relating to the Town's capital road project. Administrator Eiane announced that absentee ballots are now available at the Clerk's Office for the November 5 vote, including a municipal article regarding the possible acquisition of property. Administrator Eiane announced there will be a medication collection day on October 24 from 10:00 am – 2:00 pm; a household hazardous waste day on October 24 – contact Fred Cantu for more information; and there will be a free health screening clinic, sponsored by University of Southern Maine nursing students, on October 19 from 10:00 am – 2:00 pm.

4. Selectmen's Announcements: None.

5. Consent Agenda: Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda [September 19 and October 3 minutes; Nancy Sohl's resignation from the Mitchell Field Implementation Committee; \$9,000 from Bowdoin College; \$680.96 from the Harpswell Festival for the bandstand; November 5 election appointments: Warden - Patricia Leary, Megan Hubbard, Janet Coombs, Deputy Warden - Susan Daignault, Thomas Rothwell, Margaret Bonarrigo, Registrar - Sarah Lafond, Carolyn Perow, Election/Ballot Clerk - Tracy Johnson Colby, Debra Prosser, Marilyn Strout, Hannah Trowbridge; Payton's Way road name; warrant #47 for \$1,175,366.86 and payroll warrant #42 for \$15,069.76]; motion passed 3-0.

6. Old Business: Mitchell Field & Bandstand Use Policy/Application: Chairman Multer stated she has proposed a number of changes to the draft combined Mitchell Field Group Use and Bandstand policy. She wants to make additional changes relating to this language: "The applicant must be an individual or a nonprofit organization and the use applied for must be noncommercial. The use must not result in financial benefit to any person or organization unless the use has been approved by the Town. Provided that the event is not intended principally for profit, entities deriving a profit and incidental to the main purpose of the event may be allowed." Chairman Multer suggested commercial entities could hold functions and be charged different fees than not for profits. Chairman Multer will further revise the policy and bring it back to the next meeting, including adding language that may allow additional criteria to be required on individual applications.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for September. There was a discussion regarding the Town's appropriation intended to help cemeteries maintain veterans' graves. The Town

has received the appropriate veterans' information from two of five cemeteries and is waiting to issue payments until all have responded. Ronald Ponziani stated the information for the Hillcrest Cemetery is being assembled.

8. Engagement Letter with Runyon, Kersteen, Ouellette (RKO) For 2013 Audit: Ms. Kelly, Treasurer, stated this will be the ninth year with RKO. The Town has had the same principal, Kathy Tyson, with some changes in staff over the years. The rate for the 2013 audit will be \$13,800 which is an increase of \$200. Since Harpswell is a calendar year Town, Harpswell has in the past received an approximately 23% discounted rate. Town staff prepares the financial statements. Ms. Kelly said she believes Ms. Tyson is highly regarded in Maine and is a great asset in analyzing Town controls and procedures. Chairman Multer asked what a non-audit service is; Ms. Kelly responded the Town does not typically engage for those type services but did in 2005 to review tax receipts. Selectman Daniel moved, seconded by Selectman Hawkes to sign the engagement letter; motion passed 3-0.

9. Wharf Applications

- **Bowdoin College, 240 Bayview Road, Map 36, Lot 2:** Barney Baker, of Baker Consultants, reviewed the proposal to add a seasonal component to the existing pier system at the Bowdoin College facility located on Bayview Road. The sailing program is moving from the Bethel Point location to Bayview. The Army Corps of Engineer, Department of Environmental Protection and the Planning Board have approved the proposal. Mr. Baker stated the gangways are aluminum, piles are pressure treated, the deck system is composite material and the float deck is pressure treated with a float system underneath. John Simoneau, of Bowdoin College, stated the regattas can be viewed by spectators from the pier. Chairman Multer asked about the issue of right, title and interest; Deputy Administrator Sawyer responded Jason Marshall, Code Enforcement Officer, wrote a note on the index that the Town attorney gave verbal approval regarding that issue. Chairman Multer moved, seconded by Selectman Daniel to approve the application based on the Harbormaster's written testimony; motion passed 3-0.
- **Henry and Charley Rhoads, Lowell's Cove Road, Map 29, Lot 3:** Removed.

11. Public Hearing Re: Norman Stevens Junkyard Permit, Pinkham Point Road Bill Wells, Code Enforcement Officer, stated there is an annual review of Mr. Stevens' automobile junkyard license. There was an advertised site visit, abutter notification and one letter received expressing certain concerns. Norman Stevens, owner of Norm's Auto Salvage, stated he has a new section of fencing to replace the portion that fell down and that he will have the automobiles parked near his house, on the other side of Pinkham Point Road, relocated to the graveyard area in the next two weeks. Chairman Multer moved, seconded by Selectman Hawkes to table this application to the next meeting to allow time for Mr. Stevens to complete the work and to extend the existing license for the interim time period; motion passed 3-0.

10. Consider Tower Lease Assignment and Side Agreement: Administrator Eiane stated the current lease agreement with Tower Specialists allows the lease to be assigned to another entity. Tower Specialists is seeking to assign the lease to Crown Specialists and Crown would be the responsible party for the rent, performance guarantee and all other responsibilities outlined in the lease. Both Crown's and the Town's attorneys have reviewed the proposed documents. If the Board approves, it should consider adding a condition that the performance guarantee from Crown is to be reviewed by the Town attorney. That guarantee is proposed to calculate the yearly increase differently than the letter of credit with Tower Specialists. Paul Strout, owner of Tower Specialists, stated the original 20-year lease began in 2009 and he reassured the Board that all the same benefits, he afforded the Town, will be honored by Crown such as the County equipment location on the tower, The top 20-feet of the tower is reserved for the Town and county. Chairman Multer moved, seconded by Selectman Daniel to approve the lease and side agreement, pending attorney review [of the letter of credit]; motion passed 3-0.

12. Public Hearing Re: November 5 Secret Ballot Item Re: Land Purchase: The hearing was opened at 7:33 p.m. Ken Oehmig, Town Lands Committee chair, stated the Committee was asked to look at the property and the majority of the Committee thought it was worth pursuing the purchase. While the property is small, it abuts the existing Town property and is on a public road. Mr. Oehmig encouraged citizens to support the purchase for community use. Gordon Weil asked what funds were available in the unassigned fund balance; Deputy Administrator Sawyer responded at the end of 2012 there was \$541,000 available for use, above the Town's three months of expenditures, and \$392,000 was used to reduce the tax commitment. Mr. Weil stated that it was conceivable that Mr. Allen and Mr. Rose could use the south side 365 days a year for the allowable 20 years; Chairman Multer responded it was not likely with the 14-day approval requirement. Selectman Daniel stated the Town gets secured water access and parking areas and that the 20 year allowable use is for maintenance and repair of boats on an as needed basis with Town approval. Deputy Administrator Sawyer stated the Town's existing boat launch is heavily used and Mr. Allen has allowed the overflow of users to park on this property. Albert Rose noted about 20 cars can park on the property even with the two boats that have been stored on it. Mr. Weil asked additional questions: 1. Did the Board obtain an independent appraisal of the property; 2. Did the Board have evidence of other offers; 3. Why does the ballot not include a recommendation from the Budget Advisory Committee; 4. Why place this item on a November ballot as opposed to the annual Town Meeting; and he stated the Board never should have agreed to the provision that prohibits a Town wharf and that he does not believe the property is worth \$85,000. Chairman Multer responded: 1. The Board sought an estimate of sale price by a local realtor that stated the value to be much higher and the purchase price is less than the current assessed value; 2. No, the word of the owner was accepted; 3. This was a decision of the Selectmen and did not need to go before the Budget Advisory Committee; 4. Time was of the essence as Mr. Allen had other offers. Mr. Rose stated he and Mr. Allen want the Town to own the property to retain the rights of traditional use for public access and parking. Also, Mr. Rose noted the land has limits and a wharf would not make sense. Dain Allen stated he asked for a prohibition of a wharf on the south side only as it would have to be so long to reach water and therefore, could interfere with his existing wharf. Mr. Allen stated he does not have any concerns about a wharf on the north side. The south side makes a good berth due to the power lines that prohibit transporting a large boat further up Lookout Point Road. Mr. Allen stated he has allowed parking on this property plus his other property that he is retaining. He has offered this land at what he considers a reasonable price and he has worked hard to keep that lot and the Town's lot mowed and in good condition. Sam Powers asked Mr. Allen for clarification of where the boundaries are; Mr. Allen responded the line is very close to the cottage on the south side. Mr. Powers stated he is concerned the item will not be voted on at Town Meeting and for that reason will vote against it on principle. Mr. Allen stated the Code Officer initially informed him that the Town may be interested in the parcel and he has held off for the Town for quite some time, March is simply too long. The hearing was closed at 8:05 p.m. Selectman Hawkes stated she disagreed that the land is not worth \$85,000 as a local realtor said the lot could sell for double the price. She said the Board is encouraging property owners to consider the Town when they want to sell or donate property and Mr. Allen did come to the Town. Mr. Allen has allowed the public to use the property and she does not consider continuing traditional use unreasonable. Selectman Hawkes stated this property will be a great asset and she believes more people turn out for a ballot vote than at Town Meeting.

13. Consider Recommendations from the Budget Advisory Committee Re: Fees: Roberta Weil, member of the Budget Advisory Committee (BAC), stated she was filling in for the chair, Linda Hall, who has a MSAD 75 meeting. Ms. Weil stated in June, the BAC reviewed the Town's fee schedule and based on increased expenditures, is recommending some increases. The BAC recognizes that fees should not necessarily cover all specific costs. Ms. Weil reviewed the recommended increases: recreational shellfish licenses – resident \$10 to \$20 and non-resident \$20 to \$30; moorings – resident \$18 to \$25, non-resident \$90 to \$125, rental \$70 to \$100; propane tanks \$3 for all tanks up to 100 pounds; building permit from .12 per square foot to .20 and to implement an application fee of \$25 for structures less than 100 square feet; increase Board of Appeals fees from \$135 to \$270 for variances and from \$100 to \$200 for appeals; implement an 8"x14" copy fee and remove the ability for a requester to make copies. Selectman Hawkes asked if the BAC considered increasing commercial shellfish

license fees; Ms. Weil responded the BAC felt the industry was in flux and that fees for commercial license should not be increased at this time. Ned Simmons, chair of the Board of Appeals, stated he hopes the policy reimbursing successful administrative appeal applicants is not changing; Deputy Administrator Sawyer responded it is not proposed to change. Mr. Simmons recommended that information such as the BOA manual be made available to applicants indicating how difficult it is to pursue variances. Deputy Administrator Sawyer stated she will work with Mr. Simmons to compile a package. The Board scheduled a workshop to further review the fees for Tuesday, October 22 at 8:30 am.

14. Consider Road Use Agreement (RUA) with Dirigo Timberlands Company Re: Mitchell Field: Deputy Administrator Sawyer stated this RUA was drafted by the Town Attorney and main points include: Dirigo is required to provide public notice and signage of the logging activities, coordinate the schedule acceptable to the Town, provide a lead vehicle for the tractor trailers, conduct an on-site pre-logging activities meeting that will require the approval of the Road Commissioner including video taping of the roads prior to logging, payment of legal fees by the Town, meet insurance criteria and submit a performance guarantee acceptable to the Town. The Board agreed that the cover letter to Dirigo should include that Dirigo will conduct certain activities, such as wood chipping, if indentified by the Mitchell Field Committee. Selectman Daniel moved, seconded by Chairman Multer to approve the RUA; motion passed 3-0.

15. Grant Opportunities

- **Shore and Harbor Program – Mitchell Field Pier:** Administrator Eiane stated the Maine Coastal Program is offering two grants, applications due November 1. The Shore and Harbor grant is for planning purposes. The staff met, reviewed the Board’s goals, and is proposing that the planning grant be used to provide more information to the Board regarding the pier at Mitchell Field. There has been some information about the pier particularly the most recent study by Barney Baker but staff is not sure that it contained enough information to present viable options to the voters. Mary Ann Nahf, chair of the Shoreland Zoning Task Force, stated one objective of the Task Force is to maintain the Town as a fishing community and to have pier and deed water access for commercial fishermen and boat haul out areas. Selectman Daniel stated he wants an all encompassing look at Mitchell Field for community use and recreation. Selectman Daniel stated the Town has waited long enough and it is time for the Town to create its own destiny. Look at Bangor and Bug Light [South Portland] where a destination location has been created. Selectman Hawkes stated the Town may have been reaching for lofty goals and should start small by establishing soccer fields and basketball courts. Chairman Multer stated those type of programs can be costly. Administrator Eiane stated the grant could be dedicated to developing an integrated waterfront plan including boat launch, ramp and float, pier, shorefront buildings and swimming. Selectman Daniel stated he wants to make Mitchell Field a destination port for businesses and visitors. Administrator Eiane stated she would work on the grant to possibly develop a destination location and an economic analysis.
- **Maine Coastal Program – Town Lands/Landings:** Deputy Administrator Sawyer stated this grant application lends itself to public access improvements and she proposed the application ask for funds to improve certain Town properties, including Wharf Road, Garrison Cove, Pott’s Point launch and parking for Pott’s Point wharf. Mary Ann Nahf, Conservation Commission Chair, stated the Commission supports this application with the particular focus on remediating erosion. Chairman Multer suggested the “erosion issues” language should be changed to just “erosion”. Chairman Multer moved, seconded by Selectman Hawkes to approve this grant application; motion passed 3-0.

16. Consider Contract with Realtor to Market/Sell Map 3, Lot 73 on Hildreth Road: Removed.

17. Recommendation for Winter Sand Vendor: Deputy Administrator Sawyer reported three bids were received: Goodall Landscaping \$10.73/yard; Ray Labbe & Sons \$12.50/yard and Country Fare \$13.75/yard. Selectman Hawkes moved, seconded by Selectman Daniel to accept the Goodall bid; motion passed 3-0.

18. Other Business: The Board discussed a proposed Letter to the Editor regarding the November 5 municipal vote drafted by Ellie Multer and made suggested changes.

19. Public Comment: None.

20. Administrative Matters: The Board scheduled a meeting for October 29 at 8:30 a.m. to review the warrant and Shore and Harbor grant. Administrator Eiane stated she, Chairman Multer and the Treasurer will hold a meeting with the Harpswell Coastal Academy (HCA) on Thursday. The lease agreement requires the Town permission for alterations and HCA wants to install a new cable/internet access; Administrator Eiane suggested Roland Mayo look at it. Chairman Multer suggested the Town's caretaker review the proposal.

21. Adjournment: At 9:33 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Treasurer's Report

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