

Special Selectmen's Meeting Minutes
November 7, 2013
Harpswell Town Office
Approved on November 21, 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; Carol Eyerman, Planner; and Marguerite Kelly, Treasurer

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

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by adding Authorization of Environmental Phase I Assessment of Lookout Point road property; motion passed 3-0.

2. Recognition of Long-Time Provider of Emergency Medical Services: Chairman Multer presented Helen "Cricket" Tupper with a plaque commemorating her 23 years of volunteer services for Harpswell through the Cundy's Harbor Fire and Rescue Department and thanked her for her dedicated service. Frank Hilton, Harpswell Neck Fire and Rescue Chief, presented Ms. Tupper with roses and expressed appreciation for her service. Ms. Tupper received a standing ovation from the many volunteers and others in the room. Ms. Tupper reflected on her years of service.

3. Public Comment: Ronald Ponziani, Road Commissioner, stated there have been significant changes to Harpswell roads. In addition to the work the State performed on State roads – Mountain Road, Harpswell Neck and Harpswell Islands Roads – Harpswell has a capital road project on Hildreth, Wharf, Long Point, Shore Acres and Thompson roads. Mr. Ponziani stated while he has a great working relationship with the Department of Transportation (DOT), he does not have any control over the State. Mr. Ponziani stated the Town's contractor and supplies are ready and prepared for the winter season. Mr. Ponziani stated he has received several calls about the jersey barriers the DOT placed on the causeway on Pott's Point to prevent vehicles from going off the causeway. Administrator Eiane stated the Board of Selectmen sent a letter to the DOT stating that the barriers are unacceptable as a permanent solution. Representative Saxton advised Administrator Eiane that he is also putting pressure on DOT for an alternative, safe solution.

4. Town Administrator's Report: Administrator Eiane expressed her appreciation to Ms. Tupper for her 23 years of public service. Administrator Eiane reported there was a 29% (1,156) voter turnout on Tuesday. Voters approved the purchase of the Lookout Point parcel from Dain Allen by 70% (806 in favor, 344 opposed). Tonight the Board will consider the next step of conducting a Phase I Environmental Study on the property. Administrator Eiane thanked the Town Clerk, Deputy Town Clerk and election workers for their work on Tuesday. This was the first year with the new voting machines and while it takes a bit longer to feed the ballots into the machine, the machines alert voters of a problem. Administrator Eiane announced Monday is Veteran's Day and the Board has been invited by the Harpswell American Legion Post to honor veterans at 11:00 am at Harpswell center. Administrator Eiane reported the Federal Emergency Management Agency (FEMA) has issued its preliminary flood plain maps and property owners can view their property and the proposed flood line via the Town's website. FEMA indicated in the notification to the Town that it could hold a community meeting and she encouraged the Board to do so and have Bob Gerber, Town consultant, attend. Municipalities are able to file appeals and individuals can relay errors through Jason Marshall, Code Enforcement Officer. These new maps could result in insurance rate increases. The maps will not be effective until Town Meeting adoption, which may be in the latter part of 2014. Administrator Eiane reported the Town received a proposal from a national company to remove the water tower at Mitchell Field at no cost to the Town plus the company will pay the Town \$200 per ton for the steel. The proposal was referred to the Mitchell Field Committee.

5. Selectmen's Announcements: Selectman Daniel announced there will be a forum on Tuesday, November 12 at 6:30 pm at the Town Office on the topic of conservation subdivisions. Selectman Hawkes stated when she began serving as Selectman; she had issues and concerns with the Town's appropriation to Curtis Memorial Library (CML). Now in her third year as Selectmen, she is not so resistant. She attended a meeting with Mary Ann Nahf and Liz Doucett, CML Director, and was pleased by Liz's openness and willingness to answer questions. Selectman Hawkes stated she recently took her kids to the CML and she was amazed at what services were offered. She encouraged use of the CML.

6. Consent Agenda: Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda [October 17 minutes; \$200 from Sarah Brendler for the bandstand; warrant #52 for \$1,499.36, warrant #52A for \$611,981.49 and payroll warrant #45 for \$14,520.89]; motion passed 3-0.

7. Old Business: Mitchell Field & Bandstand Use Policy/Application: Administrator Eiane stated, based on prior Board review, that staff prepared a summary comparing certain sections of the existing policy to the proposed changes as shown on the attachment. Additionally, staff recommends exempting from fees uses such as field trips by schools. In the past three years, no events have been charged a use fee except for a filming company that recorded the boat races and that fee was \$100. If the Board agrees to move forward with these suggested changes. Staff can amend the policy and bring it back for review. Chairman Multer agreed with the changes as the Town has expenses for the property. She noted the not-for-profit reference requires formal recognition from the State or federal government. The Board agreed to proceed with the changes and to solicit committee input. Administrator Eiane noted the Board may want to consider, at some point, implementing a charge for weddings on other Town properties as well such as Mackerel Cove. Administrator Eiane noted the Planner will give input as to whether any site plan review is needed as well.

Norman Stevens Junkyard Permit: Bill Wells, Code Enforcement Officer, stated Mr. Stevens broke his foot and informed Mr. Wells that he was behind in the clean up. Then Mr. Stevens came in tonight and indicated he completed the work but the property has not been inspected. Chairman Multer moved, seconded by Selectman Hawkes to table the license to the next regular meeting and extend the license for the same period; motion passed 3-0.

8. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for October. Ms. Kelly stated on Tuesday she sent foreclosure notices to owners of 24 parcels, totaling \$27,000 in unpaid 2011 taxes. If the taxes remain unpaid, the Town will own the properties on December 15. Ms. Kelly asked the Board to review the tax acquired policy and consider what its process would be if the Town acquires property on December 15. Past Boards have allowed a property owner to re-purchase the property if all taxes, interest and costs are paid. Past Boards have also been sympathetic if the property is someone's primary home and less to second homes or vacant land. This year there is one owner of multiple properties and a couple of those may be foreclosed upon, not including the principal home. Typically when a mortgage is involved, the bank will pay the taxes to protect its investment. Chairman Multer stated this item can be placed on the next agenda.

9. Wharf Applications

- **Henry and Charley Rhoads, Lowell's Cove Road, Map 29, Lot 3:** Joe Leblanc, owner representative, stated this is a unique situation as the property is owned by 7 different owners and the Rhoads own the existing wharf via a deed. The proposal is to add a ramp and float to the wharf to access the water. Don Picard stated he owns three shares to the property and that the wharf was commonly owned dating back to his grandfather and a storm took it out in the 90's and it was rebuilt. Mr. Picard asked if the ramp and float will be for all owners to use. Mr. Leblanc responded the Rhoads have a title to the dock and read a letter from Geoff Hole, relating to a fish house on the property, that he believes determined one owner can own a structure. Selectman Hawkes and Chairman Multer agreed the Hole letter seemed to indicate that people could not be kept off the fish house. Chairman Multer stated a legal opinion is necessary. Administrator Eiane stated the proof should be on the appellant to provide a legal opinion for the Town

attorney to review. Mr. Leblanc stated there are other structures on the commonly owned property that are owned by individuals. Mr. Picard stated other owners have invested money in the wharf and the fish house issue was its location at the time that blocked off access. Mr. Picard stated everyone can use all the fish houses and since that legal case, the Town said it would not allow a ramp and float on the wharf without having all property owners signing in agreement. Stuart Caldwell stated he is an abutter to the property and his father is an owner. Mr. Caldwell stated the Rhoads have the wharf and are proposing to place a seasonal ramp and float and he does not believe access will be denied. He wondered if Mr. Picard asked if he would be allowed to access it. Mr. Caldwell maintains the property with mowing and bush trimming as he chooses to do so. He notes the fish houses are supposed to be accessible to all but stated they are locked. Chairman Multer stated if the Rhoads would agree in writing allowing shared use that may be a solution to this issue. The Board discussed the need for legal input; Administrator Eiane stated she will ask the Town Attorney if the Rhoads have right, title or interest to add the ramp and float. Chairman Multer moved, seconded by Selectman Hawkes to table the application pending legal input; motion passed 3-0. Mr. Picard asked to be kept informed of the status; Mr. Wells asked him to provide his information to the Code Office tomorrow.

- **45 Reed Cove LLC, 45 Reed Cove Road, Orr's Island, Map 35, Lot 21:** Joe Leblanc, owner representative, reviewed the proposal to lower the outer 7' of existing pier by 5'+/-, add 4'x50' aluminum pier section supported by 10'x10' rock-filled crib, replace existing 3'x33' ramp with 3'x36' aluminum ramp, remove 8'x18' section of deck boards from the center of the float haulout. Additionally, a shoreline stabilization project on the lot's shorefront will occur. In 2010 a platform and stairs to the water was permitted and this proposal includes making the stairs a permanent structure, correcting erosion and planting vegetation, which is agreeable to all owners. Deputy Administrator Sawyer stated the Board can review the proposed changes to the pier under the Wharves & Weirs Act but that shoreline stabilization and access stairs to the shore are reviewed by the Code Office, unless the stairs extend below high tide. Additionally the stairs are not located on this lot 21 – they are located on a right-of-way abutting the lot. Permits should be separate for these projects and the Board's review is exclusive to the proposals relating to the wharf on lot 21. Mr. Leblanc stated the stairs do extend below high tide. The Board agreed to review the related wharf proposals tonight and for staff to straighten out what else, if anything is needed for the abutting right-of-way stairs proposal. Mr. Leblanc stated the Department of Environmental Protection (DEP) requested the existing shore access stairs on lot 21 be relocated and connected to the existing wharf. Mr. Leblanc handed a new exhibit 2 showing the new access stairs location. The Notice of Decision drafted for this meeting does not include the change in relocating the stairs to the wharf but if the Board approves, it could sign a revised NOD when available. Chairman Multer moved, seconded by Selectman Daniel to approve the pier amendments, including the stairs attachment, based on the Harbormaster's written testimony and no apparent issues to others; motion passed 3-0.

10. Planner's Update: Ordinance Amendments: Carol Eyerman, Planner, suggested scheduling a workshop with the Board, herself and Bill Wells, Code Enforcement Officer to review proposed ordinance amendments. Ms. Eyerman stated a lot of good ideas and information were exchanged last night at the conservation subdivision meeting. The next meeting on this topic is scheduled for November 12 at 6:30 p.m. and she encouraged the public to attend. Ms. Eyerman stated the New Meadows River Watershed group has agreed to continue and will meet two times a year. At the last meeting, the group voted to use \$5,000 of its funds as a match for a grant regarding a regional green crab study, [submitted to the Maine Coastal Program by the Town of Brunswick.] The Casco Bay Estuary Partnership attended that meeting and also agreed to provide \$1,200 towards the green crab study and \$300 to fund the Town's Conservation Commission Guide.

- **Community Development Block Grant (CDBG) Concepts:** Ms. Eyerman stated staff met to review concepts for the CDBG for the Board's consideration. The Town is able to apply for two general project grants and one planning grant. Staff has prepared one general grant concept which is to help fund the playground project at the Harpswell Community School; two planning grant concepts including a low to moderate income and elderly needs assessment and an emergency services long range planning study.

Administrator Eiane stated the Town has to meet national objectives for the general grant and staff met with the CDBG Director. The Director thought the playground met the objectives the best. Chairman Multer suggested a general grant to perform energy audit on homes of clients of the Town's General Assistance Program. Administrator Eiane stated there are several agencies that offer those services and clients are provided contacts. Deputy Administrator Sawyer stated the Town previously received a \$10,000 CDBG grant to do audits and energy improvements in the past. Ms. Eyerman also noted there are several County programs that offer that service and she knows the Town's general assistance person provides contact information. Selectman Hawkes asked how the Town can conduct a study on long term medical services when Harpswell's issue is geography. Ms. Eyerman noted the Comprehensive Plan addresses geographical issues and suggests villages etc. The Board agreed to proceed with the playground and with the emergency long range planning study. Katherine Chatterjee asked what the grant would provide. Administrator Eiane responded a facilitator and consultant to work with the Town. Ms. Eyerman stated CDBG is providing a maximum of \$20,000 in planning grants. Administrator Eiane noted grant awards are not issued until April and the Board may need to budget some funds for a facilitator/consultant for this purpose of emergency services long-range planning.

11. Consider Calling a Special Town Meeting Re: 24/7 Paramedic Services for 1/1/14: Chairman Multer asked what dates the Harpswell Community School is available; Administrator Eiane responded the first or second week of December and suggested December 9 or 11. Chairman Multer suggested a Saturday. Ms. Chatterjee encouraged the Board to hold an open special Town Meeting where the topic can be discussed openly. She stated she was a member of the Strategic Planning Committee that recommended a dedicated paramedic from 6:00 am – 6:00 pm Monday thru Friday with the proviso that the next steps are looked at. Unresolved issues include the departments billing, scheduling of volunteers, central command, one central person in charge, medical director, compatible equipment, consistent record keeping, and sharing equipment. Ms. Chatterjee stated a broad base committee is needed to look at these issues. The Board discussed the possible Town Meeting dates. **Chairman Multer moved, seconded by Selectman Hawkes to set December 7 or 14 at 10:00 am or December 11 at 7:00 pm if the school is not available as a special Town Meeting.** Jonathon Burbank asked what the article will say; Chairman Multer read the proposed article to use \$34,800 from unassigned fund balance to increase the dedicated paramedic coverage to 24/7 until March 31. Ed Blain, Orr's/Bailey Island Fire Chief, stated his EMT roster will drop to one on January 1 since two will retired effective January 1. The one EMT who lives out of the district may be moving into the district in December. OBI has been recruiting aggressively and has 4 people enrolled in the January class with possibly more. Mr. Blain encouraged anyone listening to contact any of the three chiefs for more information. Mr. Blain stated the three chiefs have been working on many of the issues mentioned by Ms. Chatterjee such as equipping the medical and fire vehicles for interoperability. OBI recently acquired air packs, compatible with those of the other two departments, at a cost of \$70,000. The need for the 24/7 dedicated paramedic is not just about bridging the drop in EMT's at OBI but is about providing comfort and paramedic level response for all patients. Mr. Blain stated the Departments are pleased to receive support from the Town and the paramedic is about safety and comfort. Frank Hilton, Harpswell Neck Fire Chief, stated the three departments have to stop being isolated and understand we are one town. There are three parts but one town with mutual agreements. **The motion passed 3-0.** Administrator Eiane corrected the estimated cost of a special Town Meeting to approximately \$400. Selectman Daniel thanked the Departments and noted the Town has a strategic committee needing applicants. Mr. Hilton asked the Town to reinstate the monthly meetings of the chiefs. Administrator Eiane stated there is a Town committee comprised of the chiefs and captains and it can meet as often as it wants to. Chairman Multer stated citizens are needed for a long-range planning committee.

12. Consider Emergency Medical Services Building Re-Design and Approve for Bidding: Administrator Eiane stated Steve Normand, architect, has re-designed the emergency services building to include the basic necessities only. The building could still be part of an expansion plan. The 20' x 36' building includes space to house the intercept vehicle and a living/office space. The turnout in the access drive has been re-located to the

west side as that site is primarily gravel. If the Board approves the design, staff will prepare bid documents. The plans were shared with the departments at the Fire & Rescue Committee meeting, with the Energy Committee, David Hudson and staff. **Chairman Multer moved to approve the plans and authorize staff to prepare bid documents.** Administrator Eiane asked for Board input on a project completion date. Chairman Multer suggested substantial completion by September 1, 2014. Selectman Daniel suggested August 1. Selectman Hawkes wants the building completed before summer. Mr. Hilton stated the project should be advertised on building sites such as Dodge Reports. Mr. Burbank suggested the bid package could ask for two prices, one with a winter completion and one with a later date. Chairman Multer stated the bid package could request a completion date and list the date as a factor to be considered. The Board agreed on an end date of August 1. **The motion was revised to include the date information as discussed and seconded by Selectman Hawkes; carried 3-0.**

13. Consider Recommendations from the Budget Advisory Committee Re: Fees: Katherine Chatterjee mentioned earlier before departing the meeting that commercial shellfish license fees should be considered for an increase. Deputy Administrator Sawyer stated the Board held a workshop to review the Budget Advisory Committee's recommendation to increase certain Town fees. At the workshop, the Board indicated its concurrence with the following recommendations: Increase resident recreational shellfish license to \$20 from \$10; non-resident recreational shellfish license to \$30 from \$20; resident & taxpayers mooring fee to \$25 from \$18; non-resident mooring fee to \$125 from \$90; rental mooring fees from \$70 to \$100; adjust the weight of propane tanks to include 100 lbs in the \$3 fee category (\$3 up to 100 lbs. and \$20 over 100lbs.); Board of Appeals application fees : variance requests from \$135 to \$270 and appeals from \$100 to \$200; establish a .35 fee for 8.5x14 copy and eliminate the option for a requester to make a copy. The Board indicated consensus to increase the per square foot fee to .25 over a certain square footage and .20 under that square footage. The Board asked for information on the square footage of a typical affordable home. Hamilton Place homes range from 1,100 to 1,600 square footage. The Code Office has recommended the Board consider setting the square footage at 2,000 as that size or under is a typical family home. The Code Office was concerned about basing the fee on square footage for examples such as if there is change in the square footage that pushes the structure over the limit, what retro fee should be charged. Deputy Administrator Sawyer stated she believed the Board would give the Code Office the flexibility to assess each situation such as charging the higher fee for the amendment if it was not a clear avoidance of the higher fee. The Board agreed. Additionally, Deputy Administrator Sawyer stated she misunderstood the Code Office recommendation regarding the minimum fee for structures under 100 square feet. The recommendation is to implement a \$25 minimum fee only for structures under 100 square feet and no per square footage fee. Deputy Administrator Sawyer stated the Marine Resources Committee was consulted for a recommendation in fee increases for commercial licenses. The Committee met and is not in favoring of increasing the commercial shellfish license fees at this time. Selectman Hawkes stated she understands the difficulties the shellfish industry is facing but it is difficult to see only 16% of the costs of the program being covered by fees. Selectman Hawkes stated increasing the fee to \$300 should not be a hardship and while it would not add much more to covering the expenses, it would help. Chairman Multer stated clamming is typical of what Harpswell is about and if we lose diggers, we lose beyond dollars. Selectman Daniel agreed the fee increase would not cover much more of the costs compared to the increase in pressure on the industry. Mary Ann Nahf stated as a taxpayer she supports the troubled industry which is so different from a choice fee such as a building permit. The Board discussed an effective date for the fee increases as staff recommends not before January 1, 2014 to allow time to alert the public. Chairman Multer moved, seconded by Selectman Hawkes to adopt the new fees as outlined with an effective date of February 1, 2014; motion passed 3-0.

14. Consider Contract with Realtor to Market/Sell Map 3, Lot 73 on Hildreth Road: Chairman Multer stated she had a problem with the realtor potentially representing both the buyer and seller. According to Chairman Multer, it used to not be allowed and the rules changed but she believes there is a conflict of interest. Chairman Multer asked if the realtor has committed to multiple listings; Administrator Eiane responded yes. Deputy Administrator Sawyer asked Selectman Hawkes, with her real estate experience, what happens if Homes

and Harbors has a prospective buyer interested in the Town property. Chairman Multer responded another agent outside of Homes and Harbors has to represent that buyer. The Board discussed the listing price and the agent has suggested between \$95,900 and \$99,000 based on a market analysis. However, if the Board prefers, the realtor indicated he welcomes an appraisal. The Board agreed to obtain an appraisal. This item was tabled.

15. Amendment to the Performance Guarantee with Crown Castle Tower: Administrator Eiane stated Crown Castle excluded a reference to the Assignment of Lease signed by the Board, Crown Castle and Tower Specialists in the performance guaranty previously signed by the Board. The reference has been added and is the only change. Chairman Multer moved, seconded by Selectman Daniel to sign the revised performance guaranty; motion passed 3-0.

16. Set March 2014 Town Meeting Date: Chairman Multer stated she wanted to set the Town Meeting for the 3rd Saturday, March 15 instead of the second Saturday that should allow more time for preparation and perhaps higher attendance from those returning from the south. Chairman Multer moved, seconded by Selectman Hawkes to set Mach 15, 2014 as the annual Town Meeting; motion passed 3-0.

17. Other Business: Authorization of Environmental Phase I: Administrator Eiane stated with the approval of voters to purchase the property on Lookout Point Road from Dain Allen, she recommended the Board authorize a Phase I environmental survey of the property. Ransom Environmental is the same company with the same contract conditions that conducted the study on the former West Harpswell School property. Chairman Multer moved, seconded by Selectman Hawkes to authorize the study; motion passed 3-0.

18. Public Comment: Robert McIntyre, of Harpswell Heritage Apples, spoke about an upcoming meeting with an apple expert; an orchard in Unity; and a foster apple tree program. Mr. McIntyre suggested apple trees could be planted at Mitchell Field at low cost and Chairman Multer suggested he go to the Mitchell Field Committee.

19. Administrative Matters: The Board scheduled a site visit on November 21, at 5:00 pm, to two former street light locations that have been appealed; the Board agreed the Town attorney should meet with the Aspatores attorney after the Board meets to review key points regarding Robinhood Beach negotiations. Administrator Eiane stated there was a section on Hildreth Road that was recommended for grinding that was not included in the plans resulting in a change order of about \$3,000; the Board agreed. Administrator Eiane stated the final pavement for the roads involved in the Town's capital project will get a final pavement coat in the spring of 2014.

20. Adjournment: At 9:30 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Treasurer's Report
Mitchell Field policy summary

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