

Selectmen's Meeting Minutes
December 19, 2013
Harpswell Town Office
Approved on January 9, 2014

At 5:30 pm the Board of Assessors met to review abatement requests.

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; Jim Hays, Harbormaster; 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 moving item 6 to 1.5; adding Consider Disposition of Media Equipment under 15a and a signage discussion under 15b; motion passed 3-0.

1.5 Acceptance of Gifts

- **Heating Assistance Program:** Mary Coombs, from Cook's Lobster House, presented the Board of Selectmen with the proceeds from its annual fundraising event totaling \$5,231 for the heating assistance program. The Board of Selectmen expressed appreciation to Cook's for hosting the community event. All Saints' Chapel also donated \$500 for the program.
- **Harpswell Festival for Mitchell Field Purposes:** Tom Allen stated the Harpswell Festival is disbanding as of December 31. Of the \$7,200 remaining funds, \$3,600 has been donated to the two local schools in Harpswell and Mr. Allen stated they would like to donate the remaining \$3,600 to the Town for improvements at Mitchell Field (\$1,800 for the bandstand and \$1,800 to go towards a boat ramp if built). Mr. Allen thanked everyone who has been involved in the annual event, including the Board of Selectmen, Town staff, the hundreds of volunteers, the Festival Committee, and all the donors. The Board expressed appreciation to the Festival for all its hard work organizing such a large successful event. Chairman Multer moved, seconded by Selectman Daniel to accept the three gifts as outlined; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane stated that she, the Deputy Town Administrator and the Road Commissioner met with Dirigo Timberlands representatives on-site to review the proposed logging operation. The site visit revealed a few changes to the original plan, including the need to cut a few small trees to facilitate truck access; an additional sign will be placed at the entrance indicating when the operation is active; work will begin on or about January 10, on a Monday – Friday schedule, from 7:00 am to 5:00 pm; access will occur from the southeast end of the perimeter road instead of the main road. The Board asked to hear from Rob Roark, Mitchell Field Implementation Committee chair, later in the meeting before concurring with the changes. Administrator Eiane stated that Harry Rich, president of the Friends of Eagle Island, reported that the first review committee at the federal level voted unanimously to approve the nomination of Eagle Island as a historic site. The application now moves on to an advisory board. Administrator Eiane reported the Harbormaster and two representatives from the Cumberland County Sheriff's Office attended the Green Crab Summit. An update on the Summit will be provided at a future meeting. Administrator Eiane stated the Federal Emergency Management Agency (FEMA) has been asked to hold a public meeting in Harpswell and FEMA will not commit but will respond after the County meetings. Administrator Eiane stated someone has asked if the Board would consider prohibiting use of Town properties by individuals convicted of criminal activity on Town property. The Board agreed to seek legal input from the Maine Municipal Association as to whether such a policy would be legal. Administrator Eiane noted the Marine Resources Committee has submitted a recommendation to the Board

to not reissue licenses that become available as a result of someone not fulfilling conservation time. This item will be on a future agenda. Administrator Eiane announced nomination papers for 2 MSAD Directors and one Selectman are now available at the Clerk's Office. Deputy Administrator Sawyer announced that dog licenses are due and there will be a rabies vaccination clinic held at the Town Office on January 4 from 9:00 am – 11:00 am.

4. Selectmen's Announcements: Selectman Hawkes stated how important public participation is. She stated the Board relies on staff and public input and encouraged public participation at all meetings such as the Selectmen's meetings. Chairman Multer agreed and noted communication could be written as well.

5. Consent Agenda: Chairman Multer moved, seconded by Selectman Hawkes, to approve the consent agenda [November 21, December 5 and 10 minutes; warrant #58 for \$679,456.27 and payroll warrants #50 for \$15,193.12 and #50A for \$198]; motion passed 3-0.

7. Consider 30-Day Notice to Owner of Abandoned Vessel: Jim Hays, Harbormaster, reported there is a 25-foot lobster boat that has been abandoned on Mackerel Cove after the boat went adrift during a storm. The boat has been left there for three weeks and Mr. Hays recommended issuing a 30-day notice to the owner to remove the boat. Since the mailing address of the owner is not known, Mr. Hays will hand-deliver the letter to the owner. Selectman Hawkes asked what happens if the boat is not removed. Mr. Hays indicated a local property owner has offered to have the boat relocated to his property on behalf of the boat owner. The Town may have to pay to relocate the boat and bill the owner for the costs incurred. Mr. Hays stated a boom as been placed around the boat but there are no apparent contaminates. Chairman Multer moved, seconded by Selectman Hawkes to authorize the delivery of the letter; motion passed 3-0.

8. Wharf Applications

- **Thomas and Catherine Nicholson, Map 45, Lot 109, 21 North Ledges Road:** Joe Leblanc, owner's representative, reviewed the proposal to lower the entrance deck to the wharf, which will result in extending the ramp and float further seaward. The existing setup makes the ramp too steep and this proposal should reduce the angle of the ramp. Chairman Multer moved, seconded by Selectman Daniel to approve the proposal as there is no hazard to navigation and it does not interfere with the rights of others to fish, fowl and navigate; motion passed 3-0.
- **Robert Rio and Susanne Vachon, 40-foot Right-of-way off Reed Cove Road, Access Stairs Extending Below High Water Mark:** Joe Leblanc, owner's representative, stated users of a right-of-way obtained a permit to install temporary access stairs to the shore. The request is to make the stairs permanent and everyone is in agreement. Deputy Administrator Sawyer explained that access stairs have to meet certain standards and the Town of Harpswell's Code Office's permit will be for year- round use. The Department of Environmental Protection issues seasonal permits. Additionally, typically the Board does not review access stairs unless the stairs will extend below or over high water. Mr. Leblanc has previously indicated when the stairs on the 40-foot right-of-way were built, they were built below the water line and that is why the proposal is before the Board. The other set of commonly used stairs located in the same area on a 33-foot right-of-way was apparently built in accordance with the permit and since then the definition of where to measure the water line from has changed, causing the stairs to extend below the line. Deputy Administrator Sawyer stated she believes the Board does not need to review the stairs on the 33-foot right-of-way as it met the ordinance standards at the time. Mr. Leblanc asked if the Board could also review the stairs on the 33-foot site as they too were built too far into the water. The applicant for the stairs on the 33-foot site is 45 Reed Cove LLC. The Board agreed to review both sets of stairs due to each extending below the water and if approved, to issue to Notice of Decisions, one to Robert Rio and Susanne Vachon and one to 45 Reed Cove LLC. Chairman Multer noted the mention of rip rap in the application is not part of any approval. Chairman Multer moved, seconded by Selectman

Daniel to approve both sets of referenced stairs as neither is a hazard to navigation nor an intrusion to the rights of others; motion passed 3-0.

9. Consider Management of Tax Acquired Properties: Marguerite Kelly, Treasurer, reported that on December 16, two liens foreclosed on two properties for the non-payment of the 2011 taxes. One is a primary residence and one is a second home of the property owner. Ms. Kelly has spoken with both property owners in an attempt to obtain payment of the 2011 taxes prior to Friday. She passed on the guidance provided by the Board that the Board would work with a property owner for at least six months. The owner of the second home believes he can pay the three years of outstanding taxes within 6 months from proceeds he is expecting from a timber harvesting project on another one of his properties; plus he is hoping to sell the property as well. The owner of the second home does not visit it frequently and there are concerns about its structural integrity. If the Board agrees, Ms. Kelly will remain in contact with the owner of the second home over the next few months regarding payment. Ms. Kelly noted the Town's insurance company has been advised of the Town owning these two properties and both are now covered by liability insurance. The owner of the primary residence is employed with a higher income in the summer and she suggested the Board allow working with that owner for one year with an possibility of an extension. The owner was not familiar with the foreclosure process and thought the Town was sending notices regarding the liens. Ms. Kelly stated she will follow up with both property owners in writing. Ms. Kelly noted the Maine Municipal Association suggests not vacating the property and does not recommend a rental fee. Selectman Hawkes moved, seconded by Selectman Daniel to allow the property owner of the second home 6 months to pay the outstanding taxes and at least one year for the property owner of the primary residence. Ms. Kelly stated she will remain in contact with both owners and upon resolution, the owner will receive a Quit Claim Deed transferring ownership from the Town back to the property owner. Chairman Multer noted she wants to see a net reduction in total outstanding taxes owed on these two properties even as additional taxes are assessed. Motion passed 3-0.

10. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for November (attached).

11. Consider Request for Proposal for Energy Efficiency Work at Former West Harpswell School Property: Ms. Kelly stated the Town's lease with the Harpswell Coastal Academy (HCA) provides that the Town will make certain improvements provided the related costs do not exceed lease revenues received. Prior to occupancy, HCA hired an engineer to review the building and some recommendations were made. This Request for Proposals is meant to complete item 1 of window caulking and item 3 for spray foam insulation pursuant to the engineer's recommendations. The work will be done over February vacation. Ms. Kelly stated that prior to the meeting Chairman Multer suggested two changes-- to make it clear the debris must be removed from the site and how the award will be determined. By February, the Town will have received \$14,000 in lease payments and another \$2,000 due shortly after. This project is estimated to cost \$15,000 and the RFP is written so the Town could proceed with one item. John Monaghan of the Energy Committee reviewed the RFP. Chairman Multer moved, seconded by Selectman Hawkes to approve the RFP; motion passed 3-0.

12. Mitchell Field Matters

- **Water Tower Recommendation:** Rob Roark, chair of the Mitchell Field Implementation Committee, stated the Town received a proposal to remove the water tower for a small amount of revenue. The Committee reviewed the proposal and concluded to not do anything at this time since the tower is not unsafe and there may be some future income for the Town as a cell phone tower. Mr. Roark stated the Committee believes there will be companies willing to remove it at no cost in the future as well. Mr. Roark referenced the infrastructure study conducted a couple of years ago that determined it would be expensive to reconstruct the tower as a water tower but that it was safe. Administrator Eiane stated there is corrosion on the tower and Chairman Multer noted parts of the tower could not be evaluated due to access. Mr. Roark stated the Committee recommends waiting but the Board could make a different decision.

- **Chain Link Fencing Disposition:** Mr. Roark stated there is leftover chain link fencing, about 300-feet in length and 6-feet in height, at Mitchell Field. The fencing is cumbersome and expensive to dispose of due to the inability of the linkage to go through machines. The Committee recommends allowing someone to take the fencing for reuse. Deputy Administrator Sawyer stated that in addition to the interest expressed to the Committee from the animal park owner, she received a call from an individual expressing an interest in obtaining some and asked if there is enough for both parties. The Board agreed the fencing should be placed up for bid with advertising on the Town's website and Channel 14. The process can be simple with minimal offer(s) from one or two parties.

Mr. Roark stated the community garden came together quite well this year with the layout and maintenance. Mr. Roark stated the Committee is recommending improving the signage at Mitchell Field by adding some history and making it friendlier. Mr. Roark stated he read the Dirigo letter detailing the proposed plan changes and found them acceptable. David I. Chipman stated that Harpswell is being torn down such as the water tower that previously existed on Orr's Island (Tower Hill). He stated Harpswell needs water and he is willing to organize a non-profit entity to raise funds to save the water tower at Mitchell Field. Mr. Chipman believes the community is attached to the tower and that there are several possible uses for the tower, such as a cell phone tower. Terri Sawyer [from the podium] stated she lives directly across from the tower and while she would miss seeing it in the skyline, her concern is about its safety. If that tower collapses it will cause incredible damage to property and possibly to people in the area at the time. She suggested there has not been any interest from businesses in using the tower and suggests as a taxpayer, it is more reasonable to remove it at no cost then to make it safe and continue to maintain it. Selectman Hawkes expressed concern about the safety and noted that people are what makes Harpswell and not objects. Chairman Multer stated if the Town keeps the tower, it is obligated to have it fully inspected and possibly painted and she asked staff to obtain some rough costs for doing so.

13. Consider Contract Amendment with Mid Coast Hospital: Administrator Eiane reported the December 7 Town Meeting voted to extend the dedicated paramedic coverage from 12 hours a day for 5 days a week to 24 hours a day for 7 days a week for \$34,800 from January 1 to March 31, 2014. As a result the existing contract with Mid Coast has been amended and the Hospital is prepared to sign the amendment. The file room is being converted into temporary sleeping quarters and also a temporary garage for the vehicle is being reviewed. Chairman Multer moved, seconded by Selectman Hawkes to approve the amendment; motion passed 3-0.

14. Open Bids for Town Vehicle: Deputy Administrator Sawyer reported while there was a lot of interest in the 2008 Crown Victoria, no bids were received. She asked if the Board wanted to consider reducing the minimum bid of \$2,250. Chairman Multer moved, seconded by Selectman Hawkes to advertise the car for sale again with a minimum bid of \$1,000; motion passed 3-0.

15. Other Business: Consider Disposition of Media Equipment: David Chipman stated when the equipment in the Town's media room and at the Studio was upgraded, he promoted selling the old equipment through CTANN. Unfortunately, only one piece of equipment was sold. Recently he spoke with the Harpswell Coastal Academy and they are interested in teaching the kids to run a weekly school program with the equipment. Mr. Chipman will supervise and he suggested the Board lend or give the equipment to the HCA. Mr. Chipman may make some adjustments to the equipment list by mixing and matching some other items not being used. Selectman Hawkes suggested lending to both local schools. Chairman Multer stated MSAD 75 and Vocational Region 10 should also be offered the equipment. She stated if MSAD 75 is interested, the use would be limited to the High school, Junior High and the Harpswell Community School. The Board agreed for staff to contact the schools and determine if there are interested parties who want to accept the equipment.

Town Office Signage: Selectman Hawkes stated she believes there should be additional signs in the Town Office that list what each office's functions are and a sign indicating what is on the second floor. She also would like to promote information packets to the public such as for starting a business or a new resident's guide. Additionally, Selectman Hawkes would like the Town Office front entrance improved and made more attractive, including possibly a screen that could scroll different information to the public. Chairman Multer agreed

improvements could be made but discouraged advertising the second floor as individuals with business on the second floor should proceed through the front desk. Administrator Eiane stated staff can work on the improvements and noted there may be expenses and any bulletin updates would take staff time to keep the information current.

16. Public Comment: David Chipman stated Donnette Goodnow is doing a good job filming tonight's meeting with such a brief lesson on how to use the equipment. Mr. Chipman stated any donation for the transmitter fund given to the Studio from December 1 to the 20 will be matched by Al Morin.

17. Administrative Matters: The Board scheduled: a workshop with the Budget Advisory Committee for January 8 at 4:00 pm; a special Selectmen's meeting for December 30 at 9:00 am to accept the Allen deed and finalize the lease agreement, followed by a workshop on elected officials salaries; and a meeting with the Cumberland County Sheriff's Office for January 7 at 9:00 am. Two purchase orders were signed for winter salt and sand. The Board reviewed the Maine Coastal Guide published by the State and agreed the Town should purchase a couple for placement at the libraries.

18. Adjournment: At 8:20 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]