

Selectmen's Meeting Minutes
November 3, 2016
Harpswell Town Office
Approved November 17, 2016

At 5:00pm, the Board attended a workshop with the Code Office regarding electrical codes and dangerous buildings. At 5:35pm, the Board recessed.

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

Selectmen Present: Richard A. Daniel, Elinor Multer and Kevin E. Johnson

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

1. Adoption of the Agenda: Chairman Daniel moved, seconded by Selectman Multer, to adopt the agenda as printed; motion passed 3-0.

2. Public Comment: Bob Drew provided his family history and that of Betsy Atkins. He stated that on July 19 the court ruled in favor of him and Ms. Atkins [that the public has not acquired a public easement to Cedar Beach Road] and on July 20, Ms. Atkins phoned the Town Administrator to express that the beach is open and she wants Harpswell people to use it. Mr. Drew stated he does not believe anyone lost in this case noting that the people of Harpswell can still use the beach and private property rights in Maine have been ratified. Mr. Drew believes this has been an emotional and personal process and all should be commended for being respectful. Charlie Albiston stated his family owns cottages on Long Island and asked what the process will be for disposing of the 8 parcels the Town owns. He asked if the abutters would be offered an opportunity to purchase them first. Chairman Daniel responded the Town agreed to sell the lots and abutters and others will have the option of purchasing them. Administrator Eiane added a request for proposals will be developed, sent to abutters and advertised in the paper. There may be language included to give preference if small lots are combined. David Chipman stated channel 14 has been off air for two days and is now back on.

3. Administrator's Report: Administrator Eiane stated the Town has a property tax assistance program to help qualifying residents who need assistance with property taxes. The Town's program works directly with the State's Property Tax Fairness Credit whereby someone would be eligible for Harpswell's program if he/she qualified for the State credit. This year there were 30 eligible applicants at a total of over \$9,000 of assistance was provided with an average benefit of \$306. Administrator Eiane reported the Town received from Emergent Holdings, LLC a formal expression of interest to partially develop Mitchell Field for an aquaculture system [salmon]. The Board of Selectmen met with the company in executive session a couple of weeks ago as business terms were discussed. Pursuant to the Town's Economic Development Policy, the proposal will be sent to the Mitchell Field Committee for input. The Town is trying to work with Midcoast Regional Redevelopment Authority for consulting services in this area. The Board agreed to provide the proposal to the Mitchell Field Committee and the Planning Board for input.

4. Selectmen's Announcements: Selectman Multer stated the Memorandum of Understanding with the Curtis Memorial Library (CML) has expired and a new one needs to be negotiated. She has been working with CML and a few proposals have been exchanged, which might be slightly better than previously. Selectman Multer asked her colleagues if she should continue negotiations or if another Selectman would prefer to do so. Chairman Daniel and Selectman Johnson agreed for her to proceed with Selectman Johnson noting a decrease would be preferred. Selectman Multer responded the Town contributes only to the operating expenses and pays a lower percent than the Town's percent of cardholders.

Chairman Daniel announced that he and the Town Administrator had a conference call with Betsy Atkins, Bob Drew and their attorney. The conversation was positive and productive. Chairman Daniel stated the owners want to keep the beach accessible and have agreed to consider a written agreement, not an easement, to allow use

of the road. The agreement will likely include protections similar to what is in the Aspatore easement and include giving the Town the right of first refusal if the road is sold. Additionally, the owners would like to see the remaining funds that were allocated for public access to be re-allocated or lapsed. Chairman Daniel suggested the Town's attorney work with the owners' attorney and the Board agreed.

5. Consent Agenda: Chairman Daniel moved, seconded by Selectman Johnson to approve the consent agenda [September 29, October 13 and October 21 minutes; a donation from Bowdoin College for \$9,250; authorization of warrant 45 in the amount of \$319,623.97 and payroll warrant 45 in the amount of \$14,206.19]; motion passed 3-0.

6. Recognition of the Harpswell Neck Fire Department: Caitlin Gerber, a regional steward for Maine Coast Heritage Trust (MCHT), stated MCHT owns a number of islands in Harpswell, including Whaleboat. Ms. Gerber thanked the Harpswell Neck Fire Department (HNFD) for extinguishing an underground fire on Whaleboat. Everyone put in long hours on hot days to address the fire on an island with difficult access. She presented the Department with a \$500 donation as a token of MCHT's appreciation. Ms. Gerber also thanked some other volunteers including Dana McIntyre and Loren Eiane. David Mercier, HNFD Chief, thanked Ms. Gerber and all the volunteers, including the other departments and the Maine Forest Service who assisted with this fire. Mr. Mercier stated a lot of people pull together to make success.

7. Water Tower Task Force Interim Recommendations: Selectman Multer stated there has been controversy over whether to keep or demolish the water tower at Mitchell Field, particularly without knowing if the tower would be needed or not for any future use of the Field. The Water Tower Task Force was formed with both sides of the matter well represented and supported by staff. The Task Force has functioned well and is seeking more information. Marguerite Kelly, Treasurer, stated the Task Force has prepared two interim recommendations to gather more information regarding the condition of the tank and whether the tank could be used as a communication tower. The Task Force recommended the Board authorize an agreement with Woodard and Curran to evaluate the water storage needs at Mitchell Field, including water supply alternatives and possible limitations of the existing tank. Woodard and Curran will also evaluate whether anything needs to be done on an interim basis to stabilize the tower for 2-5 years while uses are explored. The firm will assess existing reports and will not include a structural review. The report is due in January 2017 and will cost up to \$10,000. Chairman Daniel moved, seconded by Selectman Johnson to authorize the Town Administrator to sign the contract with Woodard and Curran; motion passed 3-0. The second recommendation is to solicit proposals for a communication facility site manager to investigate the potential interest in using the tower for wireless communications and to also manage the site as a communications facility on the Town's behalf. The resulting contract could be for at least 2 years with any lease arrangement for up to 25 years, requiring Town Meeting approval. Chairman Daniel asked about the budget. Ms. Kelly responded that there is \$22,000 available with the report costing about \$10,000 and it will indicate if more funds are needed in time for Town Meeting. Chairman Daniel moved, seconded by Selectman Johnson to authorize the request for proposals; motion passed 3-0.

8. Set Public Hearing for Amending Conservation Closure of Quahog Bay: Scott Moody, Marine Resources Committee member, stated Quahog Bay is closed 7 months by the State and the Town placed a local closure for the other months that only allows digging for three days a week. The Committee would like to allow digging five days a week – Tuesday through Saturday. The area is thriving and the quahogs are getting too big before they can be dug. Deputy Administrator Sawyer stated if the Board agrees to consider the change, a hearing has to be set, then advertised and the request has to be submitted to the State three weeks prior to the proposed effective date. Chairman Daniel moved, seconded by Selectman Johnson to set the hearing for November 17 at 6:30pm; motion passed 3-0.

9. Brown Tail Moth Update: Mary Ann Nahf, Conservation Commission chair, reported the State has reached out to towns affected by brown tail moths. This past year the moths were heavy in surrounding communities

with pockets of areas in Harpswell at Basin Cove, Gurnet and Middle Bay. MSAD 75 also reached out to the communities in the district regarding the issue. Ms. Nahf stated the Conservation Commission is bringing attention to the matter on the Town's website that the public can follow. There are things that property owners can do this winter such as clipping the nests and soaking them in a bucket of water and detergent. After a few days, you bag the nests and dispose of them. Ms. Nahf stated the Commission will have information on bookmarks that will be passed out to voters on November 8. How badly someone is affected will determine how aggressive the treatment should be. The State is also studying the health effects and treatments for the rash that occurs to some from the hairs of the caterpillars. Also the Board of Pesticides is working with applicators to develop safe approaches to eliminating the brown tail moths without endangering shellfish. Charlene Donahue, State Entomologist, is working with schools on what can be used on school grounds and the required notifications for some pesticides. As more information becomes available from this ongoing work – it will be posted on the Town's website. Ms. Nahf encouraged people to clip and soak the nests and to call the Town Office with any questions.

10. Other Business: None.

11. Public Comment: Scott Moody stated this is the first he has heard about aquaculture at Mitchell Field and he expressed concern as he has invested a lot of funds into his aquaculture business for shell fishing. Selectman Johnson advised Mr. Moody the proposal at Mitchell Field is for salmon not shell fish. Chairman Daniel stated the proposal was recently submitted and is public information. He noted the public along with Town Committees will have input. David Chipman stated that the Harpswell Radio Project is on the air at 97.3 for testing purposes.

12. Administrative Matters: None.

13. Adjournment: At 6:47 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator