

Selectmen's Meeting Minutes
June 8, 2017
Harpswell Town Office
Approved June 22, 2017

At 5:10pm, the Board attended a workshop regarding the pier demolition project.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:10 p.m.

Selectmen Present: Richard A. Daniel, Kevin E. Johnson and David I. Chipman

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

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

2. Public Comment: None.

3. Selectmen's Announcements: None.

4. Town Administrator's Report: Administrator Eiane reported that the new Marine Warden, Ray McIntire, will begin in a couple of weeks and work with Steve Welsh. Administrator Eiane stated the retired Harbormaster and his replacement have been working together and are approaching the 30 hours approved by the Board. She asked if the Board would extend the hours by an additional 8 for further boat training. Chairman Daniel moved, seconded by Selectman Chipman to approve the additional hours; motion passed 3-0.

5. Consent Agenda: Chairman Daniel moved, seconded by Selectmen Chipman to approve the consent agenda [April 24, May 16 and May 25 minutes; election worker appointments for June 13 – Marjorie McFarland, Joan Ouellette, Beth Eisman, Jean Rich, Ellen Shillinglaw, Marge Warren, Thomas Rothwell, Helen Regan, Sandra Paul, Jennifer Watson, Elaine Karath Baur, Lydia Mears as election ballot clerks; Monique Coombs, Jan Coombs, Megan Hubbard, Sandra Swallow, Amy Saxton, Melanie Rubbins as Warden/Deputy Wardens; Carol Jean Richter as Registrar; authorization of warrant 23 in the amount of \$741,193.73, warrant 23a in an amount not to exceed 1,178, warrant 1 for the pier demolition project in the amount of \$7,053.40 and payroll warrant 23 in the amount of \$15,601.58]; motion passed 3-0.

6. Old Business: Amber Mason Wharf Application, 137 Wallace Shore Road, Map 53, Lot 59: Deputy Administrator Sawyer reported the Town attorney was made aware of the property dispute between Walter Moody Sr. and Amber Mason, including the Order signed by both parties that was presented to the Board at the last meeting. The Town Attorney advises that since Ms. Mason has met the threshold of proving right, title or interest for the wharf application, the Board could grant its approval despite the pending legal case if it finds the application compliant with the Wharves & Weirs Act. If so, the Code Office would then follow normal practice and issue the permit once the approvals from the other entities have been received. Another option is for the applicant to withdraw the application if the timeline does work since once the permit is issued, the Town's one-year substantial completion time clock begins. Deputy Administrator Sawyer noted the Department of Army Corps called the Town and expressed a concern about the property owner between Mr. Moody and Ms. Mason and his right to construct and navigate. Joe Leblanc, owner's representative, responded by stating the Mason wharf has been designed with just one support to accommodate the passage of boats under the 10-foot clearance. Mr. Moody stated he is located to the north of this proposal and is a commercial wharf fishing forever. He asked the Board to consider the rocks and the difficulty with accessing his wharf from the south if this structure is built. He stated he also has a mooring approved and aquaculture permits in the location of the proposed structure. This is a commercial fishing zone and he stated that is what he and other fishermen do and he stated the proposal will hinder their livelihood. Mr. Moody expressed a concern about the pending litigation regarding ownership and stated approval of the application would be premature. Chairman Daniel stated the Harbormaster looked at the

proposal and stated there is no hindrance to navigation. Administrator Eiane stated the Board's authority under the Wharves and Weirs Act is to consider if there is a hazard to navigation or an injury to the rights of others in relation to fishing, fowling or navigating. Mr. Moody stated this system would cause an injury to him and he asked that it be scaled back. Selectman Johnson stated the Court will decide the ownership issues. Selectman Chipman expressed concern about the right, title or interest matters. Deputy Administrator Sawyer stated the Town Attorney has indicated Ms. Mason has met the threshold of right, title or interest, and the property dispute between the two parties will be resolved in Court. Mr. Leblanc stated he feels the system's design is reasonable with one support in the middle to allow passage of boats under the wharf. He stated he spoke with LeAnn Neal of the Army Corps and he believes she will be issuing the permit. Mr. Leblanc indicated the wharf could be raised another two-feet. Mr. Moody indicated it would still be impossible to bring his boat under the wharf. Mr. Leblanc indicated the property owner (Sargent) between Mason and Moody keeps his boat at a public launch to access his property on Sheep Island. Selectman Johnson suggested tabling the matter to wait for the Army Corps decision and if it issues a permit, then that will indicate there is no hazard to navigation. Mr. Leblanc added that Mr. Moody's wharf only has a 9-10 foot clearance. Chairman Daniel moved, seconded by Selectman Chipman to table the application; motion passed 3-0.

7. Contract for Wood Grinding Services: Administrator Eiane reported the contractor with the initial contract did not come through with insurance and signing the contract by the deadline. The Recycling Center Manager is recommending the Board contract with the same vendor from last year, Cross Excavation for the same price. Chairman Daniel moved, seconded by Selectman Chipman to authorize the contract; motion passed 3-0.

8. Harpswell Community Garden Report: Deputy Administrator Sawyer reported the Board recently accepted grants for the Garden, primarily to upgrade the water system. Judith Stanton, Garden Coordinator, provided this report on the status of the projects, including the bidding and contractor selection process. The Selectmen expressed appreciation for the report.

9. Consider Whether to Establish Residency Requirement for Committee Membership: Administrator Eiane stated that recently a volunteer has sold his home and while he continues to own property in Harpswell, he will not live in Town until his new house is complete. Currently there is another volunteer serving who does not live in Harpswell but owns property here. Administrator Eiane stated she felt this should be brought to the Board's attention as a policy matter, but no action is needed if the Board is satisfied. Selectman Johnson stated it is not a big problem as long as property is still owned in Harpswell. Chairman Daniel is in agreement on a case by case situation. Selectman Chipman prefers not to do a case by case, but agreed.

10. Proposal for Emergency Services Building: Administrator Eiane stated the Fire and Rescue Planning Committee has been working on developing a plan for a more centralized system. The Town's engineering firm, Gorrill & Palmer, has previously been selected through a bid process and has prepared a proposal with a number of tasks to look at three possible centralized building locations on Town property and to assist the Town with determining the best one. The review will include what may be necessary such as blasting etc. The scope of work is estimated to cost to \$13,000 - \$16,000. Chairman Daniel moved, seconded by Selectman Chipman to approve the proposal; motion passed 3-0.

11. Accept Donations: Chairman Daniel moved, seconded by Selectman Chipman to accept the following donations with thanks: Ned Simmons \$40 for heating; \$28 from the donation box for the Harpswell Community Garden; and for the Bandstand – John Andrew \$50, Alan Sawyer \$50, Kimball Page & John Webster \$50, Pamela & Gordon Cook, Jr. \$50, Wayne & Nancy Hurst \$150, Lydia & Andre Cocquyt \$20, Evelyn Bolduc \$500, Julia Stevens \$25, Goodwin's Chevrolet \$250, Elizabeth Eiseman \$75, Jeanie Rubio \$25, Sally Clifford \$50, Patricia Laz \$ 100, Sunray Animal Clinic \$50, Pamela Bobker \$100, Candis Hine \$100, Wendall & Mary Davidson \$200, Scott & Valerie Howard \$100, Bob & Chris Millar \$50, Lindsay Laird \$50, Yeeha Chiu \$50,

Robert McAfee \$100, Charles Cary \$50, Linda Brunner \$25, reception/auction event \$6,130, Walter Philips \$140, Lee Auto Malls \$100; motion passed 3-0.

12. Public Comment: Mary Ann Nahf, Chair of the Conservation Commission, stated she has been speaking to many people about the Browntail Moth. Unfortunately, at this time, there are not a lot of steps that can be taken to eliminate them. She stated the Town's website has been updated with current steps and other information. Ms. Nahf announced there is a Browntail Moth mitigation program being held at the Curtis Memorial Library on June 12 at 7:00pm. Selectman Johnson noted he appreciated the pamphlet prepared by the Commission for new owners; it was noted it is sent to each new property owner in Harpswell.

13. Other Business: None.

14. Administrative Matters: None.

15. Adjournment: At 6:50 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator