

**Selectmen's Meeting Minutes**  
**June 23, 2016**  
**Harpswell Town Office**  
**Approved July 21, 2016**

At 5:00pm, the Board held a workshop with the Code Office regarding dangerous buildings.

The Board adjourned at 5:40pm.

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; Fred Cantu, Code Enforcement Officer; William Wells, Code Enforcement Officer; 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:** Robert McIntyre expressed concern about the speeding on Basin Point Road and asked that the speed bumps be installed as in the past, along with additional signage.

**3. Administrator's Report:** Administrator Eiane reported the project to remove the collapsed pump house is underway by Prock Marine and should be completed in about 10 days. Administrator Eiane stated there was a very successful food mobile at the Town Office earlier today with 88 people served. The Town and Mid Coast Hunger Prevention Program have partnered to make these food pantries happen. Additionally, Harpswell Community Garden provided kale and turnips to the participants. Administrator Eiane stated the Board will hold a workshop with the Mitchell Field Committee and Energy Committee on Monday at 4:30 to discuss a concept for solar panels at Mitchell Field. Representatives from Revision Energy will attend to discuss how a project like this might work together with other plans for Mitchell Field. Administrator Eiane thanked the Conservation Commission for its presentation Tuesday night regarding issues with private roads such as sea level rise. There were resources available for the attendees and a geologist offered to visit sites to help offer solutions. Over 30 people attended and she thanked the Commission for engaging the community.

**4. Selectmen's Announcements:** None.

**5. Consent Agenda:** Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda [June 9 minutes; authorization of warrant 26 in the amount of \$124,588.64, warrant 26a in the amount of \$11,750.00 and payroll warrant 26 in the amount of 22,756.63]; motion passed 3-0.

**6. Wharf Applications**

- **Diane Loughlin, 36 Narrows Lane, Map 42, Lot 44:** Fred Cantu, Code Enforcement Officer, stated there was a site visit on June 10 which many residents in the area attended, and many are present tonight. Joe Leblanc, owner's representative, stated the proposal is to extend an existing dock to facilitate safe boarding and exiting from a 44-foot boat. Mr. Leblanc stated neighbors wrote letters and are also present. Administrator Eiane stated it appears the Board was not provided the letters in their packets of information. Mr. Leblanc reviewed the proposal, a 5' x 33' pier extension with batter pilings, a 3'x40' aluminum ramp replacement, a 10'x20 bridge float, an aluminum 3'x36' bridge ramp, 2 10'x20' float haul outs and rearranging the ramps and the floats, in detail with drawings and pictures. Mr. Leblanc stated the proposed system will be about 800-feet from the other side of the channel compared to 700-feet of the neighboring "Bouve" wharf and 800-feet of the Coffin wharf. Pat Currier stated she paid for half of the costs of this original system in 1999, at which time the system was constructed as is to keep it protected behind the ledge from ice. Therefore, extending 33-feet to be beyond the ledge does not make sense as it may become a hazard. She expressed concern about the size of the system and stated the Town is trying to promote shared

systems and should be concerned about this proposal. She also noted there are shellfish and eel grass in the area. Bill Coffin expressed concern with the proposal as he fishes close to the shore and is worried about being pushed out, particularly in the fog. He wondered where the boat will be. Additionally, Mr. Coffin expressed concern about his gear tangling with the system's anchors and what the ice and tides will do to the batter pilings. Colby Currier stated the letters submitted by concerned residents are very important and encouraged the Board to read them. Mr. Colby asked about the review process. Chairman Daniel stated if the Army Corps of Engineers (ACOE) and Department of Environmental Protection (DEP) approve the system, there is very little the Board has authority over, but the Board can approve pending other agencies' approvals. He stated he wanted to see the submitted letters. Mr. Cantu reported the ACOE & DEP permits have yet to arrive and the Bureau of Submerged Lands has scheduled a site visit for tomorrow morning at 8:30 a.m. Liz Bouve asked the Board to table the decision to allow the Board time to review the letters. She stated if everyone built a system like this, she would see 27 in her area and noted the Board may be setting a precedent. Selectman Multer stated the Board is limited to rejection on the basis of fishing, fowling, and navigation. Will Hamilton, applicant with Loughlin, responded to some of the points: he stated the Curriers had received a non-exclusive easement to use the wharf; he was willing to accommodate a fisherman within reason and the boat will be moored when not used; the cross chains will be pinned to ledge and will not interfere with lobstering gear. Mr. Leblanc stated the wharf is a common dock and will be used by the applicants, the neighbor on the right, Pressman, and the Curriers have a right to use it. Mr. Leblanc reviewed the chain arrangement, the use of batter pilings in relation to ice issues, and noted reflectors will be placed on the system for boat traffic. Herb Pressman stated he has seen the boat traffic for years and the fishermen do not come close to the shore and kayakers hug the other side of the shore. Connie McCabe asked where the end of the proposed system will be; Mr. Hamilton responded the system will be a longer distance from the other side of the channel than the other wharves in the area. Ms. McCabe expressed concern about navigation and aesthetics. Selectman Multer moved, seconded by Selectman Johnson to table the application to the next meeting to allow the Selectmen to review the submitted letters from residents in the area; motion passed 3-0.

- **Jonathon Mezzacappa, 131 Winding Way, Map 56, Lot 70:** Mr. Leblanc reviewed the proposal for a 6'x20' ramp, 6'x100' pier, 3'x50' ramp, 10'x20' float with a 10'x40' haul-out. Chairman Daniel moved, seconded by Selectman Multer to approve the application as the Harbormaster indicates there is no hazard to navigation and there is no injury to the rights of others for fishing, fowling and navigating in the intertidal zone; motion passed 3-0.

**7. Holding Tank Application:** Fred Cantu, Code Officer, reviewed the application for a replacement holding tank for a seasonal structure at map 12, lot 166. Mr. Cantu stated the site evaluator determined there is no option for a subsurface system due to the wells in the location. Deputy Administrator Sawyer asked if the applicant is being required to record the Holding Tank Installation Agreement and if the Holding Tank Deed Covenant form is still required. Mr. Cantu will check on this and, if so, make sure the necessary paperwork is completed and recorded. Chairman Daniel moved, seconded by Selectman Johnson to approve the replacement holding tank application; motion passed 3-0.

**8. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her monthly report for May (attached).

**9. Engaging Engineering Services for the Water Tower Task Force (WTTF):** Selectman Multer stated there are not a lot of qualified engineers specializing in water tanks and one was located with experience with elevated towers and steel. Selectman Multer, Marguerite Kelly and Mark Eyerman are recommending the Board consider sole sourcing with an engineer in order to obtain information for the WTTF. If her colleagues agree with the concept, a specific proposal will come back to the Board. Selectman Multer stated this process will hopefully allow the WTTF to have something prepared for Town Meeting. Dorothy Rosenberg, WTTF member, stated she has no issue with this proposal but is concerned by Selectman Multer's inquiry at a WTTF meeting about what is needed to keep the tower safe for 3-5 years. Ms. Rosenberg stated limiting the scope to 3-5 years did not meet the WTTF's mission and she is not certain Selectman Multer, as the chair of the WTTF, has the authority to

restrict the gathering of information. Selectman Multer stated she introduced looking into the 3-5 year term in addition to the long term options, particularly as she is convinced it will take a couple of years before Town Meeting will be able to make a decision regarding the long-term status of the activities at Mitchell Field and perhaps of the water tower. Selectman Multer stated the WTTF may have an additional meeting to determine what questions will be asked of the engineer. Chairman Daniel stated he understands the WTTF needs information from an engineer regarding what it entails to keep the tower for whatever time period, including the 3-5 year period as time may be needed for a final decision. Ms. Rosenberg stated there was apparent confusion on the last vote at the WTTF's last meeting and she is okay with things now as long as the WTTF is still looking at repair and maintenance of the tower and further studies. Chairman Daniel asked when the tower's access ladder would be cut; Administrator Eiane responded, "by Saturday."

**10. Marine Resources Update:** Darcie Couture, Town Marine Resources Coordinator, reviewed her report (attached). Chairman Daniel stated the Town was waiting to consider joining the Tidelands Coalition until it became a formal entity, which it apparently is now. Selectman Multer stated the Board can consider that at its next meeting. Selectman Multer expressed concern about the Department of Marine Resources (DMR) delay relating to Brunswick's proposed aquaculture ordinance and she stated the legislature needs to be involved. Ms. Couture responded that multiple town representatives are trying to work with the DMR first in good faith. Administrator Eiane asked if Brunswick received any feedback; Ms. Couture stated there was feedback on certain sections and now the DMR is sitting on the latest version without comment. Administrator Eiane noted individuals can go to the DMR to obtain individual aquaculture permits. Ms. Couture agreed but with a local ordinance, municipalities can set aside important areas and regulate the industry in the best way for the municipality. Ms. Couture stated if DMR rejects the Brunswick ordinance, town representatives will ask for DMR to develop a model ordinance. Ms. Couture stated she will be working outside of the State for a few months and her contract with the Town requires her attendance at the Marine Resources Committee meetings. She proposed that her company will sub-contract to Monique Coombs to work with the Town's committee in her absence.

**11. Harpswell Neck Library Request to Use the Administrative Building:** Donna Frisoli stated she completed a request form for the Harpswell Neck Library to use the Administrative Building at Mitchell Field since the Library has to vacate Harpswell Coastal Academy by July 31. Ms. Frisoli stated that last year the Library approached the Mitchell Field Committee and presented a plan to establish the Library at the administrative building and the Committee agreed the use was a good fit. Ms. Frisoli stated at the time the roof of the building leaked which has been repaired recently and she read a letter from Lincoln Haney (attached) regarding the structural condition of the building. Ms. Frisoli asked to store and sort through the books in the building. Selectman Multer stated storage may be okay but letting people inside the building given its condition is a problem. Fred Cantu, Code Enforcement Officer, stated he provided a powerpoint detailing the condition of the building in the spring and while he agrees with Lincoln Haney that for the most part, the building is structurally sound, it is riddled with safety matters. Mr. Cantu stated that he and Bill Wells agreed that the garage section of the building could be used for storage only if the rest of the building is blocked off. Ms. Frisoli stated the garage part is the worst part of the building and that she wants to use one room in the main part of the building and will make the area safe for one year of use. Chairman Daniel stated until the building is cleaned up and made safe, it should not be used. Chairman Daniel stated the Library should check into other locations such as the Scout Hall which he understands was not approached. Ms. Frisoli questioned why the Board does not want to work with the Library now and why the Board made it so difficult in the past in relation to the former West Harpswell School. She stated she is hesitant to work with Harpswell Coastal Academy again. Ms. Frisoli stated if the Library uses the building for one year, it will know if it will work and if there is not enough support, the Library will dissolve. Chairman Daniel asked if the library is a community library, where is the community support? Selectman Multer suggested Ms. Frisoli take the compromise. Ms. Frisoli stated that with the attitude of the Town, no one can get anything done and she asked if the Board wants a library on Harpswell Neck and left

the meeting. Chairman Daniel reiterated his desire to see community support and noted he understands the Elijah Kellogg Church was also not approached.

**12. Consider Request to Remove Shed from Graveyard Point Property:** Deputy Administrator Sawyer stated at the last meeting, the Board authorized having a contractor demolish and remove the shed from the property. Since then, a gentleman submitted a request to allow him to remove the shed from the property and relocate it onto his property due to his sentimental attachment to the building. Selectman Multer moved, seconded by Selectman Johnson to authorize an agreement for removal of the shed at his own risk and liability; motion passed 3-0.

**13. Contract for Emergency Vehicle:** Administrator Eiane stated the Board previously approved a process for Cundy's Harbor Volunteer Fire Department to work with Greenwood for developing the specifications of a pumper. The Town would enter a contract with Greenwood for the pumper and lease to Cundy's Harbor. Greenwood is located in Massachusetts with a facility in Brunswick, which is where the pumper will receive maintenance. The total cost is \$413,394 and Cundy's Harbor V. F. D. is responsible for certain equipment. There is a two-year warranty and construction of the vehicle will take 300 days. Ben Wallace, Jr., Fire Chief of Cundy's Harbor and Orr's/Bailey's Islands Departments, stated that by utilizing the cooperative agreement, the warranty was increased from one year to two. The vehicle is a class A fire engine-pumper that can pump 1,500 gallons per minute. Chairman Daniel moved, seconded by Selectman Multer to authorize the contract with Greenwood for the pumper; motion passed 3-0.

**14. 2016 Goals and Objectives:** Administrator Eiane stated the Board held a workshop to review its 2016 goals and objectives and she has prepared a summary for the Board's review based on discussions at that workshop. Chairman Daniel moved, seconded by Selectman Johnson to adopt the goals and objectives (attached); motion passed 3-0.

**15. Execution of Deed to Hamilton Starr and Easement Deed to Lamons:** Administrator Eiane stated these two items were authorized by vote of Town Meeting, via ballot, on June 14, 2016. The first item is a release deed to Hamilton Starr to clear up a boundary between Mr. Starr and the Town. Mr. Starr will also release to the Town whatever interest he may have in a portion of the property. In the second matter, the Lamons will convey the fee interest to the Town for its boat launch property and in exchange, the Town will give the Lamons an 8-foot easement on the west side of the property in perpetuity. The easement allows the Lamons to store a dinghy, provides for access to the cove by foot and allows use of a vehicle for retrieval or storage of the dinghy. Additionally, the shrubbery can be trimmed as permitted by Ordinance and a 2-foot high fence, subject to Town approval, could be installed marking the easement boundary. Selectman Multer moved, seconded by Selectman Johnson to execute the documents; motion passed 3-0.

**16. Accept Donations:** Chairman Daniel moved, seconded by Selectman Multer to accept the following donations for the Bandstand: Dick and Sheila Reese \$50, Lydia and Andrea Coquyt \$20, Goodwin's Chevrolet as a concert sponsor \$350, Anonymous \$50, donation box \$51; motion passed 3-0.

**17. Cook's Lobster & Ale House Renewal Liquor License, 68 Garrison Cove Road:** Deputy Administrator Sawyer stated the Code Office reports the entity is compliant and working with the Code Office for a permanent certificate of occupancy. Additionally, the Cumberland County Sheriff's Department does not report any alcohol related incidents at the establishment for the past year. Selectman Multer stated there was a small error with the distance to the closest church and the owner has agreed to correct it before submitting to the State. Chairman Daniel moved, seconded by Selectman Multer to approve the renewal license; motion passed 3-0.

**18. Other Business:** None.

**19. Public Comment:** Mary Ann Nahf, chair of the Conservation Commission, stated the Commission will be at the non-resident taxpayer's meeting and at the Mitchell Field Recreate and Tailgate event to provide material on the topic of private roads and sea rise. The second meeting regarding the topic will be on August 24.

**20. Administrative Matters:** Deputy Administrator Sawyer stated she spoke with an inspector at the State's liquor division, with oversight of catering licensing, and he reports the Town has very little authority in denying catering licenses. Municipalities need to be careful to apply the same review for all events and all entities. Additionally, the inspector was surprised to hear the Town's Board still reviews catering permits and renewal liquor licenses as the municipal officers can appoint someone to do so – except for first time liquor licenses. The Town could assess a fee for catering permits and if the Board is interested, staff can investigate the process with another municipality that has implemented fees. At this time, the Board did not express interest in pursuing fees. Selectman Multer moved, seconded by Chairman Daniel to authorize the Town Administrator or Deputy Town Administrator to review and approve catering permits and renewal liquor licenses; motion passed 3-0.

**21. Adjournment:** At 8:30 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Enclosures: Treasurer's Report  
Marine Resource Coordinator Report  
Starr Deed  
Lamons Easement  
Lincoln Haney Letter  
2016 Goals and Objectives