

Selectmen's Meeting Minutes
July 12, 2018
Harpswell Town Office
Approved July 26, 2018

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:00 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; Marguerite Kelly, Treasurer; and Bill Wells, Code Enforcement Officer

- 1. Adoption of the Agenda:** Administrator Eiane requested the Board not take up the water tower removal contract tonight and to discuss only task four under the oversight. Chairman Daniel moved, seconded by Selectman Chipman to approve the agenda with the change mentioned; passed 3-0.
- 2. Public Comment:** Dorothy Rosenberg spoke about how information has not been made available concerning the water tower to the public and how the Selectmen have acted regarding the water tower matter. She stated the Board declared at its June 28 meeting the Friends special town meeting warrant was invalid, but she stated only a court of law can determine if the Board's action to not act on the petition was reasonable or unreasonable. Therefore she believes the action was meant to intimidate or discourage voters from voting. She added that she understands someone at the non-resident taxpayer meeting asked to distribute a fact sheet about the water tower. Chairman Daniel stated the Board had no opportunity to review it. Ms. Rosenberg stated the Board has no right to review it as it is protected by the first amendment.
- 3. Selectmen's Announcements:** Chairman Daniel stated at the non-resident taxpayer meeting, the Board was asked when the lobster boat races were taking place and he has learned the event it will occur on July 29 at 10:00am in Pott's Harbor.
- 4. Town Administrator's Report:** Administrator Eiane reported the Board was provided a letter (attached) from the Town Attorney today in response to the Friends of Mitchell Field's July 3 email stating that the Town Attorney's advice was not correct. She provided a copy to Ms. Rosenberg.
- 5. Consent Agenda:** Selectman Chipman moved, seconded by Selectman Johnson to approve the consent agenda [approval of June 14 minutes; approved warrant #28 in the amount of \$698,010.30 and payroll warrant #27 in the amount of \$20,047.75]; motion passed 3-0.
- 6. Interstate Lobster LLC Wharf Application, 241 Ash Point Road, Map 17, Lot 135:** Bill Wells, Code Enforcement Officer, reviewed the proposal to repair the existing commercial wharf system and expand the wharf by 20'x90', expand the northwestern portion of the bait shed to 16'x16' and expand the office to 12'x26'. Mr. Wells reported the Planning Board has approved the proposal without conditions. The Bureau of Submerged Lands has approved a lease as well. Chairman Daniel moved, seconded by Selectman Johnson to approve the proposal as the Harbormaster indicates there is no hazard to navigation and there is no injury to the rights of others relating to fishing, fowling and navigating; motion passed 3-0.
- 7. Mitchell Field Pier Demolition Project Change Order and Payment Requisition:** Administrator Eiane stated this change order is in follow up to the last meeting. Change order #10 is for \$30,950 and covers everything discussed at the last meeting except for the sealing of the cracks in the main road. The contractor Reed & Reed has submitted a request for payment, requisition #9 in the amount of \$450,670.24, less retainage, for a payment due of \$428,136.74. Selectman Chipman moved, seconded by Chairman Daniel to approve change order #10 for \$30,950; motion passed 3-0. Selectman Chipman moved, seconded by Selectman Johnson to approve requisition #9 for \$428,136.74 [warrant #15 in the amount of \$429,440.74]; motion passed 3-0.
- 8. Mitchell Field Parking and Traffic Plan:** Deputy Administrator Sawyer stated since this written proposal, a Mitchell Field Committee member and Mitchell Field steward indicates the striping in front of the administration

building is not necessary as signs could be used instead. The Board discussed the proposal to install the traffic counter, signs and proposed areas for striping to indicate parking. Selectman Chipman expressed concern about painting full parking spots on the main road at the Community Garden and occupying a traffic lane. Selectman Chipman moved, seconded by Selectman Johnson to approve the proposal with only striping the areas at the Sentry Building and the indicated water front area; motion passed 3-0.

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

10. Contracts Re: Water Tower Removal and Oversight: (only discussing task 4 on the oversight) Administrator Eiane reported that in reviewing the files for information relating to the water tower, information regarding soil testing on an abutting property was found. Administrator Eiane recommended the Board proceed with task four on the proposal from Ransom Consulting to test soil samples on that same lot. The former Navy houses were removed from this lot in 2012 to one foot below ground level and backfilled, but no follow up tests were taken. Task four will cost up to \$1,000 and be assessed to the Mitchell Field account. Selectman Chipman stated he doesn't see an issue but it's good follow up. Selectman Chipman moved, seconded by Selectman Johnson to authorize the Town Administrator to have task four completed for up to \$1,000; motion passed 3-0.

11. Recommendation Regarding Contractor for Culvert Replacements: Administrator Eiane reported the Town sent a request for bids out for the replacement of culverts on Grassy Lane and two bids were received. She stated the Road Commissioner recommends proceeding with the lowest bidder, Handy Harley, for \$6,880. Selectman Chipman moved, seconded by Selectman Johnson to accept said bid; motion passed 3-0.

12. Accept Donations: Chairman Daniel moved, seconded by Selectman Chipman to accept the following donations: for the Bandstand – Dana Cary \$100, Mercie Dunfee \$150, Linda Brunner \$25, donation box \$106; and \$50 from Sheri Sprague for the smoke and carbon monoxide program; motion passed 3-0.

13. Public Comment: None.

14. Other Business: Chairman Daniel stated that the Board has the authority to make a decision about how to proceed once receiving a petition and only a judge can decide if the Board made the right decision. Chairman Daniel stated that Selectman Chipman accused the other two Selectman of not acting legally in its decision not to proceed with the Friends of Mitchell Field's petition. Chairman Daniel asked Selectman Chipman where he gets his judicial ruling to judge the majority of the Selectmen. Selectman Johnson added he and Chairman Daniel followed the advice of the Town attorney. Selectman Chipman responded "shall" means you must act on it and the law says "shall". Chairman Daniel added a Selectman can have his or her own opinion and can disagree but a Selectman should not work so hard against his or her colleagues. Selectman Chipman responded he is not trying to as he went along with his colleagues' decision to deem the Friends special town meeting warrant invalid. The Board agreed the Town Attorney's July 12 letter should be posted on the Town's website.

15. Administrative Matters: The Board scheduled a site visit to map 21, lot 103 for July 26 at 5:00pm.

16. Adjournment: At 6:37 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Attorney Tchao's July 12, 2018 letter
Treasurer's Report