

Selectmen's Meeting Minutes  
August 6, 2020  
Harpwell Town Office  
Approved August 20, 2020

**Call to Order and Pledge of Allegiance:** Meeting was called to order at 6:00pm.

**Selectmen Present:** Chairman Kevin E. Johnson, Selectman David I. Chipman, and Selectman Jane Covey

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator/Treasurer; Art Howe, Emergency Management Agent; Tim Clark, Code Enforcement Officer; Chuck Perow, Recycling Center and Transfer Station Manager; and Mark Eyerman, Town Planner.

1. **Adoption of the Agenda:** Agenda was accepted as written.
2. **Public Comment:** Yvonne Fulciniti expressed her concern about a proposed cell phone tower at Mitchell Field and how it will bring increased electromagnetic radiation to the area, affecting residents.
3. **Selectmen's Announcements:** Selectwoman Covey announced that the Canine Management Task Force has created a one page survey that will go out with the tax bill in August. Residents are encouraged to fill out and return the survey.
4. **Town Administrator's Report:** Administrator Eiane reported that the Harpswell community suffered an unimaginable tragedy and offered heartfelt condolences to the family and friends of Julie Dimperio Holowach. Eiane commended first responders for their heroic efforts. The Town's response to the tragedy was based on keeping the public informed while maintaining respect for the Holowach family. Emergency Management Agent Art Howe also extended his condolences to Julie Holowach's family. Howe gave a brief summary of events, commending the quick response of emergency personnel, both to the scene and as backup, if any additional emergency calls were made. Since the incident occurred in the water, the situation fell under the jurisdiction of the Department of Marine Resources (DMR). The Town of Harpswell, DMR and the Department of Conservation worked together to create a cohesive safety message that was posted on signage at our local beaches. The message informed swimmers and kayakers of water safety tips and how to be as safe as possible when recreating in waters with a possible great white shark presence.
5. **Consent Agenda: 1. Approval of the minutes. 2. Committee Appointments and Resignation; 3. Authorization of the Warrants.** Selectwoman Covey moved, seconded by Selectman Chipman, to approve the consent agenda [July 23 minutes as amended; appointed Tom Bachman as an Associate to the Conservation Commission, and David Znamierowski to the Mitchell Field Committee; accepted Gail Federico's resignation from the Recreation Committee] after an edit to the minutes from July 23, 2020 where the second sentence was removed from section 10, paragraph one. Motion passed, 3-0.

6. **(agenda item 7) Brian and Pamela Kay Wharf Application, Pinkham Point RD, Tax Map 45, Lot 5-2:** Code Enforcement Officer Tim Clark introduced Joe LeBlanc from LeBlanc Associates to discuss the wharf; a 4X8ft. access platform leading down a 6X14ft. pier to a 3X36ft. ramp that attaches to a 10X14ft. float. The Harbormaster made a seasonal condition recommendation that the float be placed no earlier than June 1 and pulled up by October 31 each year as the float is located over an active mudflat. Mr. LeBlanc objected to the condition, stating that there is no additional impact to the environment if placed longer than the recommended time. Mr. LeBlanc stated that the float takes up 140 square feet of a cove that has over 10,000 square feet, therefore the impact to shell fishermen is miniscule. Mr. LeBlanc wanted his objection on behalf of all waterfront landowners to be heard. Chairman Johnson agreed to discuss the possibility of altering the season dates during next Marine Resource Committee meeting. Mary Ann Nahf, a member of the Marine Resource Committee was present at the meeting. Nahf stated that there are findings in some coves, like Card Cove, where the more often the mud is disturbed, the less successful the harvest. Nahf stated that it's important to consider the bigger picture of our marine resources. Chairman Johnson moved to approve the application as the Harbormaster indicates, there is no hazard to navigation, no injury to the rights of others in relation to fishing, fowling and navigation with the condition that the float isn't put in until June 1<sup>st</sup> and pulled out by October 31<sup>st</sup> each year. Motion passed, 3-0.
  
7. **(agenda item 6) Recycling Center Manager Update:** Recycling Center Manager Chuck Perow stated that wood chipping has been completed, and the new schedule for chipping in June worked very well and helped with budgeting considerations. The composting program, entering its third full year, is ahead of projections, looking to hit 50 tons of material, whereas last year it totaled 43 tons. The Town's partner, Garbage to Garden, has compost material available to residents either via pick up or delivery. You can reach Garbage to Garden at 332-0277. The Trap Take Back program, ended in April, but collected 31.7 tons of material and 67 cubic yards of rope. Manager Perow will continue to watch the program in hopes of bringing it back to Harpswell residents. This year's annual Shredding Day, which was scheduled in September, has been cancelled, but has been scheduled for next year, September 11, 2021 from 9-12. An update on the Sand Hut: filled sand buckets are always available for those who cannot fill their own buckets. A stone slab has been placed in front of the hut to prohibit someone from filling the back of their truck. Manager Perow addressed the difficult traffic pattern of making a right-hand turn into the recycling center after leaving the transfer station. Manager Perow changed the traffic pattern during the quarantine and requested to have the traffic change be permanent. This pattern requires those looking to make the difficult right-hand turn, to travel straight down to the next driveway and turn around, allowing them to enter the 'normal way' by taking a left-hand in turn into the recycling center parking lot. The Spring Hazardous Material Day in Bath was cancelled during the quarantine, Perow was looking for a recommendation from the Select Board on whether or not we wanted to attempt to opt-in for Brunswick's Hazard Material day in the fall. Perow addressed the need to update the scale's computer system, looking at the model that sawmills use when weighing logs. This new system would simplify book-keeping and perhaps allow the use

of debit/credit cards at the Transfer Station. There was a discussion about the disposal of fireworks, and what the actual definition of an 'aerial firework' is and how that is different than a 'consumer firework'. Perow stated that the box for free disposal of fireworks may only be available during the legal fireworks window in accordance with the Town's Fireworks Ordinance. Administrator Eiane suggested we contact the fire marshal for an explanation of the definition of aerial fireworks in the Town Ordinance. The Town's partner for recycling shingles, CPRC, has not had the reclaim material to give back (as part of the contract). Perow will look for a new vendor so we can keep the reclaim service available for residents. Before the quarantine, the courtesy holes in the front of the recycling center had been heavily abused. Manager Perow requested some kind of reform for these holes, which would need to be done for the new building anyway. Manager Perow thanked the public for passing the bond issue for phase one, which deals with compactors, safety and expanding the parking lot. Phase 2 will be the building. Perow requested that with the renovations coming, that Community Drive, a Town road, be placed on the list for repaving.

8. **Request for Refund of 2019 Building and Septic Permit Fees:** Administrator Eiane summarized that in 2019 the Code Enforcement Office issued a building permit and septic permit for a property that was located within a resource protection zone. The property had a prior approval by the Planning Board. Someone appealed the issuance of the permit to the Board of Appeals, which determined the Planning Board approval had expired after 5 years. As a result, the application was remanded back to the Planning Board. The applicant, which was the proposed purchaser of the property, backed out of the purchase and is seeking a refund of the costs of the permit totaling \$685.70. Chairman Johnson moved seconded by Selectman Chipman, to refund the permit fees. Motion passed, 3-0. The buyer asked how to follow up on receiving the refund. Treasurer Sawyer said that he'd receive a check in two weeks. Treasurer Sawyer addressed the Select Board, stating for the record, we have a policy that refunds the applicant's successful decision at the Board of Appeals meeting. Therefore the abutter, who challenged this permit won the appeal and received a refund. While there was an error made on the Code Officer's part, permit fees are non-refundable per Town ordinance. This decision by the Board in no way changes policy or the ordinance for future permit fees. If such a circumstance occurs again, Sawyer stated that the Select Board may choose not to approach it in the same way. Chairman Johnson stated that he voted for the refund after the Town attorney indicated it was an option. Treasurer Sawyer clarified that the applicant wasn't declined, he was given an alternative step in the planning process that the buyer chose not to pursue. Chairman Johnson replied that he was given a permit with no expectation of going before the Planning Board. Selectman Chipman stated that the decision he made was based on the fact that it would not be precedent setting because of the circumstances. The Board requested that this issue be very clearly stated in the minutes. Administrator Eiane followed up stating that refunding permit fees should be rare.
9. **Planner's Update:** Town Planner, Mark Eyerman, presented the Select Board with a yearly work plan that focused on the cleaning up of Town ordinances. This is a very detail oriented and complicated process. The Town's shore land zoning has amendments

that are in the process of being approved so they can be submitted to the State for review and adoption. Eyerman would like these changes to be ready for the next Town meeting. Members of the Planning Board would like to combine the basic land use ordinance and the shore land zoning ordinance, which are very similar and often used interchangeably. If combined, whenever there is an amendment, there would only be one ordinance to change instead of two, simplifying the process. Planner Eyerman will work on this and continue to make changes to clarify Town ordinances and keep them up to date and applicable to the current needs of the community. Planner Eyerman addressed the Mitchell Field dock, noting bids will be opened next Thursday. The bid will allow for the project to be completed by May 2021. The Mitchell Field boat launch will follow up the dock project. Parking may become a problem during any construction phases; a discussion of parking alternatives and how they affect current operations at Mitchell Field occurred. The updated Mitchell Field Master Plan, which was approved at Town Meeting, will look to reconfigure the marine business district, a new map will hopefully be ready for Town Meeting 2021. There is a group working on policy changes that will keep the policies up to date in relation to all the changes and construction happening at Mitchell Field. A draft of the Mitchell Field communication tower lease is being negotiated with Blue Sky, which should be ready for the Select Board soon. Short term rentals may need a process for local regulation. At Town meeting, the public approved moving forward to fix the HVAC system at the Town office. Administrator Eiane and Planner Eyerman will work together to move the process forward. The Town revised flood maps are being reviewed by FEMA. Upon conclusion of the review, the flood insurance rate maps will have to be addressed at the municipal level. Sea level rise may impact Town landings, docks and roads. The Board and Administrator Eiane acknowledged Mark's great work relative to Mitchell Field and for our community.

10. **Accept Deed from Josephine Warner for Gift of Tax Map 56, Lot 84:** Deputy Town Administrator Terri Sawyer explained that Town residents passed the article to accept lot 84 on tax map 56. The owner executed the quit-claim deed with covenant and all documents required in a transfer with a public entity. Selectman Chipman moved, seconded by Selectwoman Covey, to accept the deed from Josephine Warner. Motion passed, 3-0.
11. **2020 Wage and Salary Adjustments:** Administrator Eiane thanked the Town staff for their dedication and hard work during the shut-down. The proposed adjustments include a wage/salary increase of 2.5% and other mid-point wage/salary adjustments. Selectman Chipman moved, seconded by Selectwoman Covey, to accept the proposal. Motion passed, 3-0.
12. **Treasurer's Report:** Treasurer Sawyer presented the Board with the July Treasurer's Report. Please see attached document.
13. **Additional Tax Anticipation Note (TAN) Financing:** Treasurer Sawyer stated that she has been keeping an eye on our short-term borrowing. The Town Office closure this spring, due to COVID-19, slowed down many processes, including the Assessing Office from conducting field inspections. As a result, committing the 2020 taxes is delayed for

2 to 3 weeks. In a typical year, August tax revenue covers the Town's expenses. Due to delay caused by COVID-19, the Town will not have enough funds for the August school district payment. Sawyer requested the Board authorize additional TAN financing in an amount not to exceed \$1 million with Androscoggin Bank at the same taxable interest rate of 1.87%. Selectwoman Covey clarified that this short-term borrowing was only to cover cash flow until property tax revenue comes in. Selectman Chipman moved, seconded by Selectwoman Covey, that the vote entitled, "Vote to Authorize Issuance of a Second Tax Anticipation Note for Fiscal Year 2020," be approved in the form presented to this meeting, and that an attested copy of said Vote be included with the minutes of this meeting. Motion passed, 3-0.

14. **Maine Municipal Association Annual Election:** Selectwoman Covey moved, seconded by Selectman Chipman, to move the slate. Motion passed, 3-0.
15. **Public Comment:** None.
16. **Other Business:** Administrator Eiane recommended that the Select Board have a special meeting next Thursday to set the mil rate.
17. **Administrative Matters:** None.
18. **Adjournment:** The meeting was adjourned at 7:49pm without objection.

Respectfully Submitted,

Kayla Matthews  
Recording Secretary

Attachments: Treasurer's Report