

Selectmen's Meeting Minutes
September 1, 2016
Harpswell Town Office
Approved September 15, 2016

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; Bill Wells and Fred Cantu, Code Enforcement Officers/Local Plumbing Inspectors

1. Adoption of the Agenda: Chairman Daniel moved, seconded by Selectman Multer, to adopt the agenda as amended by adding an amendment to minutes under other business; motion passed 3-0.

2. Public Comment: John Robbins stated the parking issues associated with the Giant's Stairs are very dangerous and causing safety issues, including passage of emergency vehicles. In addition to the new parking that will be implemented in the Town's right-of-way and on the Harpswell Heritage Land Trust property, Mr. Robbins stated there are other areas on Washington Road and Pasture Road that could facilitate parking. Robert McIntyre handed out and reviewed his analysis of the traffic data collected near the end of Basin Point. Mr. McIntyre stated nothing has been done regarding the speeding issues and suggested a workshop to discuss the matters, including possibly painting areas on the pavement in the narrow area indicating the road narrows.

3. Administrator's Report: Administrator Eiane stated the Board had asked for Mitchell Field to be monitored over Labor Day weekend, to follow the similar process at Cedar Beach, and she proposed hiring David I. Chipman. Selectman Multer so moved, it was seconded by Chairman Daniel and the motion passed 3-0. Administrator Eiane reported that several weeks ago, she, Chairman Daniel and Mary Ann Nahf met with Betsy Atkins, the owner of Cedar Beach Road. Ms. Atkins expressed concerns that some beach goers are not Town taxpayers or guests and that some people are illegally parking on Robinhood Road, she suggested that permits be required. Ms. Atkins was also concerned that people are accessing her private lot through the intertidal zone and she suggested marking the end of the easement in the water with a buoy. Administrator Eiane asked if the Board wanted to schedule a workshop to discuss the concerns in detail. The Board agreed to schedule a workshop and for administration to seek legal input regarding the intertidal zone matter.

4. Selectmen's Announcements: Selectman Johnson announced the Fire and Rescue Planning Committee will hold a meeting on September 12 with all three departments and their members regarding future plans for providing emergency services. Selectman Multer stated she and a Town Lands Committee member continue to work on the proposed letter to send to abutters of Town landings and when finalized, it will come back to the Board for review.

5. Consent Agenda: Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda [August 18 minutes; authorization of warrant 36 in the amount of \$173,975.56, warrant 36a in the amount of \$250 and payroll warrant 36 in the amount of \$14,757.10]; motion passed 3-0.

6. Wharf Applications

- **Peter Kiener & Cathy Farrell, 253 High Head Road, Map 7, Lot 161:** Joe Leblanc, owner's representative, reviewed the application for a 4'x8 access platform, 4'x24' wood or aluminum access stairs, 6'x45' pier, 3'x10' aluminum access stairs, 3'x36' aluminum ramp, 10'x16 wood float and a 10'x40' float haul out. Additionally, there will be a 3'x10' set of stairs off the system to the shore and a rip rap project to stabilize the shore. It was noted the rip rap project does not fall under the Board's purview. Selectman Johnson asked if the area was tidal; Mr. Leblanc responded this location is not inside the cove. Chairman Daniel moved, seconded by Selectman Multer to approve the application (subject to the approvals from the other agencies) as the Harbormaster indicates it is not a hazard to navigation and there is no injury to the rights of others in relation to fishing, fowling and navigating; motion passed 3-0.

- **James C. & James R. Eckel, 109 Mountain Road, Map 5, Lot 99:** Joe Leblanc, owner's representative, reviewed the application to rebuild and modify an existing system as follows: 4'x6' access platform, 4'x18' access stairs, wood 6'x55' pier, 3'x10' access stairs, aluminum 3'x40' ramp, 12'x12 wood float with a kayak rack and step-down platform, a composite 10'x15' jet dock and 10'x40' float haul out. Chairman Daniel moved, seconded by Selectman Johnson to approve the application (subject to the approvals from the other agencies) as the Harbormaster indicates it is not a hazard to navigation and there is no injury to the rights of others in relation to fishing, fowling and navigating; motion passed 3-0.

7. Tree Cutting Violation, Map 45, Lot 67, 2 Lobster Lane: Selectman Multer stated she received a call from Jane Waddle months ago and subsequently Selectman Multer spoke with the Code Office. Then recently when this action came up, Selectman Multer spoke with Jane Waddle who asked if she should attend the meeting. Selectman Multer encouraged her to do so. Chairman Daniel stated he visited the site after being invited by John Powers. Selectman Johnson stated he was also contacted by the owners but was unable to go to the property. Bill Wells, Code Enforcement Officer, stated quite some time ago, he was invited to the property by John Powers and Mr. Wells gave him permission to cut two trees that were hazardous to the structure. Shortly after, Mr. Wells received complaints from the neighbors, which he investigated and discovered that too many trees had been removed. Mr. Wells informed the Mr. Powers and Ms. Waddle that they had to re-plant some trees, and they replanted 3 bushes which have since died. Mr. Wells notified them again and the owners did not take any action. The neighbors called the Department of Environmental Protection (DEP) and the DEP issued a letter of violation. The Board of Appeals upheld the Code Enforcement Officer's decision that the ordinance was violated. Mr. Wells stated both the DEP and the Code Office believe a fine is in order. The Board discussed tabling the matter to visit the site. John Powers stated when Mr. Wells first came to the site, there were at least four trees under the deck and six trees endangering the house and there were others that were diseased. Mr. Powers stated they have done everything that both Mr. Wells and Mr. Cantu asked them to do, including re-planting at a cost of over \$2,200. Mr. Wells stated the two trees he approved were eastern cedar and could have been twisted together with others. Additionally, diseased trees can be removed but the ordinance requires those trees to be replaced. Jane Waddle read a statement indicating her disagreement with Mr. Wells as she believes they have done everything they were asked to do. Bob Waddle stated this situation started by un-neighborly neighbors complaining and they have also complained about him. There was a discussion regarding the materials provided to the Board and the property owners. Selectman Multer encouraged the owners to read through the series of letters as they cite what was not done timely. Selectman Multer stated she was interested in knowing to what extent not having enough soil for trees to thrive is a mitigating factor. Chairman Daniel moved, seconded by Selectman Multer to table this matter; motion passed 3-0. A site visit was scheduled for September 14 at 3:30pm.

8. Order to Correct Wastewater System Violation, Map 10, Lot 146, 66 Allen Point Road: Bill Wells, Local Plumbing Inspector, stated a site visit revealed a failing septic system at 66 Allen Point Road. The owner was informed to begin remediation, which may include a site evaluator, but the owner has not taken any action. The property is a year-round residence and the failure is near a low lying area. Mr. Wells asked the Board to approve the 10-day Order to Correct Violation. Selectman Multer asked what a special tax is; Deputy Administrator Sawyer responded that if the Town has to step in and correct the system failure, the costs can be assessed as a tax to the property. Fred Cantu, Local Plumbing Inspector, asked the Board to also consider a motion, as proposed by Maine Municipal Association for such situations, delegating certain authority to the code enforcement officers, including issuing corrective orders. There was a discussion regarding how much authority to give and the Board agreed to seek advice from the Town Attorney and consider the general authority matter at the next meeting. Chairman Daniel moved, seconded by Selectman Multer to sign the 10-day order to correct violation at 66 Allen Point Road; motion passed 3-0.

9. Set Public Hearing Re: General Assistance Ordinance Maximums: Chairman Daniel moved, seconded by Selectman Johnson to set the hearing for September 15 at 6:30pm; motion passed 3-0.

10. Accept Donations: Chairman Daniel moved, seconded by Selectman Multer to accept donations for the Bandstand: Lee Auto Malls \$100 and the donation box \$315; motion passed 3-0.

11. Other Business: Chairman Daniel stated a section was omitted from the Board's April 14 minutes and he read the proposed section then moved to add the section to the 4/14 minutes. The motion was seconded and carried 3-0.

12. Public Comment: None.

13. Administrative Matters: Chairman Daniel moved, seconded by Selectman Multer to approve a purchase order for a trailer to hold the Town's new solar powered speed limit sign totaling \$4,194; motion passed 3-0. The Board scheduled a workshop for September 29 at 5:00pm to review the Cedar Beach issues.

14. Adjournment: At 7:25 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator