

**Special Selectmen's Meeting Minutes**  
**September 13, 2018, 3pm**  
**Harpswell Town Office, 263 Mountain Road**  
**Approved October 4, 2018**

**Selectmen Present:** Richard A. Daniel, Chair and Kevin E. Johnson

**Staff Present:** Kristi Eiane, Town Administrator and Terri Sawyer, Deputy Town Administrator

**Town Legal Counsel Present:** Amy Tchao of Drummond Woodsum

Chairman Daniel called the meeting to order at 3:07pm. [The meeting was videotaped for later broadcast on Harpswell Community].

Chairman Daniel stated the public may be aware that the Town was in court two weeks ago and the Judge's decision was in favor of the Town. The Friends of Mitchell Field have appealed the decision. Chairman Daniel moved, seconded by Selectman Johnson to enter into executive session pursuant to 1 MRS § 405(6)(e) to consult with the Town Attorney re: status of the water tower demolition schedule/contract and an update on the court case; motion passed 2-0.

The Board returned to open session at 4:21pm.

Chairman Daniel stated the Deputy Administrator has an update on the demolition schedule. Deputy Administrator Sawyer stated the demolition of the water tower is scheduled for one week from today – September 20. Resources have been mobilized and expenses have been committed. The contractor will begin preliminary work on Wednesday with additional work before then including brush removal at the base of the tower. Mitchell Field will be closed to the public during the demolition on September 20. Deputy Administrator Sawyer noted when she reached out to the three Selectmen to schedule this meeting; Selectman Chipman was driving up north and would not be available until Friday night. The possibility of him participating by phone was discussed, but there is no phone or internet service where he would be. Selectman Chipman understood the necessity to meet since an appeal had been filed and he agreed to be updated upon his return.

Chairman Daniel read the following statement:

“We are disappointed to hear that the Friends of Mitchell Field have decided to take an appeal of Justice Horton's decision in favor of the Town upholding the March 10th town meeting vote to approve demolition of the water tower. The Town intends to follow the demolition schedule that it has successfully protected through 2 hearings that have already been held in Superior Court in this case. It is unfortunate that the Friends of Mitchell Field (FMF) is seeking a third court hearing at the 11th hour to delay removal of the water tower and cost the Town even more in legal fees and costs. As you have just heard, the contractor has already mobilized his crew and will be financially harmed if there is further delay in the demolition schedule. If FMF's court filings do end up delaying the contractor's work or preventing the contract from being implemented, the Town will insist that FMF pay for any damages the Town and/or the contractor may suffer as a result of the delay. It is time to accept the decision of the voters and the court and bring closure to this lawsuit.”

Chairman Daniel stated everyone has been patient and we need to continue to be patient.

The meeting was adjourned by unanimous consent at 4:30 pm.

Respectfully submitted,

Terri Sawyer  
Deputy Town Administrator