

**Selectmen's Meeting Minutes**  
**February 4, 2016**  
**Harpswell Town Office**  
**Approved February 11, 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; Mark Eyerman, Planner; and Jim Hays, Harbormaster

- 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:** Jim Knight provided some background regarding the water tower status and reviewed sections of the 2012 engineer report regarding the tank's condition. Mr. Knight encouraged the Board to proceed with the demolition of the water tower.
- 3. Consent Agenda:** Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda [January 28 minutes; warrant #6 in the amount of \$93,800.77, and payroll warrant #6 in the amount of \$13,871.11]; motion passed 3-0.
- 4. Review Ordinance Amendment Proposals**
  - A. 50% Determination of Assessed Value:** Mark Eyerman, Planner, stated the Board previously reviewed proposed amendments to the process regarding when a non-conforming structure application is to include Planning Board review or only the Code Officer. The proposed amendments include having the Board of Assessors, or its designee, determine when 50% or more of the assessed value of the structure is being replaced. However, the chair of the Board of Appeals, has noted the current appeal process does not address an appeal of a Board of Assessors; decision. The Town Attorney suggested possible amendments that Mr. Eyerman reviewed. Selectman Multer moved, seconded by Selectmen Johnson to proceed with amending the appeal process to authorize the Board of Appeals to hear appeals regarding the Board of Assessors, or its designee's, determination; motion passed 3-0. The Planning Board will hold another hearing on these amendments on February 24.
  - B. Temporary Housing:** Mr. Eyerman stated the Selectmen also previously reviewed the proposed amendments to allow temporary housing during construction. The Town Attorney reviewed the amendments this week and suggested a change to eliminate the original proposed language regarding an agreement between the applicant and the Town and replace it with language requiring the removal of the temporary structure. The Town Attorney advised an additional hearing is not necessary. Chairman Daniel moved, seconded by Selectman Multer to place this revised proposal on the 2016 warrant; motion passed 3-0.
  - C. Structure Height Increase from 30' to 32':** Mr. Eyerman reported the Department of Environmental Protection (which has jurisdiction in the Shoreland Zone) has indicated the proposed amendment increasing the height from 30-feet to 32-feet would not be approved unless the Town could demonstrate that structures built under the 32-foot requirement would not exceed the State's model ordinance limit of 35-feet. DEP measures the height of the structure from the down-hill side of the structure to the highest point of the structure. The Town measures from the mean original grade. The two different points of measurement would result in significantly different height measurements. The Planning Board voted last night to only proceed with the height amendment in the interior (non-shoreland) areas. Staff could analyze different cases throughout the year with consideration as to what the height differences would be between the two different points of measures. Ned Simmons, chair of the Board of Appeals, expressed concern about the potential impact to non-conforming lots and/or non-conforming structures. Selectman Johnson stated the increase helps the roof pitch and should not be too extreme. Chairman Daniel noted the Fire Departments were consulted and have indicated the increase would not impact fire suppression efforts. Chairman Daniel moved, seconded by Selectman Johnson to place the height amendment for the

non-shoreland zone areas on the 2016 warrant. Selectman Multer questioned whether the proposal should be delayed for a year. Chairman Daniel and Selectman Johnson are prepared to move forward. Motion passed 3-0.

- D. Clarification of Code Enforcement Officer Definition:** Mr. Eyerman stated this proposal defines code enforcement officer as the alternate code enforcement officer and the code enforcement officer. Chairman Daniel moved, seconded by Selectman Johnson to place the amendment on the 2016 warrant. Selectman Multer questioned if the wording should be 'alternative' for future consideration. Motion passed 3-0.
- E. Pesticide Ordinance:** Mary Ann Nahf, chair of Conservation Commission, reviewed the proposal to increase the restrictions regarding use of pesticides in the existing ordinance. This proposal incorporates concerns heard at the past three hearings. Ms. Nahf reviewed the proposed amendments. The Planning Board will hold another hearing on Wednesday. Ms. Nahf reviewed the Commission's outreach to inform the public of alternatives. Administrator Eiane stated the ordinance should be sent to the Maine Board of Pesticide Control as soon as possible for review. Mr. Eyerman believes the Maine Board's role is to be aware of local ordinances.
- F. Harbor and Waterfront Ordinance:** Jim Hays, Harbormaster, reviewed the revised language proposal that will clarify the 'point of access' section in the ordinance. Administrator Eiane stated a public hearing is not required and she asked if the Board wanted to hold a public hearing. Chairman Daniel moved, seconded by Selectman Multer to place the proposal on the 2016 warrant; motion passed 3-0.

**5. Consider Possible Long-Term Lease Warrant Article at Holbrook Landing:** Joe Leblanc, representative for Dain and Mark Bichrest, reviewed the proposal to rebuild a wharf that previously extended from Town property out to the existing 20x20 fish house. The previous owner, Drake, sought a lease with the Town and received a one-year lease with year-to-year extensions. The new owners will spend approximately \$60,000 to rebuild this wharf and therefore are seeking a long-term lease. Mr. Leblanc stated if Town Meeting approves a long-term lease, the permits would then be pursued. Mr. Leblanc reviewed the proposed larger wharf, ramp and float dimensions that will serve seven commercial fishermen who currently fish from the existing Bichrest wharf on Town property. Mr. Leblanc reviewed the proposed lease. Administrator Eiane noted the Town Attorney has not reviewed the proposed lease. Selectman Multer stated she favors proposals that support commercial fisherman but noted the Town's most valuable resource is its land. Therefore, she does not want to be rushed to get this topic on Town Meeting. Selectman Multer reviewed her list of concerns: who pays legal costs for review; the lease payment date relative to lease date; the tenant must incur the costs of recording; she wants to rephrase the wording regarding the landlord's property rights; abandonment of property language needs to include payment for disposal and a guarantee should be required. Mr. Leblanc noted the language used in the proposed lease is what was included in two past leases. Chairman Daniel agreed that the issues need to be worked through. Joe Leblanc will attend the Town Lands Committee meeting on Tuesday. Selectman Johnson stated he believes this could be finalized in time for Town Meeting. There was a discussion regarding using general language in the warrant article for a 25-year lease with terms to be determined. The proposal will be sent for legal review. The Board set a site visit for February 8 at 4:00pm.

**6. 2016 Budget and Town Meeting Warrant Review:** Administrator Eiane reviewed the proposed 2016 total budget appropriations of \$4,919,047, which is \$40,890 under LD1. She reviewed a proposed tax rate, using assumptions for the school and county figures. The Budget Advisory Committee will meet on Monday to review the final adjustments. Administrator Eiane stated she did receive an update from Schnitzer Steel indicating the water tower may be able to be removed at no cost, which may result in a budget reduction. The Board reviewed the draft warrant. Administrator Eiane noted the ordinances voted on tonight will be in the next version.

**7. Other Matters:** Chairman Daniel asked for the status of the Mitchell Field Committee's position regarding the wood chipping business proposal. Selectman Multer stated the Committee voted to reject the proposal. Selectman Multer moved, seconded by Selectman Johnson to notify the business individuals, pending receipt of

the official decision from the Mitchell Field Committee, that the Board does not plan to proceed with the chipping operation; motion passed 3-0.

**8. Adjournment:** At 8:02 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator