

**Selectmen's Meeting Minutes**  
**February 5, 2015**  
**Harpswell Town Office**  
**Approved on March 5, 2015**

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:05 p.m.

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

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Marguerite Kelly, Treasurer; and Bill Wells, Code Enforcement Officer

The meeting was recorded and broadcast live on Harpswell Community Television and streamed.

**1. Adoption of the Agenda:** Chairman Daniel moved, seconded by Selectman Multer to adopt the agenda as amended by moving item 10 to 7.5, item 12a to 5.5 and adding Consider Grant Application under 8.5; motion passed 3-0.

**2. Public Comment:** None.

**3. Town Administrator's Report:** Administrator Eiane announced the Mitchell Field Committee is soliciting input regarding the pier and a potential boat launch at Mitchell Field. One forum was held in Cundy's Harbor and another will be held here at the Town Office on February 10 at 6:30pm. The first forum was recorded by Harpswell Community Television and is available for viewing on-line through the Town's website. Another meeting re-scheduled due to weather is the Marine Resource Committee meeting held on February 3. Since there was no quorum, another meeting has been scheduled for February 11 at 7:00pm and discussions will include ordinance changes and how many licenses to issue.

**4. Selectmen's Announcements:** None.

**5. Consent Agenda:** Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda [appointment of Walter Johnson as the Orr's/Bailey's Island Fire Chief and a member of the Fire and Rescue Committee; acceptance of Ed Blain's resignation as Orr's/Bailey's Islands Fire Chief, from the Fire and Rescue and Emergency Vehicles Committees; donation for the heating assistance program of \$2,000 from John Eric and Rosemary Anderson; and warrant #6 in the amount of \$226,313.32 and payroll warrant #6 in the amount of \$13,470.09]; motion passed 3-0.

**12a. Shellfish Amendments:** David Kallin, Town Attorney from Drummond Woodsum, stated he will review a few changes he is proposing to the Shellfish Ordinance which are in addition to what the Board and Marine Resources Committee have discussed. Mr. Kallin stated the Department of Labor determined that there was an employee/employer relationship between the Town of Waldoboro and its commercial harvesters and once formed, the employer is responsible for paying minimum wage for non-exempt activities. Exempt activities include directly related conservation activities such as seeding. Harpswell's Marine Resources Committee recommended increasing the base license fee and then applying flat rate credits for completing conservation time and attending Marine Resources meetings. Mr. Kallin does not believe Harpswell has created an employee/employer relationship but that clarifying the ordinance could be beneficial. He suggested the Board set one fee for commercial licenses and set one flat reduction amount. Mr. Kallin stated that while the requirement to attend meetings can remain, he does not recommend providing a credit for attending the meetings. Mr. Kallin reviewed a few other minor changes he is recommending in sections 202.3.8.1 and 104.10. The credit for a license fee reduction will apply only if a harvester completes the full conservation obligation requirement (2 cycles). Chairman Daniel asked if these changes eliminate the Town's liability exposure; Mr. Kallin responded there is very little exposure if any.

**6. Lisa and Thomas Burke Wharf Application, Tax Map 25, lot 135, 8 Channel View Lane:** Joe Leblanc, owner representative, reviewed the proposal for a 4'x6' access platform, 4'x22' access stairs, 6'x10' pier with float storage flip frame, 3'x28' ramp and a 10'x12' float. Mr. Leblanc stated the site is very steep requiring the access platform and stairs. He notified the abutters of this application at the addresses in the tax rolls and noted the fish house to the right is owned by many people and the owner he called did not have addresses for the other owners. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster indicates there is no hazard to navigation or injury to the rights of others; motion passed 3-0.

**7. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her monthly report for December 2014 (attached).

Administrator Eiane reviewed the proposed figures for use of fund balance and other revenues to reduce the 2015 tax commitment. With the completion of Town's 2014 financial statements, the 2015 proposed revenue figures have been updated to \$306,000 of fund balance, \$60,000 revenue sharing, \$30,000 homestead and \$1,623,000 of other revenues, totaling \$2,019,000, which is \$12,000 less than the original proposal. The total budget has been recently reduced and is currently about \$17,000 below the LD1 limit. Ms. Kelly noted the Town used a significant amount of fund balance in 2014 for the extended paramedic service, Cedar Beach monitor and the purchase of the Lookout Point property.

**10. Consider Informal Petition Regarding Water Tower:** Chairman Daniel stated the Town received an informal petition regarding the water tower with the heading "We, the undersigned would like to see an effort toward saving the water tower at Mitchell Field." There were 80 signatures of which, 28 were not registered voters. Additional signatures were received today. David I. Chipman stated this was an informal procedure with very effort that generated many signatures of people interested in saving the water tower. Mr. Chipman stated he has spoken with other companies regarding the needed maintenance on the tower and has been informed of far less costs than what the Town's condition report states. Mr. Chipman states there are many uses for the tower such as for water for the Fire Department and for communication purposes. He believes it would be a shame to remove the tower and while it cannot be retained for emotional reasons, he believes there are potential uses. Selectman Multer stated she was glad Mr. Chipman has abandoned keeping the tower for emotional reasons. She stated even at half price, the maintenance/repair costs are a couple hundred thousand dollars and will continue to increase in cost as the tower deteriorates. Selectman Multer noted the tower is meant to hold water and is less safe being empty and that any use would require an investment. She stated the safety aspect of the tower has to be part of the consideration and if it is not removed this year, then a decision needs to be made in the next year. Mr. Chipman agreed and stated he is willing to form a nonprofit to raise the funds to repair it and partner with the Town, which will allow the Town to continue to own a valuable asset. Selectman Johnson stated he is willing to wait another year and he encouraged the group to find a use. Chairman Daniel stated the people who signed the petition could be potential contacts for Mr. Chipman's group. Chairman Daniel stated the group has to prepare solid proposals with means of financing to take on a project for the Board's review.

**8. Consider Three Grant Applications for the Community Gardens:** Jane Covey, Harpswell Community Garden (HCG) Coordinator, stated the 2015 plans include partnering with two students of Harpswell Coastal Academy (HCA) to intern with the master gardeners at HCG and that HCA plans to develop a school-based learning program for the students. Ms. Covey reviewed four grant applications: 1. Harpswell Heritage Land Trust for \$1,050; 2. University of Maine Cooperative Extension for \$500; 3. Cumberland County Master Gardener Association for \$600; and 4. Scott's Miracle-Gro \$500 to \$1500. Chairman Daniel moved, seconded by Selectman Johnson to approve submission of the four application; motion passed 3-0.

**8.5 Consider Grant Application Status:** Administrator Eiane stated the Comprehensive Plan Implementation Committee met and recommended delaying work on a new comprehensive plan and withdrawing the Town's grant application to Cumberland County for that project. Selectmen Multer moved, seconded by Selectman Johnson to withdraw the applications; motion passed 3-0. Carol Eyerman, Planner, asked if the Board also

wanted to ask the State to wait on compiling the information needed to develop a new comprehensive plan; the Board agreed.

**9. Consider Land Use Ordinance Amendments, Sign Ordinance Amendments and New Noise Ordinance for Town Meeting:** Carol Eyerma, Planner, stated the Planning Board held the final public hearing last night and voted to recommend that Selectmen send all proposed ordinances and amendments to Town Meeting. Ms. Eyerma reviewed the proposals that had recent changes. Administrator Eiane asked if the proposed Noise Ordinance, with the recently added State definition of disorderly conduct, could be used for noise complaints related to equipment; Ms. Eyerma responded yes. Selectman Multer asked if the Town had to adopt an ordinance or could proceed under State law. Ms. Eyerma responded the Sheriff's Deputy advised enforcement would be stronger with a local ordinance. Selectman Multer asked for legal input as to whether a local ordinance would really help. Chairman Daniel stated Harpswell should have something to protect the peace when others act inconsiderately. David Chipman stated the Planning Board developed the ordinance at the request of public members. Ms. Eyerma reviewed the Sign Ordinance amendments and stated the business community has seen the amendments. Selectman Multer expressed concern in section 6.2 that the notice of violation is being sent to the person responsible for the sign and stated that it should be sent to the property owner. Mr. Chipman noted the illegal signs are not always on an owner's property such as real estate signs. Selectman Johnson moved, seconded by Chairman Daniel to proceed with the sign amendments as written; motion passed 2-1 (Selectman Multer opposed). Chairman Daniel moved, seconded by Selectman Johnson to place nine (parking; structure; commercial fishing; subdivision recording date and spaghetti lots; impermeable; green infrastructure; timber harvesting; Basic Land Use de minimus; Subdivision de minimus) ordinance amendments on the warrant; motion passed 3-0. More information will be sought regarding the Noise Ordinance.

**11. Consider Request for Use of the Bandstand and Mitchell Field:** Deputy Administrator Sawyer stated an application for the Schmidt wedding on August 1 has been received along with the insurance and appropriate fee for both Mitchell Field and the Bandstand. Chairman Daniel moved, seconded by Selectman Johnson to approve the application; motion passed 3-0.

**12. Consider Holding Public Hearings for Other Ordinance Amendments:** The Board discussed waiting to submit the proposed Shellfish amendments and the new Shellfish Aquaculture Ordinance to the Commissioner of the Department of Marine Resources until Harpswell's Marine Resources Committee reviews the final changes suggested tonight by Mr. Kallin. Administrator Eiane stated since those two ordinances and the Harbor and Waterfront Ordinance and Property Tax Assistance Ordinance are not land use, public hearings are not required but can be helpful in obtaining public feedback. Chairman Daniel moved, seconded by Selectman Multer to set February 12 at 6:30pm as a public hearing on these ordinances; motion passed 3-0.

**13. 2015 Warrant/Budget Review:** Administrator Eiane reviewed the articles that have changed since the Board's last review and the Board made a few additional changes for next week's complete warrant review.

**14. Consider Placing Generator for Bid:** Deputy Administrator Sawyer reported the Town's new generator has been installed and asked the Board if it wanted to place the old generator for bid and with a minimum bid requirement. Selectman Johnson stated he would get some information on the generator so that the Board could set for a minimum bid

**15. Other Business:** None.

**16. Public Comment:** None.

**17. Administrative Matters:** The Board agreed to meet with Don Spann, commercial realtor, regarding Mitchell Field on Friday, February 13 at 9:00am. Chairman Daniel asked for the status of the Goodall contract; Administrator Eiane stated she is waiting for a list of equipment and will follow up.

**18. Adjournment:** At 8:15 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachments: Treasurer's Report

[Attachments are available at the Town Clerk's Office or by email at [harpwell@town.harpwell.me.us](mailto:harpwell@town.harpwell.me.us)]