

Selectmen's Meeting Minutes
February 20, 2014
Harpswell Town Office
Approved on March 6, 2014

4:30 PM: Chairman Multer moved, seconded by Selectman Daniel to enter into executive session pursuant to MRSA § 405(6)(C) regarding possible acquisition of an easement; motion passed 2-0.

The Board returned to open session at 6:00 p.m.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:03 p.m.

Selectmen Present: Elinor Multer and Richard A. Daniel (Selectman Hawkes absent).

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Carol Eyerman, Planner

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

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Daniel to adopt the agenda as amended with the addition of 1.5 Review of Cedar Beach Issues; motion passed 2-0.

1.5 Review of Cedar Beach Issues: Chairman Multer stated Selectman Hawkes is on a long-planned family vacation. Chairman Multer announced that after an hour and a half with Cedar Beach/Cedar Island Supports, Inc. (CBCIS) and the Aspatores' attorney, no final decision or action has been reached. The attorneys will continue to work toward a resolution that satisfies all parties. Martin Eisenstein, CBCIS, stated it brought a lawsuit against the Aspatores and the court required a mediation session that was held on February 3. During mediation, a resolution to the lawsuit was reached. It provides a conveyance of a public easement subject to terms and conditions. Those proposed terms and conditions will be published tomorrow. Mr. Eisenstein stated the terms and conditions were reviewed in executive session and the Town suggested constructive changes. Mr. Eisenstein stated this issue should be before the voters at March Town Meeting and noted that not one penny of \$220,000 approved at Town Meeting has been or needs to be spent on this resolution. There are certain maintenance costs for the Town and the issue of access over Cedar Beach Road still exists. Mr. Eisenstein stated that if the Aspatores easement is approved, Joan Lester has agreed, if the public respects the easement, to allow use of her beach and her half interest in Cedar Island. Mike Helfgott, CBCIS, stated there are two hurdles to cross, the easement with the Aspatores and the ability to walk down Cedar Beach Road. It would be great to bring this issue to resolution to allow the focus to be on the road access. Mr. Helfgott stated he saw goodwill at the meetings and he hopes the work continues to bring this easement to a Town vote. Tom Brudzinski provided his background and stated he has reviewed the Town engineer's draft parking and turnout areas on Robinhood Road. He noted the areas for parking are the same as where parking has traditionally occurred and that he does not believe there will be costs to the Town for parking. Chairman Multer stated the discussions will continue in meetings next week to work towards a definitive decision on whether to place the topic on the warrant. Selectman Daniel stated the meeting was constructive and additional meetings have been set that he hopes will be fruitful as he understands the desire to be on the warrant. Pam Johnson stated she has lived near Cedar Beach for over 75 years and she feels the Board has let her down. She wants this item to be voted on and hopes the Board will not disappoint her. Chairman Multer responded she did not intend to give the impression the topic will not be on the warrant, only that there is additional work to be done.

2. Public Comment: None

3. Town Administrator's Report: Administrator Eiane reminded the public that Town Meeting is Saturday, March 15. On the ballot is a position of Selectman; two MSAD #75 Directors and one referendum question for the Curtis Memorial Library budget and all other items will be voted on from the floor. The town report will go to the printers tomorrow and that warrant will not contain additional articles the Board may add next week. The

Town will think how best to provide any additional information to the public. The report should be mailed in 10 days or so.

4. Selectmen's Announcements: None

5. Consent Agenda: Selectman Daniel moved, seconded by Chairman Multer to adopt the consent agenda [January 30 and February 6 minutes; \$300 donation from the Elijah Kellogg Church for food; warrant #8 in the amount of \$65,822.72 and payroll warrant #8 in the amount of \$14,150.89]; motion passed 3-0.

7. Consider Ordinance Amendments: Carol Eyerman, Planner, stated there are two ordinance amendment articles for the Board's consideration to place on the Town Meeting warrant: one is impermeable surface and the other is conservation subdivisions. The Planning Board worked on the impermeable surface amendments and held five workshops and two hearings. The amendments clean up inconsistent language and use one term for impermeable surface. The Comprehensive Plan Implementation Committee worked for two and half years on the conservation subdivisions and held several workshops, public hearings and a call in show. The amendments affect three ordinances and the Definitions Addendum. Selectman Daniel asked if the public input received throughout the process was incorporated into the amendments; Ms. Eyerman responded yes. Selectman Daniel asked why the name changed from conservation subdivision to flexible in the middle of the process. Ms. Eyerman responded the Committee agreed the proposal allows for conservation but is very flexible and that should be promoted. Chairman Multer noted the key aspect is an option for subdivisions and the traditional option is still available. Administrator Eiane asked if the flexible subdivision replaces the alternate lot size (cluster) subdivision; Ms. Eyerman confirmed. Selectman Daniel moved, seconded by Chairman Multer to place the two articles on the Town Meeting warrant; motion passed 2-0.

8. Wharf Applications

- **Edward Briguglio, 82 Lombos Hole Road, Map 41, Lot 33:** Tim Forrester, representing the owner, reviewed the proposal for a 32-foot wharf, 40-foot seasonal ramp and a seasonal 10'x20' float with a haul out on the side. The float remains in 3.5 feet of water and ends prior to an eel grass area. A public hearing was held with the Code Office and no others attended. Mr. Forrester stated the public can walk under the system at low tide and there is no impact to navigation. Chairman Multer moved, seconded by Selectman Daniel to approve the application as the Harbormaster indicates there is no issue with navigation and the system does not interfere with the public's right to fish, fowl and navigate; motion passed 2-0.
- **Equity Trust Co., 20 Cedar Beach Road, Map 24, Lot 218:** Joe Leblanc, owner representative, presented the application for access to the shore from the 60-foot-wide property that is contained by a concrete wall on the shore. The system contains a platform from the wall, then a set of stairs to another platform, then another set of stairs. The system is within the 25-foot setback to the property line but the abutter has signed an agreement allowing the location. The system extends over the high water and below the high water line, causing it to be reviewed under the wharves and weirs act. Chairman Multer moved, seconded by Selectman Daniel to approve the application as the Harbormaster indicates there is no issue with navigation and the system does not interfere with the public's right to fish, fowl and navigate; motion passed 2-0.

9. Request for Use of Mitchell Field and the Bandstand: Administrator Eiane stated the Board has agreed to waive fees for non-profits. This request is from the Harpswell pre-school to use the bandstand and Mitchell Field to raise funds for scholarships to the school. The Board had reviewed previously a proposed combined policy for use of Mitchell Field and the bandstand and looked at establishing fees, which is still in process. Chairman Multer stated no food can be on the bandstand. Selectman Daniel moved, seconded by Chairman Multer to approve the request for use for both the bandstand and Mitchell Field and to waive fees; motion passed 2-0.

10. Consider Setting Public Hearing for Posting of Town Roads: Chairman Multer moved, seconded by Selectman Daniel to set February 27 at 7:00 pm for a hearing to consider posting of Town roads; motion passed 2-0.

11. Consider Renewal Liquor License for Estes Lobster House, 1906 Harpswell Neck Road: Deputy Administrator Sawyer stated Cumberland County Sheriff's Office reports no alcohol-related calls at the establishment. Unfortunately, the Code Office has not completed its review on whether the establishment complies with local ordinances; Deputy Administrator Sawyer asked if the Board approves the renewal to condition the approval on obtaining clearance from the Code Office. Chairman Multer moved, seconded by Selectman Daniel to approve the renewal pending approval from the Code Office; motion passed 2-0.

13. Open Bids for Vehicle: The following bids were opened for the 2008 Crown Victoria vehicle: David Hudson \$1,212; Malcolm Libby \$1,350; Paul Desjardins \$1,000; Perry Davis \$2,222.22; and Chicago Motors, Inc. \$1,107. Chairman Multer moved, seconded by Selectman Daniel to accept the bid from Perry Davis; motion passed 2-0.

12. Hearing to Consider Amusement Permit for Dolphin Marine Service, Inc.: The hearing was opened and closed at 6:58 p.m. Deputy Administrator Sawyer stated the Town has an ordinance that requires an establishment that serves alcohol and provides entertainment to obtain an amusement permit from the Town. This establishment obtained a permit last year and is seeking another for this year. Chairman Multer moved, seconded by Selectman Daniel to approve the permit; motion passed 2-0.

6. MSAD 75 Budget Presentation: Brad Smith, Superintendent of MSAD 75, stated he is reaching out to participating towns with an informal review of the district's budget. Steve Dyer, Business Manager, handed out information (attached), which Mr. Smith reviewed. Selectman Daniel thanked Mr. Smith and Mr. Dyer for their work and stated he understands the district's budget difficulties. Chairman Multer thanked them as well. Chairman Multer asked if the use of aides was considered when addressing class sizes that are two large for one teacher and two small for two; Mr. Smith responded yes as an option. Chairman Multer asked how the district's percent of special education students compares to the State and federal levels; Mr. Smith responded it is about 17-18%, which is about the State and federal levels. The severity of some of the disabilities is what has increased and some students required one-on-one attention. Administrator Eiane asked if the district covers 100% of the single health insurance premium; Mr. Dyer responded teachers are covered 95% and the administrator group is 100% but negotiations seek to have the employee pick up more.

14. Review and Adopt 2014 Warrant and Budget: The Board discussed the topic of changing the election time of school board members to reduce the time between election and the seating of the representative. Chairman Multer was inclined to leave as is and Selectman Daniel wanted to reduce the time. Kay Ogrodnick asked the Board to change the time of the election or when the elected official takes office. The Board agreed to further discuss the item at the next meeting. The Board made some working changes to the draft warrant. Administrator Eiane noted it was suggested to break out of article 67 the possible grant for the Lookout Point property but since then, the Town learned it cannot apply for it without first owning the property. The Board was in consensus that this warrant, as amended, will be printed in the Town Report. The Board thanked the staff for its work on the Town Report.

The Board approved the recreation department budget of \$28,336 which includes a small increase from last week to cover the average hours worked per week of 25 for the Recreation Director. Chairman Multer stated there is a difference of opinion as to how urgent the work on the water tower may be or not be which is not addressed in the Deluca-Hoffman report. She suggested obtaining an updated condition report to answer what needs to be done to ensure the integrity and safety, when it needs to be done and what is the estimate of costs. The Board agreed to add \$2,500 to the budget for the report and discussed whether it should be added to the Mitchell Field

article or be a separate article. Administrator Eiane noted she received a request that the new items relating to Mitchell Field such as the building demolition and the community garden be separate articles. The Board agreed to keep everything in one article and add the water tower report to it. Administrator Eiane stated she would follow up with the company as perhaps the interior inspection is not necessary. At this time, the total budget is \$4,458,382 which is \$8,235 below LD-1.

15. Other Business: The Board agreed to have the Town auditor presentation on the 2013 financials at next week's meeting.

16. Public Comment: None.

17. Administrative Matters: Administrator Eiane stated the Conservation Commission wants to send a letter to the Brunswick Conservation Commission. Mary Ann Nahf, chair of the Conservation Commission, reported that the Town of Brunswick received a grant to restore tidal flow at a site previously identified as containing hazardous contamination on the former Brunswick Naval Air Station. She stated David W. Chipman, Harpswell's representative on the Restoration Advisory Board, wrote a letter to the Maine Coast Heritage Trust with concerns that if the project is not done with care, the silt could become active and affect Harpswell Cove. Ms. Nahf stated the Commission is not opposed to the project but wants to send a letter to the Brunswick Commission making the concerns known and asking for close monitoring. Administrator Eiane noted that the Board of Selectmen should be aware of any official communication that a Town committee wants to send and asked if the Board wants such communication to flow through a staff person. Chairman Multer responded no. The Board asked that the letter be revised to add a statement that the Commission has the Board's support.

18. Adjournment: At 8:10 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: MSAD 75 Budget Presentation

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