

**Selectmen's Meeting Minutes**  
**June 25, 2015**  
**Harpswell Town Office**  
**Approved on July 9, 2015**

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 Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; and Jim Hays, Harbormaster

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 move agenda item 6 to 2.5 and adopt the agenda as amended; motion passed 3-0.

**2. Public Comment:** Mary Ann Nahf, Conservation Commission Chair, announced the Selectmen's workshop on Monday at 6:30pm regarding sea level rise. She encouraged the public to attend and learn how the rising sea level may affect Harpswell.

**6. Gary and Susan Hawkes Commercial Wharf, 990 Cundy's Harbor Road, Map 64, Lot 44:** Bill Wells, Code Enforcement Officer, reported the proposal is for an addition to a commercial wharf and the abutters of the property are in agreement with the proposal. Joe Leblanc, owner's representative, reviewed the proposal to expand the existing wharf by 8'x35' and 28'x40'; add a concrete surface to the expansion and existing structure; and expand the bait cooler from 8'x20'x10' to 16'x20'x10'. Mr. Leblanc stated the original wharf was built on the property line and the abutter, Holbrook's, has consented in writing to the expansion. The expanded wharf will not extend any further than the two abutting wharves. Mr. Leblanc noted the concrete surface helps protect the wood underneath from the salt. This proposal was approved by the Planning Board. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster indicates there is no hazard to navigation and no injury to the rights of others in relation to fishing, fowling and navigating in the intertidal zone; motion passed 3-0.

**3. Town Administrator's Report:** Administrator Eiane reported pursuant to the Town's easement from the Aspatores, the Town is responsible for having beach monitors from July through Labor Day. Last year, Mary Ann Nahf and Judy Arndt were beach monitors and Ms. Arndt has decided not to continue this year. Administrator Eiane recommended the Board continue with Ms. Nahf and hire Jonathon Brown, at a rate of \$11.00 per hour. Chairman Daniel moved, seconded by Selectman Multer to continue with Ms. Nahf and hire Mr. Brown; motion passed 3-0. Administrator Eiane reported she visited the site yesterday and there is a sign that needs to be relocated and two to be re-installed, which is in process. There were many beachgoers following the rules and one group that went to the private beach and were asked to leave by the property owner. Parking rules were being followed and the Town may add an end of Town parking sign for clarity. Administrator Eiane reported Fred Cantu, Code Enforcement Officer, is working on the Town's permit to address the collapse of the pump-out building at Mitchell Field. This permit is for phase I, which covers the removal of the top debris and phase II to remove the cement (contingent upon Town Meeting funding next year). Administrator Eiane asked the Board to authorize a check for \$73 to cover the phase I permit costs for the Department of Environmental Protection. Chairman Daniel so moved, seconded by Selectman Multer; motion passed 3-0. Administrator Eiane reported the Harbormaster, at a cost of about \$1,500, has proposed to rope off all around the pier to discourage boaters from approaching or traveling under the pier. Administrator Eiane reported the funds will be used from the marine hazard reserve as the Harbormaster determined this situation to be a marine hazard. Selectman Multer asked if signs would be installed. Jim Hays, Harbormaster, states there are signs on the pier gate and on the outside of the pier and that he does not recommend additional signage in the water as there were previously and someone removed them. Mr. Hays explained the rope will be placed in the water with toggle buoys and while the

rope could be traversed, the Town is doing its due diligence. Selectman Johnson asked if the system was seasonal; Mr. Hays responded yes the material should be brought in during the winter.

Administrator Eiane reported the final paving was completed on Steamboat Wharf Lane, Washington Avenue and Abner Point Road and that Bayview Road will be completed tomorrow. Administrator Eiane announced the Town's tax-acquired property on Hildreth Road has sold with the closing having taken place yesterday. The Town will receive a check for the sale price of \$69,500 less a 7% commission for the realtors. The Town's realtor will also donate \$1,000 to the Town's Recreation Program.

**4. Selectmen's Announcements:** Chairman Daniel reported the Town received a letter from a resident, whose wife had a serious fall and required medical assistance, noting how much he appreciated the services he received, particularly from Claire Dufort, one of the Town's contracted paramedics. The letter also noted his appreciation for the services from the Orr's/Bailey Island volunteer department. Selectman Johnson noted the patient was being transported within 15 minutes of the call.

**5. Consent Agenda:** Chairman Daniel moved, seconded by Selectman Johnson to approve the consent agenda [June 11 and 18 minutes; two road names (Creek View Road and Weezie Way); donations for the bandstand - \$50 from Peter & Faye Scheren, \$30 Mary and Jack Deislinger, \$100 John Boomer, \$50 John and Patricia Laz, \$50 David and Trisha Sheaff, \$100 Mr. and Mrs. William Chase, \$100 Jim and Nancy Barton, \$35 Alan and Cynthia Sawyer, \$100 Bruce and Junelle Brandt, \$50 Jim and Ruth Smith, \$50 John Webster and Kimball Page, \$50 André and Lydia Cocquyt, \$100 David and Margaret Baribeau, \$50 Phil and Dot Dyer, \$100 Rob and Mary Ann Roark, \$17 from the donation box, \$50 Delsa Wilson and \$100 Wesley Wood; appointed Jean Richter as a full member to the Town Lands Committee, Bob Waddle as an Associate to the Town Lands Committee and Ellen Shillinglaw as a Town Lands Steward; signed an Orr's Island Bridge Lease and a catering permit; authorization of warrant #27 in the amount of \$155,993.79, warrant #27a in the amount of \$690.00 and payroll warrant #26 in the amount of \$19,959.50]; motion passed 3-0.

**7. Consider Amending the Pott's Point Dinghy Policy:** Jim Hays, Harbormaster, recommended increasing the length of dinghies and skiffs, allowed at the Town dock, from 10-feet to 12-feet. Mr. Hays reported there have been 3 or so 12-foot skiffs for the past three years and it is uncommon to have a skiff smaller than 12 feet. There are a few other boats at the float that exceed 12feet that he will take care off. Chairman Daniel asked if the number of dinghies has to be reduced to accommodate the larger size; Mr. Hays responded no. Selectman Johnson stated he could support this change but does not want the length increased next year. Chairman Daniel moved, seconded by Selectman Multer to approve the policy as amended; motion passed 3-0.

**8. Consider Lease & Tower Collocation Agreements with Harpswell Radio Project, Inc.:** Administrator Eiane stated that John Halpin came to a previous meeting seeking permission to place an antenna on the Town's existing tower for a radio station and to utilize a small Town-owned shed on a different parcel. Staff met with Mr. Halpin to review some concerns regarding the proposed leases which resulted in some proposed changes reflected in the documents provided to the Board. Administrator Eiane reported a recent issue regarding access to the tower has come up. The former owner and the current owner have given the Town and Harpswell Community Broadcasting Corporation (HCBC) verbal permission to access the site. The current owner is concerned about an additional entity accessing over his property. Administrator Eiane stated an access agreement has been drafted and the Board should wait to sign the two leases until the access issue is resolved. John Halpin stated vehicular access is not necessary including during the installation of the antenna since walking from Mountain Road to the tower is sufficient. Mr. Halpin stated Harpswell Radio Project was under time pressure with its original construction permit from the Federal Communication Commission (FCC) as it was due to expire on July 27; however the FCC just approved an extension. Mr. Halpin asked the Board, when reviewing the cost of the leases, to take into consideration that the radio station will include Town involvement such as public service announcements, broadcasting Selectmen's meetings, etc. Selectman Multer stated she is not concerned

with assessing rent but does want the Project to pay the Town's legal fees associated with this issue. Administrator Eiane stated she was under the impression that vehicular access was needed for construction but if crossing the private property will never be needed, then presumably the owner would continue verbal permission to the Town and HCBC. Selectman Multer stated if the access easement is not needed then the legal fees associated with that would not be passed on. Mr. Halpin stated the need to go to the tower will be very seldom as the equipment will be monitored remotely. David Chipman, of HCBC, confirmed the need to go to the tower is very seldom and he stated the leases did not need to be prepared by a legal advisor which would have kept legal costs down. Chairman Daniel stated without knowing how much the legal costs total, he is not inclined to act tonight but could potentially agree with the reimbursement point. Mr. Halpin stated he would have to consider the additional costs and also would be interested in other examples of when reimbursing the legal fees was required. One example is when Bruce Allen received an easement from Town Meeting; he had to reimburse the Town for its legal fees. Chairman Daniel moved, seconded by Selectman Multer to table this matter for four weeks to review legal costs; motion passed 3-0.

**9. Consider Work Scope For Emergency Services Building Planning:** Administrator Eiane stated \$5,000 was budgeted to review the site where the emergency services building is located for future expansion(s) in emergency services. The site has some forested wetlands and an expansion may or may not trigger the State Site Location of Development Act. Gorrill Palmer was provided a project description and information pertaining to the site to develop a work order to look at the feasibility of future expansion(s). Selectman Multer suggested that the points that can prevent an expansion be explored first. Administrator Eiane responded some factors may be costly but not likely to prevent an expansion. Selectman Johnson stated a complete review of the site and all factors is needed. Mary Ann Nahf stated the Town has a natural resources study on the entire Town Office lot that may be helpful as well. Selectman Multer suggested that the work scope include costs associated with each finding. Selectman Multer moved, seconded by Selectman Johnson to approve the work scope with the addition of costs estimates; motion passed 3-0.

**10. Consider Response to SAD #75 Re: Community Planning for Mt. Ararat High School:** Administrator Eiane stated the MSAD 75 Superintendent sent the four district towns an email asking for thoughts on ways to get the communities more involved with planning the future of Mt. Ararat High School. Additionally, the District is advertising openings on planning subcommittees and interested parties are encouraged to contact the District by July 10. Selectman Multer stated she sent a response to the Superintendent suggesting the District hold one event like a breakfast at the school. Selectman Johnson suggested the District should contact the PTO given the elementary school kids will be impacted by the new or renovated school. Administrator Eiane stated perhaps there could be a breakfast at the Grange, however, attendees might have to pay for the breakfast as the District currently has no budget for an event.. Chairman Daniel suggested perhaps before a bandstand concert. Selectman Multer stated the District has to hold its own event.

**11. Consider Next Steps Regarding Planning Position:** Administrator Eiane stated the current job description for the planner position was provided and also a memo from the Conservation Commission supporting a full-time planner. Administrator Eiane stated she can provide job descriptions from other communities and of other positions as well. Selectman Johnson stated the Town's description is for a community like Portland, not Harpswell. Administrator Eiane stated there were comments heard at the committee-wide meeting that led her to believe the Planning Board wanted a more experienced planner than the current contracted planner. Administrator Eiane contacted Mark Eyeran, of Planning Decisions, who is willing to contract for \$100 per hour. Mr. Eyeran is married to the Town's former planner and is experienced and has performed quality work for the Town in the past. Midcoast Council of Governments has also just hired a new planner that has economic development and planning skills. Selectman Johnson suggested contracting with Planning Decisions for 6 months. Selectman Multer agreed to contract with Planning Decisions but for 3 months and to use the firm's less costly planners whenever possible and to have a workshop to discuss long-term plans. Selectman Johnson asked that the descriptions from other communities be similar in population and makeup. Chairman Daniel stated

Harpwell is unique being not too far from a large development that will create pressure on Harpswell and also having 216 miles of shorefront. Mary Ann Nahf, Conservation Commission chair, stated the planner is the Town's representative for land use, balancing natural resources with economic development and environmental issues. She encouraged the Board to include a purpose in the planner's job description. Chairman Daniel agreed to contract with Planning Decisions and to review a contract at the next meeting. Administrator Eiane asked if the contract should include working with other committees in addition to the Planning Board. Selectman Multer stated other committees could be assisted on an as needed basis, which may include meeting with the chair in advance and not attending the full meeting.

**12. Other Business:** Consider Change Order and Use of Contingency: Deputy Administrator Sawyer reported there was miscommunication between the Town's IT company, Casco Bay IT, and its vendor regarding our back-up needs for the new server. To assure a reliable nightly back-up, it is recommended the Board authorize a change order to purchase the software in the amount of \$1,431.74. Additionally, if the Board approves the change order, it should vote to use contingency to cover the costs and for the original contract that was previously approved. The Town has \$19,705 in its office equipment reserve and the contract is \$22,928.19 plus the change order of \$1,431.74 requiring use of \$4,654.93 from contingency. Selectman Multer moved, seconded by Selectman Johnson to approve the use of contingency for \$4,654.93; motion passed 3-0.

**13. Public Comment:** None.

**14. Administrative Matters:** None.

**15. Adjournment:** At 7:25 p.m., Chairman Daniel moved, seconded by Selectman Multer to adjourn the meeting.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachments:

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