

Selectmen's Meeting Minutes
July 23, 2015
Harpswell Town Office
Approved on August 20, 2015

At 5:30pm, the Board of Selectmen attended a workshop regarding financial policies.

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 Ronald Ponziani, Road Commissioner

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 adding Consider Road Maintenance Contract as 3.5; motion passed 3-0.

2. Recognition of Former Animal Control Officer's Service: Chairman Daniel stated the Board wanted to recognize Lee Johnson for his ten years of service as the Town's Animal Control Officer. Chairman Daniel stated Lee kept his composure when dealing with dog bite situations or any problem involving an animal. Lee's motto is "it's not a dog problem; it's an owner problem." He worked to reduce the feral cat population, provided food and assistance for animals, is a member of the Coastal Humane Society Board and is assisting the new officer through the transition. Lee Johnson stated he had medical care provided for animals when people could not afford the care; addressed large cat colonies; and transported over 300 cats and 100 dogs. Lee stated he enjoyed the 10 years and appreciated the support he received from the Board and from Terri Sawyer, Marguerite Kelly, Linda Strickland, Cathy Doughty, Roz Knight and especially Kristi Eiane and his wife, Liz Bouve. Lee stated it was hard to leave the position but he will not miss always being on standby and tied to his phone.

3. Public Comment: Donna Frisoli, Manager of Harpswell Community Broadcasting Corp. (HCBC), explained with the phasing out of analog, HCBC had applied for its digital construction permit and it was dismissed twice. The main issue was a Federal Communication Commission (FCC) ruling that gave low power religious channels priority over other low power stations. Ms. Frisoli stated HCBC is fortunate to have a volunteer that is an engineer and he worked on the issue and filed for the permit again and it was recently approved. She stated HCBC has the funds for the transmitter and she is excited for the conversion. Chairman Daniel congratulated her on the news. Selectman Multer asked Donna to provide her with the FCC document.

Dorothy Rosenberg made several comments regarding the Code Enforcement Officer and the permit and notification process regarding the construction activity at the former Etnier property. Robert McIntyre and Donna Frisoli commented on the same matter.

3.5. Consider Contract for Road Maintenance: Kristi Eiane stated the Board approved a request for proposal for road maintenance on certain roads and three bids were received: Ray Labbe & Sons, Inc. \$29,390; R.A. Webber & Sons \$38,160; Crooker Construction \$55,689. The responses were provided to the Board and the Road Commissioner is here to make a recommendation. Ronald Ponziani, Road Commissioner, recommended proceeding with Ray Labbe & Sons. Administrator Eiane suggested if the Board was prepared to proceed, it could accept Labbe's bid and authorize her to sign the Town's standard contract with the company. Chairman Daniel moved, seconded by Selectman Johnson to accept Labbe's bid and authorize the Town Administrator to sign the contract. The motion passed 3-0.

Mr. Ponziani asked the Board to schedule a meeting with the Sherriff's Department to discuss a priority list of patrolling in an attempt to address speeding on certain roads. He is receiving more and more requests for speed bumps and in his opinion, speed bumps are not the answer for several reasons including the loud sounds and the

increased difficulties posed to boat haulers and bicyclers. Mr. Ponziani stated the Department of Transportation does not recommend the use of speed bumps. Deputy Administrator Sawyer stated the Board previously asked the Town engineers to look at long term solutions to control speeding on Basin Point and Peabody Roads. She reported the Town engineers made it clear they will design whatever the Board asks for but based on experience, they recommend that prior to considering speed bumps, especially permanent bumps, that the Board first meet with all the stakeholders. In order to be successful, the engineer believes at least 50% of the stakeholders have to be in favor of the speed bumps. A number of places have installed bumps that were later removed after the public outcry. Therefore, the engineers have not pursued any further action until given additional direction by the Board. The Board agreed to schedule a workshop regarding this matter.

11. Public Hearing Re: Amusement License for Cook's Lobster & Ale House: At 6:40pm, the hearing was opened. Deputy Administrator Sawyer reported Cook's applied for an amusement license to have live music performed at the establishment and during special events. Chairman Daniel moved, seconded by Selectman Multer to approve the license; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane announced there is a celebration on Saturday from Noon to 2:00pm on Eagle Island in honor of the site being designated a national historic landmark. Admission is free and the public is welcome. Administrator Eiane reported the grant application the Town applied for to address clam flat issues did not score high enough. Administrator Eiane asked the Board to appoint Richard Griffin, seasonal employee at the Recycling Center as a Deputy Fire Warden. Selectman Multer so moved, seconded by Chairman Daniel; motion passed 3-0. Administrator Eiane stated the Board approved replacing the scale at the Transfer Station and the process will likely require the Transfer Station to be closed one Tuesday in August, the date is to be determined.

5. Selectmen's Announcements: Selectman Multer stated she would not weigh in on the issue of right or wrong [regarding the former Etnier property matter] but she was disturbed to see an email from an employee that he felt he was confronted by a hostile group in the parking lot. Selectman Multer stated if someone has concerns regarding a matter, the parking lot is not the place to discuss it and that during open hours inside the office is the correct place. Selectman Multer asked Administration to inform staff who may be working after hours that they may call Cumberland County Dispatch and request a Deputy escort to their car. She asked staff to inform Cumberland County that they may be receiving some calls. Selectman Johnson stated the former Etnier property matter has been "beat to death" and it was time to move forward.

6. Consent Agenda: Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda [July 9 minutes; accept donations for the bandstand fund as follows: Harpswell Community Nursery School \$25, Dana Cary \$100, Bandstand donation box \$221, Sally Clifford \$50; approved an application for a wedding at the Bandstand on October 17; authorization of warrant #31 in the amount of \$157,748.54 and payroll warrant #30 in the amount of \$15,001.15]; motion passed 3-0.

7. Old Business: Consider Lease & Tower Collocation Agreements with Harpswell Radio Project, Inc.: John Halpin, representing the Harpswell Radio Project, stated he believes discussions are pending on what, if any, costs will be part of the agreement. Selectman Multer asked what the Project anticipated as annual operating costs; Mr. Halpin responded about \$10,000 - \$15,000 to be funded by listeners or sponsorships. Mr. Halpin stated he wants to be aware of any costs that the agreements may contain so that he can provide all the agreement details to his Board for review. Selectman Multer stated she is not interested in obtaining rent but suggested that section be re-written to cover reimbursing the Town its legal fees of \$1200 incurred relating to this topic. Since this is a one-year lease, payments could be \$100 per month. Mr. Halpin stated he will bring that proposal to his Board and that after the legal costs, there will be no rent. Administrator Eiane stated while it may be the intention of this Board not to assess any rent in the one-year agreement; that does not bind future Boards or Town

Meeting. Mr. Halpin asked if that meant costs would be up in the air each year. Selectman Multer stated the Board could bring a multi-year agreement to Town meeting and recommend no rent.

13. Public Hearing Re: Modifying Certain Conservation Closures: The hearing was opened at 7:07pm. David Wilson, chair of the Marine Resources Committee, recommended opening the coves [Gun Point Cove, Quahog Bay, Dog's Head, Indian Rest, Oakhurst Island and Ridley Cove] for certain days of a week – Thursday, Friday and Saturday – to start on July 30 at 12:01am. Mr. Wilson stated the three days a week allows digging without exhausting the resource. Administrator Eiane confirmed that there is no termination date so the part-time opening will be in place indefinitely. The hearing was closed at 7:10pm. Selectman Multer moved, seconded by Selectman Johnson to enact the openings as recommended; motion passed 3-0.

8. Consider Accepting a Gift of a Framed Photograph: Tom Jones, photographer, presented the Board with a framed photograph of Cundy's Harbor which was donated by R.A. Webber & Sons, Inc. The Board thanked Mr. Jones and the Webbers. Chairman Daniel moved, seconded by Selectman Johnson to accept the gift; motion passed 3-0.

9. Wharf Applications

• **Kimberlie Sachs, 12 Briar Ledge Lane, Map 25, Lot 119:** Joe Leblanc, applicant's representative, stated Ms. Sachs, who has multiple sclerosis, currently has a 55-foot boat and has commissioned a new handicap accessible 67-foot boat with lifts and an elevator. The new boat will draw more water, requiring the existing float system to be moved out 55-feet and two 10'x20' floats and one 16'x20' float to be added. Mr. Leblanc stated the Army Corps of Engineers' (ACOE) guidelines allow a system to occupy up to 25% of the width of a channel. This proposal will be at 22.5% which is needed for the boat.

Betsy Parks stated she is a non-resident taxpayer at 43 Robinhood Road, at the head of the cove, since 1961. She stated that Water Cove is unique and she is not insensitive to handicapped people but she is concerned as a steward of the Cove. A 67-foot vessel, 24-feet from the water to the top of the boat, is too large in proportion to the Cove. She expressed a desire to slow down the process and further discuss other more appropriate options for the Cove. Mary Ann Nahf passed out photographs of the Cove. She stated the Department of Marine Resources lists five areas of concern when reviewing proposals including the marine environment and habitat. Ms. Nahf expressed concern on how the additional stress will affect the environment, her neighbors, the fishermen, kayakers and the charter boats that use the area for fishing. Ms. Nahf noted the last overboard discharge in the Cove is being removed which continues to improve water quality in the Cove. She noted when the Sachs purchased the lot in 1998 she believes there were accommodations given for the disability for the current system. While she understands the disability side, she wonders how Ms. Sachs will access the new system due to the steepness and she wondered if accessing the boat at Cook's would be easier. Ms. Nahf asked why a system has to be accessible at all tides and the boat kept at the dock and expressed concern about the proposal with regard to the width of the channel and the safety of other boaters. Ms. Nahf asked the Board to visit the site and also suggested that a natural resource assessment be done on the Cove's floor. Weston Watts, Marine Resources Committee member, agreed a site visit would be helpful and an assessment to determine the impact on the oysters and muscles.

Mr. Leblanc stated the new boat is one foot wider and taller and that the Board's review is for the system not the boat. Selectman Multer stated she wants legal advice and expertise before proceeding. Selectman Johnson stated he wanted to wait for the ACOE and Department of Environmental Protection (DEP) to review the proposal. David Wilson, Marine Resources Committee Chair, agreed that an environmental evaluation should be done as the shadow from the system will cover quite a bit of square footage and affect organisms. He noted every cove is unique and the channel is not always in the middle. Eric Smith stated he works for the Sachs and acknowledged many of the questions are valid and he hoped for the best decision. Jim Hays, Harbormaster, expressed concern about the boat parking at the float full-time and noted, based on his review of the tide levels,

the water may not be sufficient for the boat. He suggested a survey of the bottom will more accurately depict it. Mr. Leblanc stated the depth at the float is 6-feet and 5-feet is needed for the boat and 2-feet for low tide so 8 to 9-feet is needed for the new boat. Mr. Watts suggested the boat be moored and brought in when needed. Ms. Nahf noted in past decisions, the Board has limited the times a boat can tie to a float. Chairman Daniel moved, seconded by Selectman Multer to delay making a decision pending the DEP and ACOE decisions and a Board site visit; motion passed 3-0.

- **Peter and Patricia Woodward, 311 Oakledge Road, Map 51, Lot 103:** Joe Leblanc, owner representative, handed out the color pictures of the site and reviewed the proposal for a 4'x10' platform and stairs, 4'x36' pier, 3'x42' ramp and an 8'x16' float plus a haulout. Selectman Johnson asked how the site visit went and if there were any abutter concerns. Mr. Leblanc responded there were no concerns. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster indicates there is no hazard to navigation and there is no injury to the rights of others; motion passed 3-0.

10. Consider Request for Proposals for Parking at Town Hildreth Road Landing: Deputy Administrator Sawyer reviewed the proposed request for proposals to create parking at the Hildreth Road Town landing and requested approval. Selectman Multer asked if logs could designate the parking spaces to assure 5 spaces; Deputy Administrator Sawyer asked if that could be considered in the future if parking issues arise. Selectman Multer moved, seconded by Selectman Johnson to approve the request for proposals; motion passed 3-0.

Chairman Daniel asked how the Pott's Point parking plan is proceeding. Deputy Administrator Sawyer responded that prior to spending funds on permitting the design; she intends to include the public in review of the design.

12. Consider Recommendation for Paving Contractor and Sign Contract: Deputy Administrator Sawyer reported there were two responses received and opened at the Board's last meeting, to the Town's request for proposals for paving certain Town areas. She stated that she, Administrator Eiane, and Selectman Johnson met and now recommend the Board accept Labbe's response and authorize a contract for \$22,200 plus \$3,900 for the alternate. Selectman Multer so moved, seconded by Chairman Daniel; motion passed 3-0.

14. Repurchase Agreement with Harpswell Coastal Academy (HCA): Administrator Eiane reported the Board asked the Town Attorney to review Harpswell Coastal Academy's proposed language for a new Repurchase Agreement. The Attorney reports that involving an arbitrator to determine a bona fide offer can be complicated and Administrator Eiane asked how the Board wants to proceed. Chairman Daniel stated he felt John D'Anieri's frustration and believes since the Board did its due diligence to check into a new agreement and given Town Meeting approved the original Agreement, he is in favor of letting the Agreement stand or adopting the language proposed by HCA. Selectman Multer stated she is not in favor of HCA's language and since there is too much unanswered, she agrees to leave it as is. Selectman Johnson agrees to leave it alone as well.

15. Consider Sole Sourcing for Phase I Removal of Pump House Debris: Administrator Eiane reported the Department of Environmental Protection (DEP) agreed to allow the Town to address the pump house collapse at Mitchell Field in two phases. Atlantic Mechanical, a company that has worked for the Town in the past, can do the phase I removal of items at a cost of under \$8,000. Due to the tight timeline, Administrator Eiane asked the Board to consider sole sourcing instead of sending the work out to bid. Chairman Daniel noted the Board needs to hold a workshop regarding the pier, ramp and boat launch. Selectman Multer moved, seconded by Selectman Johnson to sole source with Atlantic Mechanical for the removal of certain items from the pump house collapse; motion passed 3-0. Mr. McIntyre made a comment about the strength of the pier.

16. Maine Municipal Association Annual Election: The Board passed on voting.

17. Other Business: None.

18. Public Comment: Robert McIntyre made additional comments about his dissatisfaction with the handling of the former Etnier property matter. Administrator Eiane noted the Board could seek an independent review of the situation. Selectman Johnson stated the Board should look to make changes to the ordinance and move on. Selectman Multer asked for the Town Attorney to determine what the Board's responsibilities are; Administrator Eiane responded she is reviewing that now. Chairman Daniel stated the Board needs to look to tighten the ordinance for the future.

19. Administrative Matters: The Board approved the submission of the Local Road Assistance Program Certification form.

20. Adjournment: At 8:39 p.m. the Chair adjourned the meeting without objection.

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]