

Selectmen's Meeting Minutes
July 24, 2014
Harpswell Town Office
Approved on August 7, 2014

At 5:00pm, Chairman Daniel moved, seconded by Selectman Multer to move into executive session pursuant to 1 M.R.S.A. § 405(6)(E) to consult with the Town attorney regarding legal rights and duties of the Board; motion passed 3-0.

At 5:50pm, the Board recessed.

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; and Carol Eyerman, Planner

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 removing item 12 and adding under other business: Consider Wharf Lease; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane reported the transformer located on the lawn in front of the Town Office sparked and smoked today, causing loss of power and telephones. The volunteer departments responded above and beyond duty. A couple of volunteers are electricians by trade and were able to help out. Central Maine Power responded quickly to restore the power. Administrator Eiane reported she attended a meeting with the Road Commissioner, representatives of Gorrill Palmer and Crooker. There will be a few design changes and the contract should be ready for the next meeting. Administrator Eiane announced there will be an open house Monday at the Harpswell Community Garden from 4:00 to 6:00, with a bee keeping presentation at 6:00pm.

4. Selectmen's Announcements: Chairman Daniel announced, as part of an ongoing effort to raise money for the purchase of the Goslings Maine Coast Heritage Land Trust will hold a fundraising dinner and auction at Wolfe Neck Park on July 25 at 6:00pm.

5. Consent Agenda: Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda; motion passed 3-0 [July 15 minutes; \$100 donation from John and Elizabeth Davis for the bandstand and \$1,200 from Helen Norton for the bandstand; and warrant #32 in the amount of \$176,068.91 and payroll warrant #30 in the amount of \$19,086.54].

6. Consider Action Relative to Land Use Matter at Map 52, Lot 186: Selectman Johnson stated the Board met earlier to discuss this issue with its attorney. He asked the property owners when the deck around the camp and the front deck were built. Mr. Chisholm responded the deck around the camp was built the same time as the camp and the front deck, boat shed and ramp/float were built the following season. Mr. Chisholm stated they are unable to find any permits for the structures; Selectman Johnson stated there are no permits in the Town's records. Selectman Johnson stated he believes the owners should apply for an after-the-fact permit for the ramp and float; move the boat shed to a compliant location; and he could consider allowing the decks to remain with a monetary penalty. Chairman Daniel agreed with the three points noting after 35 years, the deck is not detrimental to the habitat. Selectman Multer concurred with the three points adding that the owners need to reimburse the Town its incurred attorney fees associated with this matter. Chairman Daniel moved, seconded by Selectman Johnson to approve the three outlined points, including a \$3,000 penalty, plus having the owners reimburse the

attorney fees; motion passed 3-0. Chairman Daniel stated if the owners agreed, the consent agreement could be drafted. Ms. Spahr stated the boat shed is water dependent as it is where they store the supplies and tools needed to remove the ramp and float. Selectman Johnson stated there are three occurrences of not obtaining permits and the guideline throughout Town is to be 75-feet from the water. Mr. Chisholm stated he feels there is no choice but to accept the consequences and they do. Once drafted, the consent agreement will be sent to the owners and on the next agenda.

7. Marine Resources Consultant Report: Darcie Couture, Marine Resources Coordinator, reviewed her monthly report (attached). Ms. Couture added she completed a ride around with Shellfish Warden Bradbury today, which was helpful. Administrator Eiane noted she and Darcie are meeting with the County tomorrow to brief the County on the work she is doing and to review what clam flat surveys have to be completed.

8. Comprehensive Plan Implementation Committee Update: Carol Eyerman, Planner, stated the Comprehensive Plan Implementation Committee (CPIC) has suggested it is time to work on an updated Comprehensive Plan. She asked for the Board's approval to begin laying out the process for the next two years. Chairman Daniel agreed given it is a two year process and next year will mark 10 years since the last update. Selectman Multer stated concerns about creating a new committee while maintaining the existing committee. Burr Taylor, chair of the CPIC, stated the CPIC will know by December whether it has remaining tasks or not and that it is up to the Board to keep the CPIC and create a new Comprehensive Plan Committee or to proceed with one committee. The Board agreed to allow Ms. Eyerman to proceed with laying out the plan, including budget impacts and a committee mission statement for review by the Board.

9. Rural Active Living Assessment: Ms. Eyerman stated Colleen Fuller, of Access Health, contacted the Town seeking participation in a general assessment, a tool to judge how friendly the Town is for active living. A group was formed and the review took place. Ms. Fuller, from Access Health, answered questions from the Board on why certain points were assessed; primarily the lower points were due to the location of the schools in relation to Town villages. Ms. Fuller stated this assessment will be featured in a State report primarily due to the degree of involvement in the process. The Center for Disease Control plans to publish a report including assessments for all municipalities within 5 years to use as a baseline for public health and accessibility.

10. Consider Agreement for Pasturing Horses in the Upper Field at Mitchell Field: Administrator Eiane reported the Board held a workshop with Mr. Cornish and the Mitchell Field Committee where Mr. Cornish explained the details of his proposal. The Board agreed that Mr. Cornish will mow the pasture area and remove rocks, without excavation equipment for a trial time period. The Town's policy is to require any user of Town lands to name the Town as an additional insured and Mr. Cornish stated he is unable to do so. If the Board allows this waiver during the pilot program, Mr. Cornish should be put on notice that for long term use he will be required to provide insurance naming the Town as additional insured. Chairman Daniel moved, seconded by Selectman Johnson to approve the agreement for pasturing horses as a pilot program without naming the Town as an additional insured; motion assed 3-0.

Public Comment: Chris Coffin stated the Town got one thing from the law suit and that is the right to trim the vegetation to allow fishermen to view their boats in Mackerel Cove. He stated the Selectmen's intent at that time was to prohibit the owner from planting vegetation and to prevent vegetation within the Town's road and the northerly terminus from growing too tall. Mr. Coffin states the vegetation has not been trimmed and is blocking visual access. Administrator Eiane stated she believes no one's right to use the area has been interfered with and the Town has to be respectful of the owner's concerns. The Board scheduled a site visit for July 30 at 4:00pm.

11. Consider Request for Proposals (RFP) for Wood Grinding: Administrator Eiane stated this is an annual event to seek proposals to ground the wood received at the Transfer Station. Option 2 was selected this past year;

to have the wood hauled off site and ground which relieves the Town of the responsibility of passing a DEP test. Chairman Multer moved, seconded by Selectman Johnson to approve sending out the RFP; motion passed 3-0.

12. Consider Lease with Harpswell Coastal Academy: Removed.

13. Consider Request for Bids (RFB) for Excess Bandstand Equipment: Deputy Administrator Sawyer stated this RFB is for equipment previously used or ordered for the Bandstand. Daniel Huber, of the Energy Committee, has been a tremendous help with this process and the value is estimated at \$550-600. Chairman Daniel moved, seconded by Selectman Multer to approve the RFB with no minimum bid; motion passed 3-0.

14. Consider Voting for Maine Municipal Association Annual Election: The Board agreed not to vote since it is not familiar with the candidates.

15. Other Business: Orr's Island Bridge Lease: Deputy Administrator Sawyer reported the background relating to Mr. George Morgan's request to add his son, James, to the Orr's Island Wharf Lease. The Board agreed to review the data and consider it at the next meeting.

16. Public Comment: None.

17. Administrative Matters: The Board signed one renewal Orr's Island Bridge Lease; signed a catering permit for the catered Full Moon event at Lowell's Cove; and it authorized its Town Administrator to review and sign the Local Road Assistance Program Certificate. The Board agreed to August 23 as the open house of the Emergency Medical Services building and to schedule a workshop regarding the emergency services Workgroup report for August 14 at 4:00 pm. Chairman Daniel asked for the De Levie package, submitted to the Board, to be reviewed by the Town attorney.

18. Adjournment: At 7:35 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Marine Resources Coordinator Report
[Attachments are available at the Town Clerk's Office or by email at harpswell@town.harpswell.me.us]