

Selectmen's Meeting Minutes
July 26, 2018
Harpswell Town Office
Approved September 6, 2018

At 5:00pm, the Board attended a site visit at 7 Hugh Avenue, Bailey Island.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:00 p.m.

Selectmen Present: Richard A. Daniel, Kevin E. Johnson and David I. Chipman

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Marguerite Kelly, Treasurer; Rosalind Knight, Town Clerk; Bill Wells, Code Enforcement Officer and Fred Cantu, Code Enforcement Officer

1. Adoption of the Agenda: Chairman Daniel moved, seconded by Selectman Chipman to move item 4 after item 1 and to add under Other Business a discussion regarding the Town Office drainage project; motion passed 3-0.

1.5 Town Administrator's Report: Town Administrator Eiane reported that the Friends of Mitchell Field filed a lawsuit against the Town yesterday and asked for an expedited order to prevent the Board from signing a contract for the demolition of the water tower. The Judge issued an order stating the Board can sign a contract and recommended demolition not occur until after September 1. Also in the order the Judge recommended the Friends not proceed with the hearing this Saturday or the election. The President of the Friends of Mitchell Field sent an email indicating they will comply fully with the Judge's Order and will instead hold a public informational meeting on Saturday and not a hearing. Administrator Eiane reported there is a hearing set up for late August and she will keep the Board informed.

Administrator Eiane recommended hiring Greg Coyne as seasonal help at the Recycling Center at \$10.50/hour. Selectman Chipman moved, seconded by Selectman Johnson to hire Mr. Coyne; motion passed 3-0.

Administrator Eiane reported a staff group has been working on possible amendments to the Use of Fire Arms Ordinance, including feedback from Captain Stewart of Cumberland County Sheriff's Office. She suggested the Board hold a workshop on August 9 at 5:00 to review the staff's suggestions; the Board agreed.

2. Public Comment: None.

3. Selectmen's Announcements: Chairman Daniel announced the Lobster Boat Races are this Sunday at 10:00am in Pott's Harbor.

5. Consent Agenda: Selectman Chipman moved, seconded by Selectman Johnson to approve the consent agenda [approval of June 28 and July 12 minutes; approved warrant #30 in the amount of \$177,563.51 and payroll warrant #29 in the amount of \$21,502.47]; motion passed 3-0.

6. Violation Matter, 7 Hugh Avenue, Bailey Island, Map 21, Lot 103: Chairman Daniel stated the Board visited this site earlier tonight with Code Enforcement Officer William Wells. Mr. Wells stated the situation has been the same for about 15 years and every time we discuss it with Mr. Richardson he does not do anything about it. Mr. Wells suggested the Town could tow the two cars that are sitting on Town property and perhaps the third one as well. Chairman Daniel stated a cleanup is possible and wouldn't take a lot of time to make room behind the vehicles to push them back. Selectman Johnson suggested giving a date in August to have the cars removed or the Town will do it. Administrator Eiane asked if a cleanup could be organized; Chairman Daniel responded he didn't mean to simplify the situation, it would take quite a bit of effort. Selectman Chipman suggested the Board follow the legal abatement process and send a letter with dates and if not accomplished within a timeframe, the Town can do it and decide how to recoup some costs. Mr. Wells stated there have been many people who have volunteered to cleanup his property. The Board agreed they are not out to punish but just want

it cleaned up. Ron Ponziani, Road Commissioner, stated the right-of-way needs to be cleaned up to allow for plowing. In addition to the vehicles, Mr. Richardson parks his van in the road as well. Selectman Chipman stated the Board should follow the abatement process. Mr. Wells stated he will look into an abatement order and staff will get advice on whether the Town can remove the vehicles. Selectman Johnson stated removing the items will get Mr. Richardson's attention. Selectman Chipman moved to proceed with the abatement process. The Board reached a consensus to pursue the abatement option and to check into whether the Town can tow the vehicles.

7. Contracts Re: Water Tower Removal and Oversight: Administrator Eiane reviewed the changes made after the Judge's Order – the work cannot begin until after September 1 and language was added regarding an adverse judicial decision clause. Iseler understands the situation and has signed the contract. Additionally, Iseler understands that Ransom Environmental will be overseeing the project. Selectman Chipman stated given the caveats, he moved to authorize the Chairman to sign the contract. Selectman Johnson seconded the motion and it passed 3-0. Administrator Eiane stated Ransom's work scope includes taking pre- and post- demolition samples and observing the project with the intent that the project doesn't worsen any soil or air condition. Selectman Chipman moved, seconded by Selectman Johnson to authorize the Town Administrator to sign the work order with Ransom; motion passed 3-0.

8. Cumberland County Community Development Program: Administrator Eiane stated the Town received a letter from the Cumberland County Commissioners regarding the Town's participation in the Cumberland County Community Development Program. The Town has the option to withdraw but staff recommends continuing in the program. The Town has received over \$340,000 in grant funds since participating. Administrator Eiane thanked Deputy Administrator Sawyer for her work with administering the grants. Selectman Chipman moved, seconded by Selectman Johnson to remain in the program; motion passed 3-0.

9. Maine Municipal Association Annual Election: Administrator Eiane stated the Selectmen sometimes participate in this election and sometimes not. Selectman Chipman stated he's heard from these people running for election as part of the gubernatorial interviews. Selectman Chipman moved, seconded by Chairman Daniel to vote for the listed people; motion passed 3-0.

10. Public Comment: Garret Knight asked for a copy of the lawsuit. Jim Knight expressed dissatisfaction with Selectman Chipman's role in the water tower issue and he asked Selectman Chipman to call his friends off. Selectman Chipman responded he will try. Garret Knight recommended Selectman Johnson and Chairman Daniel make Selectman Chipman recuse himself. Gary Vincent asked if it made sense to send letters to the five cell carriers asking if they will commit to putting equipment on the water tower. Chairman Daniel responded the Water Tower Task Force did this work and now the Energy and Technology Committee is looking into cell phone coverage options.

11. Other Business: Deputy Administrator Sawyer reported she attended a Board of Appeals meeting on behalf of the Town seeking a variance for the new parking plan at the Town's Pott's Point dock. Several abutters spoke in opposition to the improved parking, which was disappointing since she had sent letters to the property owners in the area and mooring holders, and of 44 letters sent, there were only 4 responses. Deputy Administrator Sawyer suggested instead of proceeding with the 7 perpendicular parking spaces at this time, to instead place some gravel over the existing parking to improve the drop off from Rt. 123 and still place the rip rap on the area on the shore side that is eroding. The Board discussed the issue and agreed with Deputy Administrator Sawyer's recommendation not to proceed at this time, noting that perhaps it might be done in the future. The Board agreed that Deputy Administrator Sawyer can withdraw the variance application to the Board of Appeals.

Administrator Eiane reported that Ray Labbe & Sons submitted a proposal for drainage work at the Town Office and she asked the Board to authorize phase 1 and 2 of that proposal for \$16,800. Selectman Chipman moved,

seconded by Selectman Johnson to authorize the Town Administrator sign a contract for that work; motion passed 3-0. Administrator Eiane reviewed the alternates noting the Board met with the contractor regarding the walkway and discussed making it meander at an additional cost of \$6,000. She asked the Board to think about the alternates and decide at the next meeting. Selectman Chipman asked if Town Lands and Recreation volunteers would be willing to help on the pathway around the building. Staff will check and also ask the contractor to review the cost estimate.

The Board agreed to meet on August 2 at 6:00pm to set the 2018 mil rate and to discuss the drainage project alternates.

Gary Vincent asked for a link regarding the law suit to be made available.

12. Administrative Matters: None.

13. Adjournment: At 6:55 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator