

**Selectmen's Meeting Minutes**  
**August 1, 2019**  
**Harpswell Town Office**  
**Approved August 15, 2019**

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

**Selectmen Present:** Chairman Kevin E. Johnson, David I. Chipman and Jane G. Covey

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; Rosalind Knight, Town Clerk; and Mark Eyerman, Planner

**1. Adoption of the Agenda:** The agenda was accepted as amended by removing item 6.

**2. Public Comment:** Rosalind Knight, Town Clerk, asked the Board of Selectmen to set a public hearing for Wednesday, August 7 at 4:00pm to allow citizens to voice their opinion about her plan for the upcoming election scheduled for November 5. There is only one question on the ballot relating to amending the constitution of Maine to allow persons with disabilities to sign petitions in an alternative manner as authorized by the Legislature. Ms. Knight stated past experience has been there is low voter turnout with one ballot question. Therefore, Ms. Knight plans to consolidate the normal three polling places into one at the Town Office. The Secretary of State's Office supports the consolidation. In the event either a "Citizens Initiative" or a "People's Veto" gets added to the ballot, Ms. Knight stated the consolidation will not occur and the three regular polling locations will be kept open. Selectman Chipman moved, seconded by Selectman Covey to set the hearing for August 7 at 4:00pm.

**3. Selectmen's Announcements:** None.

**4. Town Administrator's Report:** Town Administrator Eiane stated the Town had received a request from Goodall Landscaping to extend the winter road maintenance contract for two years. The Selectmen directed staff to review the proposal and make a recommendation. Staff is recommending the Board extend the contract with Goodall for one-year (at 3% increase) and to place an article on the 2020 warrant to allow a multi-year contract for winter maintenance and then bid for the services in 2020. The Board concurred with the recommendations and the proposed extension will be on the next agenda. Administrator Eiane reported the capital road project, a portion of Oakledge Road, Laurel Cove Road and Oakhurst Island Road, will begin August 12. The contractor, Ray Labbe & Sons, is notifying property owners on each road. Administrator Eiane stated there was a workshop at 5:00pm prior to this meeting regarding the status of the level II energy audit of the Town Office. The Energy & Technology Committee recommended obtaining a level II energy audit and the Board authorized a request for proposal. The Town received three responses with one being incomplete and the other two companies were interviewed by a staff group. The staff group did not reach a consensus so there was a workshop with the full Board. SMRT presented a revised work scope for \$6,500 to evaluate the heat, ventilation, and air conditioning (HVAC) system and it seemed there was consensus to proceed. Selectman Covey agreed there was consensus on proceeding with the limited work scope with the other parts being postponed. Selectman Covey moved, seconded by Selectman Chipman to engage SMRT for \$6,500; motion passed 3-0.

**5. Consent Agenda: 1) Approval of the Minutes; 2) Local Road Assistance Program Certification; 3) Authorization of the Warrants:** Selectman Covey moved, seconded by Selectman Chipman to approve the consent agenda [approved the July 18 with an amendment and the July 25 minutes; approved the Local Road Assistance Program Certification; authorized warrant #31 in the amount of \$139,058.52, and payroll warrant #30 in the amount of \$20,834.60]; motion passed 3-0.

**6. Set the 2019 Mil Rate:** Removed.

**7. Abandoned/Recovered Property Policy:** Administrator Eiane reported the Recycling Center/Transfer Station Manager, in discussion with the Harbormaster, drafted this policy regarding how the Town handles

abandoned/recovered property. The policy includes notifying, if possible, the owner of the property and how long the Town will keep the item in storage. While the Maine Municipal Association does not review specific policies, it did provide some input regarding length of storage. This policy proposes a \$5 per day storage fee plus reimbursement of the Town's costs. Selectman Chipman moved, seconded by Selectman Covey to adopt the policy; motion passed 3-0.

**8. Marc-David Munk & Martina Stippler Wharf Application, 26 Keri Drive, Map 49, Lot 87-1:** Bill Wells, Code Enforcement Officer, stated this is the second time the Board has reviewed a wharf system for this property. The owners did not build the first one and have returned with a new application for a different design. The proposal is for a 6'x6' pier, 3'x36' seasonal ramp and 10'x16' float. Since this second design is in the same location and does not protrude any further seaward, the Harbormaster was not asked to complete another approval form as the first one was approved. Chairman Johnson moved, seconded by Selectman Covey to approve the application as the Harbormaster indicates there is no hazard to navigation and there is no injury to the rights of others regarding fishing, fowling and navigating; motion passed 3-0.

**9. Webber Enterprises Holding Tank Application, 26 Keri Drive, Map 49, Lot 87-1:** Bill Wells, Local Plumbing Inspector, stated Mike Webber was part of R.A. Webber & Sons, Inc. and as such has historically conducted business from his home property on Keri Drive. Mike Webber has started his own business now and will conduct it from the same home property. Mr. Wells states he consulted with Planner Mark Eyerman during the tower matter and the activity was permissible. Administrator Eiane noted at the time of the tower, the satellite business was classified a home occupation but now there are 8 employees which exceed the home occupation standards. Deputy Administrator Sawyer stated she understood that Mike Webber would be applying soon and going before the Planning Boards for Site Plan Review and given that, she suggested the Board could approve the holding tank application conditioned upon Webber Enterprises receiving Planning Board approval. Selectman Chipman so moved, seconded by Selectman Covey; motion passed 3-0.

**10. Mitchell Field Requests for Proposals (RFP):**

- **Removal of Two Building and Ground Work:** Mark Eyerman, Planner, reviewed the draft RFP for the removal of the two small buildings located inside the chain link fence where the water tower used to be. Additionally, the RFP includes remediation of the soil in the fence area where levels of lead were detected during the water tower removal. Selectman Chipman moved, seconded by Selectman Covey to approve the RFP; motion passed 3-0.
- **Engineering Services for the Design of the Ramp and Floats System:** Mr. Eyerman reviewed the RFP for the seasonal floats and ramp system. The Department of Transportation (DOT) is paying for 50% of this project. The Board previously decided to send the formal design of the system out to bid. Based on the DOT rules, the Town must make its decision on the written responses received and not the costs. Selectman Chipman moved, seconded by Selectman Covey to approve the RFP; motion passed 3-0.

**11. Status of Possible Revisions to the Shoreland Zoning Ordinance:** Mark Eyerman, Planner, stated in 2015 the State updated its model shoreland zoning ordinance and guidelines. The State requires municipalities' shoreland zoning ordinances to be at least as restrictive as the State. Since the Town is not compliant with State law at this time, the Planning Board has been working on updating the ordinance. The State's changes primarily include: 1. performance or land use standards relating to trees and revegetation requirements; 2. definitions relating to trees and revegetation; and 3. a substantial change relating to how changes to nonconforming structures are treated. The current 30% expansion allowance in square footage and volume will no longer be allowed. The 2015 guidelines replace these limits with a 30% limit on the expansion of the building footprint together with a limit on the height of the structure that is tied to the setback from the HAT line. The further from the water, the higher the structure can be. Tying expansions to the height of the structure generates an issue with how the Town measures the height differently from the State. The Town allows the height of a structure to be 30-feet as measured from the mean original grade and the State allows 35-feet from the downhill side of the

original grade. If the Town retains its definition, it will have to work with the Department of Environmental Protection to adjust the nonconforming height measurements downward. The Planning Board recommends the Board consider changing the Town definition to the State's in the Shoreland Zone and also in the interior – so both ordinances would be at 35-feet. There was a discussion with questions and examples. Basically the State made this change to limit expansions of nonconforming structures within the 75-foot setback and to incentivize property owners to move back from the water to gain more height. Chairman Johnson expressed some concern about changing. This item will return to the Board at the next meeting to allow time for further review of the matter.

**12. Cumberland County Development Program Grant Contract:** Deputy Administrator Sawyer stated the Town has been awarded a \$33,536 grant from the Cumberland County Development Program to fund the materials for the Harpswell Aging at Home and Habitat for Humanity (HFH) program that makes repairs to seniors' homes in Harpswell to help keep them warm, safe and dry. The Town is fortunate as this is the second grant for a purpose that has helped many Harpswell seniors. This year's contract contains more standard federal language, much of which does not apply to this grant, and also names HFH as a sub recipient as well. Selectman Covey moved, seconded by Selectman Johnson to approve the contract; motion passed 3-0.

**13. Maine Municipal Association (MMA) Annual Election for Executive Committee:** Administrator Eiane stated voting on MMA Executive Committee members is optional for the Board. Selectman Chipman moved, seconded by Selectman Covey to approve the slate as provided in the ballot; motion passed 3-0.

**14. Public Comment:** None.

**15. Other Business:** The Board scheduled a meeting for Wednesday, August 7 at 3:30 to set the 2019 mil rate prior to the hearing schedule earlier at 4:00pm.

**16. Administrative Matters:** None.

**17. Adjournment:** At 6:50 p.m. the meeting was adjourned without objection.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachments: Abandoned/Recovered Property Policy