

**Selectmen's Meeting Minutes**  
**August 21, 2014**  
**Harpswell Town Office**  
**Approved on September 4, 2014**

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 adopt the agenda as amended by removing item 11; motion passed 3-0.

**2. Public Comment:** None.

**3. Town Administrator's Report:** Administrator Eiane stated the 2014 tax bills have been mailed with the first installment due September 15, 2014. Administrator Eiane reported the Town received one response to the request for proposals for an ambulance from Sugarloaf Rescue Ambulance to be leased to Harpswell Neck. The base price was \$188,278 plus additional costs for specific options. The process in the past has been for the Emergency Vehicles Committee to review the responses and she asked the Board if it wanted to follow the same protocol with one response. Administrator Eiane stated two other vendors sent letters declining to bid due to the specificity of the RFP. Selectman Multer stated receiving only one response is troubling at this cost and she wants the committee to comment on how to improve and/or change the process. Administrator Eiane announced two projects in Harpswell have been selected as finalist for Land for Maine's Future Program – one at Erica's Seafood and one at the Goslings. The Board has an opportunity to comment if it so chooses. Administrator Eiane reported there was good attendance at the capital road project open house on Tuesday. A lot of concern was expressed by people in the Washington Avenue area about the traffic, parking problems relating to Giant's Stairs visitors, about the Town publicizing the Giant's Stairs and the need for portable toilets. Administrator Eiane informed them that those problems are not being addressed under the capital road project and suggested they see how the issues are after the project's completion. There were also concerns about widening Washington Avenue and drainage. The Town's contractor plans to widen the existing 14-foot to 16-foot whenever possible in some areas, particularly towards the end. Selectman Multer asked if the Town's right-of-way is 16-foot or the pavement; Administrator Eiane responded she would have to check and noted the contractor plans to widen the pavement to 16-foot where possible and improve shoulders. Administrator Eiane noted this issue of increased use of Town property and the associated parking and facilities matters exists on other properties as well and we recently heard similar concerns at the Lookout Point site. Administrator Eiane reported the process for cleaning up the soil with federal grant funds on the Lookout Point piece the Town acquired is moving along.

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

**5. Consent Agenda:** Selectman Multer moved, seconded by Selectman Johnson to approve the consent agenda; motion passed 3-0 [August 7 and 14 minutes; committee appointments through April 30, 2015 – Cindy Watson Sheila Lucas to the Emergency Vehicles Committee and Ellen Shillinglaw as a full member to the Board of Appeals; and warrant #36 in the amount of \$193,636.09 and payroll warrant #34 in the amount of \$15,449.28].

**6. Mid Coast Hospital Paramedic Report:** Dave Hudson, Mid Coast Hospital Lead Paramedic, reviewed call information for 2013 and for the period from January 1 through June 30, 2014 (attached). Mr. Hudson explained why some response times are higher; including a new dispatch process that is affecting reported times. He will be attending a class on this new process to learn more. Selectman Multer asked about reducing the number of times Mr. Hudson reports at a Selectmen's meeting to once a year. Staff will review the contract with Mid Coast

and perhaps reports in other forms could fulfill the quarterly reporting requirement. Mr. Hudson announced the open house at the emergency medical services building is Saturday, August 23 from 8:00 am to 2:00 pm.

## 7. Wharf Applications

- **James McKinnell, Tax Map 50, Lot 106, 215 Indian Rest Road:** Bill Wells, Code Enforcement Officer, reviewed the proposal for a 6' x 40' permanent pier and to replace two floats with one 10'x20'. Mr. Wells reported there was a public hearing and some abutters expressed concern about the location of the system. The owner's agent, Eco Analyst, had revised the plans to satisfy the abutters. Chairman Daniel moved, seconded by Selectman Multer to approve the application as the Harbormaster indicates there is no hazard to navigation and there is no injury to the rights of others relating to fishing, fowling and navigation; motion passed 3-0.
- **Blanchly Family Trust, Tax Map 61, Lot 6, Sheep Island:** Mr. Wells reviewed the proposal to add a 4'x32" extension to the existing pier, add an 8'x12' float and 32'X32" ramp to the existing system in order to get past ledge outcroppings. Chairman Daniel moved, seconded by Selectman Multer to approve the application as the Harbormaster indicates there is no hazard to navigation and there is no injury to the rights of others relating to fishing, fowling and navigation; motion passed 3-0.

**8. Warren Galway Holding Tank Application, Map 56, Lot 16, 59 Catlin Shore Road:** Mr. Wells stated this holding tank application is replacing a very old failing system. Due to no available space for an in-ground system, a holding tank is proposed. Selectman Multer expressed concern about the closeness of the tank to the abutter's well and asked if the abutter is notified. Mr. Wells responded no and stated the proposed tank will improve the current situation. Selectman Multer asked that the Code Office set up a system to regularly request pumping records for all holding tanks to assure that the tanks are being pumped. Chairman Daniel moved, seconded by Selectman Johnson to approve the application; motion passed 3-0.

**9. Consider Kelley's Request for Review of McCormack/Brant Wharf Approval:** Bill Kelley read a statement asking the Board to hold the applicants (Sean McCormack and Martha Brant) to what was represented in their wharf application and approval. The approved application stated that the float would be located 110-feet from the Kelley's float and he stated it is only 99-feet. Mr. Kelley stated he and his wife did not appeal the issuance of the permit as they trusted the Town to enforce the details of the approval and he requested the Board require the removal of the system.

John Loyd, McCormack/Brant's attorney, stated the Kelleys had an opportunity to appeal and did not and are now trying to create an event for appeal. Mr. Loyd stated the application approved showed the distance between the floats to be 110-feet plus or minus as on any given day the measurement may vary based on the tides, wave action, wind and current. Mr. Loyd stated surveyor's use the description more or less when describing a measurement in these situations. Mr. Loyd states de minimus is relative to the entire circumstance, for example one foot to 9-feet is a large change but one foot to 100-feet is de minimus. Mr. Loyd stated the system has not interfered with the Kelleys ability to navigate and lobster this summer.

Joyce Kelley states they cannot lobster the same way, they have to go out at high or mid level tide now. She stated she saw the Harbormaster have trouble navigating and getting stuck on the ledge as well. Mr. Kelley noted the installed float is smaller than what was stated in the permit and if the larger float is installed, the distance between the floats will be even less than 99-feet. Selectman Multer stated the question is whether a 10% variance is reasonable.

Mr. Loyd stated the Department of Environmental Protection and the Army Corps of Engineers both accept the differential and he read excerpts from the agencies' reports. Mr. Loyd stated the Board could demand exactness on applications but it did not and it accepted a variable. Chairman Daniel asked if there is a specific reason for the system's new location. Mr. Loyd stated his clients relied on their contractors and believe with the variable, it

is in the right location. Mr. Wells stated there is a ledge to the north of the float and he assumes the float is smaller due to the ledge and why the system could not go any further to the north. Mr. Wells stated engineering plans on land have to be precise but on the water, it is normal to see a 10% variance. Chairman Daniel asked Mr. Hays how much variance could be expected due to tides, winds etc.; Mr. Hays responded it is difficult to say but that floats can change with winds. Selectman Johnson stated he is inclined to let the decision stand as other reviewing entities find the variance acceptable. Selectman Multer stated knowing the Harbormaster had difficulty navigating impacts her. Mr. Hays stated he misjudged the tide level proceeding into the area but once inside he had no trouble navigating. There was a discussion on how to proceed. Chairman Daniel moved, seconded by Selectman Multer to table the request until Joe Leblanc can attend; motion passed 3-0.

**10. Consider Cell Phone Reimbursement Policy:** Deputy Administrator Sawyer stated the Board included funds in the 2014 budget to possibly reimburse staff members who use personal cell phones for work related uses. Currently, the Town provides a phone to the Road Commissioner, Harbormaster and Code Enforcement Officer. Previously the Code Enforcement Officer stated he does not use the Town provided phone as he needs a smart phone to send texts and pictures from the field to the office. During the discussion in February, Selectman Multer asked what it would cost if the Town provided the Code Officer a smart phone. Costs vary for the phone itself up to \$400, depending on the applications, brand etc. The monthly fee would be about \$30 a month for 2 gigabytes of data. Regarding reimbursing employees for use of their personal cell phones for work related issues, there are basically three possible categories: 1) a nominal, \$25 or less, payment can be made without tax consequences; 2) reimbursement other than nominal would require an employee to submit phone bills and evidence of business related calls, and this reimbursement method may be subject to tax reporting; and 3) reimbursements, other than nominal, can be made on a taxable basis and copies of bills are not required. Selectman Johnson stated he prefers option 3 and suggested a \$50 allowance. Mr. Wells stated he has checked with other towns and \$50 is fair with some getting up to \$100. Selectman Johnson stated employees do not want to carry two phones and there is no cell phone plan with data available for less than \$50 a month. Chairman Daniel suggested offering another level for those without smart phones. Administrator Eiane asked if the Board concurred with only offering an allowance to the employees presented in the draft policy; the Board agreed. Deputy Administrator Sawyer asked if the Board was prepared to approve a policy tonight, would it consider adding a general statement to the policy that the employee has to comply with any freedom of access requests. Selectman Multer asked if the employee's number has to be made available; Administrator Eiane stated the number will not be published but will be provided if requested given the Town would be paying for use of the number. Chairman Daniel moved, seconded by Selectman Johnson to approve the policy with two allowance levels of \$50 for smart phones and \$25 for non-smart phones and with the addition of a statement regarding freedom of access, effective September 1; motion passed 3-0.

**11. Consider Lease Extension with Harpswell Coastal Academy:** Removed.

**12. Cedar/Robinhood Beach Signage:** Administrator Eiane stated the Town received a request to place a sign at the entrance of Cedar Beach Road stating access is only by water. There was a sign there for about a week or so and it was removed. Selectman Johnson stated he placed the sign up and took it down as the property owner where he placed the sign did not want it there. Selectman Johnson stated he does not believe it is good practice to put signs on private property and the sign is not required as part of the Town's easement acquired from the Aspatores. Selectman Multer and Chairman Daniel agreed if the property owner wants a sign up, the owner can do it as the Town should not get involved with placing signs on private property. Mary Ann Nahf, Beach Monitor, stated she understands the sign is not required for the easement but that a sign would help alleviate the public's confusion. Chairman Daniel asked if the users have been residents and/or guests and what the area looks like with anchored boats. Ms. Nahf responded yes the users have been as outlined in the easement and it is common to see 3-5 boats anchored along with multiple kayaks. Selectman Johnson suggested not putting up a sign and possibly re-visit the issue in the spring; the Board concurred.

**13. Consider Contract Extension with Pine Tree Waste:** Deputy Administrator Sawyer stated Fred Cantu, Recycling Center/Transfer Station Manager, is recommending the Board agree to a one-year extension to the solid waste contract with Pine Tree Waste. He has been satisfied with the service and believes the rates are competitive after checking with other towns. Selectman Multer moved, seconded by Selectman Johnson to approve the one-year contract extension; motion passed 3-0.

**14. Open Electrical Equipment Bids:** No bids were received. The Board agreed to hold onto the equipment and try other methods for selling it.

**15. Maine Municipal Association (MMA) 2015 Agenda:** Selectman Multer stated MMA is seeking input for the 2015 agenda in addition to pursuing preservation of revenue sharing and opposition to new mandated unfunded costs. Chairman Daniel and Selectman Johnson agreed to the priority list including the requiring the state to pay its 55% share for education.

**17. Public Comment:** None.

**18. Administrative Matters:** The Board approved catering permits.

**16. Other Business:** Selectman Multer moved, seconded by Selectman Johnson to accept the \$17,081 bid from Harry Crooker & Sons to shim and overlay the end section of Long Point Road; motion passed 3-0.

The Board was reminded of a meeting tomorrow at 9:30am to consider a lease extension with Harpswell Coastal Academy.

**19. Adjournment:** At 8:05 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 [harpswell@town.harpswell.me.us](mailto:harpswell@town.harpswell.me.us)]