

Selectmen's Meeting Minutes
September 3, 2015
Harpswell Town Office
Approved on September 17, 2015

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; Marguerite Kelly, Treasurer; Bill Wells, Code Enforcement Officer

The meeting was recorded and broadcast live on Harpswell Community Television and streamed.

1. Adoption of the Agenda: Selectmen Johnson asked why the planner topic was on the agenda as he recalls the Board is waiting for a period of time to allow the contracted planner to work with the Planning Board. Deputy Administrator Sawyer responded she suggested after the last meeting to place it on the agenda as there was some discussion then about how to proceed. Chairman Daniel moved, seconded by Selectman Multer to add Consider a Town Event at Mitchell Field as 14.5 and Consider Mitchell Field Kiosk as 13.5; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane stated the Board received correspondence from a resident requesting the Town seek a legal opinion on his behalf. The individual received a notice of violation from the Code Office which included information about the process for appealing to the Board of Appeals. Administrator Eiane stated that typically the Town does not incur costs for an individual and that the individual has the opportunity to appeal. She asked if the Board concurred. Selectman Multer stated that no matter what the case is, the Town should not seek a legal opinion on behalf of an individual that is challenging a Town action. Selectman Johnson asked if Maine Municipal Association is an option; Administrator Eiane responded not for a specific case. Chairman Daniel agreed the individual should follow the Board of Appeals process. Administrator reported the 2016 budget cycle will begin soon and she asked the Selectmen to consider soliciting new members for the Budget Advisory Committee as there are currently only 3 members.

Administrator Eiane reported the Harpswell Radio Project signed the two leases and is working with the Code Office to assure the equipment building is in good order prior to use. Administrator Eiane reported Selectman Johnson, the Road Commissioner and she met with the State Representative, Department of Transportation (DOT) representative and a property owner concerned about speeders/safety on Route 24 prior to the Cribstone Bridge given the narrowness of the road and lack of shoulders. DOT will work on adding new signage and possibly some new paint stripes on the road. Selectman Johnson stated DOT is trying the new paint stripes in Freeport and if they work, DOT will paint them here. Administrator Eiane stated if the Town contributes funds then DOT would look into pursuing a capital road project in that area but it is likely there would be right-of-way issues. Selectman Johnson stated the estimate of one and half million for such a small section of road is too costly. Selectman Multer asked if the accident records could be obtained for the area. Administrator Eiane stated additional enforcement coverage could be considered and would require a budget. The Town previously had an additional deputy during the summer and the County experienced some difficulties filling a summer position. Chairman Daniel asked if a date should be set for the removal of the speed bumps. Selectman Multer moved, seconded by Chairman Daniel to authorize the Road Commissioner to remove the speed bumps at a time appropriate after Labor Day; motion passed 3-0.

4. Selectmen's Announcements: Chairman Daniel stated he visited the Transfer Station and the new scale is in place and working well. Staff is requesting users stop prior to proceeding onto the scale to assure accuracy and safety.

5. Consent Agenda: Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda [August 6 and August 20 minutes; Charity Shores road name; authorization of warrant #37 in the amount of \$146,492.90 and payroll warrant #36 in the amount of \$14,616.68]; motion passed 3-0.

6. Old Business: Kimberlie Sachs Wharf Application, 12 Briar Ledge Lane, Map 25, Lot 119: Joe Leblanc, owner representative, stated there was discussion at the prior Selectmen's meeting about the original expansion proposal and the depth of Fresh Water Cove. The Sachs hired a professional to conduct a bathymetric survey, which showed the system does not have to move out 50 feet into the cove, it can be reduced to 20 feet. Mr. Leblanc reviewed the proposal to extend the float system into the cove 20', in combination with adding a 10'x20' spacer float, a 16' W x 33' L permanent float to the north end (in place of the existing 15' x 33' jet dock footprint) and relocating the existing (2) 16'x20' floats next to the new 16'x33' float. In addition: the existing 15' x 33' jet dock will be relocated inside the proposed, modified float system; the proposed 8' x 12' smaller jet dock addition will be located on the south side of the float system. Chairman Daniel stated the Board attended a site visit at which the new proposal was presented. Chairman Daniel moved, seconded by Selectman Multer, to approve the application as the Harbormaster indicates it does not cause a hazard to navigation and there is no injury to the rights of others to fish, fowl and navigate; motion passed 3-0. Selectman Multer stated she was pleased with the Sachs responsiveness to the concerns raised with the original proposal.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for August (attached).

8. Consider Nomination for Boston Post Cane Recipient: Administrator Eiane stated she is pleased to report the oldest resident has been identified as Edward B. Reed who she nominates for the Boston Post Cane award. Mr. Reed has lived in Harpswell for 31 years and meets all the policy requirements. Mr. Reed wants to keep this recognition low key without involving the press. Chairman Daniel moved, seconded by Selectman Johnson to bestow upon Edward B. Reed the Boston Post Cane award for an indefinite period; motion passed 3-0.

9. Next Steps with Planner Position: Chairman Daniel stated he believes the Board agreed to delay considering the next steps to allow the Planning Board time to work with the contracted planner but he does not want to wait too long. Selectman Johnson stated he wants the Code Office to weigh in on the topic as well. Administrator Eiane asked if the Board wanted to also wait to discuss the proposed job description; the Board responded affirmatively. Selectman Johnson noted he disagrees with most of the job description and he wants input from staff and people in the field. The Board agreed to hold a workshop in the future with interested staff, committees, boards and others.

10. Acceptance of Easement Deed Re: Long Point Stabilization Project: Administrator Eiane stated the Board accepted two easements at the last meeting and another party has signed an easement. These easements will allow the Town to apply for the necessary permits now for the stabilization project at the beginning of Long Point Road. Chairman Daniel moved, seconded by Selectman Multer to accept the easement from Belinda Farmer. Administrator Eiane is checking if the Town can proceed with permitting and construction now that the Town has easements from the majority of property owners.

11. Consider Amendment to Mitchell Field Rules: Administrator Eiane stated someone contacted the Town asking if the Town can prohibit firearms at Mitchell Field. After researching the issue, the Town needs to rescind that rule. The Town has a Use of Firearms Ordinance and if the Town wants to prohibit the discharge of firearms in certain areas, it has to be accomplished by ordinance. Administrator Eiane wanted to make the Board aware that the rule will be rescinded and staff will work on a revision to the current ordinance.

12. Consider Proposed Policy for Board of Appeals Fees: Administrator Eiane stated this proposed policy is a result of both the Planning Board and Code Officer recently filing appeals to the Board of Appeals with no payment of fees. The Board previously discussed waiving fees for appeals relating to applicants who may be

appealing due to their Town role. Selectman Multer moved, seconded by Selectman Johnson to approve the policy; motion passed 3-0. [policy attached]

13. Consider Harpswell Heritage Land Trust Preliminary Budget Request: Reed Coles, Harpswell Heritage Land Trust (HHLT) Executive Director, requested the Board consider partnering with the Trust for the purchase of 29 acres near the northern end of Otter Brook. This area is in the Otter Brook Corridor Focus Area in the Town's Open Space Plan and if developed, would be detrimental to the area's wildlife, water quality and marine resources. Mr. Coles stated in the past, the Town contributed \$100,000 towards the conservation of Skolfield Preserve and Johnson's Field. One of the owners of this Otter Brook property is a HHLT Board director. As part of the Trust becoming accredited, the Trust adopted a tough conflict of interest policy and the Board member does not participate in any discussions regarding the purchase. Mr. Coles stated the Town recently worked with HHLT to place a conservation easement on the Town's parcel in this area and conserving these 29 acres is the second step. Mr. Coles reviewed maps showing the area, including the parcel, and the area's importance. The land was appraised for \$225,000 and that is the sale price and after including other costs, the total projects costs are estimated to be \$250,000. Mr. Coles asked the Board to consider contributing \$50,000, the balance will be raised through grants and private donations. Selectman Multer asked what the Trust's plans were with how much land it wants to acquire. Mr. Coles responded there is no specific goal and opportunities arise in many different ways. Mr. Coles understands Town Meeting approval would be required and the sellers have agreed to wait. Selectman Johnson asked if the Town's funding helps HHLT obtain grant funding; Mr. Coles responded yes with funding and letters of support. Selectman Multer asked what development could occur on the property; Mr. Coles responded about 20 acres could be developed with approximately 7 – 8 lots and roads. Selectman Multer stated she does not want to vote prior to knowing the status of the 2016 budget. Mr. Coles asked the Board to send the request to the Budget Advisory Committee and noted it would be helpful if the Board supported the proposal. Mary Ann Nahf, chair of the Conservation Commission, stated this area is an important focus area and the Commission supports the request. There was a recent subdivision on the other side of Harpswell Cove and the applicant was responsive to making changes to protect the wetlands. Chairman Daniel moved, seconded by Selectman Johnson to refer the request to the Budget Advisory Committee; motion passed 3-0. Chairman Daniel stated his personal thoughts regarding the request are positive.

13.5. Consider Mitchell Field Kiosk: Selectman Multer stated she attended the Mitchell Field Committee meeting and was provided a disk with pictures of the proposed kiosk at the entrance to Mitchell Field for the Board to review. She noted the text provided on a hard copy differs and asked staff to follow up. Chairman Daniel also noted the beach should be added. It was also noted a road was marked incorrectly as available for traffic.

14. Accept Donations: Chairman Daniel moved, seconded by Selectman Multer to accept the following donations for the bandstand: bandstand donation box \$165; Anne Holt \$100; Connie Bryon \$100; Dirk & Linda Brunner \$50; motion passed 3-0.

14.5 Consider a Town Event at Mitchell Field: Chairman Daniel suggested referring one of the Board's goals of having a Town-sponsored event to the Recreation Committee or for the Board to meet and further discuss the details. Chairman Daniel wants the event be kept simple and include music at the Bandstand, swimming and vendors selling items. Selectman Johnson agreed to attend the next Recreation Committee meeting.

15. Proclamation of Constitution Week September 17 – 21: Selectman Multer moved, seconded by Selectman Johnson to proclaim September 17 – 21 Constitution Week; motion passed 3-0.

16. Other Business: None.

17. Public Comment: None.

18. Administrative Matters: The Board agreed to attend the Fire & Rescue Committee's meeting on September 14 and to consider a workshop regarding the planner position after this month's Planning Board meeting.

19. Adjournment: At 7:07 p.m., the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Treasurer's Report
Board of Appeals Fees

[Attachments are available at the Town Clerk's Office or by email at harpwell@town.harpwell.me.us]