

Selectmen's Meeting Minutes
September 6, 2018
Harpswell Town Office
Approved October 4, 2018

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; Bill Wells and Fred Cantu, Code Enforcement Officers; Charles Perow, Recycling Center Manager; Marguerite Kelly, Treasurer; and Mark Eyerman, Planner

1. Adoption of the Agenda: Chairman Daniel moved, seconded by Selectman Johnson to approve the agenda as amended by adding under other business – a letter regarding pesticide laws and setting a public hearing for general assistance ordinance maximums; passed 3-0.

2. Public Comment: Gary Vincent stated with the water tower issue over, it is time to look aggressively at how to solve the cell phone coverage issue. Having followed the issue, including the trial, Mr. Vincent thanked Chairman Daniel personally for his leadership and shook his hand.

3. Selectmen's Announcements: Chairman Daniel announced last week the Town was in court and there is a lot to be thankful of and humbled for. He thanked the Town Attorney and Judge Horton for the decision which is posted on the Town's website.

4. Town Administrator's Report: Administrator Eiane announced the Town's new backhoe is here and staff is pleased. Administrator Eiane reported an entity has expressed an informal interest in using a building at Mitchell Field. Harpswell Aging At Home (HAH) has run a pilot program to provide meals to those homebound and has approached the Town asking about freezer space. The Town is proposing it be located in the kitchen area at the Town Office as the most convenient centralized site. Administrator Eiane stated she and Charles Perow, Recycling Center Manger, met with the Department of Environmental Protection and Mammals of Maine to discuss the recent seal mortality issue to explore the options for proper disposal.

5. Consent Agenda: 1) **Approval of the Minutes;** 2) **Execute Cumberland County Tax Assessment Form;** 3) **Authorization of the Warrants:** Selectman Chipman moved, seconded by Selectman Johnson to approve the consent agenda [5/9, 7/24 and 7/26 minutes; Cumberland County warrant for \$1,318,020; warrant 36 in the amount of \$2,271,057.88 and payroll warrant 35 in the amount of \$19,908.77]; motion passed 3-0.

6. Dirk Lesko Wharf Application, 102 Tondreau's Point Road, Map 48, Lot 72-4: Bill Wells, Code Enforcement Officer, reviewed the application for a 4'x8' access platform, 4'x12' access stairs, 6'x24' pier, 3'x12' aluminum access stairs, 3'x40' ramp, 10'x20' float and 10'x40' float haul out. Selectman Chipman asked if this causes the channel to be narrower with the marina on the other side. Mr. Wells responded the marina was asked for concerns regarding the 120-foot distance from float to float and no concerns were expressed. Chairman Daniel asked about the concerns of haul outs. Mr. Cantu responded the Department of Environmental Protection is concerned about the float sitting on vegetative areas. The float on this particular site will be stored primarily on ledge. Chairman Daniel moved, seconded by Selectman Chipman to approve the application as the Harbormaster indicates there is no hazard to navigation and there is no injury to the rights of others; motion passed 3-0.

7. Waiver Regarding Abandoned Real Property: Marguerite Kelly, Treasurer, stated there are unpaid property taxes and liens on a mobile home which is located on leased land. The Town's practice is not to foreclose upon mobile homes without real estate, therefore the foreclosure notice has not been sent for this mobil home. The mobile home owner has abandoned the home and does not intend to pay the taxes and the land owner wants to lease the property to someone else, but the mobile home has to be disposed of. Ms. Kelly stated she

called Maine Municipal Association's legal department and was advised the Town could leave the taxes outstanding and the Board can waive the over the limit permit needed to move the mobile home. Then the land owner can remove the mobile home in tact or in pieces to the Transfer Station. Selectman Johnson moved, seconded by Selectman Chipman, that the requirement that the taxes on this abandoned mobile home be paid prior to issuing an over limit movement permit be waived as long as the home is being moved within Harpswell for purposes not related to the sale of the home, and, further that this waiver is in the interest of the town and that interest is greater than the amount of tax owed. Selectman Chipman asked for clarification on whether the Town has to issue a permit; Ms. Kelly responded the Town is not waiving the taxes or issuing a permit. Motion passed 3-0.

8. Recycling Center Public Use Policy: Charles Perow, Jr., Recycling Center/Transfer Station Manager, stated he developed a policy for the Board's consideration regarding how to make the Facility safer for people disposing of trash and recyclables and for special interest groups such as petitioners, bake sales, etc. The policy proposes that groups or persons, other than individual persons campaigning with visible clothing, be located at the back of the Facility. Selectman Chipman asked who would judge the "inappropriate behavior"; Mr. Perow responded the petition drives were the issue in the past and he proposes that he would speak with the persons exhibiting inappropriate behavior. The Board agreed that everyone has to be safe at the Facility and the proposed policy would accomplish that and maybe even allow for greater exchange. Fred Cantu, prior Facility Manager, stated that there was a prior request from Mount Ararat and the Board at that time placed them at the back of the Facility by the Emergency Services Building. It worked well and a policy is a good idea to assure everyone's safety. Selectman Chipman expressed concern that the Political Sign policy may conflict with the proposed policy. Robert McIntyre agreed the policy is a good idea but questioned whether people could be prohibited from talking to Facility users to tell them about a petition behind the building. Chairman Daniel suggested tabling the matter and post it on the website and gather public input.

9. Set Public Hearing for September 20 at 6:30pm to Consider Repealing Certain Conservation Closure Areas of Soft Shell Clams and Quahogs: Deputy Administrator Sawyer stated Paul Plummer, Harbormaster, provided the Board with all the information regarding the proposal to repeal certain conservation closure areas and tonight is only to set a public hearing to consider the information. Selectman Chipman moved, seconded by Selectman Johnson to set September 20 at 6:30pm as the public hearing; motion passed 3-0.

10. Mitchell Field Matters

- **Pier Removal Project Change Order:** Mark Eyerman, Planner, stated this is a preliminary discussion on whether the Board would entertain a change order regarding the original bid requiring no processing of material between June 1 – Labor Day to minimize the disruption. A bid alternative was added to waive that requirement and Reed & Reed reduced their bid by \$20,000 in return for the allowance. Mr. Eyerman reported since the contractor was essentially done with removing material in June, the contractor wondered if the Town would reconsider the alternate. Mr. Eyerman stated there is some argument given the timeline but he wanted to check with the Board and he noted Barney Baker keeps a detailed log regarding the project timeline. The Board agreed to consider it if Baker can document it. Mr. Eyerman stated that Baker will assure that the sea bottom and the rest is appropriately completed. Mr. Eyerman gave credit to Barney Baker of Baker Design Consultants for his personal overview of the project. The Board was willing to consider a change order.
- **Administrative Building:** Removed.

11. Laurel Cove Road

- **Capital Road Project:** William Haskell, Town engineer, reviewed the proposed project to reclaim and repave 650-feet of portion of Oakledge Road and Laurel Cove Road. Mr. Haskell mentioned the culverts that need replacing and noted the Town intends to replace the culverts prior to the project. Administrator Eiane noted the portion of Oakledge Road will be an option in case there is not enough funding for the

entire project. Mr. Haskell stated the project can be sent out to bid by the end of September and sometimes a pavement escalator clause is included for pavement cost that may result in a contract increase or decrease. Ronald Ponziani, Road Commissioner, commented there is a good chance the project cannot be done this year. Mary Ann Nahf asked if the culverts will be replaced same for same or thoughts on future changes. Mr. Ponziani responded he has worked with the Department of Environmental Protection and Army Corps of Engineers (ACOE) and the culvert replacements will be 3-feet versus the existing 15 inches. Selectman Johnson asked about ledge; Mr. Ponziani responded there could be ledge and the ACOE stated the Town could drop to 2-feet. Selectman Chipman moved, seconded by Selectman Johnson to approve sending the capital road project out to bid; motion passed 3-0.

- **Culvert Project:** Mr. Ponziani reported the permits have been approved for the culvert replacement project on Laurel Cove Road. Deputy Administrator Sawyer asked if the Board needed to approve sole sourcing for the project with a contractor or if it should be sent out to bid. Mr. Ponziani responded Ray Labbe & Sons seems to be how to proceed. Administrator Eiane stated the project may need to use contingency as the road maintenance fund may be overdrawn. Selectman Johnson moved, seconded by Selectman Chipman to approve working with Labbe for the project in an amount up to \$20,000 and if it exceeds that then come back to the Board; motion passed 3-0.

12. Warrant for November 6, 2018 Special Town Meeting Re: Pott's Point Project: Administrator Eiane stated the warrant includes an article for funding to complete the Pott's Point improvement project and an article to include funding for contingency in the amount of \$30,000 for unforeseen expenses such as the Town's legal expenses. Chairman Daniel moved, seconded by Selectman Johnson to approve the warrant; motion passed 3-0. It was noted a public hearing will be scheduled before the vote.

13. Accept Donations: Chairman Daniel moved, seconded by Selectman Chipman to accept the donations: Samuel and Denise Schwartz \$75 for heating assistance and \$791.61 for the bandstand fund from the donation box at four concerts; motion passed 3-0.

14. Public Comment: None.

15. Other Business: Mary Ann Nahf, Conservation Commissioner Chair, recommended the Commission send a letter to our Congressional delegation regarding a recent bill passed by the House [the Senate bill did not include this language, and so the bill needs to be reconciled], which would prevent local pesticide regulations. Selectman Chipman moved, seconded by Selectman Johnson to approve sending a letter to include to Poliquin as well; motion passed 3-0. Chairman Daniel moved, seconded by Selectman Johnson to set a public hearing to consider General Assistance Ordinance Maximums for September 20 at 7:00pm; motion passed 3-0.

16. Administrative Matters: None. Selectman Chipman welcomed Administrator Eiane to the grandparents club.

17. Adjournment: At 7:12 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator