

Selectmen's Meeting Minutes
September 15, 2016
Harpswell Town Office
Approved September 29, 2016

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-Lynn Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; and Marguerite Kelly, Treasurer

1. Adoption of the Agenda: Chairman Daniel moved, seconded by Selectman Johnson, to adopt the agenda as amended by moving up the Treasurer's Report; motion passed 3-0.

2. Public Comment: None.

3. Administrator's Report: Administrator Eiane reported the process of building the 2017 budget has begun. She indicated staff will work on continuing implementation of the wage/salary scale; she asked the Board to be thinking of that topic and also of any new items the Board may want included in the budget. Administrator Eiane reported the Town Lands Committee is interested in discussing a parcel that is for sale near a Town landing. Later in the meeting the Board will schedule an executive session. Administrator Eiane stated the Town Clerk wishes to remind the Board that the deadline to have an article on the November ballot is next week. Administrator Eiane stated she was not aware of any such matter. Administrator Eiane reported she attended the first meeting of Maine Municipal's Legislative Policy Committee and the main strategies discussed were retaining fairness in the educational subsidy and protecting revenue sharing. Administrator Eiane indicated she has been involved in the interview process for the MSAD 75 Business Director position and impressed by the process.

4. Selectmen's Announcements: Selectman Johnson announced there was a meeting last week with all three fire and rescue departments and volunteers, and he believes those in attendance have a clearer understanding of what the Town and Departments are trying to do.

8. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for August (attached). Ms. Kelly reported that tax deeds have been located for all eight of the parcels on Long Island. Therefore, the Town could now sell whatever interest it may have acquired if so desired by the Board. Chairman Daniel indicated he would like to schedule a site visit to the properties.

6. Old Business: Consider Consent Agreement, 2 Lobster Lane, Map 45, Lot 67: Chairman Daniel stated there was a site visit yesterday to review the tree removals and the three Selectmen attended as well as John Powers, Jane Waddle, Bob Waddle and Jay McGowen. Selectman Johnson stated he was uncomfortable with the consent agreement as only three trees were cut without permission. John Powers stated that while the property is currently a rental property, down the road, they may build a house on the site. Mr. Powers stated he cleaned up the trees to prevent them from falling on the structure and he noted the State recommends a 35-foot clearance around structures. Chairman Daniel stated he was not in favor of the length of time covered by the consent agreement and he wants to take into consideration that some trees caused a safety issue and some trees were removed by the prior owner. Selectman Multer stated Mr. Powers acknowledged at the site that he cut some trees that he was told not to remove. Selectman Multer questioned the State Department of Environmental Protection's role and authority in this case, particularly to override the Town's Code Enforcement Officer. Deputy Administrator Sawyer stated municipalities were required to adopt a mandatory shoreland zoning and the State has authority over municipalities in many ways, including certain standards, such as tree cutting and variances. Mr. Powers stated Mike Morse, State Shoreland Zoning Coordinator, did not consider that some trees were removed by the prior owner. Jane Waddle stated Mr. Morse was supposed to support that no fine be assessed if they planted the extra 26 trees; which they did. The Board discussed a potential fine amount. Selectman Johnson suggested \$200 per tree. Chairman Daniel stated he believes a violation occurred with many

existing stumps, noting that the owners have done the necessary replanting. With those considerations, Chairman Daniel suggested \$2,000-\$3,000. Selectman Multer stated in addition to a fine, she wants the owners, for five years, to make a good faith effort to help the seedlings survive and that the Town has the right to take a look at them. Ms. Waddle responded since they paid for the trees, they are not going to just let them die. Selectman Mutler suggested the fine be \$1,500. Selectman Johnson moved to assess a \$1,500 fine and that a letter be signed to include the good faith effort. Selectman Multer stated there has to be a consent agreement and that the Town should be reimbursed for half of its legal fees as well. The Board discussed and agreed a simplified consent agreement is in order and not recorded at the Registry. With those changes, Chairman Daniel seconded the motion. Ms. Waddle stated her attorney is looking for a copy of the Board of Appeals' Notice of Decision. Administrator Eiane asked if the motion was for staff to draw up a simplified consent agreement based on tonight's conversation; the Board agreed. Ms. Waddle asked if this action affects their right to appeal the Board of Appeals' decision; Administrator Eiane responded no and noted that has to be done within a certain number of days. Motion passed 3-0.

10. Public Hearing Re: General Assistance Ordinance Maximums: At 6:43pm, the hearing was opened. Administrator Eiane stated municipalities are required to have a general assistance program that assists people with basic necessities. The Program has eligibility guidelines and each year the State provides updated levels of assistance that can be provided, including an overall maximum, food and utilities maximums. Harpswell typically does not adopt the housing maximum, given Harpswell's rental fees, which allows the assistance level for rent to be up to the overall maximum. Municipalities cannot amend these levels but the hearing is an opportunity to get the word out about the program. Additionally, the Town is a resource to help applicants connect with other assistance programs. Selectman Multer asked how electric hot water fits in with the utility maximum. Administrator Eiane reviewed the two different maximums for electricity assistance – one with a hot water heater and one without. The Ordinance does allow for emergency situations and some flexibility to exceed the maximums. The hearing was closed at 6:50pm. Chairman Daniel moved to adopt the appendices, with the exception of C, seconded by Selectman Johnson; motion passed 3-0.

7. Wharf Applications

- **Michael & Kimberly McAuliffe, 34 Seal Ledge Lane, Map 40, Lot 100:** Bill Wells, Code Officer, stated the proposal is to replace/modify a long standing system in Gun Point Cove. Joe Leblanc, owner's representative, reviewed the proposal: shorten the existing 4'x24' pier to 4'x14', convert an existing portion of pier to a 3'x4' access platform, add a pressure treated wood 6'x15' pier section with pilings, replace the 3'x24' wood ramp with a 3'x26' seasonal aluminum ramp, replace the 8'x8' float with a 10'x12' seasonal float, extend the 4'x25' haulout with a 6'x15' addition, and convert the existing walkway to a 4'x20' with railings. Mr. Leblanc noted the neighbor has signed a setback waiver for the haulout and Bill Wells confirmed receipt of the waiver. Chairman Daniel moved, seconded by Selectman Johnson, to approve the application as the Harbormaster indicates it is not a hazard to navigation and there is no injury to the rights of others in relation to fishing, fowling and navigating; motion passed 3-0.
- **Donald & Sonia Tyler, 10 Serenity Drive, Map 7, Lot 33:** Bill Wells, Code Officer, stated this proposal is to reconstruct an existing system and to remove the 14'x14' unpermitted deck. Joe Leblanc, owner's representative, reviewed the proposal: rebuild 4'x42' access platforms and stairs, remove the 14'x14' deck, 6'x34' pier, 3'x45' ramp, 10'x20' float, remove existing shoreline access stairs and rebuild in a new location 3'x13' shoreline stairs. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster indicates it is not a hazard to navigation and there is no injury to the rights of others in relation to fishing, fowling and navigating; motion passed 3-0.

5. Consent Agenda: Selectman Multer moved, seconded by Chairman Daniel to approve the consent agenda [September 1 minutes; Judith Stanton appointment to the Mitchell Field Committee; Cumberland County Tax Assessment Form totaling \$1,254,940; authorization of warrant 38 in the amount of \$2,411,398.87, warrant 38a in the amount of \$50 and payroll warrant 38 in the amount of \$15,205.21]; motion passed 3-0.

9. Mitchell Field Contracts: Baker Design Associates for Pier Planning and Resource Access International for Habitat Study Re: Artificial Reef: Administrator Eiane stated these contracts are part of the waterfront planning process. Part of the contract with Baker Design [for not to exceed \$13,250 for pier replacement design] is being paid for by a grant the Town received. The contract for \$3,000 with Resource Access is for an artificial reef habitat assessment. Administrator Eiane reported that an artificial reef has apparently been approved in Massachusetts but it is a new concept for Maine and more information is needed for the regulators. Selectman Multer moved, seconded by Selectman Johnson to approve the two contracts; motion passed 3-0.

11. Issue Request for Proposals for Winter Sand: Administrator Eiane stated this request for proposal is an annual process seeking bids for sand for the roads in the winter. Selectman Multer moved, seconded by Chairman Daniel to issue the request for proposals; motion passed 3-0.

12. Delegation of Certain Authority to Code Enforcement Officer(s) Re: Septic Matters: Administrator Eiane stated this is back before the Board after being reviewed by the Town Attorney. Staff is recommending the Board delegate certain authority, including site visits and corrective orders, to the Code Enforcement Officers to help expedite the handling of certain malfunctioning subsurface waste water disposal situations, . Any commitment of Town funds should return to the Board. Chairman Daniel moved, seconded by Selectman Johnson to delegate certain authority vested in the municipal officers pursuant to 30-A MRSA § 3428 to the Code Enforcement Officers [specifically to conduct site inspections and issue corrective orders with regard to malfunctioning subsurface waste water disposal matters]; motion passed 3-0.

13. Accept Donations: Chairman Daniel moved, seconded by Selectman Multer to accept \$114 in donations collected from the donation box for the Bandstand; motion passed 3-0.

14. Maine Municipal Association (MMA) Voting Delegate: Selectman Multer moved, seconded by Selectman Johnson to appoint Kristi Eiane as the Town's voting delegate at the MMA annual meeting; motion passed 3-0.

15. Proclamation of Constitution Week September 17 – September 23, 2016: Selectman Multer moved, seconded by Selectman Johnson to proclaim September 17-23 as Constitution week; motion passed 3-0.

16. Other Business: None.

17. Public Comment: None.

18. Administrative Matters: The Board scheduled an executive session with Town Lands Committee representatives for Tuesday, September 20 at 5:00pm. The Harbormaster will be asked to schedule a site visit to Long Island.

19. Adjournment: At 7:15 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Treasurer's Report