

Selectmen's Meeting Minutes
October 2, 2014
Harpswell Town Office
Approved on October 16, 2014

At 5:00 pm; Chairman Daniel moved, seconded by Selectman Multer to enter executive session pursuant to 1 MRSA § 405 (6)(D) to discuss labor negotiations; motion passed 3-0.

The Board returned to open session at 5:35 pm and recessed.

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; Jim Hays, Harbormaster; and Bill Wells, Code Enforcement Officer

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 printed; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane stated the Town received an announcement from Senators Collins and King that Eagle Island has been designated a national historic landmark. The Town relayed the news via its Facebook page with a great picture of Eagle Island. Administrator Eiane reported she attended the Maine Municipal Association convention and attended a session on General Assistance training and one on solid waste. The Town's Recycling Center Manager is looking into the options for the Town to compost and perhaps there could be a regional solution. Administrator Eiane announced the Flu Clinic will be on October 9 from 9am to 12noon and 5pm to 7pm. Additionally, there will be a free health screening clinic on October 11 from 10am to 2pm.

4. Selectmen's Announcements: Selectman Multer stated the Maine Municipal Association (MMA) legislative policy committee reviewed the options to pursue on the MMA agenda. One item selected is the General Assistance program and there is a strong feeling that the State should administer the program instead of municipalities.

5. Consent Agenda: Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda; motion passed 3-0 [9/18 minutes; and warrant #43 in the amount of \$177,057.97 and payroll warrant #40 in the amount of \$14,950.70].

6. Consider Action Relative to Land Use Matter at Tax Map 8, Lot 90-1: Bill Wells, Code Enforcement Officer, stated Mr. Wentworth started an addition on his barn without a permit. He came in to apply for a permit and during that review Mr. Wells thought the addition was too close to the property line. Mr. Wentworth believed the addition met the required 25-foot setback and the permit was issued. Mr. Wentworth then had his line surveyed and found the addition is too close. Mr. Wells stated he advised Mr. Wentworth of two options: tear down the addition or seek a consent agreement from the Board of Selectmen. Mr. Wentworth added that his neighbors, Anne and Gary Anderson, are fine with the barn addition being 17-feet from the property line. Chairman Daniel reviewed the timeline and asked if a variance was possible. Deputy Administrator Sawyer responded the Town's legal counsel advised that the Board of Selectmen handle such matters involving violations that the Code Office does not recommend enforcing since after-the-fact self-created issues are inappropriate for a variance review. Selectman Multer thanked Mr. Wentworth for his forthright and honest discussion of the issue. She stated she is not in favor of waiving the rules – when will they mean anything? She encouraged Mr.

Wentworth to conform to the rules and purchase land to meet the setback. Selectman Johnson stated the Board had another recent case and most of the violations were required to be removed and he cannot treat this case differently. Gary Anderson stated he thought neighbors could help neighbors; Selectman Multer responded he could by selling some land. Mr. Wells stated there have been other cases approved. Selectman Johnson suggested tabling the matter to allow further research. Chairman Daniel moved, seconded by Selectman Johnson to table. Selectman Multer was opposed stating that if a situation where an owner was advised of the possible conflict is not enforced – when would it be? Motion passed 2-1 (Selectman Multer opposed). The Board discussed scheduling a site visit. Mr. Wentworth thanked the Board for considering the matter and stated he understands enforcing the ordinance and will therefore come into compliance. Chairman Daniel withdrew his motion and Selectman Johnson withdrew his second.

7. Chisholm/Spahr Wharf Application, 67 Long Island, Map 52, Lot 186: Mr. Wells stated this application, if approved, will resolve a violation previously addressed by the Board. Joe Leblanc, Chisholm/Spahr's representative, reviewed the application for a 3'x32' ramp and 8'x15' float. Mr. Leblanc stated the public can pass under the ramp with a 5-foot clearance or at low tide around the float. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster indicates there is no issue with navigation and it does not infringe on the rights of others; motion passed 3-0.

8. Consider Grant Application for Pott's Point Float: Jim Hays, Harbormaster, stated last year the Board approved replacing the main 12'x24' float at the Pott's Point wharf with a pressure treated float with plastic skids. The Town appropriated \$5,500 to use as a 50% grant match to the Small Harbor Improvement Program grant. No permits are needed since it is being replaced at the same size. Selectman Multer suggested some minor changes. Chairman Daniel moved, seconded by Selectman Multer to approve the application; motion passed 3-0.

9. Update from Cedar Beach/Cedar Island Supporters, Inc. (CBCIS): Mike Helfgott, of CBCIS, stated Justice Mills sided with CBCIS, deciding that the public has a right to travel down Cedar Beach Road to the beach easement area. He stated an appeal is expected. The public has enjoyed walking to the Beach and celebrating. Mr. Helfgott stated CBCIS wants to discuss having access to some of the funds approved by the 2013 Town Meeting – not all of it. Marty Eisenstein, of CBCIS, passed out a handout and reviewed the information including the background, the litigation and settlement timeline and what comes next. Mr. Eisenstein stated the 2013 article allowed for use of the funds upon a final court order. Betsy Atkins has filed a motion, to modify Justice Mills' judgment, seeking a limitation access to pedestrian use. Once the modification is ruled on, the decision will become final 21 days from the date of the judgment given there is no appeal. Mr. Eisenstein stated while the chain was removed after the decision, recently a new barrier has been put up. Immediately a letter was sent to Atkins and his hope is to work through any issues and to only go to court if required. Mr. Eisenstein stated the original complaint was filed in the Registry of Deeds and CBCIS may file the final judgment as well. He reviewed the appeal process stating that the Maine Law Court can affirm the decision, or reject it or send it back to the Superior Court. If the decision is affirmed, it will become final. Selectman Multer asked if the Sheriff's Department can enforce the public's access; Mr. Eisenstein responded yes as any stoppage is trespass and CBCIS will continue to try and work through any issues. Mr. Helfgott asked for an executive session with the Board as there were some legal strategies/matter, that could not be discussed publicly, which relate to CBCIS's request for releasing some of the approved funds. Selectman Multer stated a new question is required and said the \$220,000 will lapse and those funds were not intended to pay legal expenses – the money was for an easement. Mr. Helfgott stated CBCIS wants some funds released prior to the end of the year. Chairman Daniel stated the Board will schedule a meeting and let them know when.

11. Public Hearing Re: Norman Stevens Junkyard Permit, Pinkham Point Road: At 7:10pm, the hearing was opened. Mr. Wells stated there was an advertised site visit and Mr. Stevens' site is in compliance with the standards and he recommends approval of the permit. No letters or complaints were received. Chairman Daniel moved, seconded by Selectman Johnson to approve the permit; motion passed 3-0.

10. Consider Submitting Comments Re: Harpswell Heritage Land Trust (HHLT) Application for National Accreditation: Selectman Multer stated that HHLT is a real benefit to the Town and she suggested supporting its application for national accreditation. Administrator Eiane spoke with Reed Coles, HHLT Director, and he indicated that it could be helpful if comments are submitted, even if not for all areas of the application. Selectman Multer moved, seconded by Chairman Daniel to authorize the Administrator to provide comments where appropriate and submit the form; motion passed 3-0.

12. Appointment to Cumberland County Regional Communications Center Board: Administrator Eiane stated the Cumberland County Regional Communications Center Board (CCRCC) reviews and oversees the dispatch center and since Harpswell contracts with Cumberland County dispatch, Harpswell is entitled to have a board member. Previously, Helen Tupper served and then David Mercier. Mr. Mercier wants to step down and Ben Wallace, Jr. is interested in being appointed. Selectman Multer moved, seconded by Selectman Johnson to accept David Mercier's resignation and appoint Ben Wallace, Jr.; motion passed 3-0.

13. Consider Next Steps with Economic Development Plan: Administrator Eiane stated reviewing the Economic Development Plan is on the Board's goals list. The Board previously discussed forming an implementation committee comprised of members from existing committees. Chairman Daniel stated he would like a committee with representatives from the Comprehensive Plan, Conservation Commission, Mitchell Field, Recreation, Harbor & Waterfront and the Harpswell Business Association. He suggested there are things the Town can do such as seminars on ecotourism or winter events. Selectman Multer stated she wants to hear from someone with economic development expertise; Administrator Eiane suggested Midcoast Council of Government. Administrator Eiane stated the report has specific recommendations such as website changes, holding workshops for the business community and specific Mitchell Field items that the Board may want the Mitchell Field Committee to review. Chairman Daniel was interested in considering an ad hoc committee, meeting with MCOG and having staff prepare a framework on how to proceed for the Board to review.

14. Other Business: None.

15. Public Comment: Mary Ann Nahf thanked the owners (Aspatores) for giving the Town the easement and for their generosity.

16. Administrative Matters: The Board scheduled a workshop with Goodall Landscaping for October 7 at 4:00pm and a meeting with the Cedar Beach Cedar Island Supporters at 5:00pm. The Board approved a request from Central Maine Power (CMP) for the placement of a pole on a Town Road. Selectman Multer stated she wants pressure put on CMP, Comcast and Fairpoint to have the old poles removed.

17. Adjournment: At 7:43 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]