

**Selectmen's Meeting Minutes**  
**October 13, 2016**  
**Harpswell Town Office**  
**Approved November 3, 2016**

At 4:00pm, Chairman Daniel moved, seconded by Selectman Johnson to enter into executive session pursuant to 1 MRS §405 (6) (c) regarding economic development at Mitchell Field and the possible acquisition of real property; motion passed 3-0. At 5:55pm, the Board 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-Lynn Sawyer, Deputy Town Administrator; Chuck Perow, Recycling Center Manager; Ronald Ponziani, Road Commissioner

**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. Administrator's Report:** Administrator Eiane announced that Judith Arndt, Alternate Animal Control Officer (ACO), is stepping down and thanked Ms. Arndt for her years of service. Administrator Eiane suggested reaching out to nearby communities to see if a person currently certified and working as an ACO can fill the Town's alternate position. The Board agreed. Administrator Eiane reported the Board met in executive session regarding an economic development proposal at Mitchell Field tonight. More information will be available if a formal proposal is submitted. Administrator Eiane announced the Clerk's Office will be open this Saturday and next Saturday from 9am – Noon for absentee voting. Administrator Eiane stated MSAD 75 is working on a replacement high school plan and there will be a forum regarding the matter at Harpswell Community School on October 19 at 6:30pm. Administrator Eiane reported the 2017 budget process is underway and based on the Board's workshop, a 1.5% wage and salary increase is being budgeted across the board and some employees are receiving additional increases to move them closer to the midpoint. The Board agreed.

**4. Selectmen's Announcements:** Selectman Multer encouraged the public to attend the MSAD 75 forum on October 19 as items not being funded by the State will be discussed. Selectman Multer stated she will be stepping down as Selectman in March of 2017 and she has enjoyed every minute of being a Selectman.

**5. Consent Agenda:** Chairman Daniel moved, seconded by Selectman Johnson to approve the consent agenda [policy on treasurer's disbursement warrants for State fees; accepted Carol Jean Richter's resignation from the Town Lands Committee; appointments for the November 8 election: Megan Hubbard, Susan Lowery, Janet Coombs as Wardens; Thomas Rothwell, Hope Hilton, Dorothy Rosenberg, Monique Coombs as Deputy Wardens; Sandra Swallow, Melanie Rubbins as Deputy Registrars; Amy Saxton, Alison Hawkes, Jean Rich, Ellen Shillinglaw, Elain Karath Baur, Georgiana Rock, Jenifer Watson, James Knight, Maureen Saxton, Sarah Hardcastle, Yellott Hardcastle III, Marjorie McFarland as Election Ballot Clerks; authorization of warrant 42 in the amount of \$1,048,176.24 and payroll warrant 42 in the amount of \$14,568.13]; motion passed 3-0.

**6. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her monthly report for September (attached).

**7. Disposition of Town-Owned Lots on Long Island:** Ms. Kelly reported the Town recently discovered the Town owns eight small lots on Long Island that were acquired through non-payment of taxes in the 1930's. All the tax deeds have been located and recorded and there is no evidence that these lots are in any abutter's deeds. If the Board chose to sell the lots, the Town could issue release deeds. Ms. Kelly stated she is aware that one abutter is interested in four lots. There are two sets of four contiguous lots. The Board was provided broad values of the lots based on one acre calculations. If the Board agrees to sell the lots, the process would follow the

Town's Disposition of Tax-acquired Property Policy and come back to the Board. Chairman Daniel stated at the site visit, the lots did not appear to be of any interest to the Town in his judgment or in that of Selectman Johnson or Ken Oehmig of the Town Lands Committee. Chairman Daniel moved, seconded by Selectman Johnson, to sell the lots; motion passed 3-0.

**8. Recycling Committee Update:** Michael McCabe, chair of the Recycling Committee, stated the Committee submitted proposed revisions to the Committee's mission statement and they await word from the Board. Mr. McCabe provided an update on the Committee's activities, including: publishing Invasive Plant Guidelines and offering educational programs such as the composting seminar held at Mitchell Field in July and promoting samples of composting bins which are available at the Recycling Center. The more solid waste that can be removed from the stream costs less to the Town and is better all around. Mr. McCabe stated the Town of Oakland planted a field of wildflowers over its capped landfill. The Committee explored doing that in Harpswell and the Department of Environmental Protection has approved the plan. A pilot strip on the capped landfill will be prepared and planted in the spring with hopes of having wildflowers by July. If successful, the rest of the landfill will be planted and Mr. McCabe hopes other possible areas as well such as Mitchell Field.

**9. Fire and Rescue Planning Committee's Progress Report:** David Mercier, Fire and Rescue Planning Committee member and Harpswell Neck Fire & Rescue Chief, stated that the departments are facing a shortage in firefighters. The Committee has developed a three part plan, which is fluid and can be implemented as needed. Mr. Mercier reviewed the highlights of the Committee's Progress Report (attached). Chairman Daniel noted the Committee will continue to work on this matter and will include public forums.

**10. Cedar Beach/Cedar Island Supporters (CBCIS) Request:** Tom Brudzinski, of CBCIS, requested in an effort to secure access to Cedar Beach and Cedar Island, that the Town commission an appraisal to establish the value of Cedar Beach Road. There are two ways to consider the acquisition of Cedar Beach Road – one is to acquire part of the road to be used in conjunction with an easement over Betsy Parks' property and the other is to acquire the whole road. Martin Eisenstein, of CBCIS, stated the CBCIS Board voted to recommend the Town acquire the road through eminent domain and CBCIS will donate \$50,000 to the cause. Mr. Eisenstein stated despite all the efforts, access over the road is not permanent so the only secured access to the Harpswell easement is by boat. He stated there are laws governing eminent domain and there are three main criteria: 1. Public exigency; 2. Municipality is unable to purchase the needed land at a reasonable value; and 3. Title defect. Mr. Eisenstein stated either one or two is applicable and the Town should try to purchase the road and if unsuccessful, should proceed with eminent domain and an appraisal is needed for both approaches. Selectman Multer stated the road is open now and discussions with the owner have been friendly so there is no point in pursuing eminent domain at this time or even an appraisal while the road is open. She noted an eminent domain process could be very costly and lengthy and if started, the road will likely be closed once the process starts. Selectman Johnson stated the landowner has been approached for an easement and she is not interested so an appraisal needs to be done as the road could be closed at any time. Chairman Daniel asked what the owner's recourse might be and how long can the process take. Mr. Eisenstein responded the main challenge is regarding the amount of value for compensation and another is whether the Town proceeded in an appropriate good faith effort. Chairman Daniel stated he has met with the owner of the road two times and she has indicated she would not close the road during a season and that the decision would be made on an annual basis. Chairman Daniel stated he would like to proceed in a good faith effort to meet with the owner first and ask her about the Town acquiring an easement. Mr. Eisenstein stated closing the road would be an immeasurable loss and time is of the essence as Town Meeting cannot act quickly enough without planning. Selectman Johnson stated the owner bought the road to control access to the beach and she is waiting for an excuse to shut it down. Chairman Daniel stated the owner has already agreed to keep the road open for the 2017 season so why take such an action now knowing that and without first talking with the owner. Tom Bailey, Robert Jackson, Ron Groger, spoke on the matter and in favor of obtaining an appraisal. Chairman Daniel asked if CBCIS could obtain an appraisal; Mr. Eisenstein responded it should be the Town. Chairman Daniel reiterated his desire to first speak with the owner regarding an easement

and also about putting in writing that she will not close the road. Chairman Daniel stated the owner just wants to assure that beach goers do not come up onto her private property. Mr. Eisenstein suggested she could have the same terms that the Aspatores agreed to in that easement. Mary Ann Nahf, Cedar Beach/Cedar Island monitor, stated she is not sure where the paragraph in the CBCIS letter referencing that the owner wants to rope off the beach came from. Discussions have been about adding signs and interactive maps to help the public understand where the easement is. John Robbins spoke in favor of obtaining an appraisal. Mr. Eisenstein stated he understands the public has a right to the intertidal zone. Selectman Multer stated that right is limited to fishing, fowling and navigation, not walking but there is no discussion of roping off any area. Jan Lehy spoke in favor of obtaining an appraisal. Mr. Brudzinski asked the Board to remember what type of land is being discussed – a road – not a residential or commercial area and the current owner would not lose the right to use the road. Constance Barker asked the Board to consider having a CBCIS member attend the meeting with the owner. Chairman Daniel stated speaking with the owner while an appraisal has been commissioned is not working in good faith. Selectman Johnson stated he does not agree with either of his colleagues stating the owner will not cooperate. Chairman Daniel stated he will try to meet with the owner before the next meeting and if the schedule does not permit, this topic may not make it on the next agenda.

**11. Recommendation for Winter Sand Contractor:** The following bids were received: Enterprise Trenchless Technologies \$12.88, Crooker Construction \$11.95, Copp Excavating \$12.04, Goodall Landscaping \$12.21, CountryFare \$14.50, and RA Webber \$17.85. Chairman Daniel moved, seconded by Selectman Multer to accept Crooker Construction's bid at \$11.95 per yard of sand; motion passed 3-0.

**12. Senter Foundation Grant Application:** Deputy Administrator Sawyer stated Jane Covey, Coordinator of the Harpswell Community Garden, prepared this grant application for installing power and a water source at the Community Garden. The electrical cost is unknown at this time but will be included before submitting the grant application. Chairman Daniel asked if there will be a monthly power bill and if the irrigation system will be on at all times. Deputy Administrator Sawyer responded she believes there will be a monthly electric bill and perhaps the Harpswell Heritage Land Trust will cover that and she is not certain of the operating schedule for the irrigation system, but will check. Selectman Multer moved, seconded by Selectman Johnson to approve the grant application with the completed information; motion passed 3-0.

**13. Identification of Steamboat Road Easement:** Deputy Administrator Sawyer handed out suggested changes to the proposed letter by the Town Lands Committee. She stated pursuant to the Judgment by Consent, the Town must notify the property owners on each side of the Town's Steamboat Road easement to the shore of its plans relating to signs. In 2008, one owner objected to a sign but has agreed that a sign is now necessary. The other property has construction in progress on the lot and the workers have apparently been driving on the Town's easement. Selectman Multer stated a resident on the road believes 25-30 people per week use the easement in summer. A sign is needed to clearly identify the location of the easement for multiple reasons including that some people are not certain of its precise location. Deputy Administrator Sawyer asked if the Board was in agreement with sending a letter to the owners and if so, she would work with Selectman Multer on finalizing. The Board agreed.

**14. Request to Tip Trees for Non-Commercial Purposes:** Administrator Eiane stated this person has a history of gathering tips of trees at the Recycling Center/Transfer Station. The use is not commercial and she asked if the Board preferred to leave the decision up to the Recycling Center/Transfer Station manager on a case by case basis for non-commercial uses. The Board agreed.

**15. Accept Donations:** Chairman Daniel moved, seconded by Selectman Multer to accept a donation of \$200 from Sarah Brendler for the Bandstand; motion passed 3-0.

**16. Other Business:** None.

**17. Public Comment:** None.

**18. Administrative Matters:** None.

**19. Adjournment:** At 8:00 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachments: Treasurer's Report  
Fire and Rescue Planning Committee's Report