



**OWLS HEAD BOARD OF SELECTMEN**  
**Meeting**  
**January 04, 2021**

**VIA ZOOM**

**CALL THE MEETING TO ORDER**

4:00 pm Chairman Thomas Von Malder calls the meeting to order. Also present were Selectman Linda Post and Gordon Page, Richard Carver, Steve Betts, Lynn Chaplin, Bill George, Sophie Gabrion, Kathryn Pardo, Lauren Swartzbaugh, Town Clerk Susan Wilson and recording Secretary Eleanor Stone.

**APPROVE MEETING MINUTES**

**MOTION: 4:02 pm Gordon makes a motion to approve the minutes for the meeting held on November 16, 2020 as corrected. Linda seconds that motion.**

**Vote passes 3-0 all in favor.**

**MOTION: 4:04 pm Gordon makes a motion to approve the minutes for the meeting held on December 21, 2020 as corrected. Tom seconds that motion.**

**Vote passes 2-0 all in favor with one abstention.**

**OLD BUSINESS**

Richard Carver presents a letter from Prock Marine asking for an extension on the dredging contract. Owner and Contractor agree that the plan for disposing of drudge spoil for the dredging work is predicated on disposing of dredge spoils as a beneficial use in the Owls Head Lobster Company lobster pen in Owls Head Harbor. Prock Marine Company has performed a portion of the project drudging under this arrangement. Owing to capacity, ability to accept dredge spoil is deferred.

Owner and Contractor agree to modify Article 4.02 to extend the contract time as follows: The work will be substantially completed on or before Saturday, April 09, 2022. Notwithstanding the extended contract time, the contractor will complete the work using the beneficial use of dredge spoil as described and with the limits of existing permits as soon as practical.

Owner and contractor agree that Liquidated Damages specified in Article 4.03 are waived until April 9, 2022.

Owner and contractor agree that Retainage of progress payments in Article 6.02 are waived.

**MOTION: 4:06 pm Gordon makes a motion that we approve the extension request from Prock Marine, extending out until the 9<sup>th</sup> of April 2022. Linda seconds that motion.**

**Vote passes 3-0 all in favor.**

Discussion about the abandoned boat at Dicks Beach. Selectmen Post believes that because the boat has been abandoned, we should have salvage rights. Harbormaster Adam Philbrook hoped that the boat would be lifted with the high tide, but that did not happen. Town Attorney Fredrick Newcomb was called and asked to draft a letter to both Prock Marine, releasing them from any liability, and a letter to the boat owner who is believed to be incarcerated, stating that the boat has been abandoned and the town is now taking measures to have it removed. Frank Ross thinks that a sign should be posted at all access points containing stairs. Chairman Von Malder would like to know how many signs would be needed. Selectmen Post says that information would need some research. Von Malder states that a sign would only need to be posted at places that have stairs.

## **NEW BUSINESS**

The Assistant Harbormaster Walter Wotton approached Selectman Linda Post concerning the stairs that access the beach at the end of Harborside Terrace. He is concerned that someone may get hurt using the stairs and asked if a use at your risk sign should be posted there. Selectman Post asked that Attorney Fred Newcomb be contacted regarding this issue. Secretary Eleanor Stone states that she has already contacted Attorney Newcomb regarding a sign, and it is his opinion that having the saying to “use at your own risk” would be helpful but not a guarantee if a lawsuit was to occur. Currently, we are awaiting a call back from The Maine Municipal Association advising how we need to handle the situation.

The Selectmen were given an update regarding the MMA inspection. The citations we were given have been resolved or are being worked on.

## **ADJUSTMENTS TO THE AGENDA**

Sophie Gabrion from the Owls Head Transportation Museum presents the Selectmen with a request for a liquor license. Ms. Gabrion will be presenting the Selectmen with four requests for licensing at a future meeting. The Museum does follow the State of Maine Governor’s executive order.

**MOTION: 4:30 pm Gordon makes a motion that we approve the application for licensing for the event being held on January 12, 2021. Linda seconds that motion.**

**Vote passes 3-0 all in favor.**

## **PUBLIC COMMENT**

## **OTHER BUSINESS**

### **APPROVE AND SIGN THE MUNICIPAL WARRANT**

**MOTION: 4:34 pm Gordon makes a motion that they approve and sign warrants under the condition that they will review them and remove any that they have questions about. Linda seconds that motion.**

**Vote passes 3-0 all in favor.**

## **ADJOURN THE MEETING**

**MOTION: 4:35 pm Gordon makes a motion to adjourn, Linda seconds.**

**Vote passes 3-0 all in favor.**