

North Haven's character is directly related to its geography. Sure, our town is rural and isolated, but that's not what drives us. We are an island community. And that status affects each of us profoundly. We become part of the island and it becomes part of us. We brag about it, complain about it, cherish it, and make fun of it (and each other). We neglect it at our peril. We also learn to share it.

This is true especially in the summer, when our population increases. We share the roads with walkers, runners, bicyclists, birdwatchers, and roller-skiers. We share the ferry parking lot with fishermen, Hopkins Gallery and Market, and people using the Town Float. We share Mullin's Head and the Thoroughfare, Ames Knob and the Smelt Brook, and — you guessed it — airspace.

When I was on the mainland recently, I drove around the east side of Rockland over to Thomaston. In just twenty minutes I passed several isolated, flat fields where a farmer could create an airstrip of 2,000 feet or more. Our geography is more constrained. There is nowhere on this island where the Town could purchase land, construct an airstrip, and operate that airstrip without concern for houses and other structures, Fresh Pond, the shoreline, roads, the environment, animals, noise, and people. So we're back to sharing.

Exactly how we share is still an open question, and I'll get to that in a little bit. But first I'll outline how we got here. In 1963, Tom Watson asked the Town to close a town road across his property that interfered with the safe use of the airstrip he had built. Some say a handshake deal was struck, in which the Town would get access to the airstrip and Marsh Cove Beach in exchange for agreeing to close the road. At one point, the Town hired Angus King to attempt to parse out the terms of the deal; but that effort was unsuccessful. In any case, in 2016, the Town reached an agreement with the Watson family that allowed limited flights in and out of their airstrip from September through May. Emergency medical flights were allowed without limit and could occur year-round. This agreement also expressly waived the Town's claims against the Watson family ("Norfam") for any previous agreement, including the handshake deal. Here's the waiver language. "The Town acknowledges and agrees that Norfam is the owner of the Airstrip; that the Town and all persons and entities other than Norfam, the Norfam Affiliates, and/or persons authorized by Norfam Affiliates to use the Airstrip have no rights of any nature or description to the Airstrip or to use of the Airstrip, except as expressly authorized pursuant to this Agreement; and that the Town hereby terminates, releases, surrenders, and waives any claims to, or rights in, the Airstrip or to its use which the Town may have previously asserted on behalf of the Town or any other person." So, while there are some people who remain convinced that the Town should have free, year-round use of Watson's airstrip based on the supposed handshake agreement, that ship has sailed.

So what happened next? Precursors to PIA flew people and goods on and off the island. Eventually, Kevin Waters established PIA and operated flights out of Witherspoon's airstrip in the summer months and out of Watson's the rest of the year. Since Witherspoon's is shorter by about 2,000 feet, PIA was restricted to flying Cessna 206 aircraft out of that airstrip. The larger capacity Cessna 207s could only be used at Watson's. This meant during the summer months PIA had to operate more flights to bring the same amount of people and packages to the island

than it could with larger-capacity aircraft in the off-season. And of course the summer is when PIA's volume peaks. This significantly reduced PIA's profit margins. With a much shorter airstrip — an airstrip with one of North Haven's busiest roads at the end — the landings and takeoffs were also more demanding, and more risky.

Joe Stone made the case for a longer, safer, and more effective Town-controlled airstrip in July 2018 when he was town administrator. At that point, Donald Sussman had offered to work with the Town to allow the construction of an airstrip on his property across from Turner Farm. When I succeeded Joe less than two weeks later (July 16, 2018), several people in the neighborhood of Turner Farm had begun raising concerns about the proposed Sussman airstrip. Among their concerns were the effects on the environment and animal life, the possible harm to Fresh Pond, and noise. They hired an attorney to represent them.

Shortly after I became town administrator, I talked with the Select Board about broadening our search for a safe and effective airstrip. We hit on five options: (1) Sussman's; (2) Watson's; (3) the Town's property at the intersection of Main Street, Pulpit Harbor Road, and South Shore Road (known as Crabtree Farm); (4) extending Witherspoon's; and (5) no changes. My original idea had been to catalogue all the pros and cons of these options, form a committee to evaluate the options and make a recommendation, and then present the results to the Select Board and the Town's voters for a decision. Unfortunately, each option was long on cons and short on pros.

Let's start with site work. Watson's airstrip would not need any site work; it is an existing airstrip. Likewise the fifth alternative — no change — would not require any earthwork. In contrast, constructing an airstrip at Sussman's or Crabtree Farm or extending Witherspoon's would all require cutting and filling to create an acceptably flat and smooth surface. The Town hired Gartley & Dorsky, an engineering firm in Camden, to review these three sites and prepare estimates. The estimates are remarkably similar: 57,757 cubic yards of cutting and filling at Sussman's; 61,868 at Crabtree Farm; and 55,628 to extend Witherspoon's.

Next, consider acquisition costs. In this case, the Town already owns about 2,500 linear feet of property at Crabtree Farm, so neither it nor the "no change" option would cost the Town money to acquire. Getting access to the Sussman property was more nebulous. His attorney was uncertain whether Mr. Sussman was considering giving the Town the property outright or granting the Town limited and revocable access. Additionally, getting to the proposed airstrip from South Shore Road would also require the Town to obtain a right of access to drive across the property. Extending Witherspoon's would require the Town to purchase land from the Meigs family to the east and from the Roedigers to the west. Finally, acquiring Watson's would also cost the Town money, either in the form of a lease or an outright purchase. Neither the Meigs nor the Roedigers were interested in working with the Town to acquire the needed portions of their properties. Watsons were not interested in selling, but some of the family would consider running an experiment to see how the noise and use of their airstrip would affect them in the summer. I worked with their family representative and Kevin at PIA to put together an agreement for a 5-day experiment last summer. In the end, some of the family members objected and the experiment was canceled.

The environment is next on the list. Watson's is an existing airstrip, so there would be no environmental impacts needed to create an airstrip. In contrast, creating an airstrip at Crabtree Farm or extending Witherspoon's to the east would affect vernal pools. These seasonal pools of water are breeding grounds for certain amphibians and other life. Accordingly, they are protected and regulated by the State. Maine has adopted an "In Lieu Fee Compensation" (ILF) program under which people wanting to develop land pay a mitigation fee for each square foot of wetlands (including vernal pools) they want to fill. In the case of Crabtree Farm, an environmental specialist from Gartley & Dorsky estimated the site contained three acres of vernal pools. The State's mitigation fee under its ILF program for Knox County in 2019 was \$3.61 per square foot. Three acres is 130,680 square feet. At \$3.61 each, that would amount to \$471,754.80. (I just looked at the State's ILF website. The 2020 fee for Knox County has increased to \$4.67, which would amount to a total mitigation cost of \$610,275.60). These mitigation fees do not eliminate the need for wetland permits. Instead, the Town would have to pay the fee and hire professionals to work with the State Department of Environmental Protection and the U.S. Army Corps of Engineers to obtain permits on top of paying the fees. Obtaining acceptable permits is not guaranteed. The Meigs property backs on to the same area as Crabtree Farm, so wetland mitigation fees and permits would be required there as well. Finally, this leaves the Sussman property, which is on higher ground, and therefore did not appear to have vernal pools. The group of neighbors opposed to its use did raise other environmental concerns, however, largely concerning the effects on wildlife of PIA's flight operations.

Finally, consider safety. At 965 feet, Witherspoon's is the shortest airstrip on the list of alternatives. Pulpit Harbor Road crosses the western end of the airstrip. Dick and Janet have installed flashing lights to warn vehicles. These lights are controlled by the pilots by clicking their microphones on a prescribed frequency. Yet a warning system is fallible. Pilots have to remember to key in the frequency. Drivers have to notice and respect the warning signals. And simple mistakes can occur. A driver might see an airplane on the ground and think it is safe to cross the road only to discover that a second plane is also landing. In addition to the road crossing, add the proximity of several residences, Our Place Inn, North Haven Grocery, and the school, as well as tall trees on the sides and ends of the airstrip.

Some people have talked of the Town's taking portions of Eric Hopkins's and Roediger's lands to extend the airstrip, and rerouting Pulpit Harbor Road around the extended airstrip to the west. Others have talked about tunneling under the airstrip so that vehicles could pass while airplanes landed overhead. Pulpit Harbor Road at that point is a State-owned roadway, so Maine DOT would have to agree to and engineer either of these alternatives.

I laid most of this out during a meeting the Select Board held at Turner Farm in August 2019. Someone in the audience asked whether the Town had considered using eminent domain to acquire Watson's airstrip. This was just after the Watson family decided against our experimenting that summer. If I recall correctly, I said eminent domain is not to be undertaken lightly and it would require the Town to fairly compensate the Watsons for their land; it is far from free. At that point, the Crabtree Farm property was still a meaningful alternative and I was hoping it would provide a better option.

Now, move forward in time to the fall of 2019 and the period leading up to the March 2020 Annual Town Meeting. During this time, Mr. Sussman's attorney said his client had withdrawn the offer because Mr. Sussman did not want to upset his neighbors. Crabtree Farm became far more expensive because of the wetlands issues.

In February 2020, I went to a meeting in Augusta with Kevin Waters. We met with Maine DOT's aviation professionals. They had their FAA counterparts on the telephone. The purpose of the meeting was to discuss the possibility of obtaining FAA and Maine DOT funding to select a site and construct an airstrip. If an airfield can become part of the federal government's National Plan for Integrated Airport Systems (NPIAS), the FAA will pay for 90 percent of the construction costs and Maine DOT will pay for 5 percent, leaving the Town having only to pay the remaining 5 percent. Funds are also available in the manner for purchasing an existing airstrip. Of course, there are conditions. First the airport cannot be within 30 miles of another NPIAS airport, such as Knox County Regional Airport, and generally must be the base of operations for ten aircraft. These conditions can be waived for rural, isolated locations. Second, the Town would have to open the airport to any potential user; we could not restrict the airstrip to PIA only. This causes concern because the Select Board never intended to create an open, municipal airstrip. Third, we would have to maintain the airstrip in accordance with FAA standards, standards that can be expensive and evolve over time. And finally, if we later decided not to continue operating the airfield as a NPIAS airfield, we would have to pay back both the FAA and the State.

At that same meeting, I also found out that a similar arrangement was available to obtain FAA and Maine DOT help in locating, evaluating alternatives, selecting, and designing an airstrip. The big difference between taking money for a study on the one hand and taking construction or acquisition funds on the other, is that the Town would not have to commit to making the airstrip a NPIAS airstrip when the study was complete. We could say no thanks and — unlike construction — not have to repay the \$200,000 to \$300,000 in study funds. The only downside to this scenario is time. The process would begin with the Town applying to the FAA for a grant in the fall of 2020. The FAA would evaluate applications and notify recipients in the spring of 2021. We would then work with Maine DOT to hire a contractor to perform the study. The study itself, including public meetings, would take 6-12 months. All told, the process would take 18-24 months.

While all this was under consideration, the Select Board and I started thinking more seriously about using eminent domain to acquire the land needed to operate an airstrip or an airstrip itself. The Town hired an experienced eminent domain law firm, Jensen Baird Gardner & Henry, to provide the Select Board with advice.

Eminent domain is a two-step process. First, the Town would have to demonstrate there is a public exigency that justifies taking the land. And second, the Town has to justly compensate the owner. Unless a negotiated settlement is reached, the second step usually involves a courtroom battle of expert witnesses, in this case professional appraisers. This process also takes time.

The Town also continued to look for other possible airstrip locations, including North Shore Road itself, adjacent to Watsons, and the Holmgren property across the road from the Watson airstrip, which was for sale at the time. We even advertised on the Town website, asking if anyone wanted to sell land to the Town for the purposes of an airstrip. No one responded. We looked briefly at Mullin's Head Park, but the terrain is littered with ledge. As to North Shore Road and the Holmgren property, it seemed plain silly to create an airstrip right next to an existing airstrip.

So, as we readied for the March Annual Town Meeting, we were looking at two alternatives: conduct a formal study using mostly federal and state funds or move forward with eminent domain.

Selecting Watson's as the logical land to take using eminent domain was not complicated. It is a safe, existing airstrip. If the Town were going to spend a lot of money in taxpayer funds to acquire property for an airstrip, it made sense to buy one that already exists. No land-use permitting would be required. And compared to Witherspoon's or Crabtree Farm, it is away from the more populated areas of the island. Finally, it made no sense to build a third airstrip on a small island if the Town first had to spend considerable funds to acquire the land.

The Select Board decided to have me send a letter to the Watson family in advance of the Annual Town Meeting. I understand that letter has been out on Facebook; it speaks for itself. I'll quote the end here. "Considering your family's long history on the island and your interest in the island's overall well-being, the Select Board and I thought it best to let you know our intentions before engaging in a public discussion of the alternatives described above. Our strong preference would be to work out a consensual arrangement either to acquire your airstrip or to enter into a long-term lease allowing for the use of your airstrip year-round. A consensual arrangement would involve the Town's paying a fair market price for the airstrip."

At the Town Meeting, I did a presentation on the four initiatives that we discussed during the August meeting at Turner Farm: (1) traffic and parking; (2) a new Public Safety Building; (3) waterfront access; and (4) a town-controlled safe and effective airstrip. As noted in the letter to the Watson family, the Select Board wanted to get an idea of what the Town's voters thought about possibly using eminent domain, so we held an informal straw vote. The vote was held by written ballot, so as to give people the privacy of their own thoughts. The result was 66-4 in favor of proceeding with eminent domain instead of pursuing a formal study.

It is worth stressing that this vote was a straw vote, designed only to give the Select Board an indication of the voters' preferences. It was not binding on the Select Board and did not initiate the eminent domain process.

Following this, the Watsons asked to talk with the Town and PIA about using the airstrip during the summer months. We negotiated an agreement for the summer of 2020 (ending September 30) that allowed for three blocks of time for landings and takeoffs each weekday and two blocks on Saturdays and Sundays. In exchange, the Town would pay the Watsons \$21,500. We also agreed to discuss the possibility of creating a longer-term agreement. These discussions are to occur in October.

Immediately after Town Meeting, we began to deal with the outbreak of the coronavirus and attempts to mitigate its impact to the island. Four months later, Kevin Waters died unexpectedly, devastating all those who had come to rely on his friendship, generosity, and concern for all of us who live on the islands.

Terry Waters, Kevin's wife, jumped in to help manage PIA. An oncology nurse at PenBay, she has taken a leave of absence to assume the presidency of the air service.

Kevin wore many hats at PIA; finding people to fill these various roles (one person cannot do it) is likely proving challenging. And his generous nature created a huge amount of goodwill, but at a price. And a significant fall off in demand due to the virus has made matters worse. Consequently, PIA is refining its business model and ticket/freight prices to make sure it can survive.

One way in which PIA is refining its business model is to seek financial support from the island communities it serves. The company has recently asked the Town of North Haven to guarantee the cost of three trips to the island on weekdays and two trips per day on weekends at \$260 each. If passengers and freight filled up the plane, the Town would not pay for that trip. If the plane were partially full, the Town would pay the difference. Terry and her chief financial officer, Ken Carle, presented this idea to the Select Board on September 9th. I have asked the company for detailed information and have talked briefly with the Town's attorney to let him know we may need a legal analysis. If the Select Board decides to move forward with this concept, we will need to call a special town meeting to lay the question before the Town's voters.

I realize this is a lot of information. I will put the relevant documents on the Bulletin Board section of the Town's website. My goal in setting this out in some detail is to let you know the lengthy history of this issue and the steps the Select Board and I have taken to find a way to appropriately share the island's limited resources — in this case an airstrip and airspace.