

**Selectmen's Meeting Minutes**  
**June 11, 2015**  
**Harpswell Town Office**  
**Approved on June 25, 2015**

At 5:00 pm, Chairman Daniel moved, seconded by Selectman Johnson to enter into executive session pursuant to 1 M.R.S.A. § 405(6)(c) regarding Town property status; motion passed 3-0.

At 5:47pm, the Board returned to open session and recessed until 6:00pm.

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; Bill Wells, Code Enforcement Officer; Marguerite Kelly, Treasurer; and Ronald Ponziani, Road Commissioner

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 announced the Red Cross will host a blood drive on July 1 at the Town Office. Interested persons can call the Town Office for registration information. Administrator Eiane reported that Chuck Perow, Recycling Center Manager, and Terri Sawyer interviewed an applicant for the seasonal position at the Recycling Center and staff is recommending the Board hire Richard Griffin at \$9.00 per hour. Chairman Daniel so moved, seconded by Selectman Johnson; motion passed 3-0. Administrator Eiane reported the Town received a letter from the Department of Labor (DOL) as a follow up to the inspections conducted at the Town Office, Recycling Center/Transfer Station and the three fire departments. There were violations found and the letter includes a \$6,400 penalty; however Administrator Eiane is working with the Departments and the Attorney to address the citations. Administrator Eiane asked the Board to authorize her to request an informal appeal of the penalties with the DOL. Selectman Multer asked how much of the penalty was attributed to Town violations. Administrator Eiane responded there were two minor citations at the Recycling Center and two minor at the Town Office, neither included penalties. Selectman Johnson noted many of the Department citations relate to the numerous paperwork requirements. The Board agreed to allow Administrator Eiane to request the informal appeal. Administrator Eiane reported the pump house that was located on the pier at Mitchell Field has collapsed into the water. There was a meeting on-site with a representative of the Department of Environmental Protection Agency (DEP), who indicated that the debris has to be removed and can be done in two phases. Phase I is to remove the top debris which is estimated to be \$8,000. Phase II is to remove the remaining debris such as the concrete at a much greater cost. DEP also indicated that the Town needs to look into the disposition of the pier as 'do nothing' is likely not an option. Administrator Eiane will keep the Board updated on this matter. Chairman Daniel asked if any monetary penalties will be involved; Administrator Eiane responded she did not believe so. Administrator Eiane reported the Federal Emergency Management Agency has approved reimbursing the Town 75% of its material costs associated with a late winter storm in 2015, total material costs were approximately \$4,200.

**4. Selectmen's Announcements:** None.

**5. Consent Agenda:** Chairman Daniel moved, seconded by Selectman Multer to approve the consent agenda [May 28 minutes; catering permit; accept donations for the bandstand fund as follows: Barbara White \$15, Anna Salom \$50, Lindsay & Dave Deinzer \$100, Candi Hine \$100, Lynda DeHann \$150, Becky & Pat Gallery \$250, Frank Goodwin \$250, Larry Douglas & Gayle Birdsall \$30, Bucky Taylor \$100, Mr. & Mrs. Hubbard Goodrich

\$100, David Morton \$25, Ed & June Phinney \$50, Bob & Hati Modr \$100, Ruth & Harold Weeks \$100, Wendy Power Spielmann \$50, Edward Phinney \$20, Robert McAfee \$100, Pam Cook \$50, David Brown & Jane Covey \$50, Bob & Chris Millar \$50, Brackett Funeral Home \$200, Alice Forgit \$100, Walter & Joan Phillips \$100, Yeeha Chiu \$50, Evelyn & JP Bolduc \$500, Julia Stevens \$25, Mr. & Mrs. Wayne Hurst \$100; and a \$100 donation from the Harpswell Garden Club for the Harpswell Community Garden; approved three leases for the Orr's Island Bridge; signed Ratio Declaration and Reimbursement Application to the State; authorization of warrant #25 in the amount of \$796,750.16 and payroll warrant #24 in the amount of \$14,521.09]; motion passed 3-0.

**6. Old Business: Consider Next Step Re: Repurchase Agreement with Harpswell Coastal Academy (HCA):** Chairman Daniel stated this topic was initially tabled as a citizen stated he would be meeting with HCA representatives about the topic and asked the Board to wait. Chairman Daniel stated the meeting did not occur and his colleagues directed him to contact HCA. John D'Anieri, Head of HCA, sent an email that Chairman Daniel stated he was in agreement with. Selectman Multer suggested the Town forward the possible language change onto the Town Attorney for review and specifically address what a bonafide offer means and she has some language that can be sent as well. Selectman Multer stated the Attorney should not spend much time on this and that there will be no additional negotiations on the topic. Selectman Johnson agreed that the topic not be extended into negotiations if there is not a simple and quick agreement on a language change. Chairman Daniel agreed noting that Town Meeting approved the current agreement and making changes may please some and displease others. The Board agreed to proceed as long as HCA is willing and the process is not too costly.

**7. Sharon Smith Et Al. Wharf Application, 225 Neil's Point Road, Tax Map 7, Lot 23:** Bill Wells, Code Officer, stated a hearing was held and no one attended and no abutters have expressed any concerns regarding the proposal. Joe Leblanc, owner's representative, reviewed the application for a 3'x37' access platform and stair system, 5'x55' pier, 3'x50' ramp and a 10'x20' float and 10'x40' haul out frame. Mr. Leblanc stated the system will be shared with the right abutter and rentals. Deputy Administrator Sawyer noted the proposal is located within a velocity flood zone and asked if the appropriate documentation from an engineer has been received. Mr. Wells and Mr. Leblanc responded no but it will be provided. Selectman Johnson moved to approve the application pending the appropriate engineering information be provided to the Code Office prior to permitting. Chairman Daniel seconded the motion and added to the motion that the proposal does not cause a hazard to navigation or injury to the rights of others regarding fishing, fowling and navigation. The motion passed 3-0.

**8. Consider Proposed Capital Road Project and Process:** Administrator Eiane reported that she, the Deputy Town Administrator and Treasurer met with Ron Ponziani, Road Commissioner, regarding current and future capital road plans. Mr. Ponziani is recommending reconstructing part of the Stover's Point Road, part of Lookout Point Road and Stover's Cove possibly to the landing this year. Administrator Eiane asked if the Board agreed with the choice of roads and if the Board wanted to follow the typical procedure of having Gorrill Palmer prepare specifications and bid the project. She noted there was an exception to the procedure on the last project as Harry Crooker & Sons, Inc. held its prices from the previous project and the Board agreed to sole source. Selectman Multer stated while the previous sole sourcing may have served the Town well, she prefers to return to bidding the projects. Chairman Daniel agreed. Selectman Johnson asked what the costs would be with Gorrill Palmer. Administrator Eiane responded it is estimated at \$30 - \$35,000 for the design, bidding and monitoring and she noted that Gorrill Palmer had not visited the roads and this estimate is a ballpark only. The monitoring costs for the previous contract were approximately \$12,000. Mr. Ponziani stated he wanted to proceed with Crookers to save money but the process is up to the Board. He added he would like to be with Gorrill Palmer when they visit and review the roads. Mary Ann Nahf stated the Conservation Commission has been discussing roads and the associated erosion and culvert issues. She asked the Board to consider other issues during capital road projects other than the cost such as sea level rise as it is best to plan in advance of emergencies. Selectman Multer stated she wants the engineers to review the treatment plans such as is surface paving sufficient to avoid being penny wise and pound foolish. Chairman Daniel suggested an indication of low lying roads could be added

to the Town's capital road status list. Selectman Multer moved to support a work order with Gorrill Palmer in an amount not to exceed \$30,000 to review the treatments [of Look Out Point Road, Stover's Point Road and Stover's Cove Road], develop the specifications and bidding documents and to monitor the project. Selectman Johnson questioned proceeding with Gorrill Palmer. Administrator Eiane stated that engineering services were bid a few years ago similar to legal services and those services are generally provided for a period of time as opposed to a specific project that gets bid. Mr. Ponziani stated he could ask Crooker if they would hold prices again. Chairman Daniel and Selectmen Johnson agreed to consider sole sourcing if Crooker would hold pricing. Marguerite Kelly, Treasurer, cautioned the Board as the price of asphalt could decrease. Mr. Ponziani agreed the price is unknown but proceeding with Crooker the costs would be known. Chairman Daniel seconded Selectman Multer's motion and the motion passed 2-1 (Selectman Johnson opposed).

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

**10. Consider Agreement for Pasturing Horses in the Upper Field at Mitchell Field:** Chairman Daniel stated last year an agreement was developed with input from the Mitchell Field Committee to allow Jim Cornish to pasture horses at Mitchell Field. The activity did not take place year and Mr. Cornish is requesting to proceed this year. Mr. Cornish stated he will pasture 3 horses and Stone Soup Institute's insurance will add the Town as an additional insured. Chairman Daniel moved, seconded by Selectman Multer to approve the agreement; motion passed 3-0.

**12. Consider Parking Plan Options at Pott's Point Town Wharf:** Deputy Administrator Sawyer stated beginning last year, work began with the Town engineers to develop a parking plan at the Town's wharf on Pott's Point to help alleviate the current safety issue associated with parking along (and in) the road. To maximize the space for this heavily used site, a perpendicular parking plan for 7 spaces, was developed. Recently there was a meeting on site with the Department of Environmental Protection to get feedback on whether that proposal would be considered for permitting and a favorable response was received. Deputy Administrator Sawyer stated prior to proceeding with the perpendicular parking plan there is another parking option as well and she asked the Selectmen to provide direction on which to proceed with. The key points relating to the two different parking plans are as follows: 1. perpendicular parking – 7 parking spaces, estimated construction cost of \$25,000 - \$30,000, requires full DEP permitting and local review, including variances; and 2. parallel parking – while 5 spaces are on the plan, the engineer states that 4 is more realistic and the estimated construction cost of 4 spaces is \$10,000 - \$15,000, requires local permit and lower level of DEP permitting. Deputy Administrator Sawyer stated the Town Lands Committee voted to proceed with the parallel parking plan; the Harbormaster is in favor of the perpendicular as well as two Harbor and Waterfront (H&W) Committee members; and one H&W member suggested waiting until there is a future plan for the site. Selectman Johnson stated he was in favor of the perpendicular plan as parking is needed; Chairman Daniel and Selectman Multer agreed. Selectman Multer noted she preferred the spaces to be marked to avoid overlapping.

**11. Marine Resource Matters: Public Hearing Re: Shellfish Closures for the Following Areas: Indian Rest, Quahog Bay, Gun Point cove, Dogs Head, Ridley Cove and Oakhurst Island:** The hearing was opened at 7:00pm. Phil Gray stated he harvests quahogs from Quahog Bay and he stated the closure is not necessary, at least for quahogs. Darcie Couture, Town's Marine Resource Coordinator, stated the Department of Marine Resources (DMR) is planning to lift the State closures in these areas and the Marine Resource Committee (MRC) would like to keep the areas closed for now. At the June meeting, the MRC will develop a plan to open the areas for limited times with the purpose to avoid depletion of the clams. Ms. Couture stated she believes that quahogs can remain open for harvest as the focus is on the soft shell clams. Selectman Multer stated she was angry no one from the MRC was in attendance since they are asking the Board to help support protection of their livelihood. The hearing was closed at 7:05pm. Chairman Daniel moved, seconded by Selectman Johnson to close the areas under the recommendation for soft shell only (not quahogs) upon approval by DMR; motion passed 2-0 (Selectman Multer abstained).

**Consider Depuration Matters:** Ms. Couture stated in addition to opening some areas, DMR is planning on closing other areas. The MRC is concerned that the restricted areas would be open to depuration without an abatement plan. The Town can submit a pollution plan to DMR which if approved would give the authority to the Town to choose what happens in the restricted areas. Administrator Eiane asked if depuration occurs now; Ms. Couture responded no but it may in the new areas. Selectman Multer asked what the process is to get a plan. Ms. Couture stated a letter is sent to the DMR Commissioner explaining the pollution affects in the area and how the issues will resolved. The Selectmen agreed the plan will be from Ms. Couture and the MRC. Once notice is provided to DMR the areas will be protected from depuration to give reasonable time to prepare a plan. The Board reached consensus to proceed.

**13. Accept Cumberland County Development Block Grants (CDBG) and Sign Contracts:** Administrator Eiane stated the Board approved submission of two grants to the CDBG Program and both have been approved. One is for \$6,000 to fund, through Midcoast Hunger Prevention, the Harpswell Community School backpack program. Midcoast Hunger will provide a \$1,200 grant match. The other grant is for \$60,000 for renovations at the Bailey Island Library Hall and that entity is providing a \$16,983 grant match. Town staff will work with both entities throughout the grant processes as the grants have been awarded to the Town. Selectman Multer moved, seconded by Selectman Johnson to execute the grants; motion passed 3-0.

**14. Consider Request for Proposals for Paving the Emergency Services Building Drive and Rehabilitation a Portion of the Town Office Drive:** Deputy Administrator Sawyer stated the request for proposals is to pave the existing gravel drive to the Emergency Services Building, rehabilitate a portion of the Town Office drive and it was suggested to add rehabilitation of a portion of the walkway between the Town Office and Recycling Center. Additionally, an alternate option is included for the parking area at the Emergency Services building. Selectman Multer suggested eliminating 'timeliness of installation' under the award section. The funding will come from the Town Office and Facilities Improvements reserve. Chairman Daniel moved, seconded by Selectman Johnson to approve the request for proposal with the sidewalk added; motion passed 3-0.

**15. Authorize an Extension and Execution of Sale Documents for Hildreth Road Property, Map 3, Lot 73:** Administrator Eiane reported the Board accepted an offer from Celeste Danforth about a month ago for the property on Hildreth Road. A June 15, 2015 closing date was anticipated, however the appraiser for the buyer needs more time. The realtor is recommending authorizing an extension to June 29. Administrator Eiane asked the Board to also consider authorizing the Town Administrator or the Select Chair to execute the closing documents. Selectman Multer moved, seconded by Chairman Daniel to authorize the Town Administrator to execute the sale documents and authorize extension of said execution for the Hildreth Road property, tax map 3, lot 73; motion passed 3-0. Selectman Johnson asked if the extension date should be later; Administrator Eiane responded the buyer signed an extension to June 29. Motion passed 3-0.

**16. Other Business:** The Board was reminded of the Tuesday, June 16 committee-wide meeting and the first bandstand concert on June 18.

**17. Public Comment:** None.

**18. Administrative Matters:** The Board approved a catering permit for Cook's Lobster House and set a special meeting for June 18 at 1:00pm to hold a public hearing on a first-time liquor license.

**19. Adjournment:** At 7:30 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachments: Treasurer's Report

[Attachments are available at the Town Clerk's Office or by email at [harpwell@town.harpwell.me.us](mailto:harpwell@town.harpwell.me.us)]