

Selectmen's Meeting Minutes
August 7, 2014
Harpswell Town Office
Approved on August 21, 2014

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 amended by moving item 11 to before 10 and to add as 14.5 Consider Profession Services Agreement; motion passed 3-0.

2. Public Comment: None.

3. Recognition of Former Emergency Management Agent: Chairman Daniel thanked William "Pappy" Labbe for his service protecting Harpswell. Administrator Eiane expressed pleasure in having worked with Pappy for 12 years. She respected how he interacted with the fire and rescue departments and that he would always inform her of issues when needed. Administrator Eiane thanked Pappy for his service to Harpswell and his prior municipal service in Brunswick. Mr. Pappy was presented with a plaque and photos were taken.

4. Town Administrator's Report: Administrator Eiane reported the 2014 tax bills will be mailed next week. The Board set the mill rate at \$6.10 per one thousand dollars of assessed value. Payments can be made in person, on-line or by mail with the first payment due September 15. Included with the tax bills is a municipal bulletin that provides updates and dates of coming events. Administrator Eiane reported the Town's Facebook page has been activated and already has over 100 likes. The most popular post so far has been of the fishermen's statute. Administrator Eiane stated she heard from a resident who received a call from someone demanding she pay an IRS penalty. Administrator Eiane encouraged anyone receiving similar calls to hang up as it is a scam.

5. Selectmen's Announcements: None.

6. Consent Agenda: Chairman Daniel moved, seconded by Selectman Johnson to approve the consent agenda; motion passed 3-0 [May 23, June 30, July 10, July 22, July 24 and August 4 minutes; \$40 from Joyce Audas and Judy Hamer for heating assistance; \$100 donation from Bruce and Junelle Brandt and \$25 from Larry Douglas for the bandstand; and warrant #34 in the amount of \$708,759.29 and payroll warrant #32 in the amount of \$15,391.90].

7. Consider Consent Agreement with Owners of Tax Map 52, Lot 186: Deputy Administrator Sawyer stated the Board indicated at the last meet, after meeting with its attorney, that it was willing to resolve the land use violations on map 52, lot 186 through a consent agreement. The agreement allows the decks around the cottage, including the front deck located 15-feet from the water, to remain; requires the boat shed to be removed; requires the ramp and float to be removed and not reinstalled until permitted; requires the owners to reimburse the Town its legal costs incurred on this matter and to pay a \$3,000 fine. The owners have asked for 90 days to remove the structures instead of the preliminary time frame discussed of 60. Selectman Multer moved, seconded by Selectman Johnson to approve the consent agreement; motion passed 3-0. Chairman Daniel thanked the owners for their cooperation.

8. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report (attached) for July.

9. Consider Recommendation for Banking Institution for \$600,000 Borrowing: Marguerite Kelly, Treasurer, reported there were six responses to the request for bids to provide financing to the Town for capital road improvements. Two responses were very close with Bangor Savings at 2.33% interest calculated on 365 days and Peoples United at 2.30% interest calculated on 30/360 days. The different methods for calculating interest can be misleading but the amortization schedule shows that over 10 years, there will be a \$630 savings with Peoples United. The Town has done business with Bangor before but not yet with Peoples. Bangor offered the withdrawals to be on an as needed basis and she checked with Peoples and it will as well. Ms. Kelly recommended the Board approve proceeding with Peoples United. She noted the difference in this borrowing versus with the Maine Municipal Bond Bank is negligible for a 10 year borrowing and may be a good way to proceed in the future. Chairman Daniel moved, seconded by Selectman Multer that the Resolution entitled, "Resolution Authorizing Issuance of \$600,000 General Obligation Bonds for Capital Improvement of Roads," which authorizes borrowing from Peoples Bank, be approved in form presented to this meeting and that an attested copy of said Resolution be filed with the minutes of this meeting; motion passed 3-0.

11. Wharf Applications

- **Frank and Susan Jurgilas, Tax Map 16, Lot 432, 7 Twin Oaks Road:** Bill Wells, Code Enforcement Officer, reviewed the proposal for tiered stairs, 6'x96' fixed dock, seasonal 3'x50' ramp, seasonal 12'x20' float, outhaul and stairs to access the shore. Mr. Wells stated the proposal meets the Shoreland Zoning Ordinance standards. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster has indicated there is no issue with navigation and the owner has provided evidence as to rights; motion passed 3-0.
- **John Libby, Tax Map 16, Lot 432-1, Twin Oaks Road:** Bill Wells, Code Enforcement Officer, reviewed the proposal for 4'x20' stairs, 6'x80' fixed dock, seasonal 3'x50' ramp, seasonal 12'x24' float, outhaul and stairs to access the shore. Selectman Multer noted on the side view drawing there is more than one scale and asked which one is appropriate. Mr. Wells responded that the measurements given should be used. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster has indicated there is no issue with navigation and the owner has provided evidence of rights; motion passed 3-0.
- **Field and Sharon Griffith, Tax Map 47, Lot 173, Birch Run:** Bill Wells, Code Enforcement Officer, reviewed the proposal for a 4'x8' access platform, 4'x24' stairs, 6'x55' pier, 3'x40' ramp, 10'x20' float, and outhaul. Chairman Daniel asked about the intersect lines on the map page. Mr. Wells responded that is, depiction of the riparian lines by Joe Leblanc, owner's representative. Mr. Wells stated there are 6-7 ways to calculate the riparian lines and the courts accept all the methods. Chairman Daniel moved, seconded by Selectman Johnson to approve the application as the Harbormaster has indicated there is no issue with navigation and the owner has provided evidence of rights; motion passed 3-0.

10. Consider Contract with Harry Crooker & Sons for 2014 Capital Road Project: Administrator Eiane reviewed the proposed contract for the 2014 capital road project for Bayview Road, Steamboat Wharf Lane, Washington Avenue and Abner Point Road. The current contract price is \$587,747.36. The Board should consider whether a 2% retainage should be held for a year after completion of the work, as that has traditionally been done. Additionally, there are four alternates for the Board to consider. Alternate 1: shim and overlay the beginning of Washington Ave—as currently proposed the work does not begin until just before Ocean Street; cost of \$13,372.04. Alternate 2: reclaim, add gravel, etc. at the end of Steamboat Wharf Lane—as currently proposed the lower end of the road would just get an overlay and no grinding; cost of \$14,065.54. Alternate 3: install paved swale, drainage along right side of beginning of Abner Point Road; cost of \$7,826.50. Alternate 4: require professional liability insurance for engineering work; cost of \$16,000. Administrator Eiane spoke to the Town attorney and given the short duration of this project, the fact that an entirely new road is not being designed, it would not be unreasonable for the Town to forgo this additional insurance as the Town has stamped/signed plans from Crooker. Ronald Ponziani, Road Commissioner, stated he was not sure alternate one was needed; he could be in favor of alternate two due to a bad spot; he is not in favor of alternates three and four.

The Board discussed the four alternates. Selectman Johnson stated he was in favor of one and two and not in favor of three and four. Administrator Eiane reported the Town withholds 5% retainage from each payment and has retained 2% for a year upon completion. She noted Crookers is objecting given that they held pricing and the cost associated with the payment and performance bonds. Selectman Johnson stated he was not in favor of the year retainage as the Department of Transportation does not hold retainage for a year and he also noted the Town has a one year warranty for the work. Selectman Multer moved, seconded by Selectman Johnson to approve the contract with the addition of alternate one and two and to omit the final retainage; motion passed 3-0.

12. Consider Trimming Area at Steamboat Wharf Lane: Administrator Eiane stated this follows the Board's visit to the site last week to determine what trimming should be done. Selectman Johnson stated the abutting property owner and the Road Commissioner want to be there when the work is done. Also that loam and grass seed should be applied to fill the areas left baron when the honeysuckle is trimmed. Deputy Administrator Sawyer stated Bill Wells informed her the Rosa Ragusa and honeysuckle could be trimmed to 3-feet. Selectman Johnson will meet with the Town's landscaper. Chairman Daniel moved, seconded by Selectman Johnson to trim the Rosa Ragusa and honey suckle to 3-feet and place light loam and grass seed in certain areas; motion passed 3-0.

13. Consider Orr's Island Bridge Lease with George and James Morgan: Deputy Administrator Sawyer reviewed the background relating to Mr. George Morgan's request to add his son, James, to the Orr's Island Wharf Lease. In 2001, Chester and George Morgan requested that the deeds to each of their respective wharves have each of their son's names added. At that time, Chester's son was added and due to an oversight, George's son, James, was not added to his. In 2002, when the Town implemented lease agreements, those that were listed as owners in the Assessing files, were whom the Town entered into leases with. In 2007, the Board adopted a policy to consider leases "with certain individuals who historically have had commercial wharves". Since James Morgan had never been named on George Morgan's lease, past boards have declined to add his name. Selectman Johnson stated James has not been included due to a Town error. Selectman Johnson moved, seconded by Chairman Daniel to allow James Morgan on George Morgan's lease; motion passed 3-0.

14. Consider Renewal Liquor License for Log Cabin, 5 Log Cabin Lane, Bailey Island: Deputy Administrator Sawyer reported the Code Office states the establishment is compliant with Town ordinances and that Cumberland County reports there have not been any alcohol related calls at the establishment. Chairman Daniel moved, seconded by Selectman Johnson to approve the renewal application; motion passed 3-0.

14.5 Consider Professional Services Agreement: Chairman Daniel stated the Board met with three of the consultants that responded to the Town's request for proposals for a wage and salary study. Selectman Multer moved, seconded by Selectman Johnson to contract with Human Resources /Labor Relations Consulting Services for \$10,500 to perform a wage/salary and benefits survey; motion passed 3-0.

15. Other Business: Chairman Daniel reported he met with the Town Administrator and Planner with a member of the public concerned about excessive construction noise after hours, such as 2:00am. Everyone in attendance agreed the Town would solicit information from contractors to work on what are reasonable work and quiet times. Chairman Daniel stated with his colleague's concurrence, the Planner will continue to collect data and will send regular updates. Selectman Multer and Selectman Johnson agreed and Selectman Johnson noted an ordinance change would be required in order to enforce a standard.

16. Public Comment: Roni Ponziani, Road Commissioner, reported the Department of Transportation will be performing a lot of maintenance work in Harpswell soon and the Town roads will be mowed soon as well.

17. Administrative Matters: The Board approved a purchase order with RA Webber for maintenance on a dry hydrant. The Central Maine Power pole location form was no longer needed as the proposed pole is located on a

State Road. Chairman Daniel opened a thank you card to the Selectmen from the staff for the appreciation luncheon.

18. Adjournment: At 7:25 p.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Treasurer's Report
Resolution Authorizing Issuance of \$600,000 General Obligation Bonds for Capital Improvement
of Roads

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