

Selectmen's Meeting Minutes
November 16, 2017
Harpswell Town Office
Approved November 30, 2017

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:00pm.

Selectmen Present: Richard Daniel, Chair; Kevin Johnson and David I. Chipman

Staff present: Kristi Eiane, Town Administrator; Marguerite Kelly, Treasurer; Ron Ponziani, Road Commissioner; William Wells and Fred Cantu, Code Enforcement Officers

Adoption of the Agenda: Selectman Chipman moved to adopt the agenda as amended with the addition of "Consider Bond Anticipation Note Request for Proposal" as item 6.5 and "Potential Parking Ordinance" as item 9.5; seconded by Selectman Johnson and passed 3-0.

Public Comment: Road Commissioner Ponziani noted that he is working to ensure the State cleans up its roadsides in a timely manner following the October 29-30 windstorm that took down so many trees and powerlines. He indicated his recommendation will be for the Town to hire Kenney Landscaping to clean-up the Town's roadsides and he wants to talk later in the meeting about what he has learned regarding parking ordinances.

Selectmen's Announcements: Chairman Daniel expressed his deepest sympathies and extended condolences regarding the passing of Elinor Multer, a former colleague on the Board; Selectman Chipman and Selectman Johnson reiterated the same.

Selectman Chipman reminded the public to beware of tick-borne illnesses and to take precautions when outside.

Town Administrator's Report: Administrator Eiane reported that three bids had been opened on Tuesday for the pier demolition project. The lowest base price bid was submitted by Reed & Reed of Woolwich, Maine at \$2.9M. Bid results will be reviewed in detail at a Selectmen's workshop on Tuesday, May 21, 9am. The plan is to prepare for a bid award at the November 30 meeting. Administrator Eiane also announced that Comcast subscribers, who lost service during the recent extended power outage, should contact the company to request a reduction in billing for lost service time.

Authorization of the Warrant: Selectman Chipman moved to authorize the warrants [payroll warrant # 46 in the amount of \$18,874.23 and payables warrant # 46 in the amount of \$123,047.81]; it was seconded by Selectman Johnson and passed 3-0.

Recommendation for Financial Advisor: Treasurer Kelly explained that the Town had issued a request for proposal for financial services related to bonding for the pier demolition project at Mitchell Field. The Town received four responses, which were opened on November 2 and reviewed by staff. All scopes of work were similar—all firms well-known and respected. The staff recommendation is being made on the basis of the fee proposal which was set at a rate of

\$10,000 by Moors & Cabot (50 hours at \$200/hour). Selectmen Chipman moved to accept the staff's recommendation to hire Moors & Cabot and to authorize the Town Administrator to sign an agreement for services; it was seconded by Selectman Johnson and passed 3-0.

Authorization to Issue a Request for Proposal (RFP) for Bond Anticipation Note (BAN):

Now that the Town has opened bids that are within budget for the pier demolition project and the apparent low-bidder wants to begin mobilization in December, the Treasurer is seeking authorization to issue a RFP for a BAN of \$4M, likely to be drawn down on an as needed basis. With the Board's approval, the Treasurer plans to send the RFP to banks on Monday with a two-week deadline for response. Chairman Daniel moved to authorize the Town Treasurer to issue the RFP for a bond anticipation note; it was seconded by Selectmen Johnson and passed 3-0.

Consider Consent Agreement: Code Enforcement Officer Fred Cantu indicated that the request comes before the Board as a result of a bank's mortgage survey that was performed before the upcoming closing on a house. The survey found that the lot size was not legally configured—it had been split off from another shoreland lot and did not meet the required depth for a new lot in the shoreland zone. The Board has a packet of information explaining the background on this issue. Mike Morse, the State's Shoreland Zoning Administrator, provided an email at 5:30pm today, indicating that the Board should not consider a consent agreement since there are options for making the lot configuration conforming. CEO Cantu suggested that there were a couple of options. One would be to have two lots, one in the interior and one in the shoreland zone; the other option would be to put the lot back into one lot, since it is large enough to accommodate two residential structures.

Brina Watson, one of the property owners, asked why this issue is coming to light now since her surveyor told her in May of 2015 that he had had a conversation with the Code Office and everything was okay. She indicated that the 1.6 acre parcel in question is part of property that had been in the family for 80 years. She and Craig Durant had permits that were authorized by the Town. She would like an explanation as to why this is a problem now. The Contractor from Fortin Construction, Jay Atherton, reiterated that the company is nearing the end of the project and he has worked well with the Town. He explained that the company is about a week away from the project being completed and he wants to figure out a solution.

Chairman Daniel expressed regret for the situation. CEO Cantu indicated that the lot was formed illegally. At the time of his review in 2015, he had not been provided with the entire lot layout. The lot was recorded in the Registry of Deeds in 2016 and mapped in the Town's system at a later date. He proposed that there are options to be considered that will make the lot conforming.

Code Enforcement Officer Bill Wells explained that typically when a lot is divided, the Code Office gets a draft from a surveyor and the Code Office consults with the Assessing Office. This did not happen in this case.

Selectman Chipman indicated that this situation should get resolved without intervention from the Board.

Craig Durant, one of the owners of the house being built, said that all of the land was needed for the loan. They have two kids and are supposed to close soon, and this situation has messed up their financing. They need a certain amount of value to support their loan.

Contractor Atherton stated that if a bank wasn't involved, this wouldn't have come to the Town's attention.

Code Officer Wells indicated that he had talked to an attorney at the bank and they may accept an easement. Contractor Atherton didn't think so.

Again, Brina Watson, one of the owners asked how did things get to this point and why wasn't this caught earlier.

Chairman Daniel responded that the Board couldn't do anything at this point, but he would like to explore more with the State.

Code Officer Wells stated the permit has language stating that if you are in the Shoreland zone then you should hire a surveyor.

Karin Watson said that she supported letting it be one lot as it was before. It was noted that the property owners will have to work with a surveyor and the bank to see what the bank will accept.

Chairman Daniel indicated that the family should attempt to re-draw the boundaries to make things work. He moved to table the item until the Board meets again in 2 weeks or sooner if needed; it was seconded by Selectman Chipman and passed 3-0. It was noted that the Board may need to consult with its attorney should this item come back before the Board.

Acceptance of Easement and Contract for Drainage Improvements: As a result of an affirmative vote in November, the Selectmen are authorized to accept an easement from David and Whitley Marshall. This easement will allow the Town to undertake a drainage project in the vicinity of Leeman Road. Chairman Daniel moved to accept the easement; it was seconded by Selectman Chipman and passed 3-0. The Town issued a request for proposal for the drainage improvements. Only one bid came in and that was from Labbe and Sons for \$9,450. Chairman Daniel moved to authorize the Town Administrator to enter into a contract with Ray Labbe for the drainage improvements; it was seconded by Selectman Chipman and passed 3-0.

Waiver of Transfer Station Disposal Fees for Storm-related Brush: At the last Selectmen's meeting there was a question about whether the fee waiver for storm-related brush, approved by the Board, should apply to Contractors. Apparently when a fee waiver has been instituted in the past, contractors working for Harpswell property owners were allowed to dispose of storm-related brush without charge. Selectman Chipman moved to extend the brush fee waiver to contractors working for Harpswell property owners; it was seconded by Selectman Johnson and passed 3-0.

Discussion of Parking Ordinance: Road Commissioner Ponziani explained that he had been to a Maine Department of Transportation conference recently and was told that the Town should

only put up No Parking Signs when there is an ordinance in place, otherwise it is not legal. Chairman Daniel indicated he knew that the No Parking signs were unenforceable when the Board directed they be put up on Washington Avenue, and he would like to get through a season to see how they work before the Board considers enacting an ordinance. Selectmen Johnson and Chipman wanted to leave things as is for now. The Road Commissioner indicated he felt the obligation to pass this information on to the Board. Chairman Daniel thanked the Road Commissioner and suggested he let the Board know if there are other areas where no parking should be considered.

Public Comment: None.

Other Business: Consider Estimate for Clearing Roadside Debris: The Road Commissioner has obtained an estimate in the amount of \$8,000 from Kenney Landscaping for clearing debris from the Town's roadsides after the recent windstorm. Due to the fast approaching winter plow season, the Board should consider sole-sourcing with Kenney Landscaping so that the work can be completed in a timely fashion. Chairman Daniel moved to sole source with Kenney Landscaping and accept the estimate for removal of brush and trees in the Town roadways for \$8,000. It was seconded by Selectman Chipman and passed 3-0.

Administrative Matters: Selectmen were reminded of their workshop on Tuesday, November 21, 9am regarding pier demolition. In addition, Selectmen agreed to hold a workshop on Tuesday, November 28, 9am regarding browntail moth. They were also in agreement to invite Representative Seth Berry to their next meeting when Senator Carson and Representative McCreight would be attending to talk primarily about CMP matters.

Adjournment: The meeting adjourned by unanimous consent at 7:05pm.

Respectfully submitted,

Kristi K. Eiane