



Board of Selectmen
January 11, 2011 @ 6:00 P.M.
Southwest Harbor Town Office

Minutes of Meeting

- I. Call to Order/Roll Call: The meeting was called to order at 6:00 p.m.
Present: Ralph Dunbar, Jr., David Minctons, Trudy Bickford, Dorr Wilson, George Jellison, Jr., Town Manager, Robin M. Bennett
Visitors: Pat Biegler, Mark Good, Gordon Wissinger, Jim Wimbiscus

- II. Visitors to be heard not on the agenda: Gordon Wissinger asked if the discussion on Sewer tonight would be considered a water sewer meeting and when will that be held if not tonight. Chairman asked the Board if they had any thoughts on when the meeting would be – Bickford said probably February. Wissinger said his main interest is in what has been done with the meters that have been broken and when is meter replacement considered. He is concerned that nothing has been done yet, saying the easiest way to recover funds is to get the meters out there – Bennett said there was no revenue to do that until the new sewer rates had gone into effect but it is a priority. Chair encouraged Town to work on this. Chair asked if the Board wanted to set a date for a water/sewer board meeting. Bennett suggested coming back at the next meeting with a date and info from the Town attorney.

- III. Approval of Minutes: Selectmen Minutes of December 28, 2010: It was Moved (Bickford) and Seconded (Wilson) to approve the minutes of December 28, 2010 as presented. Vote: 5 - 0

- IV. Manager's Report: Bennett reported that the Budget process is on-going. The Town has received a recommendation on the Engineer's Agreement concerning Mansell Lane-Wesley Avenue Project and that should be discussed tonight. The failing pump motor at the pump house has been delivered and should be installed by the end of this week. Highway Garage electrical issues seems to have been caused by a Bangor Hydro issue. A bill for reimbursement will be submitted to Hydro; The piling replacement project is complete at the Manset Town Dock; Police reported a quiet New Year. Monday, Jan 17th will be a holiday observed by the Town office being closed. The warrant committee will begin meetings soon; Three meetings are scheduled: Jan 19 at 5pm; Jan 24 at 6PM and Jan 25 at 5PM

V. Warrants: Administration 107-113 Water 1
Sewer 26,27

VI. Old Business:
Chairman asked where we are with the Marshall Brook project. Biegler said waiting for word on whether we are selected for a grant – it should be announced in March.

VII. New Business

a. Comprehensive Plan Implementation Committee (CPIC)
Appointment: Donald Lodge spoke to the Selectmen saying he has a fair amount of experience in municipal government and planning and would like to be of use to the Town. Wilson asked if he felt he would have anything to gain by serving on this committee and if he had any preconceived notions about any members of the Town Government – no on both questions. It was Moved Bickford and Seconded Wilson to appoint Donald Lodge to the CPIC. Vote: 5 – 0

b. Sewer Ordinance: Chairman referred to the draft from two weeks ago – review the updated ordinance – are there any questions? Wilson said there are many changes since the last update and it is a huge document. He thinks it will do the job. Bickford agreed. Copies will be made available and put on the web page. This will need a public meeting before the vote as well. Jellison: he questioned terminology ‘Public Works Director’ vs. ‘Superintendent’. It was clarified that the “superintendent” would be Randy Dunbar, and Public Works Director is either Pat or the Public Works Department. The Plumbing Inspector is Donald Lagrange. Chairman asked for a motion: It was Moved Wilson and Seconded Bickford to put the updated sewer ordinance before the voters . Discussion: Chairman stated concern that he did not want to incorporate Public Works Director in the Ordinance. Vote: 4 – 1 (Dunbar)

c. Clarifier Replacement: Bennett said at the last meeting it was agreed to discuss funding debt service for this item at tonight’s meeting, and questions were raised about the actual equipment itself. Memo in the packet addresses that. Wilson said memo does clarify what the equipment does and clears up questions. Chairman: we have gone forward with the motion to do this – question is will it be general taxation or sewer fees – he believes the ordinance mandates it be paid for by the user. If voters agree to fund through taxation they have the control and their say is final. Wilson wants to straighten out definitions of what is infrastructure and what is operating expense. He thinks items with a life expectancy of over 5 years would be infrastructure – the Board should draw a line – could administration put that information together? Kachmar asked if the memo from the Public Works Director indicated whether it was maintenance or infrastructure item and has the Public Works Director weighed in on which it is. Biegler said it goes to State definitions and this falls within a gray area, so she would consider it to be operating expense.

Bennett said the financing issue will be separate from the ordinance changes so as not to torpedo the financing of this repair. Attorneys will assist in fine tuning this and it will be addressed shortly. Wissinger asked if Dimond's letter was part of the record – it was. Saunders asked if the Town auditor was questioned as to what it would be considered. Bennett has not posed that question to the Auditors. Wilson said this appears to be a complete upgrade, posing the question is it infrastructure? Chairman: the way the ordinance is worded a vote would be needed to pay for this through general taxation. Bickford agreed. She believes day to day maintenance is not infrastructure, but something that has been in operation for 35 years and needs complete replacement is infrastructure. Wilson: the voters have directed the Town to apply infrastructure to this – he suggested putting it in the budget and let Town meeting decide. Chairman asked Bennett what the wording would look like – would it be presented as debt service? Concerning the Clarifier replacement Wilson believes this set up for \$125,000 plus \$10,000 contingency is a sizeable amount and the equipment is an infrastructure improvement, and this is part of plant operations and not day to day repairs. It was Moved (Wilson) and Seconded (Bickford) that the clarifiers be considered infrastructure and replacement cost of \$125,000 plus \$10,000 contingency be considered general obligation of the tax payers. Discussion: Dunbar disagrees said it contradicts the ordinance. He said he had wanted a legal opinion before tonight. Wilson said the Special Town Meeting Feb. 1st is a good chance to vote on the ordinance changes as the same time. Jellison said, using Dimond's estimated tax impact memo, the debt service divided by 900 rate payers would raise the sewer bill about \$44/year and it seems that as the Board moves forward looking at all the recommendations we have no choice but to include these bigger expenditures in infrastructure. Indications are that rate payers will likely not increase in the future. Vote: 3 – 2 (Dunbar-Minctons)

It was Moved Wilson and Seconded Bickford to approve the debt service budget of \$320,320 which includes \$31,500 for Debt Service towards clarifiers, removing the Quint Fire Truck , funds for the Leggett property, parking lot improvements, fire station and police renovation debts, tax abatements, lower town dock extension debts, Wesley Avenue-Mansell Lane improvements. Vote: 3 – 2 (Dunbar-Minctons).

Special Town Meeting Warrant – Bennett proposes Feb 1 at 6pm looking at financing for 5 years talking with the Maine Bond Bank and the Clean Water SRF program we would be looking at a 1% interest rate plus fees which are considerable. In communicating with Bond Council and our local bank, Bennett recommends if this is approved by voters we should also look at the private sector for financing. It was Moved Wilson and Seconded Bickford to set a Special Town Meeting for February 1 at 6pm at the Fire Station Meeting Room to vote to bond the money to replace the clarifiers for \$135,000 to be paid for out of taxation. It was agreed that the clarifiers must be done as soon as possible, and still fit within the time frame of the Maine Municipal Bond Bank's determination to allow funds

for the project. Wilson would ask the legal team to get the wording to the Board as quickly as possible to facilitate the public meetings. Vote: 5-0

d. Infrastructure Report: Chairman referred to the infrastructure report presented by Olver Associates. It was Moved Dunbar and Seconded Wilson to table this discussion to the next Selectmen's meeting. Vote: 5 – 0. Bennett urged the Board to come forward with any changes or suggestions or concerns as soon as possible. Chairman referenced the cost of putting a water line up to the water tower. He finds the cost excessive. It's only a water line. Biegler said there are two water lines one on top of the other and the real issue is a cost of \$400,000 - \$500,000. There is a huge amount of ledge, and some of the water line is currently above ground because of erosion – there will need to be an operative line while the work is being done. Design fees are less than 3.5% of construction cost, which is low. Project administration has been increased because of the temporary water line needed. Inspection and coordination will need to happen throughout the project. It was Moved (Wilson) and Seconded (Bickford) to approve \$26,100 for additional costs for the water line improvement. Vote: 5-0.

e. Harbor Committee Assignments: Dunbar said the Board discussed coming up with a couple of projects the Board would like to see them work on . The Mooring plan is a priority and another possibility is to prioritize what in the Harbor would need to replace or repair in the near future. Bennett mentioned the Harbor Ordinance which is being worked on in pieces – Minctons suggested they work on their existing list – Bennett suggested a review of harbor fees. The Board agreed the Mooring Plan is important. It was Moved Wilson and Seconded Bickford to have the Harbor Committee work on the Mooring Plan, set priorities for replacement or repair in the Harbor, review the Fee Schedule and changes to the Harbor Ordinance. Vote: 5-0. Bennett will follow up with a letter to the Harbormaster.

f. Collaboration Workshop: Bennett: This is tentatively scheduled for March 30th from 5:30 – 8pm – same place. She asked who will facilitate and Chairman suggested Eric Conrad be contacted to facilitate this second meeting. The Agenda should include setting goals at this meeting and review of the two or three top items that were identified at the last meeting

g. Water Commitment: \$ 144,979.70. It was Moved (Bickford) and Seconded (Dunbar) to accept the water commitment of \$144,979.70. Vote: 5 – 0

h. Sewer Commitment \$ 128,204.67: It was Moved (Bickford) and Seconded (Wilson) to accept the sewer commitment of \$128,204.67. Vote: 5 – 0

- IX. Other Business: Wilson appreciated the memo from the Planning Board regarding the ordinance changes to be worked on and noted that some of the changes will greatly increase density in some areas.
- X. Sign Warrants: It was Moved (Bickford) and Seconded (Wilson) to sign the warrants as presented. Vote: 5 – 0
- XI. Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A), Personnel Matters. It was Moved Dunbar and Seconded (Bickford) to go into Executive Session pursuant to 1 M.R.S.A. §405 (6) (A), Personnel Matters at 7:40 p.m. Vote: 5 - 0
- It was Moved (Dunbar) and Seconded (Wilson) to come out of Executive Session at 7:50 p.m. Vote: 5 – 0.
- Bickford inquired if there was any interest in moving Selectmen’s meetings to 4:00 p.m. during the Winter. Consensus was that would not allow for as much public participation.
- XII. Adjournment: It was Moved (Wilson) and Seconded (Bickford) to adjourn the meeting at 7:53 p.m. Vote: 5 – 0.