



Board of Selectmen
Tuesday, November 22, 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: Tom Benson, Dan Norwood, George Jellison, Jr., Ralph Dunbar, Jr., Donald Lagrange (Interim Town Manager). Excused: David Minctons.

- II. Visitors to be heard not on the Agenda: none

- III. Approval of Minutes of November 10, 2011: It was Moved (Dunbar) and Seconded (Norwood) to approve the minutes of November 10, 2011 as presented. Vote: 4 – 0.

- IV. Manager's Report: Recently Ian and Jean Marshall moved to NH and sold their property – the new buyers are demolishing that house and re-building a 2.7 million project with permit fees of \$8,000. Highway Foreman has been told to stay out with knee surgery and may be out 3 – 4 weeks until his doctor indicates he is 100% recovered. Sewer Foreman had a job injury and can return to light duty in about 10 days. Received matching 5k grant for watershed contamination around Long Pond. Lagrange said he needs to look over the requirements of this grant to decide whether there are matching funds available and look over the parameters to decide whether or not to follow through with that.

- V. Warrants: Administration 86-88, 90, 92 Water 30-31
Sewer 21-22 Mansell/Wesley 89, 91

- V. Old Business
 - a. Wesley/Mansell (Jim Wilson): Mr. Wilson presented information on the wrap up of the project and referred to the letter presented to the Board. They are ready for winter shut down as soon as drainage is finished on the main street properties to the shore. In the spring there will be clean up items, including curbing on Mansell and final paving, and re-establishing vegetated growth. On the finance side, the original contract with Goodwin was 1,209,184.50. There are some items to be adjusted for uni-price items – today it appears there will be a reduction in project costs that should total approximately \$155,000 and nearly half of that was ledge that didn't have to be blasted. The project appears to be running under budget by approximately \$140,000. The Engineering/Administration portion of the project included the

costs for pursuing the MDOT monies, and that cost was approximately \$24,300. The proposed final number for total cost looks to be \$1,208,080.71. Jellison asked when the spring start up might be. Wilson thought it might run into May, and would hold off Goodwin until it is appropriate to start, which will hold the costs down. Surface paving on both streets should take two days. Jellison felt the boat industry needed to be notified of the paving on Mansell. It was Moved (Dunbar) and Seconded (Norwood) that the Board agrees to decrease the original contract by approximately \$155000 and increase the engineering fee by approximately \$24,300 and give Interim Town Manager the authority to sign the change orders. Vote: 4 0.

VI.

New Business

- a. Fireworks Ordinance (Chapais): Norwood asked if the Board had agreed to postpone this until the State had made decisions. Chapais said the law goes into effect January 1st, 2012 – there are requirements by the Sate Fire Marshal (SFM) that allows restriction of the sales of certain fireworks and a town must provide the SFM a copy of any ordinance within 60 days – there must be a permit from the town to sell fireworks and, again a town must notify the SMF within 60 days of the permitting of sales of fireworks. Come January it is possible that there could be a 4th of July every night – there may be noise complaint and injuries. Permits reduce and prevent injuries; Chapais hasn't talked to Sam yet and wants Sam to look over a proposed ordinance; then he would present to the Board to determine if it should go to Town Meeting. Dunbar asked if Chapais knew the guidelines the State has set for fireworks. There are Class B and Class C fireworks – all in the statutes. Sale, possession, transportation and use can be prohibited. We can opt out of the State legalization of fireworks, and if they are allowed, we can make it by permit only. Jellison said it didn't appear the State has set clear guidelines on the sale of fireworks. Chapais has a contact at the SFM office which he will contact to clarify the State position. Dunbar said the Board should get information on what the State has set up and take it to legal counsel. Until we know what the State has set up, it is difficult to make a decision. Dunbar suggested looking at the sales and the usage as they are two different items. Chapais said some towns may allow possession but not usage. Chapais will pursue further. He would like the ability to get it in place in the event it is needed. Report at a later date.
- b. Staff & Volunteer Appreciation Dinner: Lagrange said the RSVP's are in and there will be 75 guests on December 2nd at 6PM at Fiddler's Green.
- c. Sewer Audit: This is for Board review and Lagrange will hope to have Auditors at the next meeting, who hope to include the school audit. Lagrange will pursue.
- d. Public Works Director: Position is closed – will begin review next week and hope to interview Dec 5 – 9. Norwood said this was a

position he was not in favor of pursuing as an administrative only. Has concern that it would be limited to a 40/ hr week position and may miss out on some possible good applicants without allowing some overtime for the position. Lagrange said looking at the average price for public works we are in the ball park and it is a salary position – it will be his responsibility to ensure the PWD has his staff on top of maintenance and manage the staff – looking for a responsible person to be sure all three departments are working properly and efficiently. Looking for someone who would also be able to train staff to do maintenance and other things. Hutchins asked if the PWD job description has been re-written. Lodge said the advertisement was not heavy enough. Dunbar said it would be wise to look at the job description and be sure it is what the town wants. Lagrange said the ad was certainly adequate. Lodge said there should be a detailed job description. Dunbar said the Board does not want conflicting paperwork. Jellison said there is some leeway when interviewing a candidate. Hutchins said in a Town Manager system of government the TM oversees the position. Norwood said the Board should review the public works director job description and if it needs to be adjusted it should be done before the person is hired. Lagrange will have a job description at the next meeting with recommendations from him.

- e. Recommendation: One meeting December 13, 2011 – Dunbar said at some point Selectmen would have to come in and sign warrants. Board will leave the decision open until the 13th meeting.

IX. Other Business: Lagrange said the budget meeting for school will be on the 15th of December and suggested a joint meeting after that. Dunbar said the first or second week of January would be appropriate and whatever works for the School Board. Benson said he would like to get what they have available prior to that joint meeting even in draft form. Dunbar asked the status of the new fire truck Lagrange said it should be delivered between the 15 and 18 of December. Norwood asked if the signs for the town pier have been ordered – Lagrange will follow up with Adam. Benson asked why temporary signs could not be put up. Lagrange said there is a 5’ span that should be upgraded. Lodge said if it is axel weight which is a whole different thing. Lagrange will attend the next Harbor Committee Meeting. Referencing the water tower, Dunbar asked if that has been processed now that the funding passed. Lagrange said the Biegler grant has been sent in, but there has been no response yet. Lagrange will follow up on this with the Board. Jellison asked if there was a schedule of when the warrant committee will be meeting. He asked Lagrange to begin to schedule those budget meetings. Lagrange is waiting for four more parts of the budget. The Non-municipal funding deadline is December 1st and those are coming in slowly.

X. Sign Warrants: It was Moved (Benson) and Seconded (Dunbar) to accept the warrants as presented. Vote: 4 - 0

XI. Executive Sessions:

- a. Executive Session pursuant to 1 M.R.S.A. 405 (6) (A), Personnel Matters. It was Moved (Dunbar) and Seconded (Benson) to go into Executive Session pursuant to 1 M.R.S.A. 405 (6) (A) Personnel Matter at 7:05 p.m. Vote: 4 – 0.

It was Moved (Dunbar) and seconded (Benson) to come out of Executive Session at 7:28 p.m. Vote: 4 – 0.

- b. Executive Session pursuant to 1 M.R.S.A. 405 (6) (A), Personnel Matters. It was Moved (Dunbar) and Seconded (Norwood) to go into Executive Session pursuant to 1 M.R.S.A. 405 (6) (A) Personnel Matter to discuss prospective employees and job duties at 7:34 p.m. Vote: 4 – 0.

It was Moved (Dunbar) and seconded (Benson) to come out of Executive Session at 8:25 p.m. Vote: 4 – 0.

The Board discussed creating the position of finance Director for the Town of Southwest Harbor. It was Moved (Dunbar) and Seconded (Benson) to create the position of Finance Director for the Town of Southwest Harbor. Vote: 4 – 0.

- XII. Adjournment: It was Moved (Dunbar) and Seconded (Norwood) to adjourn the meeting at 8:25 p.m. Vote: 4 – 0.