

Board of Selectmen Minutes  
December 28, 2010  
6:00pm – At the Town Office

**I.) Call to Order/Roll Call.**

Dunbar called the meeting to order @ 6pm.

**Present:** Select Board-Dorr Wilson, Trudy Bickford, David Minctons, Ralph Dunbar, JR.,  
George Jellison, JR  
Town Manager-Robin M. Bennett  
Public Works Director-Pat Biegler  
Code Enforcement Officer-Don Lagrange  
Visitors-Richard Dimond, Kristin Hutchins, Lydia Goetze, Don Lodge, Earl Brechlin,  
Jason Wimbiscus

**II.) Visitors to be heard not on the Agenda**

Dick Dimond gave a handout to the Selectmen for review on his 'Estimated Tax Impact of \$1,678,000 Infrastructure Project'. Selectmen will review for comment at the next meeting.

**III.) Approval of Minutes: Selectmen Minutes of December 14, 2010**

Bickford made a motion to accept the Minutes of December 14<sup>th</sup>, 2010 as presented. Wilson seconded. Vote: 5-0

**IV.) Manager's Report**

Bennett reported she is working on the 2011/2012 Fiscal Year Budget. Working on finalizing the agreement with Woodard & Curran for the Mansell Lane / Wesley Avenue Project. Keblinsky appeal heard on December 22<sup>nd</sup> was denied by the Board of Appeals. Wilson asked if there was a finding of fact for this appeal. Bennett replied that should be available after their next meeting. We are still looking for an Assistant Sewer Operator-checking references now. Dunbar asked how this is affecting snow removal. Bennett replied that they are hiring out help as needed like they have done in the past. Thanks to Don Lagrange for his work with the sidewalk plow. Water Quality Project-Pump motor is failing. Will need to be replaced. The money is available from the original project we are just waiting for official approval from the State. Town offices will be closed on December 31<sup>st</sup> for New Year's. There are some electrical issues at the Highway garage. Some transformers need to be replaced and a surge protector installed.

**V.) Warrants: Administration 100-106, Water 36, Sewer 25**

Warrants circulated for review.

**VI.) Old Business**

Dunbar asked if there is any information from Olver on the Infrastructure Study they said would be ready in the Fall. Bennett responded that study should be available by the end of the week.

**VII.) New Business**

**a./b. Comp. Plan Implementation Committee/BOS Comp. Plan Assignments**

Lydia Goetze spoke about some of the topics from the Comp. Plan that the Selectmen should look at. She handed out a document with a list of the relevant sections of the Plan. There was discussion on ways to keep track of the progress of the various committees with the Plan and making sure the Selectmen stay on track. Wilson made a motion to disband the Comprehensive Plan Committee. Bickford seconded. Vote: 5-0 Dunbar expressed concern over calling the new

committee an implementation committee because he doesn't want it misconstrued that the whole plan will be implemented. Kristin Hutchins stated that it is important for people to know that the plan just means these are the items to look at. If it doesn't work or is not wanted then it doesn't go. Lydia Goetze also stated that most items in the plan do say "look at or consider" not do it. Wilson made a motion to appoint Lydia Goetze to the Comprehensive Plan Implementation Committee. Bickford seconded. Vote: 5-0 Wilson also suggested that an ad be put in the local papers about having this committee and what the intentions of it are and also a letter to each of the Town's current committees to see if they have a member who would like to serve on the Implementation Committee.

**c. Land Use Ordinance Amendments**

Don Lagrange has provided packets to the Selectmen that are copies of what the Planning Board has received on things to look at in the near future.

**d. Water Ordinance**

Dunbar is concerned about changing the wording from Superintendent to Public Works Director. Wilson has concerns about the billing section in that those people who rent or lease properties are permitted to have the water service in their own name. Wilson feels it should always be in the name of the Owner only. Bennett stated this is against PUC guidelines and the Town cannot have that restriction. Bickford made a motion to accept the wording for the Southwest Harbor Water Ordinance as presented December 28, 2010. Wilson seconded. Vote: 3-2 (Dunbar & Minctons)

**e. Sewer Ordinance**

Same concerns were raised about wording. Several Selectmen did not read the full text of the Ordinance as it is long and technical. Bickford made a motion to accept the Southwest Harbor Sewer Ordinance as presented on December 28<sup>th</sup>, 2010. No second. The motion fails. Wilson made a motion to table this item to the next meeting. Minctons seconded. Vote: 5-0

**f. Sewer Clarifiers**

The sewer clarifiers need to be replaced. Quotes were requested from several companies and only one was received. The Sewer Department does not have the money for this repair so the recommendation is to finance the funds. All of the companies that the Public Works Director spoke with recommended replacing the current metal parts with composite parts. Wilson would like the Public Works Director to check if all the parts could be replaced to be located completely on top of the tanks instead of having half of them submerged in the bottom of the tank. Wilson made a motion to appropriate the funds needed for this repair. Bickford seconded. No vote-Motion was withdrawn. Dunbar would not vote without having a figure in the motion. Bennett stated this will also need to go to a Special Town Meeting vote, it is too critical to wait for the regular Town Meeting in May. The warrant article for that meeting will have a figure included as a not to exceed number. If the repair can be done with less expense then it will be done that way. Wilson made a motion to raise \$135,000 for repairs to the Sewer Treatment Plant through Special Town Meeting. Bickford seconded. Vote: 5-0. Bennett asked the Board to decide how this would be funded, through user fees or general taxation. Discussion on whether this is infrastructure or maintenance. The Board agreed to think about it and discuss it again at the next meeting.

**VIII.) Other Business**

Dunbar asked who the Salt/Sand bid went to. Public Works Director stated Goodwin and they will deliver it when it is needed. Currently using what was left from last year.

Wilson asked how the plowing was going using less salt and more sand for better traction and less impact on the environment. Bennett stated they are following the policy adopted two years ago.

Dunbar asked if the Police Department has requested that Long Hill be plowed and/or sanded as he has seen a few cars off the road at that hill. Public Works Director responded no.

Dunbar asked if the Auditors report has been received yet. Bennett responded not yet but it should be in any day.

**IX.) Executive Session pursuant to 1 M.R.S.A. §405(6)(A), Personnel Matters**

Wilson made a motion to enter executive session pursuant to 1 M.R.S.A. §405(6)(A) at 7:50pm.

Minctons seconded. Vote 5-0.

Bickford made a motion to come out of executive session at 8:16pm. Wilson seconded. Vote 5-0

**X.) Executive Session pursuant to 1 M.R.S.A. §405(6)(D), Labor Contracts/Negotiations**

Wilson made a motion to enter executive session pursuant to 1 M.R.S.A. §405(6)(D) at 8:17pm.

Bickford seconded. Vote: 5-0

Bickford made a motion to come out of executive session at 8:20pm. Wilson seconded. Vote: 5-0

**V.) Adjournment**

Wilson made a motion to adjourn at 8:21pm. Minctons seconded. Vote 5-0