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AGENDA Board of Selectmen February 23, 2010 @ 6:00 P.M. Southwest Harbor Town Office

- I. Call to Order/Roll Call: The meeting was called to order at 6:00 p.m.
Present: Town Manager, Robin M. Bennett, Selectmen: Dorr Wilson, Chair; Ralph Dunbar, Vice Chair, Kristin Hutchins, Trudy Bickford; excused: Berten Willey

Visitors: Jeff Brezinis, Wilfred Mincton, Mark Good, Robert Bosserman, Vaughn Clark, Kenneth Hutchins, Pete Madeira, Donald Lagrange, Dennis Dever, Sandra Johnson, Melissa Berry, Corey Pettegrow, Vaughn Clark, Nan Lincoln
- II. Visitors to be heard not on the agenda: none
- III. Approval of Minutes: February 9, 2010: It was moved Hutchins and Seconded Bickford to approve as presented. 3 – 0 – 1 (abstain Wilson)
- IV. Warrants: Administration 126-133 Water 4
Sewer 25, 26
- V. Old Business
 - a. Police Station Update: Bennett said there are a couple of outstanding items to be done in the spring, which are very minor.
 - b. Water Project Update: Bennett said the aeration is officially on line and marks substantial completion for the project. There will be minor items on the punch list. Start up went well, but the vent doesn't vent as much air as it should when the blower is on fully. The first samples should be the worst, and should improve going forward. There will be testing for a full year to allow for the fluctuations during the four seasons. There will be about \$30,000 remaining from the grant and the loan and the State has asked if there is something else the Town would like to do with the remaining funds, at that site. Bennett said possibilities are: replacing heaters and valves, and some floor replacement. Dunbar asked about putting those funds towards the repair of the water tank, but Bennett said she had inquired about that and the funds must be used at the water facility.

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Hutchins pointed out that if the additional work was not done, the project would come in under budget. She also asked if Bennett would provide the board with a final proposal including detailed financials. Bennett said that will be available in a few more weeks once the current project is closed out.

c. Lower Town Dock Update: Bennett said there have been materials on order and the Harbormaster said they are to be delivered Wednesday. The project is scheduled to be completed on April 15.

VI. New Business

a.. Liquor License Renewal: Captain's Galley, Madeira: Hutchins pointed out that there is a shed that needs to be removed. It was Moved Dunbar and Seconded Bickford to approve the Liquor License Renewal application for the Captain's Galley. Discussion: Hutchins asked if the shed was to be removed by the owner – Lagrange said yes and if not it will come back to the Board of Selectmen. He said Mr. Beal assured him it would be done by June 1st. Vote: 4 – 0 in favor.

b. Harbor Fee Schedule: Wilson referred to the schedule presented by the Harbor Committee. Mr. Hutchins was asked to comment and said he would answer any questions from the Board. Dunbar observed that non-resident fees appear to be going up; Mr. Hutchins said some of the resident permits went down by some small amounts. The same is true with the uses. The ordinance stipulates that a person who lives here 183 days or pays taxes here, is considered a resident. Ms. Hutchins said the non resident fee structure is new in some categories – specifically the dock ramp permits. Dever said there is State and Federal money involved in the docks and ramps, and when that is the case, there are usually agreements that you can't charge resident and non resident fees. Pettegrow said when the committee went over these fees they felt they should differentiate and there should be value added for residents as they are supporting the Town more in other ways than non-residents. Ms. Hutchins said her research into State and Federal monies involved does indicate the Town can charge different rates, with a 5 – 1 ration being the max. Dever said outside the Federal navigation projects the Town can charge different rates. It was Moved Dunbar and Seconded Bickford to accept the rates proposed for 2010. Vote 4 – 1 motion passed. Mr. Hutchins said some time ago the Harbor Committee recommended purchase of the Hook property. He inquired into the progress being made. Bennett has sent a letter with the annual rental payment but has not been able to contact the property owner. Bickford said the Town should ask for the right of first refusal, and Clark suggested a 100 year lease. Dever emphasized that there will need to be some grading and filling on the Hook property soon. Bennett will continue to follow up.

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c. Warrant Committee Recommendations: Johnson said the review of the budget is completed and the Warrant Committee's attempt was to try to hold the budget flat, with the exception of the personnel. The Board and Johnson reviewed the list that had been supplied to the Selectmen.

Johnson said the Warrant Committee recommended amending the policy on non-municipal funding that requests from the applicant the percentage of each dollar that goes directly to the program recipients, and the percentage that goes to the organization's administrative costs. The Warrant Committee did not recommend funding the Cemetery Association until the Town has received the information requested, including the lot lay out and veteran's graves that are not perpetual care, and are Town responsibility. It was recommended that this request be separated from the "all other" category. Hutchins said if it were not in the warrant at all, it could not be brought up at the Town Meeting. Hutchins commented about the web site, and the Warrant Committee's recommendation that it Information Technology be added to the budget as a line item, saying that it is not necessarily a budget item.

d. Ordinance Articles: Wilson asked the CEO to review the package of ordinance changes. Lagrange went through each of the proposed changes. Hutchins said she would like to hear from a representative of the Planning Board on some of the ordinance items. There was considerable discussion of the changes which will go to a public meeting on Thursday, February 25, 2010. Johnson took exception to the Planning Board's definition changes to multi-unit dwelling, saying that 180 citizens of the Town signed a petition for a moratorium because they opposed the current definition, and the proposed changes have done nothing more than validate the original wording.

e. Float Bids: Dever said there were three bidders. The recommendation was to go with Southwest Boat with a bid of \$43,965; an alternate would be to reduce the 10" galvanized pilings to 8" and use chain instead of collars. Dunbar would like to see this talked over at the upcoming Harbor Committee meeting and await their decision. Pettegrow said the Committee went over this during two meetings and it was a challenge to get through the specs. He expressed surprised at the Town accepting alternate specs. Bennett said it is not that uncommon to get an alternate bid, although not this many. Wilson said it is changing the rules in the middle of the game. Clark said the committee was pretty adamant about what they wanted on the specs. Mr. Hutchins said, on alternate bids, he was asked if they were possible and he thought they would be accepted. Dunbar said he still thinks this should go back to the Harbor Committee. Bennett said funds are available and this could be voted on at this meeting. Dunbar said it makes no sense to go forward with this. Clark said there are

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steel frame salmon floats in Eastport today and it would save a great deal of money for the Town. There was discussion concerning attaching the piling to the existing dock and Dever explained the reasoning behind making that attachment. It was Moved Bickford and Seconded Hutchins to accept the Southwest Boat Bid of \$43,965. Vote 3 – 1 (Dunbar, opposed).

f. Silver Star Proclamation: Bennett received this and asked the Board if they were interested in joining this effort to honor veterans. Dunbar questioned if it was in conflict with the Legion efforts in the Town. It was Moved Bickford and Seconded Wilson to accept the Silver Star Proclamation. Discussion: Dunbar said there is no information on this organization, and it should be explored to be sure it isn't a scam. Bickford removed the motion, and Wilson removed the second. This information should be researched for next meeting.

g. School Warrant: for the validation vote for the high school budget, It was Moved Hutchins and Seconded Bickford to sign the school warrant and accept it for posting on June 8, 2010 4 – 0 Vote in favor.

h. Supplemental Budget: Bennett asked if there are any items for consideration and suggested the Swap Shop proposal. She said MMA recommends a warrant article at Town Meeting: Bennett suggested a warrant that says donations may be accepted by the Town and proceeds will be used to support and sustain the swap shop. The contract for the swap shop will be reviewed by Risk Management. The other item would be the RFP for the feasibility study for the infrastructure and money needs to go into the budget to pay for that. Bennett had recommended 25k for the study. There was discussion on the results which the RFP would bring to the table. Bennett said the RFP that was in the packets had add-ons which the Board could choose from after the study. This cost should be shared with water/sewer. Wilson said the Town needs to spend money up front to engineer the project, and he did not agree with having a study first for \$25,000. Dunbar said Lagrange has already identified most critical projects and it would make sense to get those engineered. Wilson argued that he expected to get a dollar amount from the engineer as to the cost of engineering the whole project. Hutchins said she was in favor of an engineering study to confirm the critical issues to begin with and provide a complete view of the conditions. Wilson said he could support that with the stipulation that the Town go out to bid for the engineering. Bennett recommended 50% of the cost be the responsibility of the Town, and water and sewer each be responsible for 25% of the cost of the engineering feasibility study cost of \$25,000 estimated. It was Moved Dunbar and Seconded Hutchins that the Town seek to raise \$25,000 with a prescribed allocation of 50% Town responsibility, 25% Water Department allocation

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and 25% Sewer Department responsibility for an engineering feasibility study of the Town infrastructure. Vote: 4 – 0.

- i. March 9th Meeting: Bennett confirmed Selectmen attendance at an Executive Session at 5:00 p.m. and the regular Selectmen's meeting at 6:00 p.m.
- VII. Manager's Report: Bennett will be attending the PUC conference on Thursday, the 25th of February, in Augusta; Wilson asked if in the future should the Town take over the cost of infrastructure, how this would affect this PUC rate increase request, and would it lower rates. Bennett said it would not, and the Town will likely have to ask for another rate increase as soon as this one has been settled. The Highway Department will be posting roads March 1st and notice has been placed in the paper. The Town has negotiated with Goodwin on the Main Street sidewalk to bring the price into alignment. At the February 10th meeting of the Board of Appeals (BOA) the appeal against the Selectmen's granting of a Special Amusement Permit was denied, as were both other appeals. The appellant has requested of the BOA, reconsideration of the permit appeal.
- VIII. Other Business: Hutchins discussed with the Board a method of distributing agendas by means of a mailbox on the web site. She offered to create a mailbox for every Board or Committee and it is possible for people to sign up to receive these automatically. Her other issue is that the way the web service operates now, it is minimal and costs \$100/year; for an additional fee, the Town would have increased service and mailbox potential. Hutchins also suggested the mailing list be dumped once a year and have people re-sign to receive these e-mails. The Board did not make a decision on this proposal.
- Dunbar asked how the Town would feel about having a forum once a year with all Select Boards on the island to discuss future consolidation of services, and areas of concern. He suggested a letter to discuss the subject with the other Towns. Hutchins said it might be beneficial if the Select Boards met face to face. Bennett will draft a letter for review at a future meeting.
- IX. Sign Warrants: Dunbar asked about a warrant on the Lower Town Dock project and Bennett said it was an older invoice from December. It was Moved (Bickford) and Seconded (Hutchins) to sign the warrants as presented. Vote 4 – 0
- X. Executive Session: Labor contracts/negotiations, pursuant to 1.M.R.S.A. § 405 (6) (D): It was Moved Hutchins and Seconded Bickford to go into at 8:55 p.m.

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It was Moved () and Seconded () to come out of Executive Session at

XI. Adjournment: It was Moved () and Seconded () to adjourn the meeting at