



Board of Selectmen
Tuesday, February 26, 2013 @ 6:30P.M.
Southwest Harbor Town Office

MINUTES

- I. **Call to order/Roll Call:** The meeting was called to order at 6:22 p.m. Present: George Jellison, Jr., David Minctons, Ralph Dunbar, Jr., Dan Norwood, Tom Benson, and Town Manager, Donald Lagrange.
- II. **Visitors to be heard not on the agenda:** None
- III. **Approval of Minutes of February 12, 2013:** It was Moved by Jellison, Jr. and Seconded by Minctons to approve the minutes as written for the February 12, 2013 meeting. Vote 5/0.
- IV. **Manager's Report:** Lagrange addressed the BOS about not having time yet to tally number of documents needed for fire protection. He briefly explained the handout to the board members about the current summary of debt service. He explained to them about a duplicate payment for r/e taxes in the amount of \$1400.00+. Dunbar, Jr. expressed his concern about how the town is continuing to shrink in population and a possible need to decrease services within the Police Dept. Hopefully suggestions will come in. Lagrange will be sending the BOS a mid term reading material for their information concerning reading material about Perc, the County Commissioners Meeting and the agenda for the upcoming County Commissioners Meeting.
- V. **Old Business:**
- a. Harbor Ordinance Revisions: Lagrange briefly spoke to the BOS about the changes that they had asked to be reviewed by the Harbor Committee. Both Adam and Dan Bartlett spoke on behalf of the changes that they had comprised with the committee members. Bartlett explained that they have some abuse in the harbor and they feel they need to make these word changes in the ordinance so Adam can take more action with the violations. Recommendations to the BOS to change the wording of the Harbor Ordinance to have put on the ballot are described as follows: C. **Use of Docks and Floats Section 1, Subsection A**
- A Motion by Norwood and Seconded by Minctons to amend the wording to read as follows: Three violations of any Harbor Ordinance regulations within the calendar year will result in the suspension of harbor privileges for a time period to be 90 days. Vote 5/0.
- C. **Use Docks and Floats Section 1, Subsection B**
- A Motion by Jellison, Jr. and Seconded by Norwood to amend the wording to read as follows: Any ticket(s) for a docking violation or any other ordinance violation that remains unpaid after 14 days will result in suspension of harbor privileges until all fines are paid. Vote 5/0.

SECTION III, REGULATIONS CONCERNING MOORINGS, DOCKS & MARINAS

A. Mooring Registration Procedure

1. Each owner of a mooring within the Boundaries of Southwest Harbor must annually pay a fee set forth by the Selectmen; said fee must be paid to the Town Office on or before the 15th of May of each year. Failure to comply may result in removal of mooring and loss of berth.

A. A Motion by Dunbar, Jr. and Seconded by Minctons to amend the wording in section A. to read as follows: Personal moorings(s) which have not been occupied with a watercraft for two consecutive boating seasons will lose its registration.. The mooring registrant must request and be granted a variance from the Harbor Master if no use is evident. The Harbor Master may request proof of mooring use for the registrant if the mooring is in question. Vote 5/0.

D. Marinas

3. A Motion by Norwood and Seconded by Dunbar, Jr. to amend the wording in section D, 3 to read as follows: Any marina with the Harbor shall have an adequate and approved breakwater or attenuator on the seaward side (East to Southwest) to prevent potential storm and sea surge loss and /or damage to the Marina and to all other interests within the Harbor which may be affected by such loss or damage to the Marina. The Harbor Committee reserves the right tot review and approve any breakwater plan or scheme prior to marina approval. The breakwater must be constructed prior to any marina operation. This may be waived by the Selectmen with advice by the Harbor Committee, based on expert testimony that a breakwater or attenuator is not required. Vote 5/0.

b. **Asset Management:** Discussion of an available schedule for the asset management training was talked about to work around the BOS's schedules. Tentative dates for the training were set for March 27 & 28, 2013 from 1-4pm at the SWH Fire Station.

c. **Consolidation/Elimination of Reserves:** Lagrange had spoken to the BOS previously about eliminating 12 reserve accounts and consolidating 7 reserve accounts into CIP account which required their approval. Lagrange seeked legal advise for the BOS and found out that authority to do such action in not required from the legislative authority.

A Motion by Dunbar, Jr. and Seconded by Minctons to move the Reserve Accounts 220;3, 11, 16, 21, 22, 75, 76, 77, 78, 87, 90 and 91 be eliminated with the approximate total sum of \$47.86 be placed in CIP/Reserve interest account. Vote 5/0.

A Motion by Dunbar, Jr. and Seconded by Minctons to move \$37,740.87 from reserve account 220-10 to CIP account 221-18; \$15,307.80 from 220-22 to CIP 221-29; \$3,390.37 from 220-39 to CIP 221-19; \$5.75 from 220-50 to CIP 221-20; \$15,425.49 from 220-51 to CIP 221-04; \$3.97 from 220-70 to CIP 221-31; \$19,423.16 to CIP 221-38. Also, the above mentioned 220 accounts will be eliminated. Vote 5/0.

d. Planning Board, Zone Changes: Lagrange had given the BOS the proposed zone changes from the PB in their selectmen packets to review. He invited them to the PB Public Hearing scheduled for 03/07/13 @ 6:00 pm to address these changes to the public.

VI. New Business:

a. Liquor License Application (Beal's Lobster Pier): A Motion by Minctons and Seconded by Norwood to renew the Liquor License Application from Suzanne & John Madeira dba Captains Galley @ Beal's Lobster Pier, 182 Clarkpoint Road, Southwest Harbor, Me 04679. Vote 5/0.

b. ___Article Format (Closed v. capped): Lagrange spoke briefly about the difference in wording for the articles and how to present them to the voters. There will be upcoming discussions on this topic prior to the final warrant being printed.

c. ___Public Works Director Report: Corrigan addressed the BOS about the meeting he had attended in February regarding the Light Capital Paving (LCP) of Route 102 from Fernald Point Road to Bass Harbor and around 102A back to Manset Corner. The town will be responsible for raising all water shutoffs and manholes within the work area if we so chose. He explained about the list he had made of the inventory of all equipment in the Public Works Dept. They discussed the list and about the age of the John Deere Loader. He also brought up the subject about safety issues with the front end loader and the insurance claim submitted for the damage to the back end of the loader. He also noted that the town garage have a lot of roofing shingles that blew off in one of our recent storms. He has submitted a claim for that also. Not sure if the shingles will be covered due to their age. He will get back to the BOS after he hears back from the insurance company. The BOS were concerned about the time frame of repairs to the roof so there wouldn't be additional damage inside the town garage building. Corrigan and Scott Alley both spoke about the recent salting vs. sanding issues for our public roads. The State of Maine wants salt first to be spread over the roads instead of sand because the sand tends to fill up the ditches and drains. DEP also has their concerns about the salt being put on the road and harming the surrounding environment. Scott and Corrigan are developing a new winter weather road maintenance policy and will be bringing it to the BOS in the near future for their approval. The BOS were concerned about where the money would come from out of the budget for these unexpected repairs to pay for the approximately \$10,000.00 bill.

VII. Other Business: Dunbar, Jr. asked if the heat issue in the Police Dept. had been straightened out yet? Chief Chapais spoke briefly to the BOS about this issue and that they had been using electric heaters on the colder days to help keep the rooms up to temperature. Chapais has run into a road block with help to resolving this problem. Lagrange added that this problem needs to be fixed and he would like to stay with locals contractors for the repairs. He noted that the monies for the repairs could come out of the Municipal Building Fund seeing that it is housed in the Municipal Building.

VIII. Accept & Sign Warrants: A Motion by Minctons and Seconded by Norwood to accept and sign all warrants presented. Vote 5/0. Administration: 126, 131, 135, Water: 3, Sewer: 134, School: 127, 128, 129 Special Projects: 130, 132, 133.

IX. Next Meeting Date:

Selectmen Meeting March 12, 2013 (6:00 PM)

XII. Adjourn: A Motion by Minctons and Seconded by Norwood to adjourn the meeting. Vote 5/0.