



MINUTES OF MEETING
Board of Selectmen
February 9, 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: Trudy Bickford, Kristin Hutchins, Ralph Dunbar, excused: Berten Willey, Skip Wilson
Visitors: Mark Good, Scott Alley, Jim Wadman, Ron Bean, Kenneth Hutchins, Donald Lagrange, Dennis Dever, Bob Bosserman, David Chapais, Joe Saunders, Shirley Soukup, Jesse Scott - Beaugard representative, Nan Lincoln, Anne Welles
- II. **Visitors to be heard not on the agenda:** Kenneth Hutchins reported from the Harbor Committee that things are going well. That Board would prefer to see pressure treated fender piling at the Town Dock rather than the fiberglass. Kristin Hutchins asked why, and Mr. Hutchins said he thinks the pressure treated fender pilings are more durable, and some of the members were very concerned that there would be a lot of patching required. He left it to the Selectmen to determine. He will provide a copy of the minutes for Selectmen review.
- III. **Approval of Minutes:** January 26, 2010 – It was Moved (Hutchins) and Seconded (Bickford) to approve the minutes of January 26, 2010
Vote to approve: 3 – 0
- IV. **Warrants:** Administration 120-125 Water 3
Sewer 24
- V. **Old Business**
a. Police Station Update: Bennett reported the final review was held last week. There are a few items remaining, and until those are complete the Town will not authorize final payment. This means holding back approximately \$24-\$25,000; that will also hold up final closing out of the loan. The Town wants to close before April 1st to

secure the current interest rate. Bennett said one option is to hold back money and hire someone else to finish. This would allow the Town to close the loan on time

b. Water Project Update: Bennett said Bangor Hydro has installed the transformers; the pump house generator is not operating properly, and parts have been ordered. The start date for the blowers is February 23rd and that is also the next date of the construction meeting.

c. Lower Town Dock Update: The floats damaged in the storm are repaired and stored until Spring. No other report.

VI.

New Business

a.. Auditor's Presentation: James Wadman reviewed the Audit report for this year (copy of presentation outline was included and attached to these minutes.). Mr. Wadman said the Audit overall went very well. Wadman said, in reference to the water/sewer utility billing, some Towns do that monthly.

b. On Street Parking: Vice Chairman Dunbar referenced letters from the Police Chief and the Code Enforcement Officer, objecting to changing the policy. Bickford said she agreed. Hutchins asked who besides the Dry Dock would be affected by changing the winter parking ban, and said it is the responsibility of the vehicle owner to be informed of what weather conditions are predicted. Dunbar said he feels the system in effect now, works. Police Chief Chapais explained the difficulties his officers encounter, and warned of safety problems. CEO agreed. It was Moved Bickford and Seconded Dunbar to keep the current on-street parking ordinance as is. Vote in favor: 3 - 0

b. Marijuana Dispensary Moratorium: Bennett has provided a draft of an ordinance as requested. Dunbar felt it hit all the points, and asked what the next step would be to enact something. Bennett said at least 10 days before Town Meeting there will be a public hearing which will include this Ordinance draft, if that was the will of the Board. It was Moved Hutchins and Seconded Bickford to accept the draft Marijuana Moratorium as presented. Vote in favor: 3 - 0

c. Water & Sewer Ordinance Review: Copies of current Ordinances were included in the packets. In the Sewer Ordinance there are housekeeping issues to bring it into compliance. Hutchins pointed out that if the sewer line is extended, one is required to connect; however, if the water line is extended, it is not required that a citizen connect. Hutchins discussed again the recommendation that infrastructure costs be borne by the taxpayers. She also recommended that sewer rates be increased. Bennett has talked with Steve Levy of Maine Rural Water and if time permits he is willing to

review and assist with restructuring sewer rates. Bickford believes the infrastructure needs to be paid for by the Town. She also believes the users should pay for the operational aspect. Hutchins asked if the Board wanted to create a referendum, either binding or non-binding. Dunbar said the Ordinances would both need to be changed if a change were to happen. Bennett said a change would have to go before the Town voters, and if the Board wants to put this before the voters, it is the obligation of the Selectmen to put it forth with a recommendation. Bickford agreed. Dunbar said this is something that will take a whole meeting and a date should be set. Saunders said a percentage division of the responsibility is something that would work. Board members agreed an additional meeting would have to come out with a recommendation from Selectmen. A meeting was scheduled for March 2, 2010 at 6:00 p.m. at the Town Office.

d. Feasibility Study RFP: Bennett presented a draft RFP for what could be done to get an engineering opinion on the infrastructure priorities. She referenced work scope on page 6, citing the basic fee and add-ons. Base plan could probably be gotten for \$20,000 or less, but add-ons could bring the price up as high as \$100,000. She feels a base plan could provide the necessary information, and when the time comes, wrap some of the needed add-ons into the construction project itself. Hutchins liked the selection process at the end of the draft. Bennett said the Board needs to be thinking budget. She asked if the Board wanted to put out the RFP as it stands now; Board agreed. It was Moved Hutchins and Seconded Bickford that the Feasibility Study RFP presented by Bennett be advertised. Vote: 3 – 0 in favor.

e. Quitclaim Deed – Village Washtub: Bennett said taxes are paid, and the Board signed the Quitclaim Deed as agreed.

f. Board of Appeals – Gatsby's: Bennett said this is a reminder that there is an appeal of the Board's decision to grant a special amusement permit

g. Backhoe Bids: In the packet was an assessment of the backhoe bids received. Lagrange said when the item went out to bid, it was anticipated it would be in the range of \$63,000; and the low bid came in for a Case 580M3 at \$53,258; Lagrange said to add a thumb to this to package to increase efficiency would cost an additional \$5,000, bringing the cost to \$58,416, still below the expected cost. The purchase is still contingent upon the Town vote in May. Hutchins said she would not be in favor of the thumb for the additional \$5,000. Alley explained that the thumb clamps material that is oversized, into the bucket while it is being transported into the truck. It was Moved Hutchins and Seconded Bickford, that pending voter approval in May, 2010, the Board of Selectmen take the

recommendation of the CEO to purchase the Case 580M3 for \$53,258, not adding the \$5,000 purchase of the thumb accessory. Vote in favor 3 – 0.

h. Acquired Property Policy: Draft policy was provided by Bennett in the Selectmen’s packet. She asked for their review as there is property that will need to be dealt with in the near future. This document should take care of most situations that arise. It was Moved Hutchins and Seconded Bickford to adopt the Acquired Property Policy as presented. Vote in favor: 3 – 0.

VII. **Manager’s Report:** The Warrant committee has one more meeting Thursday, February 11th, 2010. Taxes and purchase of Village Washtub has been completed; the Assessors wrapped up their quarterly reviews last week; in the Water rate case, the Town presented all information requested, and found this week that the public advocate had not requested information they needed. This has resulted in additional work for the Town.

VIII. **Other Business:** Hutchins asked, in reference to the ADD contract, the type of recycling, currently being used by the Town. Bennett said the Town does not use single sort, and ADD has not recommended single sort to any of the Towns, as it is more expensive.

IX. **Sign Warrants:** It was Moved (Hutchins) and Seconded (Bickford) to sign the warrants as presented. Vote in favor 3 – 0

X. **Adjournment:** It was Moved (Hutchins) and Seconded (Bickford) to adjourn the meeting at 7:28 p.m. Vote in favor: 3 - 0