

Board of Selectmen  
Tuesday, March 27, 2012 @ 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: George Jellison, Jr., David Minctons, Dan Norwood, Ralph Dunbar, Jr., Town Manager, Donald Lagrange. Excused: Tom Benson
- II. Visitors to be heard not on the agenda: none
- III. Approval of Minutes of March 13<sup>th</sup> and 20th, 2012: It was Moved (Dunbar) and Seconded (Minctons) to approve the minutes of 3-13-12. Vote: 4 – 0. It was Moved (Dunbar) and Seconded (Minctons) to approve the minutes of March 20, 2012 as presented. Vote: 4 – 0.
- IV. Manager’s Report (comments): Lagrange said with the cable consortium we are trying to arrange 7 terms of the agreement. Lagrange reviewed those terms including reducing the terms to 10 years from 15. The franchise fee should remain the same. We are looking for an increased density in service and have requested a map of where cable is provided. There are two (2) PEG channels existing, and we have been offered an increase to 3. We hope to bring fiber optics to the fire station – we need an additional 200’ above what is allowed. Looking into a mesh system which would cover more area. In the new contract they expect to add another \$50 per customer to upgrade equipment. There is another meeting the end of June to hear the attorney’s conversation with the cable company.
- We are loaning a fire truck to Swans Island for a few weeks while their truck undergoes serious repair. Jellison said a letter from Lydia Goetze indicates her resignation from the Comprehensive Plan Implementation Committee. Thanks were extended to Lydia for her valuable contribution.
- V. Warrants: Administration 150, 153 - 156 Water 6 & 7  
Sewer 31 School 151 & 152
- V. Old Business
- a. Bio Package Water Tanks (Corrigan): David said he met with Chris Hodgsons from Natgun and Annalese from Olver, up at the tanks – looking at how to run the temporary lines. Annalese is finalizing the plans getting ready for bids. Looked at the lay-down areas and they are fine with that.
- b. Water Testing (Discussion only): The water testing consent agreement in the package is for discussion at the next meeting. There are a few dates that Annalese would like to remove. If there are any questions, please let Lagrange know. It is expected that Annalese will be at the next meeting. Any questions will be forwarded to her. This needs to be signed by May 1<sup>st</sup>. Dunbar would be interested in knowing what our

obligation is. He believes we are in compliance now, and wondered if we are still under obligation to answer to the State. Corrigan said we need to be four consecutive quarters in compliance and we have been in compliance for three consecutive quarters as of now.

## VI.

### New Business

- a. Harbor Committee Appointment – Joel Harper: Joel said he would like to serve on the Harbor Committee and would like to attend. It was Moved (Norwood) and Seconded (Minctons) to appoint Joel Harper to the Harbor Committee for a term to end June 30, 2015. vote: 4 – 0.
- b. Harbor Committee Appointment – Brian Walls. Brian said he works for Ellis Boat and spends a lot of time in the Harbor and would like to volunteer his time on the committee. It was Moved Norwood and Seconded Minctons to accept Brian Walls to the Harbor Committee for a term to end June 30, 2015. 4 - 0
- c. Liquor License Renewal – Red Sky: It was Moved (Minctons) and Seconded (Norwood) to approve the application of Red Sky for Liquor License renewal. Vote: 4 - 0
- d. School Board – Article 20: Jellison said at the last meeting the Board did not know this was on the warrant. At the meeting in November it was understood that Liebow was presenting this to all Towns and this Board expected him to let the Board know what was planned. Erika Lindquist asked the Board to reconsider their vote to remove the article from the warrant. The School Board would like to have the Board reconsider. Kachmar said at the AOS level it was discussed for over a year. In November each individual town school board reviewed, voted and accepted this article. The School Board has spent a lot of time this past year crafting this. If one community chooses not to participate, the plan dies and goes no further. They feel strongly that this is the way all communities may be insured against large outlay of cash for special needs students. She said they also feel strongly that all voters on the island get a say. Helprin said there are questions that may be answered as the vote gets closer. Dunbar said the gist he got was that we had to put \$40,000 in a reserve account, plus donate to the fund each year. We will have to borrow it back with interest. Helprin said it would encourage the towns to pay it back on a timely basis. It still allows some money in the reserve, but this is insurance for anything catastrophic. Dunbar said he doesn't see any incentive to do that. Strong said the account earns interest and goes back into that account now. Jellison said if the cost of the student was \$150,000 that would be used first and towns would have to re-fund their individual town funds the following year. Helprin said that was true. Jellison said the board felt the warrant committee didn't have the information. Kachmar said they discussed it at the warrant committee. Lodge said it was discussed as a side-bar conversation during the warrant committee's discussion with the school board. He doesn't recall it being brought to the committee as a warrant article. Kachmar asked if it was even an issue that it goes to the warrant committee. Dunbar said it would be an appropriation going forward.

Strong said the first year of a catastrophic need would be covered, but knowing there is that expense the next year, the fund gives us the ability to temper the amount it hurts the town in any one given year. Jellison asked: we start with \$190,000 and put \$40,000 into the reserve. Our limit would be \$150,000. The question was asked if you could borrow the full \$150,000 in a year. No answer to that question. Lodge said he understands the need for the fund and feels it is a good idea. The \$40K we put into it is our money – to the extent that money is ours and would be earning interest anyway, he feels we should not have to pay interest on the \$40,000 and perhaps pay interest on anything over that amount that was borrowed. Kachmar said it is unlikely to be able to be changed given the time involved in going to all the boards. Kachmar is questioning what the downside of letting this go to the voters is. Lagrange said tonight is the deadline for the warrant. This is the last night there are any options on the warrant. One option is to reconsider the motion to remove the article and then move to amend the warrant to add it back in and re-sign the warrant. Norwood said without thinking of the validity of the program, he is more concerned about procedurally for us as a Board – we didn't take action to put it on the warrant, nor did the warrant committee, and we haven't approved it to be in our warrant. We are missing a member who made that warrant official, and wants to make sure we do this right. Minctons asked Kachmar the benefit of doing this or borrowing the money conventionally. Lindquist said the interest rate paying back to the fund is far less than that of a finance institution. Kachmar said we would have to call a special town meeting to raise funds. Lagrange pointed out that the voters might not vote yes. Jellison said Norwood made the motion and he felt we could take this up. Norwood said the town has the opportunity to enlarge our town reserve account. Helprin said we would now have to raise money to add to the reserve. Norwood said we would either borrow from the pool or from the town for a second year. If the money isn't used, it will be invested. The interest at the cap gets split among the towns proportionately. At \$750,000 the interest is returned at a proportionate interest rate. Dunbar said there would be a \$75,000 cap on the money borrowed, and that there would be an interest rate applied. Dunbar said we are giving it to a fund and paying it back with interest. Henry said if we drain our reserve we have to pay it back. It softens the blow year to year. A 5% increase for one student is huge. Henry said somewhere the School Board dropped the ball and apologized for that. Jellison said the only question now is do we have a motion to reconsider the motion to remove article 20 from the warrant. It was Moved Norwood and Seconded Jellison, that the Board of Selectmen reconsiders the inclusion of Article 20 in the warrant. Discussion: Minctons asked what would happen if we don't include it this year. Jellison said all other towns have it on their warrant. Jellison said he feels this discussion tonight will hopefully peak some of the voters interest. Vote 3 – 1 - (Dunbar). The board reviewed the warrant article for wording. Dunbar said if this board feels they have no interest in acting on items and send everything to the public, then we need not exist. Dunbar said the

answers he got from Liebow and those attending tonight were inconclusive. Eric Henry: said he feels as a school board member he has dropped the ball, and communication obviously failed. He also feels he has not educated himself on this issue to be able to answer all questions. Henry asked the board to accept the apology and to go ahead and put it in front of the voters and give us the chance to explain it properly. Dunbar said he would like the article to be worded more clearly. Lagrange said as long as the note is in there it clarifies what the Town money is being transferred to. It was moved Norwood and Seconded Jellison to include article 20 in the warrant as written here with no recommendation from the board of selectmen or the warrant committee. Discussion. Dunbar asked: could it be written that any money we put into this would be paid without interest? Henry said there would be interest if a loan were made. If everyone votes to change this, it could be changed. Vote: 3 – 0 (Dunbar). Dunbar requested a letter from MMA saying that what just happened is legal. Walsh will provide legal opinion from MMA and/or attorney.

- e. Harbor Committee Report: Adam said they have been going over a new mooring plan. This is a template from the town of Trenton we would eventually need to produce one specific to this Harbor. There is a preliminary sketch of the pool area which would increase moorings by 8. Currently the main focus of the committee is doing the mooring plan at regular meetings. It will be the recommendation of the harbor committee that this be part of the ordinance. From the pool, the committee will work outward to organize the moorings in a more orderly fashion. There will be better control over the harbor use. Thurston said referencing the weight limits on the Manset dock, to look into getting a contractor to do an inspection and advise what needs to be done to get a higher weight limit on the dock. An evaluation and estimate will give us a better idea of what we have. The harbor committee feels the weight limit should be 80,000 lbs. Currently the weight limit appears to be 23,000 lbs. Dunbar expressed concern with the contractor assessing it. Thurston was referring to PROC who builds piers/docks. Lagrange said this combines the next item on the agenda;
- f. Upper Town Dock (Discussion only): He feels the ferry service really utilizes the parking area and this is a service to Cranberry. Dunbar said the workers who use the ferry might not have the privilege of using the cranberry island parking area. Lagrange suggested bringing Cranberry Isle residents and/or ferry people to discuss this. Bartlett said he believes the spots are reserved and numbered in the Cranberry Isle lot. Lagrange said it would be difficult to add moorings without parking to accommodate. Thurston agreed a group discussion was needed.
- g. Public Works Report (Corrigan): Corrigan asked if there were any questions on the report. Jellison confirmed that Chad would be doing the meter replacement. Dunbar asked if these were remote meters – they were, and he recommended meter replacement be on year round home owners first. Norwood said that David and crew

have done a great job in refurbishing the loader and doing good job maintenance wise. Dunbar asked if the storm drains would be cleaned out by the sweeper. David said Fernald Point, and the Ridge was all done. Dunbar asked about the storm drain problem at the DryDock. He was told that roots in their private line caused the problem.

- h. ME DOT Project Request (Discussion only): Lagrange asked the board to come to the next meeting after reviewing the recommendations he made. Dunbar asked Lagrange to determine how these recommendations fit with the sewer and water line replacement. These recommendations should include supportive road work with Tremont. Norwood pointed out that Fischer said Route 102 to the ferry terminal would be a connector road and would take precedence over 102A.

IX. Other Business: none

X. Sign Warrants: It was Moved (Dunbar) and Seconded (Norwood) to approve Admin Warrants 150, 153-156, water warrants 6 & 7, Sewer Warrant 31 and School warrants 151 & 152, with reservations on the payment to contractor Henry out of school funds. Vote: 4 - 0

XI. Adjourn: It was Moved (Minctons) and Seconded (Norwood) to adjourn the meeting at 8:50 p.m. Vote: 4 - 0