

Board of Selectmen  
Tuesday, April 10, 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., Ralph Dunbar, Jr., Tom Benson, David Minctons. Town Manager, Donald Lagrange. Excused: Dan Norwood
  
- II. Visitors to be heard not on the agenda: Kristin Hutchins spoke on behalf of the Chamber of Commerce reference her letter of last week concerning the condition of the lawn at the public rest rooms. She is concerned that dog owners are not cleaning up after their pets, and said this is a health hazard, as well as unsightly. Chairman said Lagrange would address that in his report. Dunbar said a couple of years ago the Chamber had said they would back a capital improvement drive to support public restroom at that spot., and wondered if that was still on the table. Hutchins said it was discussed at a recent meeting and the Chamber is still on board to do this. There are a number of people committed to doing this and would like to work with the Town in any way to make it possible. The Chamber will look for leadership from the Selectmen. Kachmar said the dog issue is a problem all over the Town. Hutchins suggested dispensers to help people do the right thing. Lagrange said he spoke with Suzie Homer and Sandy Johnson on the effort of the public restrooms, and he is working with Island Explorer to put a bus root there. He feels there is a good possibility of doing something there. He said this is a win-win situation. Dunbar, referring to the dog issue said Northeast Harbor has dispensers for dog owners to use. Lagrange said he is discouraged that Public Works had to pick up the area. Kachmar said according to the Police Department there is a litter ordinance. Lagrange asked if the Board felt it should be an ordinance, or simply a policy. Chapais said the dog owner in question did clean up the area today. Corrigan said the Public Works Department took over 50 pounds of debris from dogs off the area today. Lagrange would like future discussions on an ordinance. Dunbar said we should help facilitate with the bags and a container to use.
  
- III. Approval of Minutes of March 27th, 2012: It was Moved Minctons and Seconded Dunbar to accept the minutes as presented. Vote 3 – 0 – 1 (abstain Benson)
  
- IV. Manager’s Report (comments): Insurance Claim for the police department was denied. The freeze up was not covered and the other claim was less than the \$1,000 deductible. Dunbar asked if we should compare MMA to other groups and compare rates. Lagrange said is hasn’t gone out to bid in recent years, but there are member dividends from MMA in the area of \$4-5,000. Dunbar said often most dividends are paid for in the end. Lagrange has already contacted one insurance company. Lagrange said

the utility pole that was clipped during a snow storm has no police report, and Fairpoint is trying to come after the Town for \$7,000 worth of damages. Chapais said there is a report of a damaged pole but no information on who did that damage. Lagrange and Chapais said there is no way to know who caused the damage, and there were no witnesses. Lagrange said he provided information from the insurance company about the dividends received this year. He referenced the Newsletter which will be ready to go out on Wednesday. Dunbar said in the Newsletter there is an issue on the public meeting prior to that meeting. Lagrange said the Board did discuss having an informal discussion from 6 – 7pm. Dunbar asked about the Show Choir, saying he was also approached to have them perform. He asked about the times of the voting, as the school referendum states 8:00 a.m. the polls open. Jellison said the school referendum is on the June primary which is different. Lagrange said the vehicle on-line information is on the website. Lastly, the school insurance claim for \$32,000 was a warrant from the school which was taken out of general funds and when the claim is paid, it will go back into the general fund.

V. Warrants: Administration 159-160 Water 8  
Sewer 32-33 School 157-158

V. Old Business

a. Water Testing/ Olver Associates: Annalese Hafford said Olver has been doing testing at Lee Wilber Boat Yard since 2010 and the Town has been in compliance for the last 3 quarters. The flow has been slowed to 300 gallons per minute, which can only be done in the winter. There are good results this year – our goal is to continue to work with the water department to get through this and maintain compliance. Chlorine compliance is the key right now. We have asked the Drinking Water Program for an extension to allow more time for testing. Dimond asked Hafford if she was saying the water program allows one sample only per quarter. She said that is correct. Hafford said the monthly testing will help the Town feel confident in the submitted tests. Filtration appears not to be needed any more.

b. Administrative Consent Agreement/Olver Associates: Hafford reviewed this agreement and had the State make some changes including giving the Town credit for the compliance that has been in order and to extend the time line to the end of January 2013. It is general as to what the next phase will be. If we don't make it, it is unlikely to be allowed more extensions. It was Moved (Dunbar) and Seconded (Benson) to approve and sign the Administrative Consent Agreement with the Drinking Water Program for the upcoming fiscal year. Vote: 4 – 0.

Chairman asked for information on the Water Tower. Hafford said they have the site plans, and she has put together plans that are in drafting now. She expects it to take about a week after that for the engineers to do their part, and it should be ready for the Drinking Water Program in about two weeks, as they are the funding and need to review. Corrigan asked how long they would need it for review. Hafford said they have four weeks, but usually do it within three. Lagrange asked about the design work on

Seal Cove referencing both culverts – are they priced separately. Hafford said they were priced separately. She said the original intention was for the culverts to be designed separately and the Town would do the actual work. Lagrange said in a conversation with Gallagher she informed him the grant would be paid to the Town and they would pay the expenses from that. Annalese will review the payment they have received to determine whether or not those funds came out of the Grant authorized for the Town at \$50,000. Dunbar said the remainder of the \$50,000 if any would be used for the other branch, and that the design was apart from the Grant.

c. Cranberry Isle Ferry/Parking: Lagrange said the Ferry service and Cranberry Island Selectmen representatives were invited to the meeting. Lagrange said with a new mooring plan, and possible addition of moorings, the Town will have a problem with parking, especially at the upper town dock where the Cranberry Isle Ferry picks up and drops off passenger. Lagrange has no solution to keeping the ferry and still getting enough parking to add moorings to the Harbor. Southwest Harbor has the capacity for more moorings in the Harbor, and the potential of putting slips at the upper town dock. Unless the parking is opened up, these projects cannot go forward. A couple of suggestions would be to limit a couple of reserved spots at the Upper Town Dock, or the Ferry use of the Cranberry Dock and parking on Shore Road. Phil Whitney, a Selectman from Cranberry Isle said over the past 7 – 8 years the parking has been used specifically for the Cranberry Isle residents who pay about \$300/year for the privilege. As it exists right now there is no room for seasonal parking. The Island owns land on the other side of the buildings which is undeveloped. The problem is to open that to tourists, it is difficult for them to find their way there along the shore, and more difficult than finding the upper town dock. Owner of the Cranberry Isle Ferry was asked by the Chairman where the percentage of workers take the Ferry. He said congestion at the Manset Town dock resulted in them taking that off the route. He believes that it is a mixture as to where the workers are coming from. There are businesses in Town that still want to use the Manset Town Dock as it is easy to drive items down there rather than carry loads a longer distance. Not sure who is using the parking at the Upper Town Dock. He believes it is easier to direct the workers to parking rather than visitors, and feels that might be an option. Initially there were no fees on any of the Town Docks, but a fee structure was initiated, which he felt was fair, and is open to discussions on that, and on the parking in the area. Chairman asked Whitney if he was correct that all spaces available are leased by the Island residents. Whitney said they are in the initial stages of determining whether the existing dock may be made more user-friendly, and vehicle friendly and therefore, more usable. He would be happy to work on a continuing basis with the Town on this issue. Dunbar asked if the area on the other side of the Cranberry Isle parking could be used for parking. Whitney said he didn't have any concrete figures and thought as a guess it might be 35 or less. Dunbar said that would be huge. Lagrange said he would suggest continuing communications, and look at the vacant lot, as well as parking spaces by permit as a possibility. He said the ferry service is important, and if

negotiations work out with the bus service it would be beneficial to everyone.

d. State Road Construction List/Public Works Director: Corrigan said he couldn't find anything at the office to indicate prior requests to the Maine DOT. Benson said at the League of Towns meeting the group talked about coordinating with the other towns, and he suggested, since Tremont wanted to request bike lanes on 102 to the Ferry. He would suggest us extending from 102A to the Tremont town line, in Section II. Expanding on the Main Street request we have already listed. Lagrange said that Fisher at HCPC will put the list together. Dunbar said he would not agree with the 198 intersection, as it is not beneficial to Southwest Harbor. Lagrange said that may help Southwest Harbor residents get through that area as they commute to work. He said it was his thought to put that in to alleviate the traffic for Southwest Harbor residents. Jellison explained that at the Collaboration meeting the Towns were encouraged by HCPC to put that on as encouragement to DOT. Hutchins said she agreed with Dunbar that the bike lanes and 102, 102A should be a priority. Jellison said on the sheet priority #1 is Route 102, which could be amended – paved shoulders included. #2 was the Somesville intersection; others include Seawall Road and bike paths on other highway improvement needs. When it was discussed at the League of Towns it may take more than one application every two years to gain the attention of DOT. Lagrange asked if priority 1 could be inclusive from Seal Cove Road. Dunbar said bicycle paths don't even exist going to the Tremont Line or to Seawall, and those could be a second priority, and make the Intersection the third priority. Jellison reviewed a priority list with the Board a: #1, Route 102. Jellison and Benson suggested that be revised to go from Seal Cove Road to the Tremont line, including bike lanes from Manset Corner to Tremont. Jellison asked if the Somesville Intersection should stay at Item 2. Minctons said that doesn't need to be a # 2 priority and should be moved to the very last item. Lagrange said he would take it into section 3 and make it priority 2, other highway needs; move the storm water drainage improvement to coincide with the improvements needed on 102, Seawall sidewalk and bike path. All other items are agreeable with the Board. It was Moved Benson and Seconded Dunbar to accept the changes made to the DOT Suggested Road Improvement List 2012 as discussed above. Vote: 4 – 0.

Lagrange asked the Chairman to revise this agenda to include a report from the infrastructure meeting yesterday morning. Dunbar said there needs to be time to read over the materials and get some input. Benson said he would like to discuss what the committee reviewed and hold over any further discussion for a later meeting. He said there have been three meetings and one of the projects they want to look at is Seal Cove Road because of the culverts, and Hillcrest Acres, a short stretch at the entrance into the beginning of the circle. For the Seal Cove Road, the east culvert has a grant for a concrete box culvert – the road will have to come up 2', and with a lot of low beds and boat trailers going over it, it is one of the poorer roads in Town. At first glance it doesn't appear to have much traffic, but with the Town Garage, Norembega, John Goodwin, Pettegrow

and the housing development, we will bring a proposal to re-do from the box culvert westerly back to the Long Pond Road, using a combination of contractors and town crew for the work. Corrigan has provided some cost estimates, and we have come up with around \$200,000 as an estimate to do work west of the east box culvert. On Hillcrest acres it will be picking up the pavement, and that estimate is around \$22,000. Also this year we will be putting a finish coat of asphalt down at the Lower Town Dock, with a concrete curb and a narrow sidewalk along the top of the dock, and will be finishing Mansell and Wesley. In 2013 they are looking for grants for the west branch of the culvert near the Town garage. 2014 the committee is thinking Shore Road, in the Manset Pier and Moorings area, and perhaps a short stretch on Freeman Ridge Road near Long Pond Road. Dunbar asked if anyone has contacted the Park. Corrigan said they have had meetings with the Park and they will work on the Grant with us, but are not coming forth with assistance with the cost of work on Seal Cove Road. Dimond asked if a copy of that preliminary report be available in the future. Also, does the discussion of Tom's report already assume that Mansell Lane and Wesley are already in the works, as is the water tower, and are these additional items? Yes. Corrigan said the grant for the east box culvert was extended to this year, once the culvert is installed, to have that portion of the road raised about 2' made sense. This discussion will continue at another meeting.

## VI.

### New Business

- a. Liquor License Application/Feliciano – Village Washtub. Chairman confirmed that this is a re-application from August. Chairman asked if there was a starting date. Feliciano said the name will now be Joey's Place. Chairman said that was fine. It was Moved (Dunbar) and Seconded (Minctons) to approve the re-application of Joey's Sports Lounge for a liquor license. Discussion: Dunbar said he would voice the same concerns he had last year and hoped at some point there would be a fence between the property and the school property. Vote: 4 – 0.
- b. Liquor License Renewal /Special Amusement Renewal – Sips. It was Moved (Dunbar) and Seconded (Minctons) to approve the re-application for Special Amusement Permit and Liquor License for J & S LLC, dba Sip's. Vote: 4 – 0.
- c. MDI High School June Warrants (to reaffirm May Town Vote): It was Moved (Benson) and Seconded (Dunbar) to accept the Warrant and Notice of Election of the MDI High School Budget Validation Referendum for the June vote. Vote: 4 – 0. Dunbar said he went to the MDI School Budget Meeting and was the only Town resident there who was not a board member or employee of the school.
- d. Health Officer Appointment: It was Moved (Benson) and Seconded (Minctons) to appoint Donald Lagrange Health Officer for a term expiring 6/30/2013. Vote: 4 – 0.
- e. Road Commissioner Appointment: It was Moved (Minctons) and Seconded (Dunbar) to appoint Donald Lagrange Road Commissioner to expire 6/30/2013. Vote: 4 – 0.

- f. Water Commitment \$130,531.16: It was Moved (Dunbar) and Seconded (Benson) to accept and sign the Water Commitment in the amount of \$130,531.16. Vote: 4 – 0.
- g. Sewer Commitment \$102,218.48: It was Moved (Minctons) and Seconded (Benson) to accept and sign the Sewer Commitment in the amount of \$102,218.48. Vote: 4 – 0.
- h. Harbormaster Report: Thurston said the Committee last night elected Dan Bartlett as Chairman, and Andy Mays as Vice Chairman. Committee is continuing to work on the mooring plan and today Thurston met with PROC Marine to look at the Manset Town Dock. They suggested questions to ask Greg Johnston, with options the Town could do. They also suggested some contacts to meet with for the weight limit. Boats should start being launched this week, and we should be up and running by mid-May. Lagrange asked if additional moorings and parking was discussed. Bartlett said yes, and parking at Lower Town dock was discussed. He will provide a memo for the Selectmen through Lagrange on their recommendations, and the middle parking spots at the Lower Town Dock. It will get busy starting mid-May. Bartlett will come to meetings once a month to address any issues. He would like to minimize the amount of time the Committee uses Adam Thurston, and feels the Chairman or Vice Chairman should address issues with the Selectmen. Standardizing mooring tackle will be a long issue, as well as parking issues. There could be an increase of 7 moorings in the pool. The Committee is looking at putting anchored floats at the western edge of the pool. They could be leased to small boat owners. The Committee is also looking at moving floats in the area and is working with the Army Corps of Engineers on that. The other parking issue was the Hook property, which the Committee wanted to pursue. Dunbar said the Town dropped the ball on pursuing the Hook property in time to talk with the Townspeople about it this year. Going forward, the Town will hope to pursue. Dunbar said the Board has agreed not to open the conversation until they get the go-ahead from the Hooks to do that. Bartlett said, referring to weight limits, in the original specification for the Lower Town dock, he believes there were weight limits addressed, and they were significantly more than is posted presently. Of concern is the Manset Town Dock as well. The Committee is anxious to know what the weight limit is now, and adjust it so a fully loaded truck could be handled. Dunbar suggested looking into the original spec from Kleinschmidt and the result. Lagrange said he called them and they have had a lot of turn over didn't have enough information to go further. Minctons asked if Chalmers did the work.

- IX. Other Business: Dunbar asked for follow up on the town bathrooms. He said it is time to make an improvement, work with the Chambers and others. He'd like to see the Town begin work on this. Lagrange said he would like to work with the Chamber, and is looking over the next few weeks to get some funding. Dunbar and Lagrange said they would like it to be a year-round facility. Lagrange asked

if the Board had any information on surveys, or should it go out for a current survey to get it pinned property. Benson said there was a line agreement, and he thought it went all the way to Main Street. Lagrange said based on what he saw it was possible to do a 28x 44 maximum building. Lagrange said it could also only be two year-round bathrooms only. Corrigan said the Town needs a survey to determine the space available for building. Benson will look to see what he can find as the most current survey. Lagrange said the Town needs to be confident that they have a complete survey, and failing that it needs to go out to bid. Lagrange said the next meeting is April 24<sup>th</sup> and a Public Meeting. This item to be addressed at a meeting in May. The public meeting will be held at the Fire Station. Hutchins asked if the Candidate's Night information could be included in the Newsletter. Lagrange said that is ready to go out, but would put fliers in the bag with the Annual Report.

- X. Sign Warrants: It was Moved (Benson) and Seconded (Mincions) to sign the warrants as presented. Vote: 4 – 0.
- XI. Executive Session pursuant to 1 MRSA 405 (6) (A), personnel matters. It was Moved (Dunbar) and Seconded (Benson) to go into Executive Session pursuant to 1 MRSA 405 (6) (A), personnel matters, at 8:00 p.m. Vote: 4 – 0
- It was Moved (Dunbar) and Seconded (Benson) to come out of Executive Session at 8:30 p.m. Vote: 4 – 0.
- It was Moved (Mincions) and Seconded (Benson) to authorize the Town Manager to sign a Memorandum of Understanding as discussed in Executive Session. Vote: 4 – 0.
- XII. Adjourn: It was Moved and Seconded to adjourn the meeting at 8:35 p.m. Vote: 4 – 0.