



Board of Selectmen

Tuesday, April 12, 2011 @ 6:00 P.M.
Southwest Harbor Town Office

MINUTES

- I. Call to Order/Roll Call – The meeting was called to order at 6:00 p.m.
Present: Robin M. Bennett, Town Manager; Selectmen Trudy Bickford, Ralph Dunbar, Jr., George Jellison, Jr., David Minctons, and Dorr “Skip” Wilson.

Visitors: Carolyn Maling, Barbara Maling, Sandra Johnson, Mark Good, Jim Wimbiscus, Pat Biegler, Donald Lagrange, Lee Worcester, Tom Benson, Dick Dimond, Don Lodge
- II. Visitors to be heard not on the agenda: Dick Dimond asked about the Town Report and Warrant – will the warrant include an explanation of the funding for articles 57 and 59. Bennett said that is in a newsletter that will be coming out hopefully at the end of this week.
- III. Approval of Minutes: Selectmen Minutes of March 22, 2011 and March 30, 2011. It was Moved (Bickford) and Seconded (Jellison) to approve the minutes of March 22, 2011 as presented. Vote: 4 – 0 – 1 (abstain, Wilson). It was Moved (Bickford) and Seconded (Wilson) to approve the minutes of March 30, 2011 as presented. Vote: 5 – 0.
- IV. Manager’s Report: Bennett said the Town Report is off to the printers, and the Seal Cove Road project continues. Maine Inland Fisheries met with Staff and Engineers on March 23rd. Datamatic reps have reviewed placement of equipment, and meter bids have been received. Datamatic will return on April 18th to install equipment and begin training. Sewer clarifier shop drawings are under way, and the welder is on stand-by for repair of the water tank anytime after the 15th of April. The Harbormaster is busy scraping floats and the first float should be placed by the middle of this week. The 2010 Workers Compensation audit resulted in a \$1,830 refund. The Water Department is applying for a \$20,000 grant for asset management software and GIS. The PUC investigation continues and is very time consuming.

Dimond asked if there was any info from PUC on this investigation and the length of it. Bennett said that since writing this report the PUC investigation has been temporarily suspended.

V. Warrants: Administration 153-162 Water 9-9A
Sewer 35-36 Wesley/Mansell 1

VI. Old Business: none

VII. New Business

- a. Liquor License Renewal: Demuro's Top of the Hill Restaurant. 1 Main Street; It was Moved (Bickford) and Seconded (Wilson) to approve the liquor license renewal of DeMuro's Top of the Hill Restaurant as presented. Vote: 5-0.
- b. Liquor License Renewal, The Lindenwood, 118 Clark Point Road; It was Moved (Bickford) and Seconded (Wilson) to approve the Liquor License renewal of the Lindenwood Inn as presented. Vote: 5 – 0.
- c. Proposed Zoning Ordinance: This item results from a letter from Johnson concerning the upcoming warrant article on the proposed zoning articles and the possibility that requirements for notice had not been met. There was a memo from the CEO with an opinion from MMA on this subject. If passed, it will be necessary to vote in June to update the map to reconcile with the wording of the article. Johnson said her letter was not about that – she said her letter stated the public hearings have not been properly noticed and her belief is that a map must be included with the notice. Worcester said the zoning map is required if the uses within the zone is changed but , therefore the map is not required. The present zoning map identifies both Zone B and Zone C and the map is only required to be posted if there is a change. Worcester said MMA is allowing for a remedy. Johnson suggested delaying the vote until June. Bickford stated that typically the Town did not change the map until after a vote. Johnson said she is not talking about publishing a map after a vote – but that a map needs to be in the paper showing the effect of the zoning change. CEO said this requirement is only if you are making changes in commercial, industrial or retail uses and that is the only reason to publish the map. He also said there are no uses being changed. There are no industrial, retail or commercial changes and the map is not required to be part of the process. Jellison he got the same impression after re-reading the attachments to Johnson's letter several times. He said his interpretation was that if there were no industrial, commercial or retail use changes the map is not required. Bickford agreed. Wilson disagreed and felt the ballot is illegal. Johnson said she understood what Jellison was saying, but she feels it does apply. Dunbar said absentee ballots are already out and MMA has issued a way to rectify this. Worcester said the discussions at the two public hearings were held with the maps posted on the wall and those delineated what would be zones b & c if they were combined. Johnson said the purpose is to show the impact. Worcester said he feels the Planning Board has done that

as the maps were posted at the Town Office and were available at the meetings and the public meetings. Dunbar said his question is does the Board need further counsel or is there enough information to make the decision on how to move forward? Dunbar asked if there was time to hold the meetings needed to ratify this in June 14th. Bennett said she believes you only need one public hearing and she thinks there is time. Dunbar said clarification is needed as to whether or not the map needed to be published. Bennett will contact MMA tomorrow and get further clarification and see if there is time to do the map portion by June 14th or the entire thing. Lagrange said when he discussed this with MMA, he was told to carry on with the election and to accept the map at a future election and make it retroactive if the ordinance change is approved in May. Bennett said this is similar to article 55 on the warrant now. Dunbar asked the Board if they wished to follow up with a June 14th ratification. Bickford and Wilson said there was no choice. The Board was in agreement. It was Moved Bickford to proceed with the Ordinance amendment on the May ballot and have the Town Manager contact the Maine Municipal Association to clarify. There was no second. Wilson suggested the motion be changed, and: It was Moved (Wilson) and Seconded (Bickford) to settle the map issue at the June 14th primary if necessary and have the Town Manager contact MMA in the meantime to affirm this is the correct direction to take. Vote: 5 – 0.

- d. Newsletter: newsletter will stand as presented and staff will attempt to get it in the mail by the end of the week.
- e. Meter Bids: three bids – Ferguson was the lowest. Dunbar asked how many 5/8” meters we have – Biegler said the majority are 5/8” but there are some including Coast Guard that are larger. Bennett said she feels 95% of the meters in Town are 5/8”. Dunbar said he has worked with Badger meters, and BH uses them – he has not used these meters before – Biegler said they are starting to come into the area – she looked for references and talked with Portland, who has 5, 000 and another town in Massachusetts with 8,000 and no problems – the references she spoke to had no negatives. Dunbar feels some concern that they would hold up over a long period. He asked if the board wanted to take that chance with the small price difference. Wilson asked if the new meters would be re-buildable – Biegler said yes, and it could be done in house. Wilson said 300 meters at the \$7/meter increased price is \$2,100. Discussion was held concerning stocking two different type of parts for repair. Biegler said there are currently three brands of meters being used now. All will work with the remote read system we are purchasing. Benson suggested having our staff rebuild 50 meters at a time. He feels 300 extra is a lot to have sitting around. Biegler said she expects to see a percentage that will need to be replaced and 300 will not be too many. Johnson expressed concern that 1/3 of the meters are not working and should be replaced as soon as possible – will the savings off-set having someone come in

to set up the meters. Dunbar expressed concern over the badger as a known quantity. Minctons asked if the water company was going to have a training program to keep these serviced. He suggested a smaller amount be put out there and train them to repair. Bennett said if the testing is being done every 8 years the staff should be able to do that. Minctons wants to make sure the water personnel will re-build as they take out broken meters. Wilson questioned the need for an additional person to do this portion of the change-over. It was Moved (Bickford) and Seconded (Wilson) to accept the bid from Ferguson for meters for the Town. Vote: 4 – 1 (Dunbar).

- f. LOT Collaboration Assignments: Chairman reminded the Board that at the recent LOT meeting in Somesville it was agreed that the individual Towns would assign a project person to each of the groups that the individual Town wished to pursue. Dunbar sat with Public Works; Jellison was in the Waste Management group, Minctons was in Public Safety and they discussed sharing of equipment, island-wide bids for equipment and supplies; Bennett was in the Human Resources group and they discussed a needs assessment island wide, and standardization of components of personnel issues. Dunbar asked which of these four groups would the Board like to have representation on, and who would take what position. The next meeting is May 25th. The Board agreed to participate in all four groups. Wilson will sit in with Public Works; Dunbar suggested everyone else stay on the same committees, and they agreed. Bennett reminded the Board to come to the May 25th collaboration meeting with their personal mini mission statement.
- g. Sign School Warrant: This is for the budget validation referendum It was Moved (Wilson) and Seconded (Bickford) to sign the Mt. Desert Island Regional School District Budget Validation Referendum for June 14, 2011. Vote 5 - 0

- IX. Other Business: Bickford said the Board should schedule Bennett's contract renewal and job evaluation for May as that needs to be done by the end of May. Wilson said in State ordinances there is a provision for the circuit-breaker program which the Town could establish and part of the budget which would be to raise the funds. He feels it is time for this community to look into that on a local level. Bennett will search for more information. Wilson also asked if the Harbormaster will be moved up to another pay rate after his six month probationary period. Bennett said that happens next month.
- X. Sign Warrants: It was Moved (Bickford) and Seconded (Jellison) to accept the warrants as presented. Vote: 5 - 0
- XI. Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A) Labor Contracts/Negotiations: It was Moved (Bickford) and Seconded

(Mincions) to go into executive session pursuant to 1 M.R.S.A. § 405 (6)
(A) Labor Contracts/Negotiations, at 7:45 p.m. Vote: 5 – 0.

It was Moved (Wilson) and Seconded (Bickford) to come out of Executive
Session at 7:58 p.m. Vote: 5 – 0.

XII. Adjournment: It was Moved (Bickford) and Seconded (Wilson) to
adjourn the meeting at 7:59 p.m. Vote: 5 – 0.