



Board of Selectmen

Tuesday, May 10, 2011 @ 6:00 P.M.
Southwest Harbor Town Office

AGENDA

- I. Call to Order/Roll Call: The meeting was called to order at 6:00 p.m.
Attending: David Minctons, George Jellison, Jr., Ralph Dunbar, Jr., Trudy Bickford, and excused, Dorr Wilson. Also in attendance: Robin M. Bennett, Town Manager.

Visitors: Pat Biegler, Carolyn Maling, Eric Clark, Donald Lagrange, David Chapais, Sandra Johnson, Kristin Hutchins, Jim Wilson, Weldon Leonard, Debby DuBois, Jason Wimbiscus, Donald Lodge, Paul Slack, Bob Shields.
- II. Visitors to be heard not on the agenda: Eric Clark asked about the payment on the dock, saying it was made in this fiscal year and not the year 2010 which is the year of the Annual Report just published. Bennett said the balance owed was \$125,000 and November 2010 is this current fiscal year. Clark said the balances left for the year shows a \$174,000 overlay: Bennett said overlay is not a budgeted line item for spending and there are things that were not spent over the year. Clark also said the culvert at Marshall Brook is on hold because the engineering was not accepted by US Fish & Wildlife and asked how much was spent for engineering on that project, as the Army Corp and Inland Fisheries were willing to design it for free. Beiegler said Olver did some preliminary designs, and is making some changes based on that. Clark said the engineering was done and it was not acceptable, and probably \$10-\$11,000 was spent on that – he feels someone should look into what was spent on Olver saying the whole thing is on hold now because of the engineering and he would like someone to look into it. Chairman asked Bennett to do so and bring the Board up to speed.
- III. Approval of Minutes: Selectmen Minutes of April 26, 2011. It was Moved (Bickford) and Seconded (Minctons) to approve the minutes as presented. Vote: 4 - 0
- IV. Manager's Report: The Town Meeting went well and all articles passed; the meter replacement project: staff will be trained May 9 – 12; installation to begin May 11th. Street sweeping is on-going; Wesley Avenue drainage issues were received on May 6th. The Staff has been pumping sludge frequently in order to keep pressure off the clarifiers; the

welder came Saturday May 7th to repair the new hole in the water tank; the trap recovery project has been a success; floats will continue to be placed in the upcoming weeks and all floats, moorings, and speed buoys will be placed before memorial day.

V. Warrants: Administration 171-176 Water 13
Sewer 38-39

VI. Old Business: Debbie DuBois asked if the re-signing of her Liquor License Renewal for Top of the Hill Restaurant could be heard and signed now, since she needs to drive to Augusta early in the morning to meet her deadline. She apologized for causing any inconvenience. The Board agreed to hear the renewal first under New Business.

VII. New Business

a. Liquor License renewal – re-sign original forms for Top of the Hill Restaurant. It was Moved (Minctons) and Seconded (Bickford) to re-sign an original copy of the Liquor License Renewal for Top of the Hill, approved at the Selectmen’s meeting of April 26, 2011. Vote: 4 – 0. Copy was made and the original returned to Applicant.

b. Woodard & Curran (W & C): The presenter went over the schedule and the Board agreed that was fine. Concerning Wesley Avenue, W & C feels the system should come down the easterly side of Main Street. This solution allows for a more efficient connection at the bottom of the Avenue. Chairman asked if there is any help from the State as we are putting in a couple of catch basins and also asked where the existing utilities are located. There are water lines on both sides of the street and utilities as well. The line would go close to the shoulder of the road. The existing line going across is 15”. There will be very little impact as it will be mostly in the ditch area. The estimated cost is \$66,000 and includes State Road repair. W & C will see if there are any options from the State. The cost for the permit itself will go up because there is additional impact. Minctons asked about the water at the foot of Three Rod Road which usually has a great deal of water running across the road – would that be better running on the west side? W & C said the east side allows the least amount of impact. Shields asked how long that part of the project would be – W & C can’t predict yet, because they will not know the impact of any ledge – it may be a week or two. Maling asked if there was a calculation on the amount of additional flow that will be directed in that ditch – W & C said the road foreman has looked at it, and there was additional capacity in the ditch. The Board was in agreement that the east side of the road was appropriate. Regarding a 12’ pipe coming down from the tank, Chairman said this is a gravity system with no pump to increase pressure and

there is concern; therefore, he was asking why not increase the size now from 12" to 16" and what is the price difference, and has W & C looked into the 12" flow rate? Ron from W & C told the Board he has looked at both sizes coming down from the tanks – presently there is a 12" and a 6". The decision to abandon the 6" was made from a water quality aspect and instead, have service off the main transmission line. He looked at the calculations and found that increasing the size to 16" would reduce the head loss and currently there is high pressure. Between Main Street at the foot of Wesley, the bulk of the fire flow at the water front comes through the 12" line. There is 9,000' between Wesley and Mansell, at about \$50/foot to install a 16" line on Wesley and it wouldn't increase the fire flow measurably. It will also impact water quality for the residents and flushing ability and water age need to be considered. He recommended pulling the 6" lines in a few years and routing them into the 12". At the foot of Mansell, with standpipes half full, with 10-15 psi through a system of 12" lines you would get about 2,100-2,150 gallons per minute (gpm). Upsizing Wesley might bring it to 2,200gpm. His recommendation is to stay with the 12" lines on Wesley.

The Board agrees to stay with the 12" line. Johnson asked if W & C will go out for bid. W & C has some work to do before that happens. Johnson would like to know if there are additional meetings that residents will be able to attend. Biegler said the schedule that has been agreed upon will be in the contract. Hutchins asked, depending on how the bids come in, would that affect the timeline? Clark asked when the bid packages will be available. W & C said they are looking to advertise the week of the 9th and opening bids the first of June.

- c. Liquor License Renewal: Little Notch Bakery, Inc., 340 Main St. It was Moved (Bickford) and Seconded (Mincions) to approve the license renewal for Little Notch Bakery. Vote 4 - 0
- d. Liquor License Renewal: Red Sky Restaurant, 14 Clark Point Road: It was Moved (Bickford) and Seconded (Mincions) to approve the license renewal for Red Sky Restaurant. Vote 4 - 0.
- e. Churchman Agreement: This was heard by and agreed to by the Board a few weeks ago pending review of the wording by the Town Attorney; this has happened and is ready for a motion. It was Moved (Jellison) and Seconded (Bickford) to accept the Churchman Agreement. Vote 4 - 0.
- f. Police Cruiser: The Expedition has a failing transmission to the cost of \$4,500 – the vehicle is scheduled to be replaced in the coming fiscal year July 1st. The Chief would like to do this earlier since there will be bids that must be made and the timing should be right – Police are looking at the Chevy Silverado which has the flex fuel option, is an 8 cylinder that drops to 6 cylinders. Information has been shared from the Hancock County Sheriff's Department on where they purchased their trucks. Bickford felt a smaller vehicle would be better. Chairman asked what type of

vehicle, and agreed something more fuel efficient would be good. It was Moved (Bickford) and Seconded (Minctons) to approve going out to bid now on a Silverado 4 –door crew cab truck for the Police Department to replace the Expedition. Vote: 4-0.

- g. June 14, Special Town Meeting: Bennett has anticipated having a warrant to sign but we will not go forward with that because the 45 day notice to the Clerk was missed. Lagrange said it will go back to the Planning Board, and be noticed for Public Hearings down the line. He anticipates it will be retroactive. This is for the Section XII of the LUO: Definitions of the Zones and the changes to be made to the map. On June 14th there will only be the school on that meeting. Johnson asked if we still have a Zone C since we did not eliminate the description of that Zone. She also said people in that Zone would be able to do whatever they wanted with no standards. Lagrange said the standards for both Zone B and Zone C are now part of Zone B by Town vote. Zone C was voted to be eliminated from the Land Use on May 3rd, therefore there is no Zone C. Bennett suggested if the Board is concerned, they could have a Special Town Meeting and vote on it then rather than wait until November or May.

The second question from Johnson was the issue of public notice not including a map. Bennett said the notice that had to go out was if there were exceptions to the Zones – the notice itself did not require a map. On follow-up with MMA they said the map did not have to be included, but the option was there if the Town wished to include the map. MMA said it was not a requirement to attach a map unless you're making a commercial, industrial or residential zone change in individual locations within those zones. Only then are you required to post a map and send certified notices to abutters concerned. Lagrange said the vote was to eliminate Zone C. Marshall asked if there might be a public hearing to clear up confusion. Dunbar said there were four (4) public meetings which were poorly attended. He said any Planning Board meeting or Lagrange's office could answer any questions concerning zone standards. Lagrange agreed, and said that any permit applications would be applied as he sees it. Either the Planning Board or the Code Officer would issue a permit.

- h. 2011 Town Meeting Recap: Bennett said this was in the event anyone wanted to discuss anything about the prior meeting. Dunbar said it was well attended. He said the school is a big question these days, but overall he felt the Town Meeting went well.

- IX. Other Business: Bickford said she would like to see the Board meet with the Ellsworth Housing Authority and questioned the expense of the Authority putting on a dinner, as they seem to be having financial difficulties. She feels it would be good to talk with Terry Kelly. Dunbar asked if Bennett could provide information on how the Town operates

with the Housing Authority. Bennett said the Town does not contribute funds to the Authority, and suggested that the Board invite our representative, Lee Worcester, to come to a meeting and explain how he sees that operation and perhaps give insight. Dunbar suggested we do that. Leonard said that if the Town does not give any funds to the Housing Authority they should not be involved in whether or not the Housing Authority holds a dinner.

- X. Sign Warrants: It was Moved (Jellison) and Seconded (Bickford) to accept the warrants as presented. Vote: 4 - 0

- XI. Executive Session pursuant to 1 M.R.S.A. 405 (6) (A), Personnel Matters. It was moved (Bickford) and Seconded (Mintons) to go into Executive Session pursuant to 1 M.R.S.A. 405 (6) (A) Personnel Matters at 7:15 p.m.
It was Moved () and Seconded () to come out of Executive Session at

- XII. Adjournment: It was Moved () and Seconded () to adjourn the meeting at