



Board of Selectmen
Tuesday, June 28, 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.
Present: Ralph Dunbar, Jr., George Jellison, Jr., David Minctons, Trudy Bickford, Skip Wilson, Town Manager, Robin M. Bennett

Visitors: Gary Blanchette, Sandy Johnson, Pat Biegler, Kristin Hutchins, David Chapais, Dan Bartlett, Mark Good, Kristin Hutchins, Jim Wimbiscus, Tom Benson, Donald Lodge, Lydia Goetze, Donald Lagrange
- II. Visitors to be heard not on the agenda: none
- III. Approval of Minutes: Selectmen Minutes of June 14 and June 21, 2011: It was Moved (Wilson) and Seconded (Jellison) to approve the minutes of June 14 as presented. Vote: 5-0. It was Moved (Wilson) and Seconded (Minctons) to approve the minutes of June 21, 2011 as presented. Vote: 4-0-1 (Bickford)
- IV. Manager's Report: meter replacement 163 installed Datamatic in today to train, run the first billing cycle during this time – continuing to read until all complete – leak alarm on June 15th – 2nd alarm on Monday – over the weekend, someone left the outside spigot left on for two days – is monitoring potential problems; Crossman hearing set for today was cancelled yesterday due to illness – case conference call on Thursday; sewer clarifiers, drive chain broke and was repaired no further update on delivery date; webmaster K Hutchins has resigned; fire truck at last meeting the vote was to purchase –staff recommended applying for different process, longer, due mid august – would like to selectmen to tell TM how to proceed – lease purchase program – application can be submitted and someone can take it from there – cheaper of the two appears to be general bond vs. lease purchase. Lower town dock parking lot cost came in over what is available Public works will make recommendation in furture – draft of water audit received and will likely be at next meeting.
- V. Warrants: Administration 193-197 Water 16
Sewer 44-45
- VI. Old Business
 - a. Mansell/Wesley Project : In the packet was an update on the status report and the bid results – that's been the highlight. The Town only received one bidder and engineers are recommending to accept that bid. The State will supply materials for the Main Street and it will bring the price down considerably. Dunbar asked if there was a discussion on the schedule and asked if Goodwin said they could meet it. Biegler said they

agreed to the schedule. Johnson asked if only one bid was unusual. Dunbar said most construction companies are tied up with projects even in this economy and Benson said some of the contractors had trouble getting bonding – sometimes their money is held after a project. He said the larger contractors in the area are tied up on major projects and do not have the staff and time to meet this schedule. Dunbar said the schedule makes it difficult since it 's a small window. This price fits within the budget. Bennett said it looks like at least \$300,000 would be left. She said the Maine Bond Bank indicated that if other projects could be linked to this they possibly could be included. Bennett said when they know the funds left it may be possible to use it for the water tank design. Bennett is waiting for final word from the Bond Council. Dunbar asked where the savings from the State come in and Bennett said it would be done through a change order. Biegler said Goodwin is aware there may be changes. State will waive the need for us to put money in an escrow account (\$16,000). Dunbar said the Board should move to award the contract. Bennett said even though it was one bidder, it is within the scope of the engineer budget and they felt it was a solid bid, and there was no reason not to award. Wilson confirmed that Woodard and Curran (W/C) will provide an inspector on this job. Bennett said yes. It was Moved (Jellison) and Seconded (Minctons) to accept the bid offered by J.W. Goodwin, Jr. Construction in the amount \$1,209,184.50 for the Mansell Lane and Wesley Avenue reconstruction project. Vote: 5 – 0. Biegler said when the work begins W/C will be notifying residents, and there will be a cell number available.

VII.

New Business

a. Annual Appointments: Goetze told the Board to think very carefully when appointments are made – whether it is appropriate to appoint people whose actions may put the Town in jeopardy. Board and Committee appointments were read:

It was Moved (Wilson) and Seconded (Jellison) to appoint Ben C. Worcester, III as representative to the Acadia National Park Advisory Committee. Vote: 5 – 0.

It was Moved (Wilson) and Seconded (Minctons), to appoint Charles Morrill to the Board of Appeals. Vote: 5 – 0.

It was Moved (Wilson) and Seconded (Minctons) to appoint Susan Allen to the Conservation Commission. Vote: 5 – 0.

It was Moved (Wilson) and Seconded (Minctons) to appoint Ben C. Worcester, III to the Ellsworth/Mt. Desert Island Housing Commission. Vote: 5 – 0;

It was Moved (Wilson) and Seconded (Jellison) to appoint Gordon Wissinger to the Planning Board. Vote: 5 – 0. Discussion was held on the Solid Waste position with Johnson asking if there was a conflict of interest with Worcester on the Solid Waste committee. Wilson said he has never heard of this being a problem in the past.

It was Moved (Wilson) and Seconded (Jellison) to appoint Ben C. Worcester, III to the Waste Prevention Committee. Vote: 4 – 1 (Bickford).

It was Moved (Wilson) and Seconded (Jellison) to appoint Jeff Dutra as Tree Warden. Vote: 5 – 0;

It was Moved (Wilson) and Seconded (Jellison) to appoint Sandra Johnson to the Warrant Committee. Vote: 5 – 0;

It was Moved (Wilson) and Seconded (Dunbar) to appoint Clayton Strout to the Shellfish Committee. Vote: 5 – 0. Regarding the appointment to the Planning Board, Johnson said there is a conflict of interest with the last ballot and the Ordinance changes the Planning Board brought before the Town, and these were not appropriately considered and she does not recommend Worcester be reappointed. Dunbar said there is a quorum required on the Planning Board when recommendations are made. Johnson said the Board underestimates the power the Chairman has for directing the agenda of that Board, and that LUO changes should be initiated by the public, not the Planning Board. Wilson agrees that all LUO changes should be initiated by the public rather than individual entities driving items. Bickford said the public had to initiate changes when she was on the Planning Board. Bickford and Johnson said the appearance of a conflict is important to consider. Jellison asked if someone is not appointed should they be able to speak in defense of accusations. Bennett said everyone was contacted that was up for re-appointment, and if they had concerns they should have come to the meeting.

It was Moved (Jellison) and Seconded (Dunbar) to appoint Ben C. Worcester III to the Planning Board. Vote: 1 – 4; Appointment denied.

Concerning appointments to the Harbor Committee, Goetze said she feels the standards of behavior should be considered. She feels it is inappropriate to place the Town at risk by placing the person (she referred to Vaughn Clark) on the committee again. Johnson asked if charges were made against Clark, and the Chairman said they were, a hearing was held, and the matter cleared. He said there will be no further discussion of that issue at this meeting, as it was resolved.

It was Moved Wilson and Seconded (Minctons) to appoint John Seavey to the Harbor Committee. Vote: 4 – 1 (Bickford);

It was Moved (Minctons) and Seconded (Dunbar) to appoint Vaughn Clark to the Harbor Committee. Vote: 3 – 2 (Wilson, Bickford).

It was Moved (Jellison) and Seconded (Minctons) to appoint Corey Pettegrew to the Harbor Committee. Vote: 3 – 2 (Wilson, Bickford).

Concerning the appointment of the Public Works Director, Selectman-elect Benson voiced the concern that the Town can not afford a full time Public Works position and expects that would save in the neighborhood of \$50K per year. Johnson said there are huge public works projects and an interim town manager and this would be a bad time to make that change. Bickford said the part time work of public works actually cost the Town a great deal of money two years ago. Lodge agreed with Dimond and Johnson – this is larger than a part-time person could do and certainly needs someone full time in that position. Goetze said from the view of the Comprehensive Plan it is important to have an experienced qualified person doing that job full time. The Board confirmed the Manager appointments of Patricia C. Biegler, Director of Public Works, David Chapais, Police Chief, Donald Lagrange, Code Enforcement Officer and Samuel Chisholm as Fire Chief.

b. BOS Chair Election: Nomination: Dorr Wilson: It was Moved Dunbar and Seconded Jellison to nominate Wilson as Chairman of the Board of Selectmen. Vote: 4 – 0 – 1 (Wilson)

c. BOS Vice Chair Election: Nomination for Vice – Chair: It was Moved (Wilson) and Seconded (Dunbar) to appoint George Jellison, Jr., to the position of Vice – Chairman of the Board of Selectmen. Vote: 4 – 0 – 1 (Jellison)

d. Police Cruiser Bids: Bennett referred to the bids on the proposed new police cruiser, recommending Morrison Chevrolet in Ellsworth. Chapais said the Morrison vehicle has a better engine choice which will allow better mileage. Johnson asked if there was a large difference in price between a truck and a cruiser – Bennett said they are comparable. This fits in the budget. There was only a \$300 difference in the bids. It was Moved (Wilson) and Seconded (Jellison) to approve the purchase of the police truck from Morrison Chevrolet. Chapais said Brown's Communication is the \$1200 line item, which is for installation of the peripherals. Vote 5 - 0

e. Interim Town Manager Search: Dunbar said there have been several responses and the Board agreed to meet on June 6th at 5:00 p.m. at the Town Office to review resumes. Johnson asked if there would be citizens included in the interview process. Dunbar said there would not be for the Interim, and Johnson volunteered to assist with the interview process. Wilson said he has no opinion, it would be the Selectmen's final decision. Minctons has no problem either way and Jellison said the amount of people sitting in would have to be limited because of the time frame. Goetze said it is important to be transparent and would like to know why citizens would not be part of the process. Dunbar said the Board is elected by the Townspeople and volunteers are not. Dimond suggested the volunteers could not have a vote, and simply add input. Bickford said it is important not to be closed – it makes the group stale. Jellison would like to know when citizens would be sitting in on meetings. He referred to the Harbormaster resumes which were only to be viewed in private, and confidentially. The Harbormaster resumes and applications were treated with great confidentiality. Wilson explained the process that was used for the Town Manager search. The meetings are held in confidence, and are not public meetings. Dunbar suggested Sandy and Don Lodge and Lydia be included. It was Moved (Wilson) and Seconded (Minctons) to accept Johnson, Lodge and Goetze as part of the committee to review resumes for the Interim Town Manager position at the June 6 meeting at 5pm. Vote: 5 – 0.

f. Town Manager Search: Wilson said there was a committee of about 6 people – advertising, doing ads, accepting resumes, along with Selectmen sitting on the committee. Dunbar said open web site and advertise for volunteers for the search committee – limit it to a number and come up with a list and assignments for the committee. Dimond said the Board can authorize payment. The Board discussed other appointments and agreed that the Interim Town Manager would make those appointments.

g. Certificates of Settlement: Tax collector (Bennett) is turning over the documents that have been liened. It was Moved (Wilson) and Seconded (Jellison) to sign the Certificate of Settlement for 2009-2010, Vote: 5 – 0.

- h. Personal Property Abatements: this dates back to 1988 – the Town has leined everything that was possible, and the \$29,718 is uncollectable. It was Moved (Wilson) and Seconded (Minctons) to accept the Personal Property abatements of \$29,792.18 as uncollectable. Vote 5 – 0
- i. Tax Acquired Property Abatements: Similarly these property listings are on the books of the auditors – most have been discharged, and quitclaim deeds issued. \$28,305.72 has been released and is not owed to the Town. It was moved (Wilson) and Seconded (Minctons) to release \$28,305.72 in tax acquired property abatements that are no longer owed to the Town of Southwest Harbor. Vote: 5 - 0
- j. Auditor Letter of Engagement: This agreement allows James Wadman to do the year end audit of the books. It was Moved (Wilson) and Seconded (Minctons) to accept the Wadman letter of engagement. Vote: 5 – 0.
- k. Water Commitment: \$30,509.59: It was Moved (Wilson) and Seconded Jellison) to accept the Water Commitment of \$30,509.59. Vote: 5 – 0
- l. Sewer Commitment: \$13,419.00: It was moved (Wilson) and Seconded (Jellison) to accept the sewer commitment of \$13,419.00. Vote: 5 – 0
- m. HCRCC Letter: Wilson said the letter gets to the point. Wants to see that sent forward with Dunbar signing. It was Moved (Wilson) and Seconded (Jellison) to forward the letter presented to the Board to the HCRCC, LOT members, and Representatives. vote: 5 – 0.
- n. M-DOT Letters: Bennett said this is the final from the prior draft and ready to sign. It was Moved (Wilson) and Seconded (Minctons) to sign and send the M-DOT letter to all four representatives and to the DOT addressing issues with the DOT and looking forward to assistance. vote 5 - 0.

IX. Other Business: Wilson said he would like to accept with regret Kristin Hutchins resignation from the web site.

Fire Truck Bond issue – recommended by Town Manager to change the bonding plan and to go with the general bond. The commitment to get it together is to get the financing together – Bennett said it is cumbersome as it is pulling together numbers that are always changing. It could be done in the time frame of an Interim TM. Wilson said that needs to be a priority. It was Moved (Wilson) and Seconded (Dunbar) to start the application for a general bond resolution process and make it a priority for the Interim TM for mid August. vote: 5 – 0.

Dunbar said this is Bickford’s last meeting, and on behalf of the BOS the Town would like to thank her for her years of service - Bickford said she has had a good time and wished the Board luck. She said she appreciated the work Bennett has done for the Town. A gift was presented.

X. Wilson asked the Chair to move “Sign the Warrants” prior to the Executive Sessions. It was Moved (Wilson) and Seconded (Jellison) to sign the warrants as presented. Voted: 5 – 0.

XI. Executive Sessions:

a. Executive Session pursuant to 1 M.R.S.A. § 405 (6) (D) Labor Contracts/Negotiations: It was Moved (Wilson) and Seconded (Jellison) to go into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (D), Labor Contracts/Negotiations at 7:54 p.m. Vote: 5 – 0.

It was Moved (Wilson) and Seconded (Jellison) to come out of Executive Session at 8:03 p.m. Vote: 5 – 0.

It was Moved (Wilson) and Seconded (Dunbar) to accept the Union Contract for Police and Dispatch as presented. Vote: 5 – 0.

b. Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A) Personnel matters: It was Moved (Wilson) and Seconded (Minctons) to go into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A), Personnel matters at 8:04 p.m. Vote: 5 – 0.

It was Moved (Wilson) and Seconded (Minctons) to come out of Executive Session at 8:07 p.m. Vote: 5 – 0.

XI. Adjournment: It was Moved (Wilson) and Seconded (Minctons) to adjourn the meeting at 8:12 p.m. Vote: 5 – 0.