

MINUTES OF MEETING  
Board of Selectmen  
August 25, 2009  
SOUTHWEST HARBOR TOWN OFFICE  
6:00 p.m.

I. Call to order/Roll call: The meeting was called to order at 6:00 p.m. Present: Town Manager, Robin M. Bennett; Selectmen: Trudy Bickford, Berten Willey, Ralph Dunbar, Jr., Kristin Hutchins, Chairman, Dorr "Skip" Wilson.

II. Visitors to be heard not on the agenda: Kenneth Hutchins asked if the Board and Town would take a more aggressive stand on people swimming in Long Pond – many people are using it and it doesn't seem to matter that there is a "No Swimming" posting. He suggests some fines for misuse. Kristin Hutchins said there have been other complaints, and she certainly agrees. Dunbar suggested the Police Chief ask the Park to help with our enforcement by the pumping station. Bennett and Chapais were directed to look into regulations.

Bernie Mauger came to thank the Selectmen and CEO for opening up the ROW at Lawler's Lane.

Steve Lyman suggested signs to encourage people to walk on the sidewalk side of the street as a safety measure. Lyman said he is representing the new potential owners of the Village Washtub. The big stumbling block in terms of this purchase is the sewer liens that have accumulated over the past few years, approximating \$35,000. Lyman asked if an agreement could be reached to allow his client to pay off the liens over a period of years from his profits running the business. He will come back to the Selectmen with a more firm proposal as lien details are clarified.

III. Approval of Minutes: August 11, 2009: It was Moved Bickford and Seconded Hutchins to accept the minutes of August 11, 2009, as presented. 4 – 0 – 1 (Wilson abstained)

IV. Warrants: Admin: 25-33 Water: 18 Sewer: 7,8 Police: 2 Fire: 2

V. Old Business;

a. Facilities Update:

i. Police Department Renovation Update: Bennett reported that the current sticking point is the generator. At the last construction meeting, the focus was on electric and generator. The State Electrical Inspector disagreed with the anticipated use of the current generator. His meeting with the CEO resulted in the Inspector saying he would not hook up electricity to the building with the current generator. Wilson questioned the changes that have been a result of the construction. CEO explained that the State Electrical Inspector calculated 23 kw which is higher than that calculated by Carpenter Associates. CEO said the State Electrical Inspector is the final say, and gave

his calculations at 23 kw. Sonja Fields spoke on behalf of the Ambulance Service, saying there are many items that are continually being charged – and the ambulance relies on the generator if there is an outage that lasts very long. Hutchins would like the engineers and inspectors to clarify the kw hour disagreement. Bennett said what can be used on the current system has been agreed upon by the Inspector and Electrical Engineer as of Monday, which is 14kw. She said all engineers, the USDA, the Inspector from the State all recommend getting a generator that will operate the building. Wilson suggested a special meeting to clarify this situation. Willey is not against a new generator if needed, but would like to come closer to the \$20K figure than the \$40K figure. CEO told the Board that the electrician asked the State Inspector to look at some issues with the building. The Board would like to see a letter from the State Inspector explaining and outlining his recommendations, and indicating whether or not he will allow the electricity to be hooked up to the building.

Bennett reported that Sewell requested amending the agreement based on the fact that they are being called to the site beyond their contract. Wilson and Dunbar expressed concern. Hutchins said she was prepared to agree to the additional monies for Sewall. It was Moved Hutchins and Seconded Bickford to comply with Sewall Engineers request as described in their letter of August 14, 2009, to provide extra funds on a time and materials basis up to \$5000. Vote 2 – 3 (opposed: Willey, Wilson, Dunbar) motion failed.

V. New Business:

- a. Waste Management Committee Appointment: Lisa Wissinger: Ms. Wissinger told the Board that she attended a meeting today and one previously, and explained that in her business they have their certification as an environmental leader by the State. She believes the goals of the committee meet her own. It was Moved Hutchins and Seconded Bickford to appoint Lisa Wissinger to the waste prevention committee for a three year term. 5 – 0 in favor.
- b. Tuition Students: Wilson said the School Board has said they are too busy to meet with the Selectmen. Hutchins said the School Board will bring this up at their next AOS meeting. Hutchins recommended that the Board draft a letter to the policy committee expressing their concerns over the action. Bickford expressed concern that the Town is losing control. Hutchins said it is an expensive extension of the policy, and suggests the boundary they are proposing is too broad. Dunbar pointed out that the Board is contemplating allowing out of area students, children of parents teaching at Pemetic, to go to the High School. It was Moved Hutchins and Seconded Dunbar to draft a letter to the AOS governing body stating their displeasure at the recent decision to allow a non-resident, non-Pemetic teacher to tuition her child to Pemetic Elementary School for \$1,000. Vote in favor: 5 - 0
- c. 2009 Street Projects: Lagrange and Alley have inspected the Town over the past few weeks, and presented a memo giving specifics that would need to be done. Roads discussed were Ocean House Hill, Shore Road, Kings Lane, Maple Lane, Seal Cove Road, No. Causeway Lane, Mansell

Lane. Bennett said the Post Office Parking Lot will likely be able to be done with the existing money. She also said there are ample funds to do the recommended projects. *Ocean House Road: Agreed by the Board to do this project with the elimination of the curbing at the parking area by the Church. Alder Lane: project is ready to go – Board agrees: Shore Road: Alder Lane to just before the Manset dock. Bickford said the Town was supposed to have pinned the area to indicate Town property and she suggested that be confirmed, and encroachments be removed. Dunbar asked to see the survey done by Benson. CEO will discuss with Benson and ask him to re-pin anything that is missing. This is a spring project. There will be a report back before work is done in the spring. Kings Lane: Discussion on closing that road over the winter: Dunbar and Willey and Wilson agreed it would not be a good idea to close a road. Wilson suggested item 2 – reclaiming to raise the road above the swamp line. Board agreed on option 2 for Kings Lane. No. Causeway Lane: the Board agrees with recommendations. Seal Cove Road: the Board agreed to this project. Bickford cautioned watching that the wetlands are not being filled in. Maple Lane: Board agreed to this project: curbing recommended to be broken in areas to allow standing water from the lawn area to be redirected. Mansell Lane: ditching and catch basins as a start to the bigger project which will come later.*

Dunbar discussed sidewalks from mid-town to Manset corner. Dale Dowdy MDOT Bangor will be meeting with CEO Lagrange on Wednesday, August 26, 2009. Report at the next meeting. Dunbar said a report from Damon indicated they had walked the area and would not be providing State funds. This item to be on the agenda for the next meeting.

d. Snow Plow Bid: Hutchins said the truck was planned for, and the money is in the budget. Alley described the features. It was Moved Dunbar and Seconded Bickford to go out to bid on the specs as presented by Lagrange. Vote: 5 – 0 in favor.

- e. Street Sweeper: Lagrange said the Town has located a used Sweeper for \$30K. Dunbar said, at this time in the economy the Town probably shouldn't buy more equipment. Hutchins would be willing to revisit the idea of a street sweeper, and would like to reconsider during the regular budget process. CEO said to keep in mind that unless a good used unit comes, a new unit would be \$140,000 or more. Bennett told the Board to consider that there is 10K for street sweeping this year, and it could be made to work within the existing budget. Wilson said the ability to clean out catch basins is an advantage. Bickford encouraged the Town to pursue, and Dunbar encouraged moving on the basics before purchasing a street sweeper. Wilson suggested giving the Town Manager the directive to try to arrange financing for the used street sweeper and bring back

information to the next meeting. Bickford, Hutchins, Wilson, and Willey agreed; Dunbar indicated a negative.

- f. Volunteer Criteria of Service: Hutchins reviewed additions to the criteria and the Board reviewed same. Wilson suggested a volunteer organization chart as an addition. He also suggested sending the draft to committee and board chairs with a deadline for edits. Hutchins agreed.

VIII. Manager's Report: the water quality project will start after Labor Day. This is being coordinated with the Park Service as it relates to the intake pipe at Long Pond. An upcoming Townsman article indicated a forum on the TABOR II and Excise Tax initiatives. Bennett will have a model resolution for the Board to look over at the next meeting. This item will also go into the newsletter. Bennett said a \$3,640 dividend check from workers compensation property and casualty pool was received based on the Town's excellent performance. Bennett said there is an opening in the Water Department as Hess Pettegrow has resigned. Bennett needs authorization from the Board to open a checking account with Linda Corson and Bennett as signers, to pay vendors as the water project moves along – this is a requirement of the Bond Bank. It was Moved Hutchins and Seconded Wilson to authorize Robin M. Bennett, Town Manager to open a checking account at Bar Harbor Bank with Linda Corson and Robin M. Bennett as signators on that account. 5 – 0 in favor.

IX. Other Business: Wilson asked if the citizens of SWH could register their vehicles on line. Bennett said it is possible to do that, but the Town will lose a percentage of the excise income and the agent fee. She does not recommend at this point, based on the TABOR II initiative and the unstable economy. Wilson and Hutchins asked for a report on the amount of money that would be lost doing this project. Hutchins recognized letter from the State Police.

X. Sign Warrant: It was Moved Bickford and Seconded Hutchins to approve the warrants as presented: 4 – 0 – 1 (Wilson)

XI. Adjournment 8:55 p.m. It was Moved Hutchins and Seconded Bickford to adjourn the meeting at 8:55 p.m. Vote in favor: 5 - 0