

## Board of Selectmen

Tuesday, October 25, 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: George Jellison, Jr., David Minctons, Tom Benson, Ralph Dunbar, Jr., and Donald Lagrange, Interim Town Manager.  
Visitors: Tabbetha Newenham, David Chapais, Dan Norwood, Jonathan Walker, Sandra Johnson, Dick Broom, Jason Wimbiscus, Kristin Hutchins
- II. Visitors to be heard not on the Agenda: none
- III. Approval of Minutes of October 11, 2011: It was Moved Minctons and Seconded Benson to approve the minutes of October 11, 2011 as presented. Vote: 4 - 0
- IV. Manager's Report: During the construction the excavator on Main Street hit a phone cable and took considerable time to repair the break. It is not known whose fault. The Crossman case is signed and sealed. There was an issue on the lower town dock regarding the 8' strip of Coast Guard parking. Lagrange visited the Chief of the Base concerning this issue. It will cost \$2,200 to do the strip and the Coast Guard will donate \$1,900 of that. This will protect the work we are doing and not allow water seepage the new pavement. November 8<sup>th</sup>, Election Day, is a regularly scheduled meeting of the Board of Selectmen. Jellison suggested moving the meeting to the 10<sup>th</sup> of November to allow the newly elected Selectman to be sworn in and to participate. It was Moved Minctons and Seconded Benson to move the November 8<sup>th</sup> BOS meeting to the 10<sup>th</sup> of November, at 6:00 p.m. at the Southwest Harbor Town Office. Vote: 4 – 0. School Superintendent Rob Liebow e-mailed the Town and wants to get on the agenda to discuss the special education fund and Lagrange suggested the November 10<sup>th</sup> meeting if he is available. Linda Corson, Bookkeeper, leaves tomorrow – Lagrange worked with Tremont to share 15-20 hours/week of service in the interim prior to hiring a replacement. Tabby and Beatty have been working with Linda to do Payroll – other items that relate to accounting will be handled by the Tremont Bookkeeper. The Public Works Director left Thursday. Mr. Schumann of Penta Corporation discussed with Lagrange the supervision of the sewer plant and said the machinery installed has fail safe operations, but the crew was still working creating an overtime situation. Lagrange advised the crew yesterday that they will not have to go in and check the clarifiers, based on Mr. Schumann's memo. Lagrange will be watching that very carefully and will stay in communication with Mr. Schumann. Last payment has been made on the street sweeper – this was a lease arrangement and the machine is now ours. This year we will budget \$4-5,000 for maintenance and repairs. Lagrange said he received a notice concerning earthquakes in Maine which has gone from a low risk state to a moderate risk state. Based on this upgrade, Lagrange will bring to the planning board the prospect of building permits. Last week there were notices sent to the

water users of shut off's for that Friday and Saturday – the contractor agreed that the job could be done all in one day and avoided the Saturday shut-off. Hutchins asked if the Town was advertising for a public works director – and did the Crossman's agree they had a leak. Lagrange will review the settlement contract and e-mail it to Hutchins. Lagrange said he has not discussed advertising for a public works director with the Board.

V. Warrants: Administration 56-65 Water 26-26A  
Sewer 17 Mansell/Wesley 9

V. Old Business

a. Wesley/Mansell

i. Johnson Easement: The Johnson easement was circulated to the Board for their signature at the request of her attorney. Newenham will notarize all signatures of Selectmen and Johnson.

b. Clark Point/Lower Town Dock: Lagrange said with the Lower Town Dock project this is the last project he will take over in the middle. He discussed the project with the fisherman about what would be going on and how they could set their traps on the pier, trying to placate all the users of the pier – the solution was a 3' walkway which would allow for people to use it for traps and other purposes. He recommends putting a pliable seal into the bulkhead to avoid the tide pulling out the gravel. Dunbar asked what the walkway was – Lagrange said by the curbing there would be 3' areas for traps. He is of the firm belief this is the best product to serve the pier. Lagrange said he could ask the contractor to asphalt over the stone. Benson said if hot top does not have foot or vehicle traffic it will slowly separate. Lagrange said that is the reason Ring Paving suggested not going over the stone. The curbing could be put closer in towards the stone – but that doesn't allow the fisherman to unload their traps. Minctons asked if the current plan would stop the water from undermining the work. Lagrange said it would. He said without grouting, the asphalt would not be protected. He would like to keep the curbing closer but the fisherman do not like that scenario. A decision needs to be made tomorrow. Minctons asked if it would affect the plowing – the answer was no. Dunbar said he fails to see where this is off-setting the gravel. Jellison asked if the Board had any suggestions and understands the various needs of the area. This would cost between \$1200 and \$1500 to accomplish. Norwood asked if there was an opportunity to line up the curbing with the inboard edge of the 6 x 8. Dunbar reviewed what Lagrange is proposing and said he doesn't think part of this project was to build a ramp for the fishermen to put their taps on. Hutchins asked if the Harbor Committee has had any input on this project. The subject came up after the last Harbor Committee meeting. Lagrange said that is why he has been contacting the fishermen. Lane may only be open another week to 10 days which may mean only a base coat this year – keep that through the winter – and do the final coat in the

spring. Dunbar said having only a base coat would cause a drainage problem – Lagrange agreed. Lagrange drew a diagram to illustrate the proposal. Norwood asked if both layers of asphalt could be installed first and then install the curbing after the fact. That would allow time to install them after the Town has been able to discuss it further. Dunbar asked what would be the harm to pave to the 8’ block, and do the granite after. Jellison said he would like to see a job done that would protect the integrity of the work. Benson said asphalt on gravel and asphalt on block will probably allow cracking over the cold weather. Dunbar pointed out that some of the water is going to run down the ramp. It was agreed by the Board to do the paving as planned to the 6x8 block and look into the possibility of putting in the cement abutment in the spring. Lagrange will talk to Ring and suggest putting the finish coat to the 6’ x 8’ block.

## VI.

### New Business

- a. Liquor License Application: Jonathan P. Walker, dba Jaydub’s, 19 Clark Point Road. Mr. Walker said the restaurant hopes to serve dinner but is still exploring that possibility. He spoke to the State Inspector about the proximity to the school and they measured the distance to the school and it meets all the requirements. He would like to be open for dinner until 9pm four nights a week. Not interested in running a bar. The main entrance is at the Post Office. It was Moved Minctons and Seconded Benson to approve the Liquor License application of Jonathan P. Walker, dba Jaydub’s. Vote: 4 – 0.
- b. Water Terms and conditions: Lagrange said that Newenham is available for any questions if needed. Dunbar said, in reference to Chapter 660, that there were several areas that were not required. Newenham said several sections of 660 do not apply to this Town– most of it has to do with recording. Jellison asked if this document only encompasses those things that must be done and Newenham said that was correct and she would provide a list if wanted of those items that are exempt. The Board voted to approve sending these changes on to public utilities 4 – 0.
- c. Municipal Appointments
  - i. Treasurer: Lagrange said with the Bookkeeper leaving, he should be appointed Treasurer for the interim. It was Moved Dunbar and Seconded Minctons to appoint Donald Lagrange Treasurer of the Town of Southwest Harbor. Vote: 4 – 0.
  - ii. Manager Appointment of Emergency Management Director: Public Works director held this position – assigned to Sam Chisholm, Fire Chief – also recommends a stipend for the time involved as the EMD has to attend quarterly meetings in Augusta, and recommends a stipend of \$750 for the position. It was Moved Dunbar and Seconded Benson to appoint Sam Chisholm as Emergency Management Director for the Town of Southwest Harbor.

Vote: 4 – 0. It was Moved Dunbar and Seconded Benson to offer a stipend of \$750/year to the Emergency Management Director. Vote; 4 – 0.

- d. Stormwater Surcharge: Recommendation were presented to establish penalties for allowing stormwater to enter into the sewer system. Lagrange said as the Town becomes aware of situations of pumping stormwater into the sewer system, legal recommended, issuing a notice to the offender and a subsequent fine. Dunbar suggested trying every effort to work with the public to solve this and if there is a problem with non-compliance down the road, visit this issue again. It was agreed to first try to work with the public.
- e. Retroreflective Sign Requirements: The federal government has passed new laws which is an unfunded mandate – the figure of \$10,000 was estimated to replace street signs in Town. The memo is for information purposes only and should become part of the budget for funding over the next few years. Lagrange would recommend adding this to the CIP. Dunbar asked Lagrange to determine the rules on unfunded mandates and whether or not they need to be followed.
- f. Police Equipment: This request from the Chief. In the old CIP plan there is reserve funds of \$564 for equipment. Dunbar said he could not find the funds referenced in the budget. Lagrange said prior to the CIP account being established there was another Reserve account and he will provide the Board a copy of that document. Minctons asked if there were any other accounts the Selectmen should know about. Lagrange said this was in an MBIA account and he has little information but will provide the print out. Dunbar said prior to spending any other funds such as this the Board should know what is available and where it is assigned. Chapais said he is concerned with the bath salts and other drug problems and has spoken with the Attorney General’s office – Bangor, Ellsworth and Penobscot County police, and attended a training last evening – tasers are effective with dealing with this new problem. Other departments which have not had them before are now purchasing tasers. There are a lot of things involved with this drug – hallucinations, paranoia and Police training is required. Some departments now require that there must be at least two officers when a suspected bath salts incident is occurring. The possibility of death due to “excited delirium” as a result of trying to restrain a bath salts user was illustrated during the seminar attended by Chief. Chief believes we have had cases of this as he got called as backup early one morning, recently. He said this is not just because of bath salts and asked the Board if they had any questions. Dunbar said he understands the

need, but 335 people were killed from 2003 – 2008 by tasers. He said anyone with cardiac problems can be killed by a taser. He said the Board has fought this before. Chief said officers were killed this year and last year as well – people can die from tasers, asps, and there is training for these. Pain and compliance means pepper spray will not work, and asp will not work. The statistics are that it works and is a tool to prevent officer injury. Dunbar said he needs more information on the funding. Lagrange said the fund is real and the auditors recommended using funds from that account to repay the overage on the Lower Town Dock. Chapais said training for use of tasers is 8 hours and is free and done by the Park. Board members are invited to attend if they wish. Benson mentioned biting which may also be a death sentence to an officer. Dunbar asked why 3 tasers would be needed. Chapais said he would like one for each officer. The size of the taser is smaller than a regular gun. They can come with camera as well. It was Moved Dunbar and Seconded Benson, to table this discussion until the next meeting to give the Board time to consider the use of tasers in the community and to obtain more information on the fund that would pay for that. Vote: 4 – 0. Benson asked for statistics on injuries to officers without use of tasers, on a National Level.

- g. Ordinance Amendments: Three ordinance revisions that the Planning Board has reviewed was presented for the Board’s information. Lagrange will put that on the web site. This will go before the public in the near future and allow enough time for many discussions before the May Town meeting. This is for review purposes only.

IX. Other Business: Dunbar asked about the Manset Dock weight limit. Lagrange said 8,000 pounds. The Board expressed concern at that low weight. Norwood said that will have to be monitored very closely. Dunbar said it appears the dock needs priority. Minctons said some of the pilings are not lined up under the headers. Lagrange will ask for recommendations from the engineer. Minctons said re-line some of the pilings and work on the shoring up of the underside. CEO was instructed to speak to the Harbormaster about the weight limit and trucks loading on the dock.

X. Sign Warrants: It was Moved Minctons and Seconded Benson to approve the warrants a presented. Vote: 4 – 0.

XI. Executive Sessions:

- a. Executive Session pursuant to 1 M.R.S.A. 405 (6) (A), Personnel Matters: It was Moved Minctons and Seconded Benson to go into Executive Session pursuant to 1 M.R.S.A. 405 (6) (A), Personnel Matters, at 7:45 p.m. Vote: 4 – 0. It was Moved Minctons and Seconded Dunbar to come out of Executive Session at 8:03 p.m. Vote: 4 – 0.

b. Executive Session pursuant to 1 M.R.S.A. 405 (6) (A), Personnel Matters. It was Moved Minctons and Seconded Benson to go into Executive Session pursuant to 1 M.R.S.A. 405 (6) (A), Personnel Matters, at 8:04 p.m. Vote: 4 – 0. It was Moved Minctons and Seconded Benson to come out of Executive Session at 9:15 p.m. Vote: 4 – 0.

XII. Adjournment: It was Moved Dunbar and Seconded Benson to adjourn the meeting at 9:16 p.m. Vote: 4 – 0.