



**Board of Selectmen**  
Tuesday, September 13, 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., Ralph Dunbar, Jr., David Minctons, Tom Benson, Interim Town Manager Donald Lagrange.
- Visitors: Mark Good, Dick Dimond, Ronald Sanborn, Kristin Hutchins, Sandra Johnson, David Chapais, Dan Norwood, Dan Bartlett, Maggie Connolly, Jim Wilson, Don Lodge. Jason Wimbiscus, Clarine Rodriques, Meridith Hutchins, Heath Higgins.
- II. Visitors to be heard not on the Agenda: Dick Dimond asked what progress replacing defective meters with new meters. How many defective meters are replaced and how many supposedly defective meters will be replaced this year? Biegler said 67% replaced as of Friday, and 98% estimated by the end of this month. Dunbar said there needs to be a water/sewer board meeting to bring everyone up to date. The Board wants any defective meters to be replaced with or without the firefly.
- III. Approval of Minutes of August 22, 26, 27 and September 7, 2011: It was Moved (Dunbar) and Seconded (Benson) to approve the minutes of August 22, 2011. Vote: 4 – 0  
It was moved (Dunbar) and Seconded (Benson) to approve the minutes of August 26, 2011. Vote: 4 – 0  
It was Moved (Dunbar) and Seconded (Benson) to approve the minutes of August 27, 2011. Vote: 4 – 0  
It was Moved (Benson) and Seconded (Minctons) to approve the minutes of September 7, 2011. Vote: 4 - 0
- IV. Manager's Report: Lagrange said, concerning the water money approximately \$40-50,000 questioned by Dunbar, the balance of the loan went into the water department's general fund and was included in the monies repaid to the Town. Lagrange recommended having the Auditor come in and discuss this matter with the Board. Dunbar said he would like to suggest the auditors come to the next meeting and account for the transfer of that figure, by showing it on paper. Lagrange said it would be good to have the Auditors also address the SHIPS grant. There is over \$118,000 still due from the State and he would like that addressed as well. The Town borrowed their portion from BHBT-\$125,000. Dunbar said the Board is not concerned with inappropriate actions, but has no choice but to address the auditor. It was Moved Dunbar and Seconded Minctons, that the Board invite the Auditors to the next Selectmen's meeting to address the issue of the water funds. Discussion: Board chair and Lagrange

thought the ITM should discuss this issue with the auditor and get a written opinion. If that doesn't prove satisfactory, the Board would invite the Auditor to the October 25<sup>th</sup> meeting. Minctons withdrew the second – Dunbar withdrew the motion. October 25<sup>th</sup> at the latest. It was Moved Dunbar and Seconded Minctons to have the Auditors provide an adequate answer to the Board no later than October 25, 2011. Vote: 4 - 0

- V. Warrants: Administration 34-42 Water 21  
Sewer 10-11 Mansell/Wesley 6 Police 9.  
Lagrange said in reference to the Police warrant, there was, after this expenditure around \$178 left in the account. It was Moved Dunbar and Seconded Benson to move the remainder of the police renovation funds to the general fund. Vote: 4 – 0. Lagrange will provide an exact amount of the transferred funds at the next meeting.

V. Old Business

- a. Wesley Mansell/Woodard Curran: Jim Wilson of Woodard and Curran spoke to the board to give a monthly update. Included in these monthly reports will be progress, schedule and budget. To date the binder pavement on Mansell is down and ahead of schedule. Other than clean-up, it is where it will be until spring. He said it won't be installed until springtime. Dunbar asked how it will affect the run off. Wilson said it will be re-graded and evaluated. Curbing will be placed before the final pavement in the spring. Crew has moved to Wesley and is working in Main Street with permission from Maine DOT – working on test pitting. Dunbar said the work was contingent on the State kicking up funds. Wilson said that was related to the storm water and not the test pitting. State should have met last week to determine whether they would be able to help – they are meeting tomorrow. Every conversation with the local State engineer indicates the project would qualify. Plans were developed to do this project for the Town and also benefit the State. They are not proceeding with M DOT work until the State money has been settled. Other work on Wesley is to open up a road across to accommodate local traffic. Traffic issues were thoroughly discussed at the construction meeting. Benson mentioned complaints that people coming north cannot always turn onto Village green way because traffic blocks the road, and asked Chief Chapais to look into that. Budget: projects of this nature have changes as they proceed; the key is how the change is managed – Curran keeps a plus minus list addressing field issues. They are going to start providing the Selectmen with a sample of the documents that will be provided weekly and they will add the plus minus list to that document. In addition to those adds, there will be items that were not anticipated, or are additional units, these would be change orders and are done by unit price. This should act as a trigger if anyone wants to discuss these items – they may call directly. Benson questioned the additional design funding for Wesley – Wilson has discussed this with Lagrange – additional survey costs were in the area of \$5,000. To do the extra design for the Three Rod Road,

DOT requested, is eligible for 50% reimbursement. They are ahead of the schedule now, and have not yet asked for additional funds. They will use the construction contract as lump sum budget, and as of now there doesn't look to be a contingency in that. Benson asked if the easement should have been received first. Originally the project was for Wesley and Mansell only, and limited to those streets. When review drawings were provided, Alley brought up the storm water problem which changed the project. Original drawings were completed at that point. Dunbar said he is concerned that we are paying for engineering and surveying on Main Street for the benefit of the Maine DOT – we are doing the leg work in the hopes of getting the matching funds. Wilson said the bottom line is they hold the cards and they issue the permits. The schedule reflects the critical path with not so much detail, but gives a plan to get the project done on time. The lower part of Wesley will be done first. Expected to be done by November. Johnson expressed concern about vibration – there has been a significant amount of vibration from the digging. If blasting is required there will be a pre-blasting survey. Compaction equipment is what is being felt now. Jellison asked if the firm felt they should do inspections during compaction. Wilson said to date he has not seen any damage done by this process. If the homeowner feels there is significant problem, it is possible to come in and document with photos. Bartlett said with all the use of Kings Lane there has been some damage – Biegler is aware of that.

VI. New Business

- a. Dubois, Top of the Hill – Special Amusement Permit renewal: It was Moved (Dunbar) and Seconded (Minctons) to approve the Special Amusement Permit renewal for Top of the Hill restaurant. Vote 4 – 0.
- b. Liquor License Application Revision: Feliciano's LLC  
Village Washtub: This application has been requested to be put off until October 11<sup>th</sup>. Noted by Dunbar that this application also asked for a change of location – Lagrange said they have no authority to request that change without going to the Planning Board.
- b. Special Amusement permit – Oktoberfest: It was Moved (Dunbar) and Seconded (Benson) to approve the Special Amusement Permit for the SWH/Tremont Chamber of Commerce Oktoberfest. Vote: 4 – 0.
- c. Liquor License permit – Oktoberfest: It was Moved (Dunbar) and Seconded (Benson) to approve the Liquor License permit request for the SWH/Tremont Chamber of Commerce Oktoberfest. Vote: 4 - 0
- d. Conservation Committee Appointment: It was Moved (Minctons) and Seconded (Benson) to appoint Michael Fournier to the Conservation Committee for one term to end June 30, 2014. Vote: 4 – 0. Mr. Fournier said he is a teacher on the Island, and he has

done conservation work in Alaska and would like to assist the committee. Dunbar said the Conservation Committee does a lot of good work.

- e. Tax Abatement – Moorings Restaurant: Lagrange said the assessors provided a summary which shows Higgins has been assessed for more land than he had – this abatement reflects a three year abatement. Owner provided a certified survey and met with the assessors. Dunbar asked if there was a reason the owner could think of that would account for this. Dunbar asked if the assessor would account for the .53 acres assessment. Benson felt it may have been a simple matter of reversing the numbers when the information was entered. It was Moved (Benson) and Seconded (Dunbar) to accept the findings of the Tax Assessor for the property identified as Moorings Restaurant. Vote: 4 – 0.
- f. Scotty’s Dockside request for refund: Board Chairman asked if there was a process to consider this. Lagrange spoke to the Town Attorney, and was informed that this is not an issue that the Town would reimburse. Dunbar agreed, and regrets the inconvenience. Lagrange asked for a motion to forward the letter he had prepared. It was Moved Dunbar and Seconded Minctons to forward the letter prepared by Lagrange to Scotty’s Dockside Restaurant, denying their request for reimbursement. Vote: 4 - 0
- g. Water Tank Design finance: Lagrange said the Order tonight was for warrant to raise \$15,000 to use for water tank design – he said Mark Fisichetta who is an abutter need to be included in the warrant. These easement documents have been drawn up. The Town needs to accept the easements and that is why it would be on the ballot in November. It was Moved () and Seconded () to approve the two warrant questions presented to the Board for the November Election Moved Dunbar and Seconded Benson. Vote: 4 – 0.
- h. Overlay balance: Lagrange said there was a calculation error in the budget with a \$10,000 omission in the unemployment reserve, and with the abatement to Mr. Higgins of \$4,455.68 this brings the overlay back down to about \$102,000 – there was no budget line item for Harbor electrical as well, and Thurston may be short \$2,000 in the spring.
- i. Water/Sewer Truck Replacement: Lagrange said the sewer truck discussion should not be reviewed until next year. It has had considerable work done on it and does not need replacement now. The water truck is in worse shape, and he recommends a diesel engine especially since it is used for snow removal in winter. The water company does not have enough money to make a purchase, and one would have to either take out a loan or borrow from the Town. He recommends considering this before the snow season. Dunbar said the truck needs to be available at all times and would like to see bids from different vendors and thought put into financing options at the next meeting. The trade-in figures were from Morrison. Benson said to go out to bid and have a specific

spec sheet available to all who bid in order to get an exact set of bids.

- j. Paving: Clark Point Road & Lower Town Dock: Biegler did the research requested by the Board and presented a sketch to indicate where to start and stop a paving project in that area. The intent would be to reclaim the asphalt and do an overlay. It is recommended to replace some of the wood buttresses along the lower town dock to the bathhouse area. This would be estimated at about \$68,000. The majority of the drainage work is done. Dunbar asked, in paying for this project, would the Town use the 30,000 set aside from the dock fund and the remainder out of the town highway fund? He asked if the project could be done this fall – Biegler said paving contractors have indicated that the project could be done in the fall. Dunbar asked if there would be any savings in reclaiming the hot top. On Clark Point, Biegler said it could be reclaimed. Discussion was held concerning removing the signs that indicate Coast Guard Parking only – the Board asked Biegler to have those signs removed. It was Moved Dunbar and Seconded Minctons to move forward with the paving project at Clark Point Road and the Lower Town Dock as discussed and at the estimated price of \$68,970. Vote 4 - 0

- IX. Other Business: Dunbar said Kings Lane was slated to be skim coated two years ago – discussions on all methods of work were discussed. He believes the road should be skim coated now and would like to see an estimate for that. Benson feels it is too far gone to skim coat. The pavement is shot from Wellington's to Route 102. Dunbar said now we are at the point where something must be done. Biegler said the drainage is poor underneath. Dunbar said Biegler get together with the crew and make suggestions to save it in the best manner possible. Benson said the lower edge of Seal Cove Road and the Freeman Ridge Road has a couple of bad areas. Dunbar said in the infrastructure plan it may be conceivable to skim coat and look for next year's budget. Benson feels the area on Seal Cove Road from Willey's to Marshall Brook Road needs to be looked at. Biegler said there are 3 or 4 culverts under that road that need to be replaced and that was in the neighborhood of \$150,000 with our men doing the work. She will do an estimate on that as well. Benson suggested getting out Olver's infrastructure report and beginning a new list. Biegler said she has spent a great deal of time studying that report – some of the assumptions in the report could be pulled apart. This would take a bit of time to study. One really high priority is the sewer treatment plant at about \$5,000,000. Pieces should be looked at right away and others may be put off for years.
- X. Sign Warrants: Dunbar asked about the Wesley Mansell Lane why are we paying Maine Water Works – Biegler said that is the fire hydrants. He asked also about the time for Dunbar at the sewer plant – Biegler said that is due partly to the clarifiers which will be checked next week. Dunbar was asked to check those every 4 hours. It was Moved (Benson) and Seconded (Dunbar) to approve Warrants: Water 21, Sewer 10-11, Police 9 and Wesley/Mansell 6 as presented. Vote: 4 – 0. Motion for administration: It was Moved Benson and Seconded

Minctons to approve Administration Warrants 34-42 as presented. Vote: 4 – 0.  
(Benson/Minctons)

- XI. a. Executive Session pursuant to 1 M.R.S.A. 405 (6) (C) Real Estate, economic development: It was Moved (Minctons) and Seconded (Dunbar) to go into Executive Session pursuant to 1 M.R.S.A. 405 (6) (C ) Real Estate, economic development at 7:57 p.m. Vote: 4 – 0.

It was Moved (Dunbar) and Seconded (Benson) to come out of Executive Session at 8:17 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 8:18 p.m. Vote 4 – 0.

It was Moved (Dunbar) and Seconded (Benson) to come out of Executive Session at 8:49 p.m. Vote: 4 – 0.

- XII. Adjournment: It was Moved (Dunbar) and Seconded (Benson) to adjourn the meeting at 8:49 p.m. Vote: 4 – 0.