

MINUTES
Board of Selectmen
September 30, 2008 @ 6:00 P.M.
Southwest Harbor Town Offices

I. Call to Order/Roll Call: The meeting was called to order at:
6:00 p.m.

Selectmen Present: Trudy Bickford, Ralph Dunbar, Jr., Kristin Hutchins,
Chair, Dorr “Skip” Wilson, Berten Willey

Also Present: Robin M. Bennett, Town Manager; Building Committee
Members: Dalen Mills, Lee Worcester, Beth Gaiser

II. Visitors to be heard not on the agenda: Sandy Johnson spoke
for Sharon Howard and requested the Selectmen’s consideration of the
Planning Board using the skyping system to teleconference with Maling at
the next Planning Board meeting. There are no applications on that agenda
and Maling would not vote, but be used as a resource for the Planning
Board. Hutchins said the Boards operate under Roberts Rules of Order and
the following must be done:

- If a Board wishes to use some type of teleconferencing it must allow
that in the By –Laws; therefore, the Planning Board should first
amend it’s By-Laws.
- Wilson said the Board of Selectmen (BOS) should review any
amendments to those by-laws.
- Hutchins said the BOS would not approve the video conferencing
until By-Law changes have been made. More information is needed.
- Dunbar said a non-voting member would be an inactive member and
there are people available to take the spot.
- Mills cautioned setting a precedent of board members not being
available one-on-one.
- Johnson said Maling is not an absent member, at the moment she is an
“excused” member. Johnson will take this back to the Planning
Board.

III. Approval of Minutes: September 9, 2008: Moved Bickford and
Seconded Wilson to accept the minutes of the meeting as amended. 5 – 0 –
0 (*change Seconded Bennett to Seconded Bickford – page 3 change taxes to taxed*)

IV. Warrants: Administration 36-38,1-6; Water 18-20; Sewer 7-9.

V.

Old Business

Facilities update: following up on the workshop Hutchins said it is time to make some decisions. She polled the Selectmen:

- Dunbar: opinion of Town is very cold to a new building, or renovating this building completely. He felt there was a good response to expanding the Police Department only into the existing space.
- Wilson: good mixed results from the meeting but since that no person has suggested the Town spend the large amounts of dollars and the best answer is to try to alleviate the Police space issues and let everything else slide.
- Bickford: has had people tell her to move forward and make tough decisions and is ready to make two choices and put them to the citizens.
- Willey: suggested building new or renovating and expanding this building in conjunction with the Police Department going in the Medical Associates building.
- Hutchins agreed those were her two choices, but this isn't a bond request; therefore would like to suggest 4 choices with clear, transparent numbers that the whole Board can relate to. She suggested "rank choice" voting if the Board could agree on how to present this.
- Bickford felt that would appear to be dragging the feet of the Board. She said the Board has enough information to make a firm recommendation to the voters.

It was Moved Willey and Seconded Bickford to recommend items 1 and 4 from the summary section of the Building Report.

Discussion: Dunbar would like to see the Police Department *only* as a third option. Wilson agreed with Dunbar. Willey withdrew his motion and Bickford withdrew her second. Discussion was held on how to word a different motion. Bickford pointed out that it may be less expensive to purchase the medical building for the police department than to do extensive renovations to the current building downstairs. Worcester pointed out that the building committee was not charged with considering what could be done within the footprint of the current Municipal Building. Mills confirmed Bickford's observation that it would be less expensive

to purchase the medical associates building for the police and proceed later with the Town Office. It was Moved Hutchins to provide the voters with three options and that they be asked to rank: build a new building at a preliminary cost of \$, move the police department to an existing building in the private sector and renovate the current town office building; renovate the present location includes the renovation and expansion of 4100 s.f. There was no second:

It was Moved Dunbar and Seconded Willey that the Board of Selectmen put before the voters, items 1 and 4 from the Building Committee report: to build a new building to house police and town offices, to purchase the medical associations building for the police department with the option of renovating the municipal offices in the current Town Office building at some future date, and the third option: to renovate the lower level of the current municipal building only, for the Police Department. Discussion: leave out the meeting room and use the fire house; eliminate vault and public bathrooms to allow more space for the police department.

- Dunbar: this is just for the straw poll, and details could be worked out later. Bickford said the public is looking for hard numbers and we need to know the needs (design).
- Wilson – the public needs to be made aware that the concerns of the insurance company which amount to close to \$200,000 will have to be addressed, on top of the cost of putting the police department into the other bays. Whatever is done downstairs needs to be incorporated into the overall plan.
- Hutchins clarified she would be willing to phase into the Town Office renovation over time.
- Bickford pointed out that it may be less expensive to take the police department to the medical associates condo than to renovate the downstairs.
- Worcester, for the building committee, said the participants from the public meeting did not indicate any preference for the options presented. We should be looking at the long-term use of the building.

- Mills said looking at Sewall’s facility assessment, the police station renovation was \$280,000 in November 2006. You can buy the medical associates building for \$250,000 and that price is negotiable. That building is about 2700 s.f. and moving the police department there gives a lot of flexibility to the Town Office.
- Hutchins asked if any board member liked the idea of “rank choice”
- Wilson said he would agree to that. Worcester cautioned putting too many voters choices out there.
- Johnson: concerned that it is a huge mistake not to put numbers to each option.
- Bickford reiterated that the Sewall numbers are no longer real – it ‘s time to get down to two choices and get hard numbers on those.

Hutchins moved to provide the voters with three options that they are asked to rank – build a new building at a preliminary cost of \$2,000,000 ; move to an existing building in private sector and renovate current municipal building, listing a description of compromises; or, renovate the present building. There was no second.

It was Moved Dunbar that the Board recommend to voters to build anew building as described; to purchase the medical associates building for the pd, and renovate the town office building, or renovate the lower level alone, without vault and public bathrooms, for the Police Department. The Motion was seconded by Wilson; Discussion: Bickford asked if the intent was to do the renovation to the upstairs to comply with the insurance requirements; Wilson said the insurance items in this building must be done one way or the other. Vote in favor 3 – opposed 2. Bennett said money needs to be attached to these scenarios. Mike Young will meet with Bennett tomorrow morning to go over the three scenarios that have been voted by the Selectmen. He will look at the structure of that building. He will pin down the 3rd option. Wilson and Dunbar clarified that option 3 will address the beams and boiler. The Board directed Bennett to work with Young and price the three options. Bennett said the warrant needs to be signed tonight – it will take a week to get the numbers from Sewall – do you want to amend the warrant at that time to include that item on the warrant or handle as a survey. Wilson said it should be a warrant issue. The board agreed to

convene to vote on the amended warrant once Bennett has the wording and figures. School article on the 21st public meeting at the fire station

- b. School consolidation: meeting on the 8th of October

VI. New Business

- a. Special Amusement/Liquor Liquor-Oktoberfest: Moved Wilson and Seconded Bickford to approve the liquor license 5 – 0 – 0
Special Amusement permit for two musical groups – moved Wilson seconded bickford 5 – 0 – 0 approved

- b. Storm Water Management: Hutchins asked for this item on the agenda. Bickford discussed maintaining the ditches and storm drains. Johnson: concerned about lack of knowledge about the pipe system and wonders if there is a map of the storm water system. Monson said there is a map and public works keeps monitoring the system. Major repairs always increase the number of catch basins and upsize piping replacements. He said there is need for a hydrologist to come in and review the system. There are town roads that need culverts. Wilson said there should be another vein coming down in that area and the Town should look for a grant to help with repairs. Johnson said maintenance is another issue. Monson said that pipe was cleaned out after the March flooding. Alley asked about the bridge that had collapsed – Bennett has attempted to contact the homeowner. He also said when the State put in the drainage system, there was no drain at the intersection and the State had said they would come in and fix it. He opened the drain across from the Southwest Shoppes. Scott Alley said in reference to the Wesley avenue flood that the gravel from the driveway of C.A. Lewis' daughter washed down Wesley Avenue. Carol Williams said she has the same type of problem in Seawall as the Wesley Avenue problem. She asked if the town had any responsibility for the flooding and erosion along seawall road, and are they responsible for cleaning the culverts that run under the state road. Two part issue – infrastructure and ordinance strength ref stormwater maintenance. She discussed the issue of abutters and proper notification. Dunbar discussed the fact there is only a 2-man crew. Johnson – twice in one year isn't a hundred year event. Chris O'leary discussed infrastructure to help alleviate the flooding problems. Monson discussed the drainage problems in the parking lot saying their drainage is very inadequate. Hutchins suggested looking at the inventory to see that it is up to date and examine how to expand the drainage program. Carol Williams asked if the Town would clean out state ditches – Monson answered that there is not enough manpower, and there are liability issues. O'Leary said that capacity is one of the greatest issues. Wilson said the

Town must look at increase in capacity, using grant money. Bickford asked about the drainage from the new Medical Center complex. Lagrange discussed his assessments during new applications and puts conditions on the application and permit process. He said State statute is stricter than the LUO. Hutchins said if this is a State statute problem and the CEO needs authorization to deal with it she thinks the Board should give him that authority. Lagrange will put together thoughts and best management practices for the next meeting. Bennett said Olver Associates would be happy to help the town by means of prioritizing water and sewer line issues on a limited basis. They have the ability to do the inventory and preparing a plan. Wilson asked what it would cost to do that and said it should go out to bid. Hutchins encouraged following up with DOT further. Johnson asked for an estimate from contractors to put a figure in next year's budget. Wilson encouraged pushing the road repair issue with DOT for the center of town. Wilson said we must support the highway department budget to allow them the funds for ongoing repair. Doug asked what the BOS meant by inventory. What can we be doing better and how to do it was Hutchin's answer. Wilson said a plan of attack and an inventory.

The board took a 5 minute break at ;7:55 p.m.
The Meeting re-convened at 8:00 p.m.

c. Fire Truck R.F.P. : Bids were opened from two manufacturers with 5 pieces of equipment included in the two bids. Chief Chisholm narrowed down the selection to one piece of equipment the cost of which is \$652,536. Bickford said she would like that article put on the floor at Town meeting in May rather than vote in November. Hutchins said we are about 3 years ahead of schedule in terms of this purchase. It is very hard to spend this money. Dunbar said that if the number is \$652,536, he would like to make a suggestion that the number be reduced by the \$40,000 which is in reserve, and if it is on the November ballot it would be well represented. Johnson agreed it would give people a better way to weigh alternatives. Bickford said waiting would add more money to the reserve, but agreed with Dunbar that it would reach more people in November. There will be a lot of big ticket items coming up in May and we still have the water quality remedies that have been committed to with the State already. Discussion was held concerning the financing of a purchase of this type. Bennett explained how the bonding could work, and the purchase lease plan. After much discussion on the \$42,000 in reserve presently

moved Wilson that the BOS put on the November town meeting warrant, the article 4 as presented asking permission to borrow money and take recommendations of the fire department if the lower priced one is not available at the time we have approval to borrow the money. Willey seconded 4 – 1 – 0

d. Planning Board Vacancy(s) – Molly Lyman has resigned from the Planning Board – Ryan Donahue is interested in filling that spot; the Town Manager will advertise. The resignation letter discussion will go on the agenda for the next selectmen's meeting.

e. Harbor Operations – Item: progress on the survey that the Harbor Committee suggested – money has been set aside to go towards the harbormaster office. Dennis said one surveyor said it is hard to get an actual figure on the line. The flood elevation is about \$250. It appears the pump house goes over the line. It is important because of the ordinance and the high water mark – if there is a property line between the high water line and the parking lot, there would have to be an easement, or ask for a quit claim deed for the frontage. Dennis is pursuing the course. Harbor Committee agendas and minutes can be put on the web page if they are sent to Carol Walsh by e-mail. The next meeting will be Oct. 13th, 2008. VHS Radio proposal: It is not recommended by the Harbormaster, based on information received by the Northeast Harbor Harbormaster. Dennis said he would suggest a deputy harbormaster to increase coverage – use town owned cell phone numbers which is available to the police department; hand held radio with town frequency is being worked on with Sam Chisholm. Dennis asked what the selectmen had anticipated for hours. Wilson said he expected 60 hours during the summer and 20 hours approximately during the winter – Dennis said there is way too much to be done to work only 20 hours a week during the winter. Dunbar asked what the Harbor brings in – (expenditures are 97500 and revenue is approximately 60,000). Alternatives were discussed as to how to get information out to boaters. Dennis discussed adding moorings, the mooring plan, and other ways to increase the profitability and efficiency of the harbor. The last mooring plan was 1988 and is not close to what is out there. Dunbar questioned the user fees problem – Dennis said there is a subcommittee assigned to work on that. Dever said it will take a long time to catalogue things and bring them up to speed – but there are expensive things that need to be done. The Harbormaster boat needs replacement. Bickford asked how the harbormaster would envision using an assistant. Dever said he could already answer a great part of that question, but would defer. More concrete proposals will be forthcoming. Boat, fee schedule, building and docks are priorities at the

Wilson said he expected 60 hours during the summer and 20 hours approximately during the winter – Dever said there is way too much to be done to work only 20 hours a week during the winter. Dunbar asked what the Harbor brings in – (expenditures are \$97,500 and revenue is approximately \$60,000). Alternatives were discussed as to how to get information out to boaters. Dever suggested adding moorings, and other ways to increase the profitability and efficiency of the harbor. Dunbar questioned the use fees problem – Dever said there is a subcommittee assigned to work on that. He said it will take a long time to catalogue things and bring them up to speed, but there are expensive things that need to be done. Boat, fee schedule, building and docks are priorities at the moment. Bennett said that the budget process will be starting in the next couple of weeks, and Dever is looking at the bigger picture. A beach clean up project will cost about \$4,200. A barge is needed, with a dumpster and an excavator. Dunbar asked if there was money in the budget to do that. Bennett said there have been savings in other areas and it could be squeaked out this year. It was moved Bickford and seconded Hutchins to authorize an expenditure of \$4,200 to clean up the beach area at the Goetz shoreline.
Vote: 5 – 0 – 0 in favor.

f. Submerged Lands Lease: Bennett said it is another housekeeping issue. This is for the dock and just needs a motion to authorize Bennett or the Board to sign. It was moved Wilson and seconded Bickford that the Chairman of the Board of Selectmen sign the submerged lands lease as presented. Vote: 5-0-0 in favor.

g. MMA Annual Business Meeting – the Board must appoint someone as a voting delegate to the MMA annual meeting. It was moved Hutchins and seconded Willey to appoint Robin M. Bennett as a voting delegate to the MMA annual meeting. Vote: 5 – 0 – 0 in favor.

h. Town Meeting Warrant – Bennett provided a copy of the Warrant. Article 2 is the School vote; Article 3 is the water project and that includes a generator at the pump station, fueled by diesel. The engineers felt it was their due diligence to inform the Town that it should be replaced. Dunbar questioned the \$900,000 figure which includes the generators. Bennett strongly recommended including the intake pipe and aeration. \$477,000 is for the aeration and \$130,000 for the intake portion. It was moved Dunbar and seconded Wilson to change the Article from \$900,000 to read \$477,000 for the aeration and intake portion. Discussion: Bickford provided background that supported the generator portion of the article. Vote: 3 – 2 in favor: motion carried.

It was moved Wilson and seconded Bickford to add an additional \$100,000 to the bond issue, the purpose of which would be to put a generator in the filter plant. Vote: 5 – 0 – 0 in favor.

Article 4: Fire Truck Wilson moved and Dunbar seconded: to accept the warrant as amended. Vote 5 – 0 – 0 in favor. Bennett does need the Selectmen to wait and sign the reviewed Warrant.

The Board of selectmen reviewed the Notice of Public Hearing for Articles concerning the school, water filtration plant and fire truck scheduled for October 21, at 6 pm at the Fire Station. It was moved Bickford and seconded Wilson to accept the Notice Public Hearing as amended. Vote: 5 – 0 in favor.

VII. Manager's Report:

- meeting with ADD to go over the contract on Thursday
- loan application has been well received – ranked high
- sewer audit included in the packet this week;
- hired two new police officers to fill vacancies;
- fuel assistance program – community leaders met today at Harbor House – conceptually everyone is on board regarding fuel assistance for the winter; this is filling a need that we can't normally help with;
- freedom of access must be completed

VIII. Other Business: Hutchins – Dunbar will be the ex officio for the Conservation Commission and Board of Appeals.

Future agenda item. Town continuing to pay for street lights that have been out at Christmas. Chapais has been constantly in touch with them – Wilson suggests deducting payment

IX. Sign Warrants: So moved Wilson seconded Bickford – all in favor 5 – 0 - 0

X. Adjournment

Moved Wilson and Seconded Bickford to adjourn the meeting at 9:30 p.m.