



MINUTES OF MEETING  
Board of Selectmen  
May 25, 2010 @ 6:00 P.M.  
Southwest Harbor Town Office

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

Visitors: Mark Good, Earl Alley, Vaughn Clark, Harbormaster Dennis Dever, Jody Wolford-Tucker, Code Officer Lagrange, Selectman-elect David Mincton, Peter Madeira, Sam Beal, Ken Hutchins, Public Works Director Biegler.

II. Visitors to be heard not on the agenda: Earl Alley spoke, expressing concern over the vote at Town Meeting on infrastructure. He thought that, since the article passed by only 3 votes, it may be overturned down the road, and therefore presented a revised version of his original proposal to tax water users by the number of spigots. He read the revised proposal to the Selectmen, and Chairman Wilson took it under advisement, saying it should be examined further at a Water/Sewer Board Meeting. The other members of the Board agreed, and thanked Mr. Alley for his presentation. It was Moved (Dunbar) and Seconded (Willey) to receive Mt. Alley's document for comment at the next Water/Sewer Board meeting. Vote: 5 – 0. The Water/Sewer Board will meet on June 15<sup>th</sup> at 6PM at the Southwest Harbor Fire Station.

III. Approval of Minutes: April 27, May 6, 2010 and May 11, 2010: It was Moved (Dunbar) and Seconded (Willey) to approve the minutes of April 27, May 6 and May 11 as presented. Vote: 5 – 0.

IV. Warrants: Administration 177-187 Water 13-14  
Sewer 34 Warrants were circulated for signatures.

V. Old Business

a. Water Project Update: Bennett reported that as of last Thursday, everything has been installed and water testing will start on Wednesday.

b. Lower Town Dock Update: Bennett asked Dever to discuss this item. May 16 deadline came and went and project is still not substantially complete. At a site meeting last Friday 21<sup>st</sup> the new target date for dock extension including hoist is June 24 with substantial completion June 14. The Harbor Committee recommended making the existing fender pile that the hoist is located on, as near plumb as possible. This is an extended fender pile. It is installed as drawn and to spec, but is unattractive. The estimate to make the change is about \$2,500 as cross members need to be removed. They are not stopping work in the meantime. Dunbar asked about the delay. Dever said the contractor is not keeping the sub-contractor supplied well with materials. Dunbar said it is the obligation of the contractor, to keep the sub-contractor supplied. The piling that is

sideways is very unattractive and should never have been placed that way – funds should be withheld to get it adequately fixed. Wilson asked if an extension has been granted. Dever: not formally. They are trying to keep things moving. Bennett said some of the delay was in the execution of the change order which took about two weeks. Her goal is to just to get it done, and she is working with the parties involved to achieve this. Dunbar: sounds like it is not prioritized. Bennett: the goal is to get it done. She asked the engineer if the change order affected those things that were not done; their answer was “yes”, it did impact other items. The change order took longer to execute because of the requirements of our funding source. Hutchins, Ken: he understands that the piling was installed exactly to design, and the plumb appears to be more the engineer’s mistake. Dever: the hoist was originally going to have a gantry frame, and is not unusual, as the extended pile is essentially a fender pile, although it is unattractive, but was done exactly to the design. Hutchins, Ken: the old frame at the dock tips almost the same. It will work fine the way it is. Dunbar: perhaps the engineers are accountable, as it was put in according to the design. He feels it should be straightened out but not at the expense of the taxpayers. Vaught Clark said they discussed the strength issues at a Harbor Meeting.

VI. New Business

- a. Hospice Regatta: Liquor License: It was Moved (Hutchins) and Seconded (Bickford) to approve the Hospice Regatta Liquor License/Off Premises Catering request for July 17, 2010. Vote: 5 – 0.
  
- b. Hospice Regatta: Special Amusement/Gaming Permit: It was Moved (Bickford) and Seconded (Willey) to approve the Hospice Regatta Special Amusement Permit for one day only on July 17, 2010. Vote: 5 – 0.  
It was Moved (Dunbar) and Seconded (Bickford) to approve the Hospice Regatta Gaming Permit for one day only on July 17, 2010. Vote: 5 – 0.
  
- c. Claremont Hotel: Liquor License Renewal: It was Moved (Hutchins) and Seconded (Dunbar) to approve the Claremont Hotel Liquor License Renewal. Vote: 5 – 0.
  
- d. Claremont Hotel: Special Amusement Permit: It was Moved (Dunbar) and Seconded (Bickford) to approve the Claremont Hotel Special Amusement Permit. Vote 5 – 0.
  
- e. Lower Town Dock Parking: This item concerns the Harbor Committee recommendation to eliminate parking spots at that area to facilitate boat launching. The Public Works Director reviewed the situation and has recommended re-configuration for the Board’s consideration. The original recommendation was to remove all parking spaces in front of the ramp – a total of seven. The Chairman reviewed the recommendations aloud for interested visitors. A copy of the memorandum is included. This results in a net loss of only two spots. Maderia recommended re-sizing four spots on the North side that are undersized. He said Coast Guard personnel occupy between 30 – 50% of the spots day and night, and would like to see better enforcement as the staff at the base has been reduced and they have significant parking within

the base itself. He asked the Board to contact the Base Commander to request their personnel park inside the base. Wilson said if the summer officer is not ticketing these vehicles, he has a serious issue. Bickford agreed with Maderia. Sam Beal said he has seen Pettegrow launch a boat with the seven parking spaces occupied. Clark said there were cones out to facilitate the launching. Beal said he has rented other areas to facilitate his parking situation. Clark said Fishermen are being ticketed there, and asked if they might park up further, legally. The Chairman said they could. At the Harbor Committee the conclusion was to eliminate those spots altogether, rather than try to prohibit parking during certain hours. He also said that the Harbor Committee recommended placing granite on the South end, to gain 3 or 4 spaces. He also said that the Coast Guard is parking there. Wilson said it was his understanding that from Memorial Day through Labor Day parking enforcement was taking place. Hutchins said previous Comprehensive Plan surveys seemed to indicate it was a priority to preserve the parking. Wilson acknowledged that with the Oceanarium closed it has freed up some spots, but said at some point another business will come in there. Clark: with the pier extension, the Committee is looking down the road to possibly making that ramp available for full time use. Bickford said the Public Works Director's plan will only eliminate two spaces, and she feels that is a good plan. Dunbar agreed to this compromise and asked that the Police Chief be requested to contact the Commander at the Coast Guard regarding their parking outside the base area. Hutchins: asked about the non conforming spaces. The Board said that the plan does not address that issue. Wilson pointed out that these spots were in existence prior to the Ordinance and, therefore, allowed. It was Moved (Hutchins) and Seconded (Bickford) to adopt the Public Works Director's recommendations for configuration of the parking at the Lower Town Dock. Discussion: Wilson is concerned about the piece of granite and plowing. Biegler agreed it is an issue, and will look for a concrete barrier to place on that corner at an angle, which could be removed in the winter when parking is not such an issue. Board agreed to that suggestion. Beal suggested waiting on re-configuring the parking until the ramp will be re-built. The Board felt the change needed to be made now. Clark felt with the renovations to the dock itself, the area will be getting more use than previously. Dever agreed and said safety is his concern, and recommends the change now. Vote: 5 – 0.

f. Hook Property: The Board reviewed a proposal presented by Public Works Director, Biegler, to fill and level the parking area at the Manset Town Dock on the leased Hook Property. The cost would be approximately \$4,000. The fill would need to be monitored for wash out. DEP permits will be needed. It was noted that the property could be sold and a commercial activity could be placed there with living space on the second floor. Dunbar pointed out that a parking lot on the water front is extravagant, and a commercial venture would be a huge tax benefit to the Town. Ken Hutchins agreed with Dunbar on the value of the lot. Losing that parking would reduce the effectiveness of the Manset Dock. Wilson said parking at some other location nearby would always be an option. It

was Moved (Dunbar) and Seconded (Bickford) to accept the recommendations made by the Public Works Director, for repair to the Hook property parking area at the Manset Town Dock. Discussion: Hutchins asked where the funds would come from for this repair. Bennett said it is coming out of Contingency in this year's budget. Hutchins asked about monitoring for run-off, and asked how that would be achieved. Biegler said it is a balancing act, and if there is too much wash out in one area, the gravel loads could be adjusted. Vote: 5 – 0.

g. BHE Utility Location Permits: This request by Bangor Hydro Electric is to move a pole 35' away from the current location near the bottom of Cable Crossing Road. It was Moved (Dunbar) and Seconded (Hutchins) to accept and sign the permit request from BHE for utility relocation as presented. Vote: 5 – 0.

h. NIMS Training: Bennett informed the Board that Selectmen need to complete the NIMS IS 700 training course on line. She requested the Selectmen take the on-line class and provide documentation of the results so the Town may qualify for federal grants. There is one project that would be of interest. This item will be put on an agenda next month.

i. Street Name Request: Village at Ocean's End Developers requested of the Code Officer (CEO) the name: Ocean's End Boulevard. In a memo to the Board, the CEO does not recommend the Selectmen's approval of that name, as it will be the third local street that is "Ocean". It was Moved (Hutchins) and Seconded (Bickford) to deny the request for naming the street Ocean's End Boulevard, and request the owner select another street name. Vote: 5 – 0.

j. Appointment Signatures: The Board signed appointment papers for Daniel Bartlett and Nicholas Madeira, who were appointed to the Harbor Committee at the April 27<sup>th</sup> meeting.

k. Town Meeting Wrap-up: Bennett asked if there were any comments or discussion on the Town Meeting held May 3, 2010. Wilson said he would like to see an open discussion prior to the start of Town Meeting, as that answers a lot of the questions the Public may have concerning the ballot. Bickford agreed with the concept. Wilson said suggestion has been made to do Town Meeting on Saturday, and other Board members expressed interest. Voting could be on the same day. Bennett thought there would be more turn out on a week night, based on prior experience in other municipalities. Hutchins really liked the idea, but suggested polling the public. Other Board members agreed.

VII. Manager's Report: Maine Street sidewalk-Town crews have finished their work and Goodwin will begin next week. It is estimated that it will be a two week job. Clark Point culvert will cost about \$3,000; At the Upper Town Dock, a piling for the finger floats fell over and snapped, and will need to be replaced and re-set. Motor assembly for the hoist at the Lower Town Dock has been removed and a break assembly

will be installed. Semi-annual maintenance is complete on the Pump Station. Mowing is in process as well as street striping in preparation for the Memorial Day Weekend. Tip a Cop earned over \$1,000 for charity. Wilson said the finger floats at the Manset Town Dock look “sharp”.

VIII. Other Business: The Water/Sewer Board will meet on June 15<sup>th</sup> at 6PM at the Southwest Harbor Fire Station. Wilson said the decision on how funding for the infrastructure has yet to be decided, and it is important for the Board to address that, and let the public know that. Bennett said within the Warrant it did specify debt service. Comprehensive Plan Committee would like to be on the next Select agenda to review their final draft. Dunbar asked about the plug that is still in the water tower, saying it has been a year, and he is worried that it needs to be taken off line. Bennett said the remedy for that tower will be part of the feasibility study, and said it is also a funding issue. Dunbar said it really needs to be addressed in an emergency manner almost, at this point. Dunbar also asked what the situation was with the road projects that were voted on by Selectmen this spring. Bennett and Biegler will revisit the list, and come back to the Board to report. The money is in the reserve. Hutchins asked if Long Pond was posted as aggressively as possible. She also expressed concern about milfoil notices, saying they should be posted as well. Bennett said she did locate an existing (old) ordinance which allows for a fine for swimming.

IX. Sign Warrants: It was Moved (Bickford) and Seconded (Willey) to accept the warrants as presented. Vote: 5 – 0.

X. Executive Session: It was Moved (Hutchins) and Seconded (Bickford) to go into Executive Session at 7:33 p.m. Vote: 5 – 0

a. Executive session pursuant to 1 M.R.S.A. § 405 (6) (A), personnel matters. It was Moved (Hutchins) and Seconded (Wilson) to come out of Executive Session at 7:37 p.m. Vote: 5 – 0.

It was Moved (Wilson) and Seconded (Hutchins) to make the position of EMA Director a staff position. Vote 3 – 2 (Willey, Dunbar) Motion passed.

b. It was Moved (Hutchins) and Seconded (Bickford) to go into Executive session at 7:38 p.m. Vote: 5 – 0.

c. Executive session pursuant to 1 M.R.S.A. § 405 (6) (A), personnel matters. It was Moved (Dunbar) and Seconded (Hutchins) to come out of Executive Session at 7:45 p.m. Vote: 5 – 0.

XI. Adjournment: It was Moved (Wilson) and Seconded (Dunbar) to adjourn the meeting at 7:46 p.m. Vote: 5 – 0.