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**Minutes of Meeting  
Board of Selectmen  
January 12, 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: Town Manager: Robin M. Bennett, Selectmen: Trudy Bickford, Ralph Dunbar, Kristin Hutchins, Berten Willey, Dorr “Skip” Wilson.  
Visitors: Bob Bosserman, Mark Good, Scott Alley, Donald Lagrange, Nan Lincoln, Dennis Dever, Ken Hutchins
- II. Visitors to be heard not on the agenda: Mr. Hutchins spoke for the Harbor Committee, saying last evening’s meeting was a very civil meeting. Nick Maderia, when he resigned, said the Harbormaster’s demure could be a little more welcoming. The attitude around the Harbor has changed drastically and not for the better. Mr. Hutchins said that opinion reflects some of the opinion of other board members, and Mr. Hutchins said Dennis has shown his willingness to cooperate. Nick’s statements support the tie-ups in the floats, during heavy winds. Mr. Wilson said the meeting was very productive last evening.
- III. Approval of Minutes: December 17, 2009: It was Moved (Hutchins) and Seconded (Bickford ) to accept the minutes of December 17, 2009 as presented. 5 – 0 in favor.
- IV. Warrants: Administration 101-112 Water 1 Sewer 20-22 Police 6b
- V. Old Business
  - a. Police Station Update: a few outstanding punch list items to be resolved in the next week or two, and working towards closing out the remainder of the loan. Bennett asked if the Board agreed that the monies set aside in the Capital Improvement Plan be used to lower the debt service. Wilson said the money was to be used for this project and should be done so.
  - b. Water Project Update: Bennett reported we are still waiting for Bangor Hydro, and the anticipated date should be the 25<sup>th</sup> of January.
  - c. Lower Town Dock Update: Our understand is that there is a verbal agreement to work with Mincton, but no written agreement. The Contractor only has to meet the project end date, and until Bennett hears otherwise, expects it to be on track. Dever said it is expected that the timber supplies will arrive the end of January. He expressed concern with no written agreement yet. Bennett said there is a penalty clause.
- VI. New Business
  - a. Auditors Presentation: not present at 6:10 p.m.
  - b. Floats/Piling Projects: The Board reviewed memos from the Harbormaster. Dever said the two projects go hand in hand – starting with floats – the goal is to replace existing damaged units with suitable floats that work with the environment. Harbor committee recommends steel framed floats, and specs were in the packet. The Committee also recommended 6, 10” outside diameter steel

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pilings to assist in the attachment. These would replace fender piles. Cost of those is estimated at \$12,300. Existing float replacement is the number one priority. Dunbar asked if the Harbor Committee agreed – Mr. Hutchins said that is what the Committee asked for. Dever said he had a concern, that because the specs for these floats are steel, there may be trouble getting a bid, or it may be somewhat expensive. He does not want to recommend an option, but there is a possibility of discussing a heavy wood option in the event that the quote for steel pilings comes in higher than expected. Mr. Hutchins said that members of the committee felt that the better job done now, would be more efficient and cost effective in the long run. Dunbar said it might be wise to take a bit more time to see if these floats would fit into the budget without going out to bid. Bennett recommended going to bid and then examining alternates if needed. Bickford also recommended going forward with the bid process. The time window is Memorial Day. It was Moved (Dunbar) and Seconded (Hutchins) to move forward with the recommendations of the Harbor Committee to put finger floats and pilings out to bid. Vote: 5 – 0 in favor.

Fender pilings: The number of 41 pilings will be reduced by 6 and would somewhat reduce the cost. Wilson said the Board needs to realize that this money is not in the budget, and recommended doing half. Dunbar said until the budget is approved, the Town does not have enough money to do half of the pilings. Dever said the Town has the money to do 5 emergency pilings, and next fiscal year complete the project. Dunbar asked what material would be used. Dever said the Harbor Committee recommended southern yellow pine. He said the Board should decide between the southern yellow pine and fiberglass. Dunbar asked if the fiberglass would fit into the budget. Dever has not made that calculation, but expects it would fit into the budget. Bennett said there is no money for these if the pilings that were voted on are purchased. Hutchins asked if the Harbor Committee has canvassed these ideas. Wilson said the Committee's recommendation was the yellow pine for these pilings and they expected that not all would be done. Bennett said if the budget is accepted as it is, once July arrives, the other work could be undertaken. Wilson said there will be money after the Town votes to approve the budget in May, to do all the ramp floats and half the pilings. Dunbar would like to have the Harbor Committee come in an express their views. Hutchins said in light of the past difficulties, she would like to hear that the Harbor Committee has discussed both options – pine and fiberglass – in a more formal manner. It was Moved (Dunbar) and Seconded (Willey) to invite the Harbor Committee to the next Selectmen's meeting to discuss the difference between the pine and fiberglass. Vote: 2 – 3 motion failed.

It was Moved (Hutchins) and Seconded (Bickford), that in the future when there is a Harbor Committee item on the agenda that there be a member present other than the Harbormaster . Vote 5 – 0 in favor.

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It was Moved (Hutchins) and Seconded (Bickford) that the Board of Selectmen solicit bids to replace half the fender pilings with hollow fiberglass pilings, and accept a bid contingent upon voter approval of the Town Budget at the May Town Meeting. Discussion: Dunbar said there is not enough information to make that decision. Vote: 4 - 1 (Dunbar) motion passed.

c. Highway Equipment: Lagrange said as discussed at the previous budget meeting, the backhoe has extensive hours and many needed repairs. He recommends going out to bid for a John Deere. Dunbar said it is not slated for replacement until 2013. Scott Alley, Foreman of the Highway Dept. said \$6,000 worth of repairs and parts are needed and the rear section is coming loose. The value of the machine is \$20,000 – getting a new machine now, is more cost efficient, as waiting will cost an additional \$12,000 since the new mandates will have to be met. Bickford asked the life of the backhoe – Alley said 10 years is realistic. Dunbar pointed out that the funds are not available. Bennett said she could take \$1,000 out of another highway line item that does not need to be replaced this year, and the funds would be available after the budget is approved. It was Moved (Hutchins) and Seconded (Bickford) to accept the Highway Dept. recommendation to replace the backhoe, contingent upon voter approval of the FY 2010 Budget at the Town Meeting in May. Vote: 4 – 1 (Dunbar) motion carried.

Sidewalk plow: Lagrange said the bobcat is the machine that fits the Town's structure, and costs around \$32,000. Alley said it is capable of a more industrial use than the John Deere that has been used. Hutchins pointed out that the current machine was bought in 2005, with the expectation that it would be of use for 10 years, and we got only half the life from it. Alley said it was not his decision. Scraper blade, Dirt bucket, Utility blade and Snow blower are part of the package. Lagrange said the bottom line price with the trade in is \$21,700 and could be a 48 month lease at \$480/month. Alley asked if the money could be borrowed from the Capital Improvement truck account. Bennett said it is possible to do that, but this Board has decided that is not a practice they agree with. Alley reminded the Board that people have to walk in the road because the current equipment is not doing the job. Lagrange said Alley and he work together and have talked to the representatives more than once. Alley is very experienced, and Lagrange said they have done their homework. Wilson would like to see the Town with the right equipment. Dunbar has a problem with moving money around when the taxpayers have approved for specific items. Bennett said it is permissible to use money within the Highway capital improvement fund in the event of emergencies. Johnson said if a lease were to start now, it would be less than the \$6,000, so really you are only using 3-4 months of funding. It was Moved (Wilson) and Seconded (Bickford) to purchase the bobcat through the lease program as outlined by the Public Works Director. Discussion: Dunbar said it is a bad practice to start moving Capital Improvement funds around. Vote: 4 – 1 (Dunbar) motion passed.

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d. Liquor License/Special Amusement Permits: Bennett said the Board asked for the information to be put on the agenda. Wilson said his concern is the Special Amusement Permit and the categories. The Board reviewed the special amusement permit ordinance as it related to radio music. Wilson reviewed the five categories. Hutchins had a question concerning the instructional information included. Bennett will review the instruction sheet. The Board reviewed the fee structure. For Special Amusement permits it is currently \$39 for an ad and \$50 for the application. Regarding background checks, Bennett said there are limits as to what the Town can do, and the information is limited as well. Bennett will check to see if the State will handle this part. Hutchins said it is important to check with Code Enforcement for any issues pertaining to a permit.

e. FY 2010-2011 Budget: Bennett gave the Board the revisions based on the meetings of the past week, and that will be passed on to the Warrant Committee.

f. Martin Luther King Day: Bennett said we are proposing to change policy to allow Town employees this holiday to coincide with the new Police and Dispatch Departments union contract. Dunbar questioned adding another holiday. Bennett said the personnel policy has consistently offered the same benefits to non-union as has been offered to union employees. Wilson agreed that this has been done consistently, to keep employees on a level playing field. Dunbar asked if this included Public Works. Bennett said no, they are working under their old contract. It was Moved (Wilson) and Seconded (Hutchins) to include Martin Luther King Day as a holiday for non-union employees. 5 – 0 vote in favor.

g. AOS 91 Warrant: Bennett provided information from the school, saying this is their budget validation referendum for June, which they request be signed as soon as possible. Dunbar would like time to review this prior to voting. Wilson reviewed the document by reading it aloud to the Board. It was Moved (Wilson) and Seconded (Hutchins) to sign the AOS91 Warrant as requested. Vote in favor: 5- 0

h. Water Department Commitment \$ 104,169.98 It was Moved ( Bickford) and Seconded (Hutchins) to accept the Water Department commitment of \$104,169.98. Vote: 5 – 0 in favor

g. Sewer Department Commitment \$ 64,283.12: It was Moved (Bickford) and Seconded (Wilson) to accept the Sewer Department commitment of \$64,283.12. 5 – 0 in favor

VII. Manager's Report: Bennett reviewed the Warrant Committee meeting schedule. Johnson said there are 8 members at present. The Water Rate

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case: Bennett is in the process of providing the data request which is extensive; the next meeting at PUC will be February 25.

ADD has finalized negotiation with EMR and will be at the next Selectmen's meeting. The contract will be in the next Selectmen's packet.

End of year water department close out is in progress.

Hutchins asked the results of the property taxes being split this year. Bennett said there have been a lot of people coming in the last couple of weeks to pay off the balance, and the public seemed to enjoy the idea of being able to split the payments.

VIII. Other Business: Dunbar asked if the Board wished to vote for a moratorium to allow no marijuana dispensaries in this Town. Bennett said it is always better to take action ahead of time. Wilson asked Bennett the best way to propose a moratorium. Bennett suggested this item for the next meeting.

Willey said the Ladder truck proved it's worth this past week. Chisholm asked Willey to find out if the Town Archive records were coming back to the Town Office. Bennett said there were no plans to remove them as there is no place in this building. Hutchins reminded the Board that she will not be at the Water/Sewer meeting on the 19<sup>th</sup> of January.

IX. Sign Warrants: It was moved (Bickford) and Seconded (Hutchins) to approve the warrants as presented. Vote: 5 – 0 in favor

X. a. It was Moved (Dunbar) and Seconded (Hutchins) to go into Executive Session at: 8:20p.m.

Executive Session: Pursuant to 1 M.R.S.A. § 405 (6) (A) Personnel Matters.

It was Moved (Hutchins) and Seconded (Bickford) to come out of Executive Session at 8:26 p.m. Vote: 5 – 0 in favor.

b.. It was Moved (Wilson) and Seconded (Bickford) to go into Executive Session at 8:27 p.m. Vote: 5 – 0 in favor.

Executive Session: Labor contracts/negotiations, pursuant to 1.M.R.S.A. § 405 (6) (D)

It was Moved (Hutchins) and Seconded (Wilson) to come out of Executive Session at 8:45 p.m. Vote: 5 – 0 in favor.

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- c. It was Moved (Wilson) and Seconded (Bickford) to go into Executive Session at 8:46 p.m. Vote: 5 – 0 in favor.

Executive Session: Pursuant to 1 M.R.S.A. § 405 (6) (A)  
Personnel Matters.

It was Moved (Wilson) and Seconded (Bickford) to come out of Executive Session at 8:57 p.m. Vote: 5 – 0 in favor.

- XI. Adjournment: It was Moved (Wilson) and Seconded (Hutchins) to adjourn the meeting at 8:58 p.m. Vote: 5 – 0 in favor.