

**MINUTES OF MEETING**  
**January 26, 2010**  
**Board of Selectmen**  
**Town of Southwest Harbor**  
**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, Skip Wilson, Ralph Dunbar, Trudy Bickford, Kristin Hutchins, excused: Berten Willey

Visitors: David Chapais, Donald Lagrange, Mark Good, Shawn Small, Steve Lyman, Dick Dimond, Anne Welles, Joe Saunders, Ben C. Worcester III, Nan Lincoln, Bob Bosserman, Elliott Spiker, John Williams, Sandy Johnson, Sandy Gray

- II. Visitors to be heard not on the agenda: John Williams asked the Board if there could be on-street parking in the winter except for snowstorms. It would be very helpful to the businesses. Wilson said the biggest issue is the snow removal during storms, and suggested a public workshop. Hutchins said she would like to discuss it further and invite both Police and Public Works to the next meeting for that purpose. The Board agreed to make this an agenda item at their next meeting in February.

- III. Approval of Minutes: January 12, 2010: It was Moved (Hutchins) and Seconded ( Bickford) to accept the minutes of January 12, 2010 as presented. Vote: 4 – 0; It was Moved (Dunbar) and Seconded (Bickford) to accept the minutes of the January 19, 2010 Water/Sewer Board as presented. Vote 3 – 0 – 1 (Hutchins abstained)

- IV. Warrants: Administrative: 113-119 Water: 2  
Sewer: 23

- V. Old Business

a. Police Station Update: Dunbar asked about the open house; Bennett said once the punch list items are done, it will be scheduled. Bennett asked if there were any suggestions, such as a formal ribbon cutting. Board discussed timing, trying to avoid snow times, and while no date was selected, the Board agreed it should be soon, weather permitting.

b. Water Project Update: Bennett said there have been no changes since the last meeting of the Board.

c. Lower Town Dock Update: The Contractor has entered into a written agreement with Subcontractor and is proceeding.

- VI. New Business

a. EMR Contract: Bennett said ADD (Acadia Disposal District) presented to the Board in late 2008, and all but Section 10 of the Contract with EMR was approved by the Board. Shawn Small of ADD updated the Board on the progress made. ADD does

recommend signing the packet presented at this meeting. Towns can opt out of recycling at EMR before the end of 2010. ADD explored regional possibilities of recycling, finding that Bar Harbor is too small; Ellsworth gave ADD a very cost effective proposal; recyclables would go to Ellsworth, and there would be a set fee per year, getting 75% of the returns. There is still some work to be done. The new fees will go into effect 1/1/10 but the term of the contract will stay the same ending June 30, 2014, with no retroactive fees. There are two category changes in Section 10: some costs went down, and this section also clarified other sections of the agreement, and added some definitions. Trenton, Tremont and Mt. Desert have approved the contract while Cranberry and Frenchboro have not. Highlights of the changes include more recycling incentives, fuel cost is clarified, and all tonnage is weighed at PERC, as opposed to weighing at both EMR and PERC. ADD believes the agreement is much clearer, but still feels it is 10% to 15% higher than hoped, however ADD still recommends going ahead. Once the contract is signed and in force, ADD would like to further pursue the recycling options and get cost comparisons done before the end of the year. EMR is taking their recycling to Eco Maine in Portland which is also an option in the new agreement. Once recycling is resolved, ADD is proposing to take a look at more permanent options to be taken advantage of after 2014. Hutchins discussed the single source recycling, saying, while she prefers that, it appears to be more expensive. ADD has the right to choose the type of recycling. Worcester said the base of the recycling is the same as the last 15-20 years in this contract; single sort would allow commingling of more items, and the list of items that could be included would include all the 7 types of plastic, and all paper. ADD said Eco Maine is attempting to make it more cost effective, and are looking at a facility in Old Town as an additional drop. Towns individually have a choice of recycling options. ADD said there is no potential for savings with the single sort at the moment. Dunbar expressed thanks to ADD for their hard work. It was Moved (Dunbar) and Seconded (Hutchins) to accept the EMR/ADD contract as presented, and sign same for the Town of Southwest Harbor. Vote: 4 – 0 in favor.

b. Marijuana Dispensary Moratorium: Sample moratorium paperwork was reviewed. Bickford said it sounds like the State has not thought out how this will work. Hutchins said she spoke with Eric Norberg and Marianna Fox, and agrees she would not like to see a dispensary in this Town. Dunbar asked Bennett if the moratorium would go to the town vote, and Bennett replied it would. He thought the Board should meet with the Planning Board and come up with some language to cover the issue. Bennett said the Planning Board time constraints are extensive currently, and the deadline to hold public hearings might not allow for a May Town Meeting vote. Bennett said while a dispensary is unlikely in this Town, if the Board is concerned, they should certainly craft a moratorium. Moratoriums are for 6 months, and may be renewed for an additional 6 months by the Board. Hutchins said the Board of Selectmen should provide voters with some background materials. Dunbar said it appears the Board is in agreement that the moratorium should go to the voters in May, and looking at the two samples, he would like to see the Town Manager draft something from those that could be acted on at the next meeting. It was Moved (Dunbar) and Seconded (Bickford) to have the Town Manager draft a moratorium on marijuana distribution, for the Town of Southwest Harbor. Vote: 4 – 0. This item to be on the February meeting agenda.

c. Infrastructure Projects: At the 19 January Water/Sewer Board meeting, it was agreed that to get low interest loans, federal funding, state funding or grants, engineering needs to be completed. This Board is charged with adding a line item to the CIP (Capital Improvement Plan) for engineering fees for infrastructure purposes to obtain funding for the project(s). Hutchins asked about the meeting and in particular the Blueberry Field pipe which has existed since 1902. Dunbar recommends starting with the \$6.8 million portion of the approximately \$21 million dollar project. Hutchins encouraged looking at the project as a whole, even if repairs were only done in part; Bickford said updated plans are needed; she would like engineering quotes. Wilson said he 'somewhat agreed' with looking at the Town as a whole, and felt it was worth the review of a professional engineer, to get recommendations and direction. Hutchins asked if Olver would be equipped to do this. Bennett said they are amply qualified. Dunbar said this engineering study should be put out to bid. Bennett said it is estimated that the design aspect of a job is about 7% for engineering. Dunbar said the atmosphere is competitive now, and the Board should feel that out in the bid phase. Bennett said the Board seems to want to do a feasibility study, and she is cautioned that once an Engineer starts working with the Town is it not good policy to switch engineers as a project moves into another phase. Bennett said the funds for an evaluation are not in the budget that is going to the Warrant Committee on January 27, 2010. Anything that may go to the voters would be seen as additional. Wilson said he does see it as part of this budget. Hutchins asked if the Board proceeded with the feasibility study would it be bid out – Wilson said yes. Wilson asked if the Board wanted to add an addendum to the budget to pay for the feasibility study. Hutchins agreed. It was Moved (Dunbar) and Seconded (Hutchins) to request bids for an engineering feasibility study of the Town infrastructure. Vote: 4 – 0. Wilson said, as for the infrastructure, the Water and Sewer department(s) are owned by the Taxpayers, and the thought is there that the infrastructure costs should be borne by the Taxpayers, and the users pay for the cost of operations. He suggested a referendum on the ballot asking if the infrastructure be the responsibility of the Taxpayers and the cost of operations to the users. Bickford said the Board needs to be clear about how the system works now. Hutchins suggested reviewing the Ordinances in place at the next Water/Sewer meeting and the Board agreed. The Board set the date for next Water/Sewer meeting at February 9<sup>th</sup>. Copies of the Ordinances will be sent to the Selectmen prior to the meeting.

d. Town Report Dedication: The Board reviewed the list, and It was Moved (Dunbar) and Seconded (Bickford) to publish a dedication to Hilda Berry and a memoriam to Elizabeth King in the 2009 Annual Report. Vote: 4 – 0.

e. Quick Claim Deed – Village Washtub: Wilson said the letter from the Town Attorney recommends that the deed not be released until all taxes and all sewer charges have been paid. Steve Lyman spoke to the Board representing the new buyer. He said prior to closing the understanding reached between the Town, the buyer and the seller, was that the total amount of all debts would be paid and a Municipal Quick Claim Deed would be issued. He said a check was made out and handed over, and then he learned the Deed would not be handed over until the second half of the taxes were paid that were due February 1<sup>st</sup>, 2010. He said in the past if the old bill is paid in full, the Town has always released the deed. He has now had to go to the new owner and tell him the Town will not release the quick claim bill because the second half of the 2009-2010

tax bill has not been paid. Mr. Lyman presented a fall back position saying since the due date for the second half of the property tax is February 1<sup>st</sup>, and Mr. Yates has indicated his accountant is paying the second half of the real estate taxes on Thursday, January 28<sup>th</sup>, Mr. Lyman suggested to the Board that the Town execute and hold back the Deed to be sure the payment has been received. Bennett suggested the Selectmen offer to sign the Quick Claim Deed after the check has been received and cleared, but vote that the Board of Selectmen accept Lyman suggestion. It was Moved (Hutchins) and Seconded (Dunbar) to accept the offer of Steve Lyman, attorney for the prospective new owner of Village Washtub, to sign and release the Municipal Quick Claim Deed for Village Washtub, Map 006-Lot 084, 297 Main Street, upon receipt and clearing of the payment of the second half of the 2009-2010 tax bill. Vote 4 - 0

VII. Manager's Report: Warrant Committee meets on Thursday evening, January 27, 2010 for their organizational meeting; the Manager & staff continue to work on the water rate case; The League of Towns elected a new slate of officers; the Sewer line connecting the hardware store was not connected to the new sewer main and has been fixed. As of Friday, the Town is investigating options as to who will be responsible for the cost of correcting the hook up. The pipe coming out of McEachern wasn't hooked up to the new sewer main and the CEO has asked the Bar Harbor Water Department to bring in their cameras to help make a decision on who is responsible. The price tag to date is \$11,000. Bennett also told the Board that Ben Harper celebrated 30<sup>th</sup> anniversary as Town Dispatcher last week.

VIII. Other Business: Wilson asked the Public Works Director about piling snow at edge of the bank at the Town Docks. He said boat owners were having difficulty seeing their boats. CEO will look at the situation

IX. Sign Warrants: It was Moved (Bickford) and Seconded (Dunbar) to sign the warrants as presented. Vote: 5 - 0

X. Adjournment: It was Moved (Hutchins) and Seconded (Bickford) to adjourn the meeting at 7:25 p.m. Vote: 4 - 0