

MINUTES
Board of Selectmen
December 8, 2009 @ 6:00 P.M.
Southwest Harbor Fire Station Meeting Room

I. Call to Order/Roll Call: The meeting was called to order at 6:00 p.m. All members present: Trudy Bickford, Ralph Dunbar, Kristin Hutchins, Bert Willey, Skip Wilson, and Town Manager, Robin Bennett.

Visitors: Jake Jacobson, Tony Planchart, Bob Bosserman, Laurie Ward, Lee Ward, Mark Good, Don Lagrange, David Chapais, Erika Shriner, Charlotte Gill, Charlie Bradford, Dick Dimond, Susan Buell, Carolyn Mattingly, Sandy Johnson, Nan Lincoln.

II. Visitors to be heard not on the agenda: Diamond asked the Selectmen to postpone the discussion of sewer and water infrastructure because of the conflict with the school concert tonight. Wilson, Willey and Dunbar agreed. Hutchins would like to continue with the agenda. Wilson said there are three that would like to postpone. Water/Sewer Board discussions will be postponed. The third Tuesday in January will be the next water sewer meeting. January 19th will be reserved at the Fire Station Meeting Room for 6:00 p.m.

Bob Bosserman addressed the Board regarding the liquor license and special amusement permit issued to Charlotte Gill. He expressed concerns over lack of notice to abutters and notification in a weekly publication as well as irregularities he felt were in the application itself. Ms. Gill said the building was a commercial building when the abutter bought his house in the area. Gill said the building has been vandalized recently, notes left on vehicles, although she has spoken with the neighbors, in an effort to reconcile her business with the neighborhood. Bickford asked if the Board has ever required anyone to speak to neighbors and if the CEO addressed the permit issues brought forth by Bosserman. The CEO said, on the non-conforming use referred to by Bosserman, that in Zone C all uses are permitted. CEO Lagrange said the last Planning Board approval for this property required buffering, and 26 seats were allowed in the restaurant. He told the Board that the applicant has agreed to all of these issues. There are no problems with parking. Bosserman said the sketch submitted for the Liquor License was from 1998 and did not show the 14 x 14 addition. Bickford said the applicant has met the requirements the Town. Buell said notice was not put in the newspaper and therefore it was not a legal vote by the Selectmen. At the suggestion of Bennett, the Board agreed to advertise this week and arrange a special selectmen's meeting to meet the legal requirements of the Liquor Licensing Board. Bennett said Thursday would be the earliest the Town could advertise, which would mean the Selectmen could meet the following Thursday to approve the Liquor License. It was Moved Dunbar and Seconded Wilson to advertise the Special Amusement Permit and Liquor License application of Charlotte Gill, and meet on Thursday, December 17, 2009 at 4pm to hear the application again . Vote 5 – 0

III. Approval of Minutes: November 24, 2009 It was Moved Dunbar and Seconded Bickford to approve the Minutes of November 24, 2009 as presented. Vote: 5 – 0.

IV. Warrants: Administration 86-92 Water 28-29 Sewer 17-18
Fire _____ Water Project 5 Police _____

V. Old Business

a. Police Station Update: Bennett reported the Police Department has moved back into the Municipal Building as of Friday. The Contractor is currently going through the punch list; Nichols has 30 days to take care of the items on the list and Bennett believes it will be possible to close out the loan in February. One outstanding item she has received is a request from Sewall to amend the Engineering Agreement which was included in the packet to the Selectmen. Bennett recommended approval. Dunbar disagreed with the need to give Sewall additional funds. Wilson also disagreed. Bennett said the extension of the project was beyond the scope of their agreement. Hutchins asked if the Board would consider splitting the difference in an effort of compromise, saying the Town has done a lot of business with Sewall and always had a good relationship. It was Moved Dunbar and Seconded Wilson to deny the amendment to the Sewall contract in the amount of \$4,037.50 pertaining to Construction Change Order # 3 which adds a new emergency generator to the project and extends the construction period by six weeks. Vote 3 – 2 (Bickford, Hutchins) Motion passed.

b. Water Project Update: Bennett said the project is going well with the exception of the Bangor Hydro portion. The Town is currently waiting for a transformer from Bangor Hydro, which will not be available till the end of January. From that point forward it should be an easy completion.

c. Lower Town Dock Update: The General Contractor (GC) has assured Bennett he would meet all the contract deadlines. As of this date they have not entered into an agreement with a sub contractor. The project is proceeding slowly but surely and the GC still plans to meet all deadlines.

VI. New Business

a. Water/Sewer Infrastructure Funding: re-schedule

b. Water/Sewer Board: re-schedule

c. Water Department Debt to Town: Dunbar asked if the water users today owned the debt or did they inherit that debt. Bennett said this has been building for the last five years. Willey said \$300,000 was the Seawall extension that was not paid back. Bennett said the auditors did not recommend forgiving the debt and the books need to balance. Bennett said the 2004 audit report showed the debt just under \$10,000.

d. Seasonal Water Commitment - \$12,857.04: It was Moved Bickford and Seconded Wilson to approve the Seasonal Water Commitment in the amount of \$12,857.04. Vote: 5 – 0.

e. Seasonal Sewer Commitment - \$4,122.93: It was Moved Bickford and Seconded Wilson to approve the Seasonal Sewer Commitment in the amount of \$4,122.93. Vote: 5 - 0.

f. FY 2010-2011 Budget Meeting Schedule: Bennett said the only item not on the schedule presented to the Selectmen in their meeting packet was a date

for meeting with the School and would the Selectmen want to schedule a meeting with them? The Board will want a meeting with the School. Bennett will schedule.

g. December 22, 2009 Meeting: Bennett suggested that it being Christmas week, the Board might want to cancel that meeting. It was Moved Bickford and Seconded Willey to cancel the meeting unless there is an emergency. Vote: 5 – 0.

h. Newsletter: Hutchins asked for comments before the end of the week on additional materials with an aim to complete the mailing the following week.

i. Volunteer Resource Guide: Hutchins asked for approval, and needs only one word change page two third paragraph change to:...”before appointment to a board or committee” instead of “after appointment...” It was Moved Dunbar and Seconded Hutchins to accept the Volunteer Resource Guide with the modification discussed. Vote 5 – 0.

VII. Manager’s Report: Currently working on the FY 10-11 Budget; Mike Hagar has been hired in the Water Department; the semi-annual visit from MMA Risk Management took place; Lagrange and Bennett attended an MMA workshop in Bar Harbor; the Town has sent out 10 lien foreclosure notices for 2007 taxes; the water rate case conference call set up an initial schedule for data requests and responses – the call went as expected.

VIII. Other Business: Chapais said the Police Department is up and operational in the new space as of 2:00 pm Friday. He also said everything went fairly smooth, settling in. He extended his personal thanks to all on the Board. They plan an Open House sometime after Christmas, and he invited the Selectmen to stop in anytime prior to that. Chapais said the space is very impressive. Lagrange requested authority to pursue bids on the sidewalk heading towards Manset Corner. Goodwin was the low bidder, but that was higher than anticipated and Lagrange would like to talk with Goodwin to negotiate a lower price. The Town only has \$108,000 available now. The current plan would be to remove the asphalt for about half a mile, level it, and replace asphalt. The State engineer thought M-DOT might do 3 maybe 4 catch basins, but there is no guarantee. Dunbar said Lagrange could get the job within the budget and he would like to recommend Lagrange proceed. It was Moved Dunbar and Seconded Bickford to give Don Lagrange the authority to negotiate the sidewalk contract with Goodwin, and if successful, to proceed. Vote: 4 – 1 (Wilson)

Wilson suggested the Board add to the agenda for January a discussion of notifications for liquor licenses.

IX. Sign Warrants: It was Moved (Bickford) and Seconded (Willey) to approve the warrants as presented. Vote in favor: 4 – 0 – 1 (Wilson) abstained

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

It was Moved Hutchins and Seconded Bickford to go into Executive Session at 7:35 p.m., pursuant to 1. M.R.S.A. § 405 (6) (D): Labor contracts/negotiations. Vote: 5 – 0.

It was Moved (Bickford) and Seconded (Wilson) to come out of Executive Session at 8:43 p.m. Vote: 5 – 0.

XI. Adjournment: It was Moved (Bickford) and Seconded (Willey) to adjourn the meeting at 8:44 p.m. Vote: 5 – 0.