



## Board of Selectmen

Tuesday, February 22, 2011 @ 6:00 P.M.  
Southwest Harbor Town Office

### AGENDA

- I. Call to Order/Roll Call: The meeting was called to order at 6:00 p.m.  
Present: Ralph Dunbar, Jr., George Jellison, Jr., David Minctons, Trudy Bickford and Town Manager, Robin M. Bennett, excused: Dorr Skip Wilson  
Visitors: Pat Biegler, Donald Lagrange, Bunny Leonard, Rob Liebow, Ingrid Kachmar, Dick Dimond, Lee Worcester, Gordon Wissinger, Derek Wilber, Nancy Thurlow, Mark Good, Amy Young, Ann Welles, Sandy Johnson, Susan Griffiths, Tom Benson, Pat Biegler, Erika Schrinier, Ken Collins, Cyd Collins, Melissa Berry, Susan Allen, Andy Mays, Andy Cline, Jennifer Cline, Anna Demeo
- II. Visitors to be heard not on the agenda: none
- III. Approval of Minutes: Selectmen Minutes of February 8, 2011 It was Moved (Bickford) and Seconded (Minctons) to accept the Minutes of February 8, 2011 as presented. 3 – 1 (Jellison) abstain
- IV. Manager's Report: FY Budget – the Warrant Committee wrapped up their series of reviews. The Planning Board will not propose a separation of the Shoreland Zoning from the Land Use Ordinance at the May Town Meeting vote. The audit is completed and the auditors will be here March 8<sup>th</sup> to go over their report. The Churchman Sewer proposal has been reviewed by the Town Attorney with only minor changes. The engineers in Town today for the Wesley Avenue and Mansell Lane project; Bennett reported that she spoke with Mrs. Hook today, and while she was reserved, did say she would consider an offer on the property adjacent to the Town dock. Bennett recommends pursuing this and suggested a figure that was market based. Chairman asked for information for next meeting. At the Water Filtration Plant an overhead heater failed – looking at quotes; the generator pilot light shield has been installed; the Sewer plant had a DEP inspection and the verbals were good; the scum pump needs to be replaced; Bennett reminded the Board that March 30<sup>th</sup> is the collaboration meeting with the same format as the prior meeting.
- V. Warrants: Administration 128-135 Water 6  
Sewer 31

VI. Old Business: none

VII. New Business

- a. Warrant Committee Recommendations: Sandy Johnson reviewed the recommendations presented in packets. The Warrant Committee made different dollar recommendations for the ambulance service, which did not have info relative to the increase in the dispatch cost when they were required to submit their request, and did not get the rate increase for that portion that equals \$7,200 – they are flat funded with the exception of the increase in dispatch. Warrant Committee cut the request for the Pemetec School Board; the school librarian was scheduled to be cut to 60% and the remaining time to be paid as an ed tech. That recommendation was not accepted by the School Board but the Warrant Committee agreed with that cut and rather than table that one position, the Warrant Committee recommends the school make that change. The Committee recommended that the Town try to increase attendance at Town meeting; move Pemetec articles closer to the top of the Town Meeting. Code Enforcement only covers 12% of the department cost and the Warrant Committee would like to target 25-50% coverage with possibly job sharing and fee increases. Referencing the Harbor the Committee feels 100% should be covered – continue to review and revise the fee structure and residency definitions in the Harbor Ordinance which are not the same as any other ordinance; The Warrant Committee asked the Pemetec School Committee to break out the food service costs next year in the budget, and they continue to encourage the School Board to evaluate the utilization of the building and look at ways to use the building more efficiently; The Warrant Committee is supportive of the school committee that will be formed to evaluate staffing requirements and compensation and encourage review of the student and staff support, and guidance, comparing Connors Emerson and Pemetec and noting that Connors Emerson has a much larger student population. Recommending Selectmen provide the Town Manager with a maximum percentage of increase for upcoming budgets. Look at services the Town provides. Recommending 5 warrant articles for non-municipal funding. The Committee recommends moving the balance of Capital Improvement money left over from the Police renovation and placing it somewhere else in Capital Improvement. Consider refurbishing the existing ladder truck and forestall the purchase of a new Quint. Bickford thanked the Committee for the list of recommendations. She encouraged the school to take heed of the recommendations being made. Johnson said the Committee talked about the concept of granting a sabbatical and the incremental costs included in that. Amy Young commented saying ref the sabbatical the increase in cost to the school to grant that was only \$1,470. Johnson asked about the sabbatical – are we paying for the

classes as well, and does the figure that was quoted include the cost of the classes. The school is paying for the classes and no it isn't in the \$1,470 increase – it would be additional. The school did not put a dollar amount on the cost of the classes. Johnson said that is a discretionary cost and does not have to be paid by contract. Kachmar said regarding cutting the library position, the Board needs to review all the teaching centers as a whole and make recommendations for next years budget to impact all those areas. Chairman asked if the committee was being formed by the School Board – Amy Young said yes. Johnson said the concern was that it might be difficult for people on the committee to be objective if they are being affected by changes. Bickford said someone outside the school needs to be involved. Amy Young referred to matters of confidentiality that might not be appropriately shared with outside members.

- b. Harbor Ordinance Amendments: Chairman referred to the amendments that were in the packet –Bickford asked the opinion of the Harbor Committee on these changes. Bennett said she knew of no problems and was surprised no one was here from the Harbor Committee to address these changes. It was Moved (Bickford) and Seconded (Mincions) to approve the changes to the Harbor Ordinance to go before the Town voters in May, 2011. Vote: 4 - 0
- c. Land Use Ordinance Amendments: Lee Worcester, Chairman reviewed the changes the Planning Board recommended for the Land Use Ordinance, including: increase height of a shed under 80 s.f. from 8' to 10' allowing a mild pitch with 8' walls; Section VII allows for additional days a camper may be placed on a site in a calendar year – single campsite on a lot; allows 30 days – State minimum in the shoreland area is 120 days; the Planning Board is recommending 180 days; Section VIII involves removing redundant language in the ordinance: the only substantive changes are changing the wording 'site plan' review to 'permit' review and allowing for the increase of 80 s.f. without requiring a building permit. The remainder of the changes in Section VIII are removing any redundancy and cleaning up language.

Section II B.1.c.1 to allow property owners to have multiple uses on their property as long as they are meeting set back and height and lot coverage requirements, including parking and buffering, etc. Johnson asked what has changed and Worcester said it doesn't require dimensional standards which is lot area per use. Demeo said the change is significant and asked: did a group come to the Planning Board requesting this? Worcester said the instructions from the Comprehensive Plan has several requirements to allow and encourage smaller lots with a greater use – and creates a density bonus to make housing less expensive. Questions from the audience were concerned with density issues; Worcester and CEO explained that the change allows building structures on the same property in the same common ownership. Johnson said it is a

significant change, and asked: are two meetings enough to make sure this gets the attention it needs? Demeo said this is an effort to do away with the hurdle of finding a way to connect buildings in order to double density. She said people should know about this. Next change suggested by the Board was to combine Zones B & C into one zone, based on the utilities available. This would drive development to where the utilities are as opposed to where they are not. Bickford asked if this would help or harm. In the Seawall area would that allow for more affordable housing? Worcester said it would as far down Seawall Road as Double J. Lodge asked if there was equal reduction when talking about public water and public sewer. Worcester explained the details. Dimond said three of these things represent very significant changes in the Ordinance and one should not rush to get these passed in May at Town Meeting. Johnson asked if we knew the excess capacity of these utilities and what the impact would be with this type of change. Demeo suggested asking the Town if the Planning Board should look into the change – whatever it might be, and do the same with the separation of the Shoreland and Land Use Ordinance, as opposed to making the changes and taking them to the voters without asking. Worcester said this concept was addressed in the previous Comprehensive Plan, but not in the current plan. Chairman asked if the Board was comfortable with doing anything with these changes tonight. Wissinger asked if the Board was talking about tabling all or part of the recommended warrant articles. Chairman said there are lots of questions on items 4, and 5 but 1, 2 and 3 seem to be straight forward. Worcester said referring to Item 6, the verbal description in the Ordinance doesn't match the map, and that's the reason for this article. MMA legal has said that if verbal descriptions are in the Ordinance they rule over the map. The map was adopted and the PB is asking to make the map agree with the verbal description in the ordinance. The Planning Board encouraged the Board of Selectmen to move this item to the voters in May as well as items 1-3. It was Moved (Bickford) and Seconded (Dunbar) that LUO changes 1,2,3, and 6 be moved forward to the Warrant in May 2011. Worcester explained that the zoning map referred to in change #6 should have been updated when the ordinance amendments were made but it was not. MMA suggests having the voters vote on updating the map to match the ordinance. Vote: 4 – 0 Demeo asked the Selectmen to put a question on the warrant asking the voters if they wished to separate the shoreland from the land use ordinance. Chairman will have this on the agenda for the next meeting.

- d. Water Ordinance Amendments: Bennett said Biegler put the changes in a memo form relative to the overall ordinance review—asking the Board if they want to incorporate the changes into that language. Some of these changes are housekeeping and some are more significant. Biegler reviewed the changes that have been recommended, with the Board of Selectmen. Chairman said it is

federal law that the Town can not require anyone to tie into Town water. Chairman suggested omitting that section of the recommended changes. It was Moved Dunbar and Seconded Bickford to approve the recommended changes to the water ordinance with the omission of a mandate that property owners must tie into Town water. Vote: 4 – 0. Next meeting will have all the changes put into a final document for signature.

- e. Sewer Ordinance Amendments: 88 minor changes most of which are typos and minor changes. Debt service #8 was added and the Board was asked to review that. There was no definition prior. It was moved (Bickford) and Seconded (Dunbar) to accept the recommended changes to the sewer ordinance. Vote: 4 – 0.
- f. Water/Sewer Funding Amendments: It was Moved Dunbar and Seconded Bickford to accept Funding wording for the Water Ordinances amended. Vote: 4 – 0  
Sewer: It was Moved Dunbar and Seconded Bickford to accept Funding wording for the Sewer ordinance as presented. Vote 4 – 0.
- g. Meter Reading Systems RFP: Bennett said additional information is in the packet re cost of meters, estimated savings and revenues to be captured, plus additional information on the system being recommended. Meters: budgeted at \$100 per meter but expect a better price. Increased revenues between \$100,000 and \$180,000. Benefits of this system is the time saving, equipment use, fuel, inputting data, reduces error, there will be no unread meters – no lag time and notice of customer leakage and tampering; additionally it will save legal fees on disputes; ability to identify high usage. Biegler said there are two major issues – one is reading and making sure they are accurate and the other part is a lot of water loss – it's huge. Tampering indicates some very high numbers. We will know instantly when these things occur. Datamatic has a program that does return on investment and they are looking at, from the remote read system itself, somewhere between 2 & 3 years although the study is not quite complete. Chairman asked: does the meter read all the time? Biegler said it reads hourly and stores all the reads. Alarms will be sent out at all times. How many repeaters are required? Ferguson was present and said it depends on the distance – beyond a mile in range it is usually needed. They can be put anywhere and are part of the price. Wissinger said he would encourage the Selectmen to step back and look at this. He feels this will not pay for itself in two or three years. Melissa Berry asked how this is more cheat proof? Ferguson explained how a meter would have to be moved to affect a tamper alert and said they have not ever encountered a false alarm of tampering. Bennett said there are permalog instruments that can be used as well to detect leakage on the water mains. This will be beneficial to the upcoming summer construction with the water lines on Wesley Avenue and Mansell Lane. Ferguson said these permalog instruments can be moved and used in different

places. Biegler said Bar Harbor has seen approximately 20-30% increase in revenues. Dimond referred to 2009 meetings saying SWH loses a lot of water by keeping lines open to avoid problems and those will not be fixed until there is new infrastructure and the lines get fixed. He wondered what the approximate loss was for those open lines. Biegler said that runoff is less than 50%. Wilber asked why there was a hold up in buying the replacement meters. Wissinger said they are asking the Water Board why they are not replacing the meters while deciding on the remote readers. Bennett said the PUC supported the Town putting money aside for just this purpose. Chairman said the only question tonight is whether or not to go with the automated system. Mays asked what the price difference is between the two? He was concerned with why there wasn't an amount for lost water. Biegler said the Town produced 113,000,000 gallons and billed for 42,000,000. Estimating how much goes out with bleeders she believes it is about 12 to 15,000,000. Wand and Walk-By system: Ferguson representatives said the price difference is not that much and the wand system will not address the leak problem. Jellison said we are either looking at an \$80,000 system or \$110,000 system and asked concerning testing every 8 years, does the new proposed system eliminate that 8 year testing? Ferguson said the monitoring will identify those that need testing. Jellison said, concerning meters that are not working, about 2/3 of the rate payers are paying for the rest. Chairman said if the system paid for itself in 5 years he would be happy. Jellison said as much as he hated to spend the money he felt the remote system would be best. Minctons is concerned over having to add help, but feels there is no other choice. Bennett said temporary help would be required to install the meters, but that would be all. Ferguson said it only takes 5 minutes to install the remote reader, and the installation will be for a meter with that reader already attached. It was Moved Bickford and Seconded Jellison, to accept the Ferguson Datamatic remote meter reading system for the Town of Southwest Harbor. Vote: 4 – 0.

- VIII. Clarifier Bond Document Execution: Bennett said Bar Harbor Bank & Trust beat the Maine Bond Bank rate by a slim majority and Bennett is recommending that the Board go with them. It was Moved Bickford and Seconded Jellison to accept the Bar Harbor Bank & Trust bond document for \$12,109.08 or 2.9% for the clarifier bond. Vote: 4 – 0.
- IX. Other Business: Committee training – at present there are five signed up for this. Board members signed on, and the total at the end of the meeting was 10 participants. Deadline for RSVP is Friday.
- X. Sign Warrants: It was Moved Bickford and Seconded Jellison to sign the Warrants as presented. Vote: 4 - 0

XI. Executive Session pursuant to 1 M.R.S.A. § 405 (6) (D), Labor contracts/negotiation: It was Moved Bickford and Seconded Minctons at to go into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (D), Labor contracts/negotiation at 8:50 p.m. Vote: 4 – 0.

It was Moved Dunbar and Seconded Jellison to come out of Executive session at 8:57 p.m. Vote: 4 – 0.

XII. Adjournment: It was Moved Dunbar and Seconded Bickford to adjourn the meeting at 8:58 p.m. Vote: 4 – 0.