



**MINUTES**  
**Board of Selectmen**  
**June 8, 2010 @ 6:00 P.M.**  
**Southwest Harbor Town Office**

**I. Call to Order/Roll Call**

Called to order at 6pm.

**Present:**

***Town Manager:*** Robin M. Bennett

***Selectmen:*** Dorr Wilson, Trudy Bickford, Kristin Hutchins, Ralph Dunbar, Berten Willey.

***Visitors:*** David Chapais, Donald Lagrange, Patricia Biegler, Dennis Dever, George Jellison, David Minctons, John Seavey, Annaleis Hafford, Bill Olver, Mark Good, Lydia Goetze

**II. Visitors to be heard not on the agenda**

Wilson asked for visitors to be heard. None responded.

**III. Approval of Minutes: May 25, 2010**

Bickford made a motion to accept the May 25<sup>th</sup>, 2010 Selectmen's Meeting Minutes as presented.

Hutchins seconded. Vote: 5-0

**IV. Warrants: Administration 188-194 Water 15-16 Sewer 35-37**

Warrants circulated for signatures.

**V. Old Business**

**a. Water Project Update**

Annaleis from Olver & Associates stated that the most recent water tests results for THM's have come in at 65ppb. Maximum amount for compliance is 80ppb which is based on a rolling 1 year average. This is the first test since the completion of the project so it will take a few more to see the average come into compliance but this is definitely good news. A letter will be issued to the Town from Olver & Associates regarding these results.

Wilson asked if something could be put out to the Towns people, possibly in the water bill, to let them know the numbers are looking good. Town Manager stated that there is a place on the water bill to insert a short message. Wilson & Bickford both noted this has been a big concern for people. Annaleis stated a short summary of the results can be prepared by them to be sent out with the bills.

**b. Lower Town Dock Update**

Dennis Dever stated the Dock is not at the phase of substantial completion yet. The contractor is not keeping the subcontractors properly supplied with materials to complete the project. A new informal Substantial Completion deadline of June 14<sup>th</sup>, 2010 has been agreed upon. Engineers will be sending a letter to the Contractor that if this date is not met a liquidated damages fine will be imposed of \$300 per day going back to the original deadline of May 16<sup>th</sup>, 2010. Dunbar noted that someone should call Paul and ensure his is aware of what is happening.

## VI. New Business

### a. Eat-A-Pita: Liquor License renewal

No issues from Police or CEO.

Hutchins made a motion to renew the Liquor License for Eat-A-Pita. Bickford seconded.

Vote: 5-0

Application circulated for signatures.

### b. Olver Associates: Infrastructure Study

Town Manager briefly discussed what would be presented by Bill Olver & Annaleis Hafford regarding an Infrastructure Study. Contract for services included in Selectman's Packet. Packet passed out from Mr. Olver. Includes a summary of what services could be provided, the base plan and some suggestions for added services. Mr. Olver spoke about each item, why it was included, and why it may or may not be necessary right away. There were some suggestions for items to delay until other items were completed to see if they would actually be needed and where. Mr. Olver stated that these types of plans are very helpful in prioritizing your projects and getting the best value out of the work to be done. This plan will help determine the capacity of existing equipment, its useful life, and whether or not it is obsolete. The plan will also look at possible funding sources for these projects. Ms. Hafford spoke about those funding sources. 1-Capacity development grant through the Maine Drinking Water Program could be used towards the water portion of the study, up to \$10,000 and it is a 50/50 match so the Town would need to match in spending what is awarded in the grant. 2-DEP has SRF Loans at 1.6% interest. This is preferred for the actual work not the study portion. Can be used for wastewater, sewer, and stormwater. 3-Maine Bond Bank at 4.5% interest.

Hutchins asked if getting the grant would impinge upon getting loans? Ms. Hafford answered no because especially with the grant mentioned other funding sources don't really want to fund drinking water projects.

Hutchins asked, with the drinking water grant if we decide to put off the modeling could we apply for that money later or could we apply for it now and hold it until a later date?

Ms. Hafford answered if you apply for it and get it you have to use it. If you wait it may or may not be there later. Availability changes every year.

Town Manager mentioned an application for about \$1.8 million from the stimulus package for Hancock County which would provide 45% forgiveness on the interest. The Town was one of two Towns from Hancock County recommended to proceed in the process. More money may be available later as any unused funds from each county will become available Statewide.

Dunbar questioned the need for the excessive sewer flows add on. Wilson mentioned some smoke work that may have been done not to long ago.

Board would like to look into where the information from the previous smoke testing may be and if that might be useful. Any information that can be found should be provided to Olver & Associates to determine if it is still usable information. The sewer system excess flow gauging aspect of the plan will be revisited at a later date in the fall once some of the old information can be found. The project will not be significantly or negatively impacted by waiting to make a decision on this portion.

Dunbar asked how much of this information is necessary to apply for funding for the project. Ms. Hafford answered that the agencies look at you a lot more seriously if you have a formal infrastructure plan in place. It is certainly easier with a plan like this to get approved for funding but not having it doesn't mean you won't get funding.

Wilson noted that shovel ready projects seem to be the ones that are getting the funding and that is where we want these projects to be when these sources come up so we are in a better position to receive funds.

Dunbar made a motion to implement the master plan with the recommended added phases with the exception of the sewer system excess flow gauging. Wilson seconded. Vote: 4-1

Town Manager made Ms. Hafford and Mr. Olver aware of the fact the Town has voted to have capital improvements for water and sewer paid from Taxation not just User Fees. This may impact whether or not we are eligible for certain funding sources.

**c. Comprehensive Plan Committee Review**

Lydia Goetze spoke about where the Comprehensive Plan is at now and what is left to be done before sending it to the State to be certified.

Once it is certified a public hearing will need to be held in late August or early September in order to have it on the November ballot for Town vote.

Towns with certified Comprehensive Plans are looked at more favorable for grants and other funding sources. Without a certified plan your application goes to the bottom of the pile. Nothing in the plan has to be done. These are just recommendations. It is up to the department or committee to undertake what is suggested and move forward with it.

Once it is certified as a whole it can be amended to change sections that voters may want to change. There will always be things some people disagree with but it has to be voted on, initially, as a whole. A certified plan will have to be passed by the voters by 2012 or we will be in major trouble in terms of funding.

Hutchins noted that often it doesn't pass the first time.

Dunbar stated we really need to have an informational meeting very close to the day of the vote. Voters need a chance close to voting day to ask questions and make comments.

**d. Road Project Update**

Pat Biegler – Public Works Director spoke about having been in touch with DEP regarding permits needed and with the Town Attorney regarding easements needed. Biegler also discussed some work on Kings Lane. She stated that there may be more that needs to be done than originally thought. She stated she has some design work to finish up to ensure that whatever work that gets done is what's needed to properly fix the road.

Dunbar stated that he is against putting more money into Kings Lane as there are no houses located there.

Bickford stated that she would like to see the road done properly if it is going to be done. If we are not going to do it right than we shouldn't do it at all.

Biegler stated that she would like to finish the design work and determined exactly what is needed then present the Board with an actual dollar figure.

Wilson would like to see a comparison of what was originally proposed and what Ms. Biegler would recommend. Bickford agreed.

Wilson asked how Shore Road and Ocean House are coming along.

Beigler states that a permit by rule has been sent which may end up only being a 2 week process.

**e. LOT Training**

Town Manager discussed League of Towns Training combining the collaboration forum with an Elected Officials Workshop. If enough people are interested MMA will come and facilitate the training.

Wilson stated that this seems to be two totally different subjects. They don't really mesh well as one workshop. "I just see it as two different meetings."

Hutchins asked if the benefit to having the two together is mainly to have MMA facilitate. Town Manager stated that is the main reason and also just to save time so officials wouldn't need to go to two different meetings when their schedules are pretty full already.

Wilson asked if the Elected Officials Workshop was for new or old officials.

Town Manager stated it is geared more towards new but is for all.

**f. Water Commitment: \$28,643.28**

Bickford made a motion to accept. Dunbar seconded. Vote: 5-0  
Commitment circulated for signatures.

**g. Street Name Request**

Dunbar made a motion to approve. Hutchins seconded. Vote: 5-0

#### **h. Fuel Bids**

Lowest bidder is Coastal Energy.

Dunbar noted that Acadia Fuels #2 bid is only .07 higher than Coastal Energy and he would recommend going with Acadia Fuel as a taxpayer of Southwest Harbor.

Town Manager recommends going with Coastal Energy for #2 fuel and Acadia Fuel for propane.

Dunbar made a motion to award the Fuel Bid for #2 and for propane to Acadia Fuel.

Willey seconded. Vote: 3-2 (Bickford, Hutchins)

Wilson mentioned a letter from a resident that came in regarding the Town not going out to local business for every day work that needs to be done for the Town.

It was suggested to send a letter to local businesses asking what their rate would be for day to day services that the Town may need.

Town Manager noted that for projects the Town always goes through a bid process for the best price. For some items we use the vendors that sold us the product. In other instances companies may be brought in as a subcontractor for the contractor we hired through a bid process.

Wilson stated the Board should discuss, at a later date, adopting a policy to use local vendors when possible.

#### **VII. Manager's Report**

Town Manger, Robin M. Bennett

-Discussed the water quality project being closed out in the next few weeks

-Main Street sidewalks should be done in the next few days

-June 9<sup>th</sup> is the scheduled date for Clark Point Road culvert replacement project to be completed

-We are seeking the required DEP permits for the fill project at the Hook Lot

-Highway department marked out the proposed parking configuration at the Town Dock

-Received a credit on our Risk Management policy premium due to improvements to Town properties. Approximately 8-9% credit.

#### **VIII. Other Business**

Bickford asked when the Town Office would be brought into compliance with handicap accessibility. It is State Law and we're not doing it.

Town Manager noted that the money was put into the Capital Improvement Plan for the design phase of the upstairs of the building.

Dunbar asked where the deficiencies are.

Bickford mentioned the doorways are too narrow and there just isn't enough space.

Willey mentioned a feasibility study was done and nothing was ever done with it.

Town Manager stated that a feasibility study was done and the Board chose to take no action on most of it.

Dunbar mentioned Steve's letter regarding the Town using local vendors. Feels it holds merit and that any time we are looking at having work done, that local businesses would be given first refusal.

Bickford asked how often Steve has put a bid in on projects.

Wilson stated that his understanding is that the letter references work that is not generally bid out. A letter should be sent each year to ask what local businesses can provide and at what rate so that they are at least given a chance.

Wilson stated the Town looked great for Memorial Day. Good job to the Public Works Department.

Bickford stated that she has had several people say to her that this is the first time in a long time that the Town looks like things are happening and getting done.

**IX. Sign Warrants**

Hutchins made a motion to accept the warrants as presented. Bickford seconded. Vote: 4-0-1 (Wilson-did not review)

Wilson allowed a 2-3 minute break before executive session.

**X. Executive Session pursuant to 1 M.R.S.A. §405(6)(D), Labor Negotiations**

Bickford made a motion to enter into executive session. Hutchins seconded. Vote: 5-0

In at 7:50pm

Wilson made a motion to come out of executive session. Hutchins seconded. Vote: 5-0

Out at 8:27pm

**XI. Executive Session pursuant to 1 M.R.S.A. §405(6)(A), Personnel Matters**

Bickford made a motion to enter into executive session. Dunbar seconded. Vote: 5-0

In at 8:28pm

Wilson made a motion to come out of executive session. Hutchins seconded. Vote: 5-0

Out at 8:55pm

**XII. Adjournment**

Wilson made a motion to adjourn at 8:56pm. Hutchins seconded. Vote: 5-0