



**AGENDA**  
**Board of Selectmen**  
**August 24, 2010 @ 5:00 P.M.**  
**Southwest Harbor Town Office**

I. Call to Order/Roll Call: The meeting was called to order at 5:00 p.m. Present: Trudy Bickford, George Jellison, Jr., Dorr Wilson, Ralph Dunbar, Jr., and Town Manager, Robin Bennett. Absent: David Minctons

II. Executive Session: pursuant to 1 M.R.S.A. § 405 (6) (E): Attorney-client consultations

It was Moved Wilson and Seconded Bickford to go into Executive Session at 5:01 p.m. vote: 4 - 0

It was Moved Wilson and Seconded Bickford to come out of Executive Session at 5:50 p.m. vote 4 - 0

The Board recessed until 6:00 p.m.

The Chairman called the regularly scheduled Board of Selectmen's meeting to order at 6:00 p.m. Board members present: Ralph Dunbar, Jr., Dorr Wilson, Trudy Bickford, George Jellison, Jr., David Minctons. Town Manager, Robin M. Bennett.

III. Visitors to be heard not on the agenda: Ken Hutchins asked to speak to the Board. He urged the Board of Selectmen to remove the Harbor Committee as Appeal Board for Harbor issues. He said the committee needs to understand more clearly what their function is, and asked the Board of Selectmen (BOS) to outline as clearly as possible their functions. He felt committee members could not be objective about the Harbormaster. He said most of the complaints about the Harbormaster have been from the Committee itself. Hutchins said he was sorry the Harbormaster had resigned. There is a lot of work to be done to reorganize the Harbor, but in the last year, the Committee has not accomplished anything. Finally, Mr. Hutchins resigned from the Harbor Committee as of this evening. Hal Hall also resigned from the Harbor Committee, as of this date. Chairman expressed regrets, but respected their decision. Bickford said she feels the Town is strengthening many positions, and business cannot be done in the parking lot. She said committees often do not understand their position, but are there to aid the Town, and not to be self-serving. Bickford said she felt the Harbor Committee should be disbanded by the Board of Selectmen if it is not helping the Town, and not functioning in a positive manner. She expressed sadness at the resignation of Hutchins and Hall. Jim Snow added that he agreed with Hutchins but has decided to withhold his resignation until he can see what the Committee will do in the next few months. Hutchins said he would recommend cleaning out the Committee and starting with a new slate of members. Lydia Goetze spoke, saying the Harbor is our most important resource in the Town. She said the Town needs to balance those interests. She is very disturbed about the way the Harbor Committee is

functioning and came here to ask the Board to demand the resignation of all members of that committee with the stipulation that they may not be on that committee for a full year. She said we need to think about what is good for the community as a whole. Andrew Keblinsky said he also has an issue, specifically about a mooring assigned to him in June. He heard from the Harbormaster that in his last report to the Harbor Committee that Committee refused to hear Mr. Keblinsky's mooring assignment. Chief Chapais introduced Sarah Exley, the newest reserve officer in the Police Department. On behalf of the Board, the Chairman welcomed Ms. Exley to the Police Department.

Chairman said, in reference to the Harbor discussions, that the Board must take this under advisement and have it on the next Board meeting agenda. Bennett said that is September 14<sup>th</sup>. Bickford said this is very important and would like to see this discussed as soon as possible.

IV. Approval of Minutes: Selectmen Minutes of July 27, 2010: It was Moved (Bickford) and Seconded (Dunbar) to accept the minutes with the following amendments: remove the space between dock and 's' in the Selectmen's motion on page 5 concerning private use of public docks; also change the motion made by Wilson on page 6 to say "assignments will be REVIEWED by...", rather than "assignments will be passed before...". Vote to approve 5 – 0.

V. Warrants: Administration 20-31 Water 21-23  
Sewer 5-8

VI. Old Business

- a. Water Project Update: no new report
- b. Lower Town Dock Update: Bennett: still the issue surrounding the drain – could not reach the engineers today – resolution will be at the engineers level, not the contractor. With that exception, the project is done. Eric Clark: asked if anyone had addressed the engineer concerning the pilings and the hoist angle. Clark was informed the design was in the engineer's plan. Dever said that the engineer has tested the angled piling and proven that the piling will hold the load and it has passed the OSHA requirements. Chairman said the point was that the taller piling has a bigger angle. Bennett said the specs were all signed off by the Town and she believed that the Town felt that it could not be changed. Chairman said unless the Town wants to pay to reset the pole, it will have to remain.

VII. New Business

- a. Special Amusement Permit Renewal: Top of the Hill Restaurant, Class E Permit: It was Moved Wilson and Seconded Bickford to renew the Special Amusement Permit for Top of the Hill Restaurant. Vote: 5 – 0.
- b. Liquor License: Sea Biscuits Café, Jeannie's Inc. 386 Main Street. This will be lunch opening this fall and applying for beer and wine. Next season will be breakfast and lunch. It was Moved Wilson and Seconded Bickford to approve the Liquor License application for Sea Biscuits Café. Vote: 5 – 0.
- c. Committee Appointments:
  - i. Harbor Committee – Andrew Mays – not present

ii. Conservation Committee – William Frels: he said this is a good committee and he would like to join. It was Moved Wilson and Seconded Bickford to appoint William Frels to the Conservation Committee Vote 5 – 0.

- d. SWH/Tremont Business Association: Dave Walton representing the Association, explained the purpose of the group. One of the things they have been doing is First Fridays. They would like to ask the Selectmen for permission on October 2<sup>nd</sup>, to have an antique and classic car show in Town. They are asking permission to use two parking lots above the Town Office on that Saturday. This has been discussed with the Police Chief who has not foreseen any problem. Ken Korona has agreed to use of the center area by the Post Office if needed. Cars to come in at 8am and at the end parade through Town. Wilson asked if there were any safety concerns – Chief said at that time of year it would be fine, and is willing to help out any way he can. It was Moved Wilson and Seconded Bickford to allow the use of the two upper parking lots on October 2<sup>nd</sup>, for a car show from 8:00 a.m. – 4:00 p.m. Vote: 5 – 0.
- e. Eric Clark Request: Clark said he had an appointment with the Tax Assessor and found that from 2006 to 2010 there were errors in the property and buildings for which he received tax bills. The Assessor has made an adjustment for 2010, and Clark would like the Board of Selectmen to rebate the 2008 and 2009 tax years that were in error. Wilson said in the past, in instances such as this, the Assessor presented a document to the Selectmen verifying the information. He would like to see that for this issue. Bennett said the Board should ask for a document from the assessor, giving an opinion. Clark has another appointment on August 31, and will ask for that documentation to be forwarded to the Selectmen.
- f. Land Use Ordinance Amendments: Marijuana Dispensary  
Bennett said the Planning Board had provided the information requested by the Selectmen. Bennett asked if this meets the needs of the Board, and requested feedback as soon as possible to the Planning Board in order to make the November ballot. Dunbar said he feels it is the Board's opinion they just don't want to see one in Town. Worcester said SWH is a mixed use zone and the Planning Board looked at it from the fact that it is a legal activity, not an illegal activity – and he understood that under State Law there will be only one distribution center in Hancock/Washington County. Worcester said this provides the definition, and in defining a dispensary, the activity is more akin to distributing prescription drugs, and they limited this to those licensed to distribute prescription drugs under the laws of the State of Maine. Bickford said she felt the Board wanted it limited to the pharmacy. Bennett said she agrees with the intent, but is concerned that a dispensary is licensed to distribute, and that doesn't limit it to a pharmacy or medical center. She suggested this wording does not achieve that restriction. Dunbar asked if the wording "to be distributed by a doctor or a pharmacist" would be useful. Worcester said that could be done. PB will bring this back to the Board of Selectmen. Chairman gave

Worcester permission to discuss definitions of physician and pharmacist with the Town Attorney.

- g. 2010 Road Projects: Biegler said Ocean House and Shore Roads are moving along well – most materials have been delivered; the RFP for pavement work will be advertised this week and going out to contractors – hope to complete before the end of September. Concerning the PO Parking lot, the contract has been submitted to the contractor. In reference to curbing in front of the bus shelter there is not enough quantity of curbing to be slip lined. Biegler has priced the cost of granite in that area, which would be about \$3,000 in addition to paving the parking lot. Wilson: regarding Main Street and improper drainage, what is the Town’s plan for the sidewalk that was just put in towards Manset? What efforts is the Town making? Biegler has been looking at solutions, but has not made a decision yet – will report back to the Board. Minctons said this should be a priority due to the season. Clark asked if the specs had been checked. Dunbar said the Board received what they paid for. Bennett said there was a review of copies of the contract and the RFP that went out and the project was done according to the specs. Bickford said it was too long a strip to have done correctly with the money available. Chairman said it is still a vast improvement over what was there. Chairman asked what the Board would want to do about the curbing at the bus stop by the Post Office. Wilson said it is not critical it be replaced at this time but if money is available, use the granite. Bennett said we could come up with a few thousand dollars to do that project in granite. Bickford asked about the water standing in the parking lot. Biegler is doing a walk with the contractor to identify areas of concern. It was Moved Wilson and Seconded Bickford to authorize replacement of damaged curbing at the Post Office bus stop, with granite. Vote: – 5 – 0.
- h. Water Tank: Biegler said there is some work needed which includes welding holes on the side and the top of the tank. To do this the tank must be emptied. The plan is to empty it in early October. While it is empty, the question is, do we test the wall thickness at the same time? The wall thickness and condition is questionable. As part of the infrastructure study Olver quoted \$5,000 to test the wall thickness. Does the Board want to fund that test at this time. Chairman said he doesn’t want to pay Olver \$5,000 to tell us we have an old water tank and we need to replace it. Wilson said the tank isn’t going to last much longer and will have to be replaced. He doesn’t think a \$5,000 study will tell the Board anything they don’t already know. Bennett said it could be the difference between doing a repair or a replacement. If it comes to rehabbing the existing tank as the most cost effective scheme, the Board should go with the testing. Wilson suggested the Town patch as best as possible to get through it: drain it, patch it. Johnson asked about the water supply while that tank is drained. Biegler explained that there is another tank that, during that time, could handle the needs. Dunbar said with all the discussion over the water infrastructure, the department would like to retain the extra tank.

- i. Dispatch Fees: Bennett provided a breakdown from Police for Board review and consideration. Ambulance and Tremont Fire Department both use our dispatch. Board asked for more detailed information to come up with a more realistic figure for charging out this service. Johnston explained the thinking of the Warrant committee that the charge should be adjusted every year, or tack on a percentage increase each year. Bennett said she will be able to provide the numbers, but cautioned that every part of the day in dispatch is not handling emergencies. This will be on the next agenda.
  - j. A.D.D. Request: A letter from the Acadia Disposal District was in the packets, requesting to be on the next Selectmen's agenda – Sept. 14 to go over the findings they had on recycling with the City of Ellsworth. Chairman asked a copy of the letter be provided to Worcester.
  - k. Board & Committee Representatives: Chairman said one of the jobs of the Selectmen is to oversee the Boards and Committees. Wilson said he has enjoyed overseeing the Shellfish and Harbor committees, but will stand down to allow others an opportunity to work with those committees. Selectmen will oversee the committees as follows: Shellfish Committee - George Jellison; Conservation Commission – Dorr Wilson; Harbor Committee – Ralph Dunbar; Board of Appeals -Ralph Dunbar; Planning Board and Waste Prevention – Trudy Bickford; Warrant Committee – David Minctons; Comprehensive Plan – Dorr Wilson
- Jim Geary updated the Board on the Rhodes Roof project – about 18 months ago the new roof was put on, but shingles were not properly installed. There has been damage to the roof because of this. Repeated attempts to get in touch with the contractor have failed . Geary has arranged for Eric Davis to repair the roof – and there will be some additional cost of between \$1,000 and \$2,000. Dunbar will call the contractor again and hope to get some type of refund. Chairman said he was approached months ago from people who were interested in setting up a museum – possibly at Rhodes House. He directed them to the Conservation Commission. Geary has not heard from them as of this date.
- l. Elected Officials Workshop: The packet contained a registration sheet for this workshop at the Somesville Fire Station on October 20<sup>th</sup> to be run by MMA. Notify Bennett as soon as possible. Jellison, Minctons and Bickford have agreed to attend.
  - m. MMA Conference: Scheduled for October 12, 13 – Bennett encouraged members of the Board to attend. There are several informational seminars on cooperative efforts. Bennett said that October 12<sup>th</sup> is a Board of Selectmen's regular meeting. Given the conference dates, holiday and vacation schedules, Bennett suggested one meeting in October, eliminating the 12<sup>th</sup>.
  - n. MMA Legislative Agenda: Bennett put the MMA letter in the packet in the event there is anything the Board would like to submit to that group.

VIII.           Manager's Report: At a special meeting on August 17, the Board voted to increase sewer rates; fire hydrants are being repainted. The Town Manager has, with regret accepted the Harbormaster's resignation; Maine Manager's conference attended by Bennett focused on consolidation of services. This will be the subject of the forum in November that will be held by the League of Towns. NIMS training and freedom of access training needs to be completed; the water infiltration plant had a surprise inspection – passed; also a surprise inspection at the Sewer Dept. The plant passed the inspection but it was recommended they replace clarifiers as soon as possible; recycling containers have been placed around Town; The Comprehensive Plan public hearing will be at the Fire Station on September 15<sup>th</sup>; there will be a Special Town Meeting in November.

Chairman Dunbar thanked Dennis Dever for his service to the Town as Harbormaster, and wished him the best.

IX.            Other Business: Wilson said the Board should eliminate use of commercial charters and tour boats by making the wording of the ordinance clear and notify all users to seek other home bases of operation. He said ferry service to and from the outer islands is OK. The Board asked Lagrange to draft language to that effect for the Harbor Ordinance. On the November ballot the Selectmen want the question concerning the Harbor Committee removed as the Appeal Board for Harbor issues, and the Board of Appeals in its place. Bickford: between the bank and the park people are making left turns and going straight ahead and making a left into the DO NOT ENTER of the Post Office. Chief said the officers have not seen that, but will be alert to it. Dever: Manset Town Dock Southern Yellow Pine – Dever did a prospective request for quotes – Bennett wants the Board to look over the RFP – Board agreed to send it out.

X.            Sign Warrants: It was Moved (Dunbar) and Seconded (Wilson) to approve the Warrants as presented. Vote 5 - 0

XI.           Adjournment: It was Moved (Dunbar) and Seconded (Wilson) to adjourn the meeting at 7:59 p.m.