

TOWN OF TREMONT
REGULAR SELECTMEN'S MEETING
TREMONT COMMUNITY BUILDING
MONDAY JUNE 6, 2005
6:00 PM

1. CALL TO ORDER

Acting Chairman Steve Harper called the Monday, June 6, 2005, Selectmen's Meeting to order at 6:03 PM.

2. ROLL CALL

Present were Acting Chairman Steve Harper, Selectmen Kathi Thurston, Heath Higgins, and Charlie Dillon, Town Manager Millard Billings and Recording Secretary Debbi Nickerson. Members of the public present were Beth Lawson, Andrew McMullan, Jennie Gray, Judy Cousins, Bob Cousins, Laurie Schreiber – Bar Harbor Times, Chad Smith – Town Attorney, James Collier – Town Attorney, Erick White, Mel Atherton, Peter Butler, Mark Good – Islander, Wayne Libhart, George Urbanneck, Brad Reed, and David Campbell.

3. ADJUSTMENTS/ADOPTION OF AGENDA

Town Manager Billings introduced three petitions that have been submitted to the Town Office. Town Manager Billings read, "We the undersigned registered voters of the Town of Tremont petition its Board of Selectmen to call a special town meeting for the purpose of authorizing the Selectmen to borrow a sum of money not to exceed Seventy-five thousand dollars for the purpose of restructuring the Seal Cove Fire Station building to accommodate the fire engines and equipment needed for that part of town." This petition is signed by 90 registered voters. He then read the other two petitions, "To the Municipal Officers of the Town of Tremont, We the undersigned, being registered voters of the Town of Tremont, request the municipal officers to place the following article before the voters for their consideration. A Petition to deny the proposed 300 foot pier on the basis of irreparable change to the Seal Cove Shoreline (Subdivision Ordinance of the Town of Tremont, Section H.B.9.) To the Municipal Officers of the Town of Tremont, We the undersigned, being registered voters of the Town of Tremont, request the municipal officers to place the following article before the voters for their consideration. A Petition to deny the proposed Subdivision on the Seal Cove Shore on the basis of excessive traffic, which will be generated by such a Subdivision that cannot be handled by the existing Cape Road (Subdivision Ordinance of the Town of Tremont, Section H.B.8.)" These two were signed by 58 and 64 registered voters. Acting Chairman Harper asked, "We don't have to act on this tonight?" Town Manager Billings said they didn't have to act on them tonight and he suggested the petitions be turned over to the Town's Attorney. Acting Chairman Harper asked if anyone was at the Selectmen Meeting to speak on any of the petitions. Wayne Libhart said, "I'm the guy that started the Fire Station Petition. I would hope you act tonight, but I wouldn't expect it. There is a certain amount of urgency involved, if the town's going to do it, it needs to be done sooner

rather than later. And to call a Special Town Meeting you've got to do the proper notices, so there's a build in delay there of at least a month. I think this petition shows the interest in the town in having this done. I think there are more signatures there than were at the Town Meeting, and it was clear to all of us at the Town Meeting that had that come up for a vote to raise money for the project it would have passed without any question. So my purpose is to present it to you and hope that you will act on it in the very near future." Acting Chairman Harper said, "We will submit all three of these to our Town's Attorney for review." Mr. Libhart agreed. Fire Chief Brad Reed volunteered his salary from this year to pay for the Special Town Meeting. Town Manager Billings suggested the Town get a loan for both Fire Stations that need work and the dredging project in the harbor.

Motion made by Selectman Heath Higgins, with second by Selectman Charlie Dillon, to hold a Special Town Meeting for the Fire Department. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to refer the petitions for the pier and proposed sub-division to the Town Attorney for review and advice. Motion passed by a show of hands 4-0.

4. APPROVAL OF MINUTES

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to accept the minutes of May 16th. Motion passed by a show of hands 4-0.

5. APPROVAL OF WARRANTS

Warrant 147	4,557.00
Warrant 148	4,999.94
Warrant 149	4,729.09
Warrant 150	3,613.50
Warrant 151	4,465.48
Warrant 152	138.15
Warrant 153	91,830.53
Warrant 154	9,527.47

Motion made by Selectman Charlie Dillon, with second by Selectman Kathi Thurston, to accept warrants 147-154. Motion passed by a show of hands 4-0.

6. NEW BUSINESS

A. ESTABLISH A CAP FOR MONEY REQUESTS TO NEED APPROVAL OF THE CIP COMMITTEE

Motion made by Selectman Charlie Dillon, with second by Selectman Kathi Thurston, to table the request until the merits of the CIP Committee are discussed in a Selectmen's Meeting. Motion passed by a show of hands 4-0.

B. EXECUTIVE SESSION WITH TOWN ATTORNEY

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, that the Board go into Executive Session pursuant to Title 1 M.R.S.A. § 405 (6) (E) to consult with the Town Attorney on Rule 80K. Motion passed by a show of hands 4-0. The Selectmen went into Executive Session at 6:30 PM.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, the Selectmen came out of Executive Session. Motion passed by a show of hands 4-0. The Selectmen came out of Executive Session at 7:10 PM.

C. AGENDA ITEM 6. D. APPLICATION FOR FIRST TIME LIQUOR LICENSE

Motion made by Acting Chairman Steve Harper, with second by Selectman Charlie Dillon, to move to Agenda Item 6. D. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to have a Public Hearing on June 20, 2005 for a new on-premise Liquor License submitted by Robert & Judy Cousins for "Cap'n Nemo's" located at the intersection of Flat Iron Rd. and Route 102A in Bass Harbor. Motion passed by a show of hands 4-0. Selectman Heath Higgins asked the Cousins to include a floor plan of the area where liquor will be consumed with the final application.

D. AGENDA ITEM 6. H. REC BOARD FOR SCHOLARSHIP AND TRAIL

Motion made by Acting Chairman Steve Harper, with second by Selectman Heath Higgins, to skip to H. Motion passed by a show of hands 4-0.

Rec Board Member Beth Lawson said, "Heidi came here about the scholarships and the walking trail and we were told to get information from MMA. I called and talked to Bill Livingood regarding the legal issues involved in the Rec Board developing a scholarship fund for children in our community to attend summer camp programs. Mr. Livingood recommended that we include a waiver to release the board from being legally liable for injury or events that could occur at camp. The waiver also needs to include that the board in no way influenced the parents or child in which camp to attend. He also suggested getting a way from any religion or political type camp. . . And then he suggested to have the Town's insurance agent review the application, which we have done. . . So we revamped our guide lines for the summer camp scholarships to include what type of scholarships are available," (see attached). Rec Board Member Andrew McMullen explained, "We debated whether to go with a dollar amount of a percent amount. . . We thought we'd just go with a monetary amount. . . We will look at need and use our discretion and be very confidential about it."

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to approve the Rec Board's request of May 26th for scholarships, walking trail and Backside Blast. Motion passed by a show of hands 4-0.

E. AGENDA ITEM 6. C. APPOINTMENTS

Motion made by Selectman Heath Higgins, with second by Selectman Kathi Thurston, to reappoint Mike Ryan to the Planning Board for 5 years. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Alden Gray to the Planning Board. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Philip Worden to the Board of Appeals for 5 years. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Kathi Thurston, to appoint Reva Weisenberg for the vacant position ending in 2009 for the Board of Appeals. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to reappoint Scott Harper for 2 years and Everett Beers and Stewart Murphy for 2 years to the Harbor Committee. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, appoint Mike Ryan to the vacant position to replace Northwood for 2 years as boat storage or riparian to the Harbor Committee. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon with second by Acting Chairman Steve Harper, to reappoint Scott Grierson and Maynard Young for 3 years to the Land Use Ordinance Committee. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon with second by Acting Chairman Steve Harper, to appoint Reva Weisenberg to the vacant position on the Land Ordinance Committee for 1 year. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to reappoint Scott Harper for 2 years, John Buckwalter for 1 year, George Urbanneck for 2 years, Elliott Spiker for 1 year, Beth Gott for 2 years. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to reappoint Linda Graham and Eric White for 3 years to the Warrant Committee. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Reva Weisenberg and Greg Dow to the Warrant Committee. Motion passed by a show of hand 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to reappoint Dean Tozier for 3 years to the Cemetery Committee. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Heidi Farley and Keegan Gray to the Cemetery Committee for 3 years. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, recommend that E9-11 duties be assigned to the Road Commissioner as per E9-11 Ordinance and Elliot Spiker be Assistant E9-11 coordinator. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to reappoint David Campbell to the Recreation Board. Motion passed by a show of hand 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to reappoint James Geary, Philip Worden, John Clark and Lisa Jacobs to the Compressive Plan Committee. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, reappoint Heidi Farley and McKenzie Clough to the Seal Cove Ramp Committee. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, reappoint Ruth Grierson, Rose Pinchette and Linda Musson to the Library Committee. Motion passed by a show of hands 4-0.

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, appoint Heidi Welch to the vacant position on the Library Committee. Motion passed by a show of hands 4-0.

- F. AGENDA ITEM 6. E. AWARD CONTRACT FOR TOWN LINE SURVEY
Town Manager Millard Billings said, "Bids were opened on May 23rd at 4:00. There was only one bid. . . CES submitted a bid for \$6,800."

Motion made by Selectman Charlie Dillon, with second by Selectman Kathi Thurston, to award the bid for the Town Line Surveying to CES for \$6,800. Motion passed by a show of hands 4-0.

- G. AGENDA ITEM 6. F. CEMETERY MOWING

Town Manager Millard Billings told the Selectmen, "The bids closed this afternoon at 4:00. At 4:01 the bids were opened. There were 3 bids submitted." Selectman Heath Higgins asked, "Did any suggest a Bond or Insurance Policy with any of these applications?"

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to give the contract for the Cemetery to Rita Baldwin for \$20.00 an hour. Motion passed by a show of hands 4-0.

- H. AGENDA ITEM 6. G. PROCEED WITH BIDS FOR ROAD WORK CAPE & TURNER

Town Manager Millard Billings said, "The blasting has been completed on the Cape and Turner Rd. Now we look forward to getting the ledge from the Town

Office site and use that as rip-rap in those ditches and then get the foundation and the rock cleaned out for the Town Office.” Selectman Charlie Dillon asked, “Did you send this to local contractors?” Town Manager Billings replied, “The ad is in the paper. Gott’s and Goodwin’s got copies and a copy was mailed to McQuin’s.”

7. OLD BUSINESS

None

8. TOWN MANAGER’S REPORT

Town Manager Billings said, “There was an administrative appeal filed with the Board of Appeals by Art Paine about a permit issued by the CEO - that has since been withdrawn by the plaintiff as a result of negotiations. There is correspondence in your packet from the Southwest Harbor Town Manager regarding proposed road work on Routes 102 and 102A. He would like for the Southwest Harbor Selectmen and the Tremont Selectmen to have a joint meeting and see what they can do. . . In your handouts tonight there is an e-mail I received that tells us the Governor did sign the Cemetery Bill. And to thank the Town and the Cemetery Committee for bringing this bill forward. . . 102 is scheduled to have some resurfacing done next year. It seems the road has major structural problems and is in need of major rebuilding. However the DOT says that part of 102 through Tremont is a minor collector. For major work to be done the Town needs to send a formal request to the State for work, and the Town needs to pay 1/3 of the costs.” Selectman Dillon suggested signing on with Southwest Harbor, “and see if we can’t get something done with 102.” Selectman Dillon said, “I’d be interested in finding out if Mt. Desert or Bar Harbor paid for those repairs on Indian Point and Long Pond extensions last year and the year before.” He then asked Town Manager Millard Billings to check in to that. Town Manager Millard Billings went on to say, “The Harbor Committee met on May 25th and they recommended ending the Harbormaster search as of June 7. The Harbor Committee with review the applications on June 8th and interview their selected candidates on June 15th. And the Harbor Committee recommendations for Harbormaster submitted to the Board of Selectmen for their meeting on June 20th.” He went on to point out there was a copy of the Contract between Hancock County Commissioners and the Town of Tremont for Sheriff coverage in their packets.

9. SUGGESTIONS/COMMENTS FOR NEXT MEETING

Selectman Dillon said, “Next meeting we will have to have election of officers.”

10. OTHER

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, I move that the Selectmen direct the Town Manager to instruct the Town Attorneys to take any and all actions and legal proceedings necessary to effectuate compliance by Donald Murphy and any other owner or party having an interest in property formerly owned by Eldora Murphy, or other person, with any and all ordinances and laws that are under the jurisdictional authority of the Town, including but not limited to

compliance with the State of Maine Junkyard Law (30-A M.R.S.A. § 3751 et seq.) and the Tremont Zonings Ordinances. Motion passed by a show of hands 4-0.

Acting Chairman Steve Harper suggested swapping the dump truck's body for a low ride. Town Manager Billings replied, "If the idea down the road is to get a bigger backhoe the size of the truck wouldn't be an issue."

11. SET DATE FOR NEXT MEETING

Next Regular Selectmen Meeting will be June 20, 2005.

12. ADJOURN

Motion made by Selectman Charlie Dillon, with second by Selectman Kathi Thurston, we adjourn. The Selectmen's Meeting was closed at 8:30 PM.

Respectfully Submitted,
Debbi Nickerson

Kathi Thurston

Steve Harper

Scott Grierson

Charlie Dillon

Heath Higgins