

**PUBLIC HEARING
TREMONT BOARD OF SELECTMEN
TREMONT TOWN OFFICE
MEETING ROOM
MONDAY JUNE 1, 2009
6:00 PM**

The Tremont Select Board has scheduled a Public Hearing to receive public comment concerning the Town's intent to file a Natural Resource Protection Act Permit with Maine Department of Environmental Protection. The application concerns the proposed dredging of an area around the Bernard Wharf at 20 Rice Rd, Bernard.

The Hearing was opened by Chairman Charlie Dillon at 6:00 pm. Chairman Charlie Dillon, Selectmen Lester Closson, Bobby Lee, Chris Eaton, and Kathi Thurston, Harbormaster David Schlaefer, Town Manager Millard Billings, and Recording Secretary Debbi Nickerson were present. Mel Atherton – Harbor Committee, Mark Good – Islander, and Laurie Schreiber – Bar Harbor Times were in the audience. Town Manager Millard Billings showed a Power Point presentation of the proposed project (see attached). There was no public comment. The Public Hearing was closed at 6:10 pm.

**TOWN OF TREMONT
REGULAR SELECTMEN'S MEETING
TREMONT TOWN OFFICE
MEETING ROOM
MONDAY, JUNE 1, 2009
IMMEDIATELY FOLLOWING PUBLIC HEARINGS**

1. CALL TO ORDER

The meeting was called to order by Chairman Charlie Dillon at 6:10 pm.

2. ROLL CALL

Present were Chairman Charlie Dillon, Selectmen Lester Closson, Bobby Lee, Chris Eaton, and Kathi Thurston, Harbormaster David Schlaefer, Town Manager Millard Billings, and Recording Secretary Debbi Nickerson.

Members of the public present were Mel Atherton – Harbor Committee, Mark Good – Islander, and Laurie Schreiber – Bar Harbor Times.

3. ADJUSTMENTS/ADOPTION OF AGENDA

None

4. APPROVAL OF MINUTES

A. MINUTES OF MAY 18, 2009

Selectman Kathi Thurston asked to have 8. B. motion changed to correct the sentence and add “try to fund” just above the motion. She also asked to have “Person Tax” changed to “Personal Tax”.

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to approve the minutes of May 18th as corrected. Motion passed 5 - 0.

5. APPROVAL OF WARRANTS

Warrant 125	5,429.80
Warrant 126	7,098.13
Warrant 127	6,710.75
Warrant 128	86,518.94
Warrant 129	110,949.25
Warrant 130	7,157.87
Warrant 131	780.00

Selectman Kathi Thurston was happy to hear the check to Frenchboro was for Excise Tax done for a Frenchboro resident’s vehicle registered in Tremont. Selectman Lester Closson asked if it would be cheaper to stock-pile inch minus instead of picking it up from Gott’s as needed. Town Manager Millard Billings explained the town only has one loader and the loader would have to come back to the yard to load the necessary aggregate into the truck, and then return to the project site to spread the inch minus.

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to approve Warrants 125 – 131. Motion passed 5 - 0.

6. NEW BUSINESS

A. ACTION IF ANY RESULTING FROM PUBLIC HEARING

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to authorize Millard to file an application with the DEP and the Army Corp of Engineers for the Piggy-back Dredging Project. Motion passed 5 - 0.

B. REVIEW OF BIDS FOR SPRING PAVING PROJECT

Bids closed on May 27th at 4:00 pm (see attached). At 4:01 pm the bids were opened and were publicly read aloud as follows:

Lane Construction Corp	\$19,780.00
KJ Dugas Construction	25,272.00

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to award the bid for the paving of Flat Iron Rd. to Lane Construction Corp for \$19,780.00 Motion passed 5 - 0.

C. REVIEW OF BIDS FOR SPRING RECLAMATION PROJECT

Bids closed on May 27th at 4:00 pm (see attached). At 4:01 pm the bids were opened and were publicly read aloud as follows:

Lane Construction Corp	\$22,297.80
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KJ Dugas Construction 26,452.00

Selectman Bobby Lee said he felt parts of Kelleytown should be built up. The gravel could be spread before the reclaiming and it would be mixed up with the asphalt to make a better base for the new road. Town Manager Millard Billings agreed to send out bids to get a price to lay down 8" to 10" of gravel/sand in front of the reclaiming machine after checking with Lane to see if that is possible.

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to award the Spring Reclamation Project on Kelleytown Rd. to Lane Construction Corp. for \$22,297.80. Motion passed 5 - 0.

D. REVIEW OF BIDS FOR SUMMER PAVING PROJECT

Bids closed on May 27th at 4:00 pm (see attached). At 4:01 pm the bids were opened and were publicly read aloud as follows:

Lane Construction Corp \$93,025.00

KJ Dugas Construction 123,507.50

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to award the Summer Paving Project on Kelleytown Rd. to Lane Construction Corp. for \$93,025.00. Motion passed 5 - 0.

E. REQUEST OF LIBRARY RE: NATIONAL HISTORIC PLACES

The Bass Harbor Library Trustees voted to accept the Library's nomination to the National Register of Historic Places (see attached). The Trustees ask that the Select Board approve the nomination to the National Register of Historic Places.

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to approve the nomination of the Library to the National Register of Historic Places. Motion passed 5 - 0.

F. CONSIDERATION OF ACTION ON TAX ACQUIRED PROPERTIES

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to set the date for public auction of September 14, 2009 for the property of Dorothy Manning for unpaid taxes of \$901.92 and Kenneth and Susan Parsley for unpaid taxes of \$4,944.03. Motion passed 5 - 0.

G. APPOINTMENTS BOARDS & COMMITTEES

The Select Board asked Town Manager Millard Billings to advertise all Board and Committee openings and call the current members who's appointments are up to be sure they wanted to be appointed again.

Motion made by Chairman Charlie Dillon, with second by Selectman Chris Eaton, to table the appointments until the next meeting. Motion passed 5 - 0.

H. APPROVAL OF LEAGUE OF TOWNS INTER-LOCAL AGREEMENT FOR GENERAL ASSISTANCE FAIR HEARING AUTHORITY

The agreement would insure that the General Assistance Fair Hearing Authority is a qualified General Assistance Administrator. The eight towns that compose the Mount Desert Island League of Towns would appoint their General Assistance

Administrator to serve as a potential Fair Hearing Officer. If a member town needed the services of a Fair Hearing Officer the town could chose from the pool of General Assistance Officers for an individual to sit as their Fair Hearing Authority (see attached).

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to authorize Millard to sign on behalf of the town and enter into an agreement for the Inter-local Agreement for General Assistance Fair Hearing Authority. Motion passed 5 - 0.

- I. RENEW IMPACT FEE AGREEMENT FOR POSEIDON CHARTERS INC.
The Harbor Committee at their meeting on May 14, 2009 recommended the Poseidon Charters Inc. impact fees remain unchanged for 2009 (see attached).
Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to approve the Harbor Committee's recommendation that the impact fee remain the same that is was last year for 2009. Motion passed 5 - 0.
The Selectmen authorized Town Manager Millard Billings to sign the contract with Poseidon Charters Inc.

7. OLD BUSINESS

A. REPORT OF ONGOING PROJECTS

- 1. FLAT IRON ROAD: Paving bids in Item 6B.
- 2. SEAL COVE FISHWAY: The bid package is ready for prospective bidders (see attached). The ads will be in the papers June 4th and 11th. The bids will be opened on June 17th. The pre-bid meeting is June 10 at 11:00 am at the site.
- 3. BASS HARBOR DREDGE PROJECT: See attached e-mail. Mike Tuttle said the one ad in the paper was good. Hopefully, mid-summer the agreement will be executed. Once the agreement is executed, Mr. Tuttle will follow-up with a letter to the Town stating the Town's cost-share of the Plans and Specifications Phase. If all goes as scheduled our funds would be required by early August.

B. REPORT OF PENDING PROJECTS

- 1. ACQUISITION OF REAL ESTATE: Nothing new to report
- 2. INTERNET EXPLORATORY COMMITTEE: Nothing new to report

8. TOWN MANAGER'S REPORT

- A. The Violation concerning tree cutting in a Resource Protection Zone that was issued last December has brought a licensed Forester to the site to design a planting plan (see attached).
 - 1. State Statute requires replanting of like species of like size.

2. The Forester recommends small seedlings replanted from the site. He maintains full size trees replanted will not take root and will either die or blow over.
3. DEP guidelines for restoration Plan for Shoreland Clearing Violation requires same number of trees, same size, same species.

Town Manager Millard Billings recommends a consent agreement requiring the number of trees, size and species with annual inspections to insure survival. With a prior tree cutting violation the DEP recommended counting the number of days between the Notice of Violation and the agreeing to the Consent Agreement and charge \$100.00 per day, then divide by 1/3 for the fine. Usually the defendant will agree to pay as part of the Consent Agreement. It is much cheaper than what a judge will impose, plus court costs and attorneys fees for both parties.

- B. Town Manager Millard Billings received an e-mail on June 1st from Richard Behr, the Engineer with DEP; he has drilled the two test wells around the landfill. The DEP will be conducting tests and will hopefully be done by mid-June.
- C. All the Selectmen opted to attend the Elected Officials Workshop in Bangor June 16th, from 4:30 pm to 8:30 pm.
- D. Town Manager Millard Billings has sent letters to all who owe outstanding Personal Property Taxes (see attached).
- E. Town Manager Millard Billings sent a letter to Michael Radcliffe about 13 old lobster traps left on the Town Wharf on May 21, 2009 (see attached).

9. SUGGESTIONS/COMMENTS FOR NEXT MEETING

None

10. OTHER

Selectman Lester Closson asked to have a large pot hole in Bernard filled. Ed Davis, a Kelleytown Road resident, explained he will be circulating a petition for a moratorium on cell phone towers. He also gave the Selectmen a petition, which he said was not the one he would be circulating (see attached).

11. SET DATE FOR NEXT MEETING

June 18, 2009

12. ADJOURN

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to adjourn. Motion passed 5 - 0. The meeting was adjourned at 8:40 pm.

Respectfully Submitted,

Debbi Nickerson
Recording Secretary

Charlie Dillon

Katharine Thurston

Chris Eaton

Lester Closson

Robert Lee III