

**TOWN OF TREMONT
REGULAR SELECTMEN'S MEETING
TREMONT TOWN OFFICE
MEETING ROOM
MONDAY, AUGUST 31, 2009
6:00 PM**

1. CALL TO ORDER

Chairman Charlie Dillon called the meeting to order at 6:00 pm Monday, August 31, 2009.

2. ROLL CALL

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

Members of the public present were Mark Good – Islander, E K Wharton, Patricia Wharton, Ann Rivers, Candace Potter, Laurie Schreiber – Bar Harbor Times, Carol Coaky, and Ken Gray Sr.

3. ADJUSTMENTS/ADOPTION OF AGENDA

Motion made by Chairman Charlie Dillon, with second by Selectman Chris Eaton, to move 11 Other to before 10. Motion passed 5 - 0.

4. APPROVAL OF MINUTES

A. MINUTES OF AUGUST 17, 2009

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to approve the minutes of August 17, 2009. Motion passed 5 - 0.

5. APPROVAL OF WARRANTS

Warrant 27	1,499.93
Warrant 28	7,769.07
Warrant 29	202,750.44
Warrant 30	16,018.13
Warrant 31	27,795.30
Warrant 32	9,278.55
Warrant 33	7,556.09

Chairman Charlie Dillon asked if the check for Lane's for \$14,334.30 was the agreed reclamation price. Town Manager Millard Billings assured him it was.

Selectman Kathi Thurston asked about the Gym floor. Town Manager Millard Billings explained Chris Richardson did a light sanding then touched-up the lines and applied two coats of the new finish.

Motion made by Selectman Chris Eaton, with second by Selectman Lester Closson, to approve Warrants 27 – 33. Motion passed 5 - 0.

6. NEW BUSINESS

A. RESOLUTION CONCERNING EXCISE TAX RATE CHANGES

The November referendum ballot has a proposed change in the current rates for automobile excise tax. If the bill is approved towns will lose 40% of their current excise tax revenue. MMA is opposed to this bill and has a draft resolution available on their web site. Attached is their resolution with Tremont's numbers inserted.

The Selectmen signed the excise tax resolution.

B. RESOLUTION CONCERNING TABOR II

The November referendum ballot has a proposed bill to modify current State Law on Tax and Expenditure Limitations. If the bill is approved, towns will make changes to current spending and property taxation limits that apply to all levels of government in Maine (see attached). MMA is opposed to this bill and has a draft resolution available on their website. Attached is their resolution with Tremont's name and numbers inserted.

After much discussion the Select Board asked Town Manager Millard Billings to get more information and clarification on Tabor II.

Motion made by Selectman Chris Eaton, with second by Chairman Charlie Dillon, to table Tabor II. Motion passed 5 - 0.

7. OLD BUSINESS

A. REPORT OF ONGOING PROJECTS

1. FLAT IRON ROAD: Nothing new to report
2. SEAL COVE FISHWAY: Work started on August 11, 2009. The coffer dam was installed using sand bags and some of the concrete blocks that we had here at the garage site. The work on the North face of the dam was completed on Friday, August 21st ahead of Hurricane Bill. The water levels from Hurricane Bill have been a problem since causing a rupture in the coffer dam letting water into the area between the coffer dam and the dam itself. Water levels need to be controlled before work can start on the fish ladder below the dam. Thursday they got the water under control and were working on the front of the dam. They got quite a bit of the stone in before they got the weather report on Hurricane Danny. They were afraid to complete the work on the front of the dam for fear it would wash down stream in the coming storm. They have discovered a crack in the old dam in the weir that will need to be repaired. Town Manager Millard Billings will call the DMR to see if the end time frame can be extended due to the excess rain. There is a beaver dam up above; the beaver dam may be helping to control the water flow so Town Manager Billings is not ready to remove it.
3. BASS HARBOR DREDGE PROJECT: Mike Tuttle said he and Mark Habel will be here on or before the September 15th meeting with final papers for signatures. Town Manager Millard Billings informed him that if he knew by noontime when they would be here Town Manager Billings could call an emergency meeting to keep the project moving forward. The Harbor Committee suggested calling Maine Coast Heritage to find out where they got their information about the ship wrecks. Art Paine, a Harbor Committee

Member, has volunteered to go to the news paper's archives to look for any information available there.

4. BERNARD WHARF PIGGY-BACK DREDGE PROJECT: The tests have been taken and sent on to the laboratory. The Town has received the results and forwarded them to the Army Corp of Engineers. The Army Corp of Engineers has reviewed them and felt that they were all so similar that only one would need to be tested (see attached).
- B. REPORT OF PENDING PROJECTS
1. ACQUISITION OF REAL ESTATE: If the second signature does not arrive before the Special Town Meeting the Select Board can still go forward and get authority from the voters to purchase the property. It doesn't mean the Board is obligated to purchase the property, only that the Board could purchase the property if all parties wish to sell and can provide clear title.
 2. INTERNET EXPLORATORY COMMITTEE: Nothing new to report
8. TOWN MANAGER'S REPORT
- A. The Maine Historic Preservation Commission informed the town that Bass Harbor Library was entered in the National Register of Historic Places on August 5, 2009 (see attached).
 - B. Tremont has received a \$4,166 dividend check from MMA as a result of its excellent claim experience and good risk management activities (see attached).
 - C. MDI & Ellsworth Housing Authorities are accepting applications for the waiting list at Beech Cliff Apartments in Southwest Harbor. Applications are available at the Town Office (see attached).
 - D. An Administrative Appeal has been filed with the Tremont Board of Appeals. The plaintiffs are requesting the Board of Appeals review and reverse a decision of the Tremont CEO on July 23, 2009 concerning Carlton Johnson d/b/a Up Harbor Marine. The Board of Appeals will meet to review the appeal on September 16, 2009 at 5:30 pm (see attached). The Town Attorney would like to speak to the Board of Selectmen after the Special Town Meeting in September 15th.
 - E. At the Planning Board Meeting of August 11, 2009, the Planning Board reviewed a progress report submitted by Morris Holdings regarding permit conditions imposed by the Board on a storage and boat building facility on Orchard Pond Way. Town Manager Millard Billings has a copy of the report, but there are many pages missing. CES was acting as the agent for Morris Holdings and Mr. Billings believes CES submitted the report to the Planning Board.
9. APPROVAL OF SPECIAL TOWN MEETING WARRANT
- The Warrant Committee will meet Tuesday, September 1, 2009, to take action on the Warrant for the Special Town Meeting (see attached). Selectman Kathi Thurston noticed the draft copy of the Warrant referred to the number of Articles as 5, but there are 12. Town Manager Millard Billings will correct the number of Articles and insert the Warrant Committee's recommendations. The Select Board, if they approve of the Warrant, can stop in the Town Office anytime after the 2nd to sign it.

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to approve the Warrant for the Special Town Meeting as written. Motion passed 5 - 0.

10. AGENDA ITEM 11. OTHER

Chairman Charlie Dillon asked who is responsible for monitoring the closing time of Cap'n Nemo's. He wanted to know if it's the Town, the police, or the Liquor Commission. Town Manager Millard Billings explained the CEO would be involved if the live entertainment didn't stop at the required time agreed upon at the issuing of the Special Amusement Permit. When they stop serving liquor is the Liquor Commission and the State Police or County Sheriff would enforce that. Chairman Charlie Dillon asked if there have been any violations issued. Town Manager Millard Billings said that was not mentioned in the reports. Chairman Charlie Dillon would like to request the police to monitor and enforce the alcohol serving times.

Selectman Lester Closson asked how Harbormaster David Schlaefer is doing on his hours. Chairman Charlie Dillon said he was at the Wharf this weekend from 6 am to 6 pm. Selectman Chris Eaton said he swings down after work at 1:30 or 2:30 and Harbormaster David Schlaefer is always there. Town Manager Millard Billings said he is at the Wharf during the required times noon to 3 pm six days a week. Selectman Lester Closson asked when his required time drops to 5 days a week. Town Manager Millard Billings said it was in the Harbormaster's job description and Mr. Billings would need to read it again to answer that question.

11. AGENDA ITEM 10. POSSIBLE EXECUTIVE SESSION CONCERNING NEGOTIATIONS FOR PROPERTY ACQUISITION

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to go into executive session pursuant to Title 1 Maine Revised Statutes Annotated Section 405 Subsection 6 Paragraph C to discuss the acquisition or disposition of Real Property or interest therein because premature disclosure of the information would prejudice the bargaining position of the Selectpersons. Motion passed 5 - 0. The Select Board went into executive session at 6:55 pm.

Not everyone in the audience left. Chairman Charlie Dillon asked the 4 remaining people who they were. Two of the people were here representing Acadia Wildlife. The other two said they were representing Southwest Harbor Animal Welfare Inc. The Southwest Harbor Animal Welfare Inc. was formed after the Southwest Harbor Animal Shelter was disbanded.

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to come out of executive session. Motion passed 5 - 0. The Selectmen came out of executive session at 7:00 pm.

Chairman Charlie Dillon asked the two parties to work out who should receive the Hinton Estate. The Selectmen felt they need to deal only with the heir to the estate.

12. SET DATE FOR NEXT MEETING

September 15, 2009

13. SUGGESTIONS/COMMENTS FOR NEXT MEETING

Talk to the Attorney and hopefully the Army Corp of Engineers

14. ADJOURN

Motion made by Selectman Chris Eaton, with second by Selectman Kathi Thurston, to adjourn. Motion passed 5 - 0. The meeting was adjourned at 7:18 pm.

Respectfully Submitted,

Debbi Nickerson
Recording Secretary

Charlie Dillon

Katharine Thurston

Chris Eaton

Lester Closson

Robert Lee III