

Town of Blue Hill
Select Board Meeting
Minutes

Monday August 15, 2022

Called the meeting to order at 5:30 pm.

1. **Quorum and meeting attendance-** E. Best; J. Dow; S. Miller; B. Smythe; S. Dooley; L. Dow, Town Clerk; N. Nadeau, Town Administrator; B. Adams, Road Commissioner, B. Astbury; M. Cooke; P. Carter; Jeep Gulliver
2. **Select Board Meeting Minutes of August 8, 2022-** approved 5-0
3. **Public Comment-** none

Old Business:

1. **GSA/U93 Payment Schedule Discussion-** The school committee unanimously approved Sean's proposed payment schedule. Correspondence was sent to GSA to offer them the chance to discuss - there has been no response. The chair of the School Committee is on board with going forward with sending GSA one or two letters, which Nick will draft. The letters will share the agreed upon proposal for the new billing process and will note that as of August 15th the town had not received an invoice for the half-payment of Octobers payment amount. Nick will send the proposed wording to some board members before being sent out to GSA as soon as possible.
2. **Salt/Sand Discussion-** The board voted on August 8th to use Maquinns to load and transport sand to the salt/sand shed. Ben Astbury, who provided a much higher quote initially admitted that he has historically charged the town a higher rate in the absence of a competitive bid process. Paul Carter asked for an explanation as to why his bid was not considered since it was the lowest of the bid. The board explained that it was not with haste and that it was done so with the previous contractors' recommendation for quality of the product used in their equipment and labor. There was some confusion about what the bid included, and the board wanted it to be clear that this discussion was based around purchasing and loading the sand from the distributor and delivery to the salt/sand shed only. Ben Astbury agreed withdraw his original offer and match Maquinm's proposal but with a ~\$7,000 increase for trucking, making the bid around \$65,000. Scott moved to reconsider last week's vote and accept Ben Astbury's counteroffer with the stipulation that his plowing contract be amended to include a commitment for an additional year of plowing. This will be reflected in both Cook and Astbury's plowing contracts in return they will agree to adding an additional year to each of their individual terms. Cook's contract will be amended to build in an automatic inflation clause to match Ben's. Sean seconded. 5-0 approved.

New Business:

1. **Supplemental RE Tax Bill- Reid/Haas-** A supplemental bill was provided by the assessor's agent. Previously, taxes as land only and completed contraction of the house were omitted from the original commitment. Dow moved approval of the supplemental bill. Scott seconded. 5-0 approved.
2. **Harbor Dredging Hearing overview-** Scott provided a very quick overview of the meeting and wrote up a detailed summary. Please see attachments.
3. **Sandys Blue Hill Café – Liquor License Renewal-** Scott moved approval of the special amusement permit and liquor license renewal application for Sandy's Blue Hill café. Jim seconded. 5-0 approved.

Administrator Items

1. **Town Park signage – update-** Nick found some specific “no camping and overnight parking” signs and asked the board for approval to order. The board feels the wording should be “Park closed dusk till dawn.” Nick will move forward with purchasing signs. He also has found some affordable solar streetlights that can easily be affixed to any post. He will order one to test to try it out in the town park, off of Water St.
2. **CEO Update/Recruitment-** Nick reiterated the difficulty in hiring for all positions, but specifically part time and stipend ones. Nick proposed combining the CEO and the handyman positions into one full-time position with benefits. Nick explained that he can make the figures work. He would draft a job description and advertise. The board agreed with the proposal and authorized Nick to move forward with crafting the new position.
3. **Cemetery deeds/ownership –**
 - a. Lyndsey notified the Board that there has been an increase in people asking for proof of purchase of their cemetery plots for various reasons. These people did not receive a copy of the current deed that is in use today. Prior to 2003, simple paper receipts were given for plots. She asked the board for their approval to be able to work with Nick to draft up a simple letter that will provide folks with the necessary proof of their plot. Scott would like to see the current deed. Lyndsey will distribute.
 - b. Ellen was in touch with a surveyor and there is a likely chance that someone could be out to survey Mountain View Cemetery within the next 6 months.

Other Business

1. **Executive Session pursuant to 1 M.R.S § 405(6)C- Real Property-** Entered 7:02
Exited 7:24 – No action taken
2. **Updates/Reminders**
 - a. **Climate Resilience Committee – August 17th @ 6:00pm**
 - b. **SolAmerica Appeal – August 18th @ 6:30pm**

Warrant signatures- Warrants signed

Adjourn- Meeting Adjourned at 7:43 pm

Select Board Report

Scott Miller

For the August 15, 2022 Meeting

Marine Resources

Harbor Dredging Meeting. The public meeting was held on Thursday, with most of the Select Board in attendance. I have written up some notes from the meeting, intended to be published for voters who were not able to attend. I have provided a draft to Ellen for her review and have forwarded the document to the USACOE for their comments. After I get feedback from them, I hope to post the document on the Town website.

Land Use/Planning

SolAmerica Solar Panel Permit Appeal. The Appeals Board met the week before last and scheduled a public hearing on the matter for August 18.

Transfer Station

Operating Agreement. We have some further feedback from the prospective operator; we can discuss a couple of key points at the August 15 meeting: 1) who gets the upside of labor cost savings, and 2) operating without more than the most fundamental performance metrics for the remainder of 2022. The operator hopes to conclude the agreement before September 1; I don't think that is likely to happen—particularly given our partners' response times.

Finance/Administration

FOAA Request. Nick can report on the current status of the request; last I heard, the requestor narrowed his request to 2020-present (and received an updated cost estimate) and we await payment of the required deposit before searching for responsive documents.

Technology

Old Website. We're hoping to decommission the old website (<https://townofbluehillmaine.org>) by early September, before our next monthly payment is due. I provided Nick with a copy of all of the links on that site, so we can preserve any documents uploaded to the site and to know what links were provided. I think Sydney is downloading the documents when she has time. When the site is decommissioned, the old URL will be redirected to the new site (<https://bluehillme.gov>).

Blue Hill Harbor Dredging Project

Public Meeting

August 11, 2022

The meeting was held in the Gordon Emerson Auditorium at the Blue Hill Town Hall, with approximately 25 members of the community participating.

The U.S. Army Corps of Engineers (USACOE) gave a brief presentation summarizing the results of the feasibility study they performed (available at bluehillme.gov) and took questions from the audience, followed by a discussion of other issues relating to the project.

Readers should be aware that there is no transcript of the meeting and the questions and answers are only approximations of what actually transpired. These notes should not be relied upon as a definitive record of the meeting.

Questions/Answers

Could the turning basin (estimated at 50-60' from the face of the wharf) be moved right up to the wharf if sheet metal/piles were installed at the wharf?

The turning basin could be moved closer, but:

1. Dredging closer to the wharf face without improving the wharf is a risky endeavor for the town to undertake, and could either be very expensive or fail completely over time. What foundation the wharf wall is sitting on is not well known and dredging too close could destabilize the wall. The town should investigate, through borings or test pits, what the wharf is founded on. A sheet pile bulkhead or other improvements may be need to consider moving the dredged basin closer, and
2. Federal funds are not permitted to be used to dredge “berthing areas,” so the USACOE would not dredge right up to the wharf face but would, instead, have to stop at a distance no less than the beam of the largest boat expected to tie up at the wharf.

How would users get from the wharf to the turning basin at mid- to low tide?

The town will be obligated to install floats and/or a pier to reach the turning basin, at its own expense. It would likely need to be wider and more robust than the existing gangway and floats at the wharf.

How quickly does the USACOE expect the dredged channel to fill in with new silt and require re-dredging to maintain the channel depth? Who's responsible for the cost of future dredging?

Based on the USACOE experience in other local, similar areas (Bass Harbor, Southwest Harbor, Stonington), it appears that dredging will not be required for 45-60 years. The Ellsworth/Union River channel requires more frequent dredging, but that is to be expected given the size and flow of that river.

The USACOE is responsible for the entire cost of future dredging, in perpetuity, under a federal policy that has “been in place for 200 years.”

The USACOE economic benefit slide mentions community benefits from avoided damage to wharves and shorefront erosion—please explain what these represent.

The economic analysis in the feasibility study details the calculations underlying the savings from avoided infrastructure damage to the South Blue Hill floats/wharf.

The project is not expected to have any effect on shoreland erosion, so there is no associated benefit or impact to adjacent shores.

What work has the USACOE done to evaluate the environmental impact of the dredging project?

The feasibility study and its included Environmental Assessment has a detailed review of the analysis that was conducted regarding the effects of the project on the biological health of the area. That analysis has been reviewed and commented on by a wide range of federal and state agencies charged with environmental protection, fisheries and wildlife, etc.

Concern has been expressed in the past about the effect of the project on the water table and local fresh water supplies. What impact does the USACOE expect?

None. The dredged material volume represents a miniscule portion of the water in the inner harbor and should have essentially zero impact on tidal heights, current flow, the water table, or salinity of local fresh water sources.

How will the dredged channel be marked?

The Coast Guard has been apprised of the project. They will make their own determination as to what, if any, additional aids to navigation are appropriate.

How would the USACOE characterize the petroleum-based contaminants found in the harbor sediment? Old? New? Source?

The expectation is that the contaminants are relatively new (last 50 years), given their shallow placement in the sedimentary layers. The USACOE did investigate the inflowing stream and two other outfalls close to the basin area to see if they could determine a point source, but this did not lead to any useful results.

What restrictions, if any, will be placed on the Town as a result of the dredging project? Mooring fees? Dinghy tie-up fees? Within which area of Blue Hill waters?

There is an “*open to all on equal terms*” requirement that would apply to the federal project area, meaning that, for example, the Town could not charge different fees for residents vs. other users. However, the project area is limited to the channel and turning basin, so this restriction should only apply in that area. (None of the dredging activity would be to enhance a mooring field, for example, so there should be no new restriction on mooring fees.) Dinghy tie-up fees to access the turning basin would be subject to the *open to all on equal terms* restriction.

With the estimated cost having declined 15-20% from a previous iteration of the feasibility study, what guidance can the USACOE give as we plan for how much to appropriate to support the project?

There is a reasonable amount of uncertainty about pricing, especially with the recent trend in inflation and, in particular, rising diesel prices (which are a significant component of dredging cost). The USACOE is authorized to continue with a project (without reapproval) up to a 25%

increase over the initial estimate. And, over the course of the project, the costs are re-estimated at several key points as shown in the PowerPoint slides.

If the project is initiated and, subsequently, it is determined that costs have risen too much, what proportion of the Town's initial "deposit" can we expect to be returned?

USACOE referred to the "Project Cost Sharing" slide and indicated that, as a rough estimate, the \$366,000 engineering and design cost would likely be spent before bids are received. That suggests that the additional cost to the Town might be \$70-80k if the project were abandoned at that point.

How much has the Town already spent on this proposed project?

\$124,000 for its 50% share of the feasibility study costs over the first \$100,000.

Other Discussion/Community Observations

Additional Town Infrastructure

There was discussion about what Town infrastructure would be appropriate to construct in conjunction with the project. Three broad alternatives were discussed: a series of ground-out floats from the wharf to the turning basin, a fixed pier from the wharf to the turning basin, and reinforcing the wharf wall to allow the turning basin to be relocated much closer to the wharf.

Of those, there was no enthusiasm for a fixed pier. It was also clear that substantial additional engineering work and other investigation would need to be done before pursuing a reinforcement of the wharf.

Therefore, unless a strong case is made by the community that the wharf reinforcement should be more completely investigated, the consensus was that a series of commercial-grade ground out floats was the most likely plan. The costs of these floats—both up-front construction, annual maintenance, and replacement over time—is yet to be estimated.

An open question that was not discussed at the meeting is how much dinghy tie-up space would be required in the turning basin area, what sort of larger vessels would be expected to tie up to the outermost float, and how access to that float would be managed (time limits?).

There was also a question, and subsequent discussion, about whether the boat launch ramp would be extended toward the turning basin to provide a greater tidal window for launching and retrieving boats. No conclusions were reached as to whether this would be pursued.

Effect on the Downtown Area

Some concern was raised about the effect of additional commercial fishing activity in the Village Wharf area—parking, traffic, odors, noise. In response, it was observed that several fishermen already use the Village Wharf to load bait on their boats (at the wharf at high tide) and trucks carrying bait and catch already pass through the Village on their way to the South Blue Hill Wharf.

Expected Users of the Facility

Visiting Recreational Boaters. There appeared to be a consensus that, while a dredged channel to the inner harbor might be used by some visiting boaters, this usage was likely to be quite

modest—especially since many of the amenities they’re likely to seek (fuel, water) are more readily available at the yacht club. To the extent visiting boaters do use the facility, they will likely require, at a minimum, dinghy tie-up space (at a charge?) and/or float face dockage.

Local Recreational Boaters. Most of the discussion about local use of the turning basin and channel was linked to the question about whether the boat launch ramp would be extended (see above). It seems likely that these users would not use the Town floats extensively (except for tying up their vessels while positioning or parking their trailers—similar to the South Blue Hill wharf). There are, however, some recreational boaters who use Steamboat Wharf to access the harbor—they may choose to tie up their dinghies in the turning basin, similar to the commercial fishermen (see below).

Commercial Fishermen. The view was expressed that the vast majority of regular users of the facility would likely be commercial fishermen and, of those, primarily those fishermen who moor their vessels in the inner harbor and who use Steamboat Wharf to access the harbor. These fishermen would likely seek to use the turning basin and the associated Town infrastructure for their dinghies, particularly to the extent that their access to Steamboat Wharf is terminated. See below for additional notes on Steamboat Wharf users.

Effect on/Benefit to Steamboat Wharf Users

One of the key drivers in the community appears to be the Steamboat Wharf users, who are concerned that they may/will lose access to that facility in the near future and, therefore, not have a viable way to access their boats in the inner harbor. There was discussion about how many fishermen this represents (answers ranged from 10 to 15). Some participants faulted past Select Boards for failing to pursue opportunities to secure other access rights to the inner harbor, others expressed concern that the benefits of the harbor dredging project seemed to be excessively concentrated on these Steamboat Wharf users.

Appropriate Sharing of Facility Costs Amongst Constituents

Assuming the Town’s contribution to the project is financed with borrowed money and that the total cost to the Town (including floats and other infrastructure) is \$1 million, the annual debt service would be roughly \$50,000. The question was raised as to what the community felt was a fair and appropriate allocation of this \$50,000 cost amongst 1) Blue Hill taxpayers in general and 2) users of the dredged facility/infrastructure.

It was observed that the Town’s marine resource activities (wharves, floats, harbormaster wages, etc.) are currently covered primarily with user fees—dinghy tie-up permits, mooring fees, and boat excise taxes. Two participants commented that they believed that, while they recognized that it might not be feasible to extend this user-fee model to cover the entire \$50,000 additional cost, they believed that the users who benefit from this investment should bear the bulk of its cost, with whatever remainder covered by Town taxpayers.