

**Minutes of Meeting  
Board of Selectmen  
December 9, 2008  
Southwest Harbor Town Offices**

- I. Call to Order/Roll Call: The meeting was called to order at: 6:00 p.m. Attending: Robin M. Bennett, Town Manager; Kristin Hutchins, Chair; Trudy Bickford, Ralph Dunbar, Jr. Dorr “Skip” Wilson; Excused: Berten Willey

Visitors: Mark Good, BHT; Kenneth Hutchins, Meredith Hutchins, Scott Alley, Doug Monson, James Wadman, Ronald Bean, Alan Schuman, David Chapais, Gordon Roberts, James Lindquist, Mina Vescera, Nan Lincoln (BH Times), Mark Good (MD Islander).

- II. Visitors to be heard not on the agenda: none

- III. Approval of Minutes: November 25, 2008: Minutes were deferred until the next meeting.

- IV. Warrants: Administration 37-44 Water 24 Sewer 14

- V. Old Business

- a. Facilities update – no new information

- VI. New Business

- a. Audit Presentation: James Wadman

Jim Wadman reviewed the Audit information with the Board of Selectmen. He said the Town is in compliance with all the government standards. He noted that the Town is gradually building the undesignated funds. He reviewed asset depreciation and net change in equity, saying there was little change, but some re-classification. Wadman noted that the Sewer department is losing ground, and that should be monitored. On a positive note the unpaid taxes have gone down and the Town does not have any unprotected funds. All deposits are either insured or

collateralized. There being no questions, the Chair thanked the Auditors for their presentation.

b. Loitering Ordinance Proposal (Allan Schuman): He expressed concern over the Upper Town Dock, including parties, drugs and drinking. He has spoken to the Police Chief and they have discussed the possibility of a Loitering Ordinance to help address these problems. Chair asked the Chief of Police whether this was separate from a curfew ordinance. Chapais said these could be merged into one document. Cameras have helped monitor the situation when they are working properly. He is preparing numbers that would indicate the amount of complaints that have been received. Chair asked whether the Board would like to discuss the two together. Bickford asked, "isn't selling drugs illegal?" and if what they are doing is illegal, what can be done to enforce the laws. Chapais said there has been no visual of people selling drugs. Hutchins asked Chapais to expand on how these ordinances would assist. He said curfew would be for the underage individuals who are out late. A loitering ordinance would stop the gathering of groups for a certain length of time. The difference would be that the loitering ordinance would mean a law is already been broken; the failure to disperse ordinance would mean groups would be warned first. A loitering ordinance would allow for a ticket, according to Schuman, and anything other than having business in the parking lot would be defined as loitering. Ken Hutchins suggested that the first item would be to fix the camera. Chapais said that Sam Chisholm is working on the problem, and while the camera may be working, it does fail to scan. The equipment is not compatible with Dispatch computers, according to Chapais, and doesn't allow Dispatch to view the video. Bickford asked how to get that to work together so the dispatch can view the camera. Chapais said the interface problem would probably require a computer person at something like \$65/hour. Schuman said that he would pay for the upgrade if it would get the cameras working. Hutchins told Chapais to get the appropriate information on how to fix the camera. Chapais and Schuman will work together. Dunbar suggested making the area a permitted area. Bennett brought up the fact that the ferry boat passengers need access to the dock parking lot and a permit wouldn't work in that scenario.

The Chairman suggested a discussion of the Curfew ordinance at this juncture which is Item VI. e. of the agenda. Chapais discussed the draft that had been circulated to the Selectmen. Hutchins asked how exactly the curfew ordinance would assist the Police. His answer is that it would get those groups off the street. Dunbar suggested the hours be consistent during

the week. He also felt the fines were a bit steep, and a warning should be issued for the first offense. Wilson suggested public input is needed on this prospective ordinance. Bickford supports the concept, and would like to see public meetings scheduled so that in May it could be addressed at Town Meeting. Chapais would also like public opinion, and suggested publishing his e-mail address to receive comments on the subject. Wilson suggested a separate newsletter out sooner than March. Hutchins agreed this could be done. As an alternative, Wilson suggested posting signs at the docks that would close the parking lots unless someone is going to and from a boat, and include this concept with public discussion on the curfew issue. Roads and Highway policy could be the place to add the limitations to the access of parking lots. Chapais will pursue.

c. Winter Road Maintenance Policy: Monson discussed the report presented to the Selectmen. There are 3 trucks that go out when snow begins. Wilson complimented the Highway Department on the sand/salt combination used on the last storm. If that type of situation continues, he said "I will not have another gripe". Monson said that he did not issue the salt priority on his own, and would never take sand away. Wilson felt the salt policy took place without being in writing and Monson agreed. Hutchins said the report was impressive, but wants to be sure that when this meeting is over everyone understands what is expected. Bickford said while she had to be out and in several different towns during the storm, she monitored the different conditions in the various towns and felt "Southwest Harbor had the best roads". Monson said it would be the department's intention to treat each storm as individual. He suggested salt priority, with sand as needed, and suggested adopting that and putting it on the web site to inform the public.

Chapais said on Long Hill there were several incidents, and Police called the Public Works Department who sanded and solved the problem. Chapais would like permission again this year to call out Public Works if needed. The Board agreed. Wilson reiterated that "you can't beat sand for traction". He warned that the DOT has funding problems and the situation will only get worse, and the Town should be prepared to take up the slack. It was agreed that the driver should use his discretion. Chapais said if it is a problem, and there are accidents, especially in the Long Hill area, could there be permission to call a private contractor. Wilson said he couldn't believe that in a critical situation the Town couldn't get someone there quickly. Alley asked about the liability of maintaining a State road. Wilson said it would be an emergency situation. Bennett said she wasn't sure of the

extent of the liability. Chapais said the Police would call DOT first, and would understand if it wasn't possible. Bickford said the Town should come up with a pro-active stance, but we must be ready to deal with it if DOT doesn't respond in a timely manner. Monson will call contacts at DOT to express concerns over the Long Hill piece of State road. Dunbar suggested that if there was an emergency situation call on that piece of road, there should be no problem with Public Works responding. Hutchins returned to the report presented by Monson and asked the Board for a response. She asked if the Board was in accord with the report presented. Wilson said he had not read the materials in his packet and was not prepared to vote. Hutchins suggested tabling the vote on the package until next meeting.

d. Lobster Bake: Lindquist spoke to the Selectmen about having a bonfire and food Saturday, December 20, 2008 from 11:30 – 2:30 p.m. with music and some games. Moved Hutchins and Seconded Wilson to support the Lindquist proposal above. 4 – 0 in favor. Lindquist will discuss the bonfire with the fire department.

VII. Manager's Report: Continuing ADD negotiations tomorrow; lower Town Dock DEP has verbally confirmed preliminary application; ongoing with the budget, Thanksgiving week on Wednesday an emergency shelter was set up at the Fire Station because of the power outage – thanks to the police and fire department; 30-day notices were sent out for the sewer accounts; MDI high school funding formula forum was the 4<sup>th</sup>, not much resulted from that except for another committee; the MDI Board of Selectmen plan to send letters out to the other towns. Annual Christmas party Friday evening.

Bickford asked about the emergency shelter that was set up at the Fire Station last week and if there ever a list put together of elderly people who might be at risk. Bennett said the Station was open and some citizens came in to stay warm. She will double check on the list, but believes it was done.

VIII. Other Business: Wilson notified the Board that he will not be at the meeting on the 23<sup>rd</sup>.

Hutchins said the entrance onto Village Green Way was mentioned by a citizen as being dangerous, and thought it needed a cross walk. Bickford suggested that it be the responsibility of the Medical Center. Bennett said she can't see a good place to put a cross walk, and the situation is not good all around, adding a cross walk wouldn't necessarily help the situation.

Alley suggested eliminating the three parking spaces at the Bank side and adding a walkway there. Monson will look into it.

Hutchins introduced Mina Vescera who has been hired as the Water/Sewer Clerk.

Language for the newsletter: Bickford suggested softening the title of the carbon monoxide article. Wilson suggested eliminating the first part of the article. Hutchins and Bennett will edit the article. Title will be changed to Carbon Monoxide Safety Tips.

Dunbar – usage of the docks; Downeast Lobster was told they had to come before the Board for commercial use of the docks. Bennett said that “by the ordinance” the Board of Selectmen have to give permission for “official” use of the dock. Wilson said that the use of Town Property for commercial purposes should not be allowed. The Town shouldn’t be in the business of providing a place for the lobster industry to operate for free. Bunny Roberts said to be fair about it, there are several people who own property here (and he sited Southwest Lobster and Beals), and the Trenton Firm comes in with no fee and buys the lobsters that might be sold at local commercial businesses. It’s only fair that these outside firms have some kind of approval and fee. Bickford said this is on-going, and strongly agrees with Wilson. Hutchins said this should be an agenda item for the future.

Memo from the Office staff regarding the day after Christmas. It was Moved Wilson and Seconded Bickford, to allow employees to take a vacation day on the Friday after Christmas. Discussion: Bickford said employees should have gone directly to Bennett on this. Hutchins said she apologized for stepping into this situation. Bennett said it only does affect Town Office employees, and not contracted/union employees. The motion was modified to exclude union contract employees. The motion and second was withdrawn. It was Moved Wilson and Seconded Bickford that the Town office be closed Dec 26, and employees in that office must use either vacation time or no pay. Vote in favor: 4 - 0

IX. Sign Warrants: It was Moved Wilson and Seconded Bickford to accept the Warrants as presented and to sign same. Vote in favor: 4 – 0.

X. Adjournment: 8:12 p.m.