



MINUTES OF MEETING

Regular Selectmen's Meeting
Southwest Harbor Town Office

January 22, 2008
Tuesday, 6:00 p.m.

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- I. Roll Call: 6:00 p.m. Trudy Bickford, Chair; Berten Willey; Kristin Hutchins; Dorr (Skip) Wilson; Whitney Granholm (will be late)**
Robin M. Bennett, Town Manager
- II. Visitors Present: Mark Good, MD Islander, Nan Lincoln, BHTimes, Carolyn Maling, Planning Board, Sharon Howard, Planning Board, Greg Johnston, CES, David Chapais, Police Department, Don Lagrange, CEO, Anna Demeo, Planning Board Chair, John Carr, Molly Lyman (Planning Board), Ryan Donohue**
- III. Approval of Minutes, January 8, 2008**
It was Moved (Hutchins) and Seconded (Willey) to accept the minutes of January 8, 2008 as presented Vote in favor: 3 – 1 (abstain Wilson)
- IV. Warrants: Admin 96-101 Water: 1-2 Sewer: 18-19 Fire:none**
- V. Visitors to be Heard – none**
The chair asked the Board to move the LUO item to first item of the agenda. Anna Demeo, Chair of the Planning Board said that the meeting schedule is a bit premature, based on information she obtained from the Maine Municipal Association attorneys earlier today. The proposed Land Use Ordinance changes brought to the Selectmen this evening were the result of all Planning Board members reviewing the present Ordinance, and listing items within the Ordinance that needed clarification or change. Each member presented lists of items to be reviewed. These were subsequently whittled down to ten (10) items and resulted in seven (7) recommended changes or additions to the current Southwest Harbor Land Use Ordinance. At the last Planning Board meeting the recommended Ordinance changes were finalized for presentation. The information Demeo received from MMA, Kristin Collins, clarified that the public

hearings **would** allow for changes in the wording **after** the public hearings were complete. Demeo told the Board of Selectmen that the MMA and HCPC both thought the 75 day notice was extensive. The first public hearing will be on Feb 21st and if, based on that input, other changes need to be made there will be another Planning Board workshop. A second public hearing must be held 35 days prior to Town Meeting, and at that point the Planning Board will come back to the Selectmen with the changes, if any, incorporated into the Ordinances. Demeo explained, for the record, that the ordinances before the Board tonight may not be the ordinances that will be put before the Town, because public comment must be considered. Demeo said there were two letters, one from CES, Inc. and one from Michael Ross, Attorney, commenting on the wetlands ordinance. Anna said she was confused as to how the two groups who commented had gotten drafts and what drafts they had, as their concerns did not match the current version of the Wetlands Ordinance change. Bickford said that was a good point. Demeo reiterated that the information from MMA was very specific – and if there are ordinances that the Selectmen feel they would not put forward to the voters, it would be good for the Planning Board to know that now. Demeo also said that if the Board is planning to have these Ordinance changes as a ballot vote, the Planning Board needs to know the timeline for that. Bennett told Demeo that at present that decision has not been made. Wilson said that usually it is a written ballot the day after Town Meeting. The timeline for the wording is either 35 or 45 days prior to the vote, and the Board told Demeo to discuss that timeline with the Town Clerk. Board members also reminded the Planning Board members that this must also coincide with the meeting schedule of the Selectmen. Hutchins asked if the Planning Board and Selectmen wanted to go over this material tonight. Demeo told the Select Board that Planning Board members are here this evening and if the Selectmen wish, they are prepared to review. Bickford asked Demeo if the Planning Board was confident that the ordinance changes can be enforced. The CEO, Don Lagrange, said he has reviewed the information contained in the changes, and is assured that he will be able to enforce the changes.

Greg Johnston of CES, Inc., Engineering said he has had response from several clients who want to know about the changes – and request the public notices include the wording changes. He referenced the MMA manual, saying that if only certain geographical areas are affected – a copy of the ordinance must contain a map. Demeo responded that those regulations apply only to zoning ordinance changes and follow a different standard. These are not zoning changes, and she held this discussion with MMA today – zoning ordinance changes follow a different standard – and MMA clarified that several times. Demeo also stated for the record that ordinance changes to Wetlands, concerned only wetland definitions – the only thing the Planning Board is doing is clarifying a circular loop in the

reference section of the ordinance. Hutchins asked if there should be some posting on the town web site of the language – Bennett suggested that prior to the public meeting would be the appropriate time. Demeo told the Selectmen that the notices are already in the works for the meeting on the 21st of February – and if posting on the web site helps get people to the public meeting that is fine. Bickford suggested that now would be a good time to put out some type of newsletter to get the information out on this and a few other items. She said that the Select Board will not look at this tonight. The Planning Board Chair will stay in touch with Bennett regarding the public meeting.

V.

Old Business:

1. School Consolidation – Hutchins told the Board that there is no additional information – the Committee at the School agreed to stick with the plan offered to the Dept of Education – a lot of time has been spent in Augusta – representatives of the Town agree they want to stick with the plan submitted.
2. Facilities Update – Bennett said that there is a meeting on the 30th with Mike Young of James W. Sewall, Co., (Sewall) to begin the discussions on the Police Station. Bennett has spoken with the President of the Ambulance Association and that group will be included in the meeting with Mr. Young. Hutchins said she has reviewed the material and notices that the bid proposal from Sewall Co. comes in stages. The initial design stage has been offered in two different amounts, at two different times. It appears to Hutchins that the difference in those figures may have been triggered by the DEP and M DOT impact. Wilson said the Board has voted to accept this proposal and that it does appear the DEP storm water permit and DOT permits have triggered an increase in the previous cost.
3. Post Office Parking Lot – Bennett has asked Monson to give the Town a figure on repaving that parking lot but feels some of it must be a joint effort. Monson will be paying attention to the Maddy's Diner side of the parking lot and plowing will be a priority. Bickford said the parking lot owner had agreed to do some work there, as a result of negotiations for the new lease last year. There was a question on the handicapped parking space and the clearing of that curb. Bickford and Hutchins had asked that this be an agenda item based on complaints about the handicapped parking spot, ice and snow. Wilson agreed with other members of the Board that the parking lot is looking bad and reminded the Board that the hot top is 20 plus years old. He said the Board should make an effort over the next 10 years to do the repaving and bring the lot back, including curbs, to its original. He said if it's done over a period of time the Town should be able to afford it. Hutchins suggested having a

discussion with the owner to remind him of what he had offered to do, and make an offer to do extra from the Town. Molly Lyman said that the major issue is not just getting over the curb but the drain that freezes and turns to ice. It was noted by the Board that as a Post Office, the Owner is supposed to provide a handicapped space. Wilson commented that the regulations for handicapped access were probably fine when the parking lot was first built and he suggested that a conversation between Ken Korona (Owner) and the Town be held.

VI. New Business

1. Water Commitment (\$118,459.74) – It was Moved (Wilson) and Seconded (Granholm) to accept the Water Commitment of \$118,459.74. Vote in favor 5 - 0
2. Sewer Commitment (\$85,236.94) It was Moved (Wilson) and Seconded (Granholm) at accept the Sewer Commitment of \$85,236.94. Vote in favor: 5 – 0
3. Quit Claim Deeds - Bennett has a number of quit claim deeds that were paid after the fact and the Board needs to sign and release those. Bickford read the list as follows: three (3) for 12 Trap Mill Road and one (1) for Main Street. It was Moved (Wilson) and Seconded (Willey) to release the Quit Claim deeds for 12 Trap Mill Road and Main Street. In favor: 5 – 0 . The deeds were signed.

VII.

Manager's Report – Bennett highlighted items in the report to the Selectmen. The FY budget has been given to the Warrant Committee and they will be meeting on Wednesdays at the Town Office at 7:00 pm, Their schedule is in the packet. The Warrant Committee will be at the Select Meeting on the 11th of March. Additionally, the Harbor Committee has asked to be scheduled on the February 12th Select agenda. Bennett told the Board that the Harris Group, who services and maintains the Trio Computing System came to this office and gave a demo. Last week Bennett had arranged a training class for General Assistance. Attendance was low, but allowed for a lot of one on one question and answer. Sharon Howard asked what the Harbor Committee changes were. Wilson said the changes are only on how the harbor will be administered and nothing on the land. Bennett said that the CEO is at this meeting to review and get approval for some new street names. The names were reviewed by the Board. It was Moved Wilson and Seconded Granholm to accept the list of new road names submitted to the board by the CEO on January 22, 2008. Vote in Favor: 5 - 0

VIII. Sign Warrants – It was Moved Wilson and Seconded Hutchins to accept the warrants as presented. Vote in favor 5 - 0. The warrants were signed

IX. Other Business – Wilson asked about the meeting with the Assessors – it is scheduled for the 29th of January at 6:00 p. at the fire station. Wilson asked for more copies of the handout that addresses how property is assessed. Hutchins will put a link to it on the web if possible. Carolyn Maling asked the purpose of the meeting with the assessors and Bickford explained that the assessors are there for informational purposes only and not to address personal tax concerns.

Hutchins told the Board that at the last meeting when the Board was discussing salt and sand on the roads she felt the Board wasn't completely clear on what they want and need. It wasn't clear whether the roads department agreed, or that they were completely clear on the direction the Board wanted to take. Wilson said the intention of the Board was to get more sand on the road. How and when you apply sand or salt is what it is about. Wilson said that Doug Monson went to a straight salt policy a few years ago without sanction of the Board as that is what DPW (the State) has done. The Town was buying no sand. – Wilson's problem is that he felt it was a safety issue – Hutchins said that the presentation at the last meeting was good, but she wasn't sure that the Board as a group made any changes in their decision. Bickford said it is now the policy to use 50% mixture. Bennett said she walked away from the meeting assuming that each road would be evaluated and that was how the Town would come up with priorities on how to treat different roads during the storms. Chapais said it does no good to have 6 or 7 cars off the road. and it would be useful to have a decision by the Board that the Police can call town workers out at night to have sand delivered. As long as at 3:00am when the Police are calling the town works, those personnel know that they should come. Wilson said that within the boundary of the Town – we have the jurisdiction to sand State roads when needed. Granholm said the Plan that Bennett is discussing, coordinating the Police and roads information is a great idea. It is better for the Highway Department because it gives them an opportunity to evaluate conditions of each storm. Hutchins asked about the boiler room doors – Bennett reported no news. Bickford said this Board has gone through many meetings discussing items – she encourages every citizen to come to these meeting and participate in the decisions that are being made. The Board wants input from the public and any questions should be answered in a public meeting. Sharon Howard said that one of the things that all Boards should look at is how announcements and postings are made – perhaps we should rethink how we publish these things. Bickford said the Board has talked about ways to communicate better – web page works well – a newsletter is good – Bennett has had a full plate and the newsletter has had to wait. Visitor Ryan noted that there isn't room for more than 14 people in this room. Hutchins said keeping

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the public informed will always be a problem – she would like to see a quarterly newsletter – and would volunteer some time towards that end – publish on the web site to save mailing costs. Wilson noted that a newsletter was working well when it was done – Hutchins will volunteer time. Bickford suggested advertising at the Harbor House bulleting board and Wilson said a newsletter and mailing to the people is a good way to get the information to the public Hutchins will bring topics to the next meeting. Carolyn Maling said the Tremont Board posting outside their offices is very informative.

X. Adjournment

It was Moved (Wilson) and Seconded (Willey) to adjourn the meeting at 7:06 p.m.