

**MINUTES of MEETING**  
**Board of Selectmen**  
**June 9, 2009**  
**SOUTHWEST HARBOR TOWN OFFICE**  
**6:00 p.m.**

I. **PUBLIC HEARING:** Traffic and Parking Ordinance: The Chairman opened the Public Hearing and asked for any public comment on the proposed Ordinance changes. Chief Chapais said the parking officer started this week. Chapais asked for the Board's opinion of using the terms "dusk to dawn" with the Upper Town Dock closure versus more specific hours. It was agreed to leave it as is. The public hearing was closed at 6:06 p.m.

II. Call to Order/Roll Call: The regular Selectmen's meeting was called to order at 6:06 p.m.

Present: Kristin Hutchins, Ralph Dunbar, Trudy Bickford, Berten Willey, Dorr Wilson; Town Manager: Robin M.. Bennett

Visitors: Annaleis Hafford, Olver Associates; Dennis Dever, Harbormaster; Nan Lincoln, BHT; Christy Penney BHT; Rene Wellman, RCC; Robert McKenney, RCC; Vaughn Clark, Mark Good, Islander; Bob Bosserman, David Chapais, Kenneth Hutchins, John Walsh, Nick Madeira, Sheryl Harper.

III. Visitors to be heard not on the agenda: Kenneth Hutchins would like an addendum to the Lower Town Dock that includes a second hoist. The Harbor Committee also needs a secretary for the meetings. The Committee voted Monday, June 8<sup>th</sup>, to suspend meetings until October 12<sup>th</sup>. Dunbar reminded Mr. Hutchins of the public forum next Tuesday on the Town Dock usage that would involve private use of public docks and floats. Mr. Hutchins will urge members to attend. Mr. Hutchins said the Harbor Ordinance will be an agenda item at the next Selectmen's meeting in June. Dever commented that the hoist added would be electric. Bennett said there is a meeting June 25<sup>th</sup> concerning the Harbor. Mr. Hutchins will attend. Chairman Hutchins said that these meetings are a direct result of the letter written by the Harbor Committee. Kenneth Hutchins said that there was a meeting last night and the newest member did not attend. He is concerned about commitment. Chairman Hutchins suggested the Board add a policy in future to require a percentage of attendance of any committees.

Chapais introduced John Walsh, new member of the Police Department. He lives in Ellsworth and works part time in Winter Harbor, and has been an EMT with County for the past 6 years, as well as being a fireman with Hancock.

IV. Approval of Minutes: May 26, 2009. It was Moved Bickford and Seconded Willey to accept the minutes of May 26, 2009 as presented. Vote in favor: 5 - 0

V. Warrants: Administration 133-139 Water 12 Sewer 27,28

VI. Old Business:

a. Facilities update:

i. Police Department Renovations: Bennett said, during the past two weeks, she has been working on the contracts and funding sources. The Police Department is officially dispatching from the fire station as of today. Chapais said the transition went fairly smoothly, and notices have been sent out to all areas of concern.

VII. New Business:

a. Liquor License Renewal: Ronald & Nancy Woodward, DBA. Eat-A-Pita, 326 Main Street – It was Moved Wilson and Seconded Bickford to approve. Vote in favor: 5 – 0

b. Harbor Committee Appointments: John Seavey said he has two small businesses that involve the harbor, and would be interested in being a member. Nichoas Madeira, has worked for Hinckley for 13 years, utilizes the Town Dock, and moves boats throughout the Harbor. Dunbar asked if Madeira was a resident of Southwest Harbor. It was Moved Bickford and Seconded Willey to appoint John Seavey to the Harbor Committee. Discussion: Wilson suggested that any candidate that didn't get appointed should continue to show interest. Dever asked that Maderia be considered next in line for any openings that may come up on the Harbor Committee. Bennett said if there was an opening would the Board ask that Maderia attend again – the Board would. Vote in favor: 5 – 0.

c. Water Quality Project – Olver Associates: Annaleis Hafford, of Olver Associates said the Bids were open and Sargent Construction was the low bid. There were 5 bids total, and alternatives were bid on as well as the base bid. The Base Bid from Sargent was \$610,550, with Alternate Bid No. 1 at \$138,667, and Alternate Bid No. 2 at \$9,570. She said the increase from the January 2007 quote is due to the steel prices increasing. Sargent is considered very competent and professional. The difference of \$77,000 can be made available by DWP at 0.0% interest over a twenty-year term. Hutchins asked if the Town needed to go back to the Voters for an additional \$77,000. Hafford pointed out that the Town will be borrowing in the \$600,000 figure, not the \$877,000. Wilson pointed out that the Voters approved ample funding that allows the Town to accept the bid without going back to the voters. Bennett said there are no Capital Improvement Funds for the

Water Department and asked Olver if the Drinking Water Fund would pay for an outside contractor. Hafford said they would not. Wilson pointed out that the voters have given the Selectmen the authority to spend the money. It was Moved Wilson and Seconded Bickford to accept all three bids from Sargent Corporation. Discussion: Hutchins asked about a local roofer – Wilson said there are no funds to spend on that. Vote in favor: 5 - 0.

Willey asked about the second water tank – Hafford said there has not been a full study on the second tank – from the preliminary look, it appears there needs to be a second tank. It will be evaluated as to whether or not a new tank is required or a repair.

- d. RCC Proposal: Bob McKenny and Rene Wellman, new RCC Director for Hancock County came to answer questions regarding Dispatch Services. Wellman said that one of the big issues is local control. She said that the dispatcher's job is to answer questions and to settle the caller down. McKenny said habitual callers would eventually become familiar to the dispatchers; and there is a map that pin points the location of the call on the Dispatcher's screen. Dunbar asked how many people are on duty at one time –there are two dispatchers with about 20 communities on line. McKenny said the Police Chief's administrator would be available during the day, and at night dispatch would be out of RCC. Chapais said that the personal touch that the small towns have with their police departments and dispatchers, is invaluable. He can't argue the numbers, but can argue the service. Bennett agreed that the biggest thing the Town would miss would be the 24 hour safe place to go. Bickford asked for numbers related to that over three or four months. Chapais will provide the 2008 figures
- e. Submerged Land Lease: Bennett said this has to do with the water project, and applying for this allows the Town to go forward legally with the water project. It was Moved Bickford and Seconded Willey to authorize Town Manager Bennett to sign the Submerged Land Lease. Vote in favor:5 – 0
- f. Traffic Ordinance Vote: It was Moved Bickford and Seconded Wilson to accept the Traffic Ordinance as presented. Vote: 5 – 1 (Willey). Motion passed.
- g. Pier Project Update: Bennett said bid openings last week came in slightly higher than anticipated. Based on that information,

Bennett recommended not paving the parking lot, but doing the repairs to the existing pier. The Town cannot get notice of MDOT awarding this project unless we agree to pick up the difference. Bennett will ask for more grant money. Dever suggested that since the low bid is already higher than anticipated, he recommend holding off on the second hoist. Bennett said Capital Improvement money has been set aside for the project, as well as money for floats, and that could be used. The Town has authorization to borrow enough money to do this project. The date for substantial completion is April 1, 2010. It was Moved (Dunbar) and Seconded (Willey) to award the Pier Project to McQuinn, pending State approval, to encompass, Option 1 only, making the bid total \$217,260. Vote in favor: 5 - 0

VIII. Manager's Report: Bennett said she has been addressing the Water, Police and Lower Town Dock projects. There are 50% less documents in archives. MOSES training is complete; the Harbormaster boat is scheduled for delivery next week; the "Citizen of the Year" Dispatch ceremony is June 21<sup>st</sup>. The pre-construction meeting for downstairs renovation will be held June 10<sup>th</sup> and that will provide the start date.

IX. Other Business. Wilson asked about contact with the Hook property. Hutchins and the Board asked that this be a priority. Dunbar asked about the sidewalks. Bennett has a number of options and will put it on the next meeting agenda. Hutchins would like the Board to discuss the "conflict of interest" issue as a workshop or as an agenda item going forward. Bickford suggested other Boards involved in this as a workshop, and Hutchins agreed. Wilson suggested having an MMA representative at a workshop to answer questions. Bennett will explore.

Hutchins suggested that Demeo and Maling who are leaving the Planning Board, speak to the Board as an exit interview. Wilson cautioned the type of interview and discussion that it would be and the implications to other members of the Planning Board. It was agreed that Hutchins will not pursue currently.

Bosserman asked if the sidewalks were to be painted before July 1<sup>st</sup>. Wilson said the stripes were done by Memorial Day and the Town owns a striper. Bennett will pursue this

X. Sign Warrants. It was Moved Bickford and Seconded Wilson to sign the Warrants as presented. Vote in favor: 5 - 0

XI. Executive Session

It was Moved Hutchins and Seconded Wilson to go into Executive Session at 8:12 p.m. Vote in favor: 5 – 0.

- a. Executive Session: Personnel matters in pursuant to 1 M.R.S.A. § 405 (6) (A).  
It was Moved Bickford and Seconded Wilson to come out of Executive Session at 8:20 p.m. Vote in favor: 5 – 0.

It was Moved Hutchins and Seconded Bickford to go into Executive Session at 8:28 p.m. Vote in favor: 5 – 0.

- b. Executive Session: Personnel matters in pursuant to 1 M.R.S.A. § 405 (6) (A).

It was Moved Wilson and Seconded Hutchins to come out of Executive Session at 11:13 p.m. Vote in favor: 5 – 0.

- XII. Adjournment. It was Moved Wilson and Seconded Bickford to adjourn the meeting at 11:14 p.m. Vote in favor: 5 – 0.