

**MINUTES OF MEETING**  
**Town of Southwest Harbor**  
**Selectmen's Meeting**  
**May 12, 2009**

I. Call to Order/Roll Call: The meeting was called to order at 6:00 p.m. Present: Robin M. Bennett, Town Manager; Selectmen: Kristin Hutchins, Chairman; Bert Willey; Ralph Dunbar; Trudy Bickford; excused: Dorr Wilson

Visitors Present: David Chapais, Police Chief; Bob Bosserman, Michael Magnani, Dennis Dever, Harbormaster; John Williams, Marty Williams, Ann Heisey, Nan Lincoln, BHT; Rob Marshall, Eric Davis.

II. Visitors to be heard not on the Agenda: none

III. Approval of Minutes – April 28, 2009: one correction bottom of first page re: number of members of the Harbor Committee should be 9 not 8; It was Moved Bickford and seconded Willey to approve the Minutes of April 28, 2009, as amended. Vote in favor: 4 – 0; Bickford said the minutes are long and would like to see them shorter. She suggested they be brief.

IV. Warrants: Administration: 117 – 124; Water: 10; Sewer: 24, 25.

V. Old Business

a. Facilities update

i. Police Department Renovations: Bennett reported that since the last Selectmen's meeting, the referendum passed in the Town Vote of May 5, 2009, and a pre-bid meeting was held the following day. A variety of contractors representing many disciplines came to the meeting and at that point 10 sets of plans were purchased. Three different bids are out now. The bids are due May 20, 1009.

VI. New Business:

a. Planning Board Appointments: Demeo and Maling have resigned as of June 30, 2009. Mike Magnani: has been a resident of Southwest Harbor for 10 years and served on Comprehensive Plan Committee.

It was Moved Dunbar and Seconded Willey to appoint Michael Magnani to replace Carolyn Maling as a Planning Board member, for her remaining term of 4 years which ends June 30, 2013. Vote in favor 4 – 0.

Eric Davis: he is a native of Southwest Harbor and has had a 20 year career.

It was Moved Bickford and Seconded Willey to appoint Eric Davis to replace Anna Demeo as a Planning Board member for her remaining term of 1 year which ends June 30, 2010. Vote in favor 4 – 0.

b. Island Connections: Ann Heisey came with a petition to reinstate the Island Connections' request for funding of \$1,500, on the June 9<sup>th</sup> Warrant.

It was Moved Dunbar and Seconded Willey to put Island Connections' request for non-municipal funding on the June 9<sup>th</sup>, 2009 ballot. Vote in favor 4 -0.

a. Special Amusement: Deck House, Rob Marshall.

It was Moved Willey and Seconded Hutchins to approve the Special Amusement permit for the Deck House. Vote in favor 4 - 0.

b. Liquor License Renewal, Deck House, Rob Marshall.

It was Moved Bickford, and Seconded Willey to approve the Liquor License Renewal for the Deck House. Vote in favor: 4 - 0.

c. Special Amusement: Café Drydock, John & Marty Williams.

It was Moved Bickford and Seconded Dunbar to approve the Special Amusement Permit for the Café Drydock. Vote in favor: 4 -0.

d. Liquor License Renewal, Café Drydock,. John & Marty Williams.

It was Moved Bickford and Seconded Willey to approve the Liquor License Renewal for Café Drydock. Vote in favor 4 - 0

g. Harbor Ordinance Amendments:

Dunbar said he has reviewed the document and has found sections that were changed by the Harbor Committee, that are not reflected in this Ordinance. He would like the Board of Selectmen to table this until the Harbor Committee can be present. The document was reviewed in depth by Dunbar.

It was Moved Bickford and Seconded Hutchins, to accept the changes in the Coastal and Harbor Ordinance as presented to the Board of Selectmen on 5/12/09, for voting on the Warrant on June 9, 2009. Vote: 2 -2. Motion did not pass.

The Ordinance will not be on the warrant June 9, 2009.

h. Sign June 9, 2009 Town Meeting Warrant:

It was Moved Hutchins and Seconded Dunbar, to accept the June 9, 2009 Warrant as amended on May 12, 2009, removing Article 3: Coastal Harbors and Water Ordinance. Vote in favor 4 -0.

i. 2009 Annual Town Meeting: Bennett said this was an opportunity to debrief.

Dunbar said attendance was very poor. Willey agreed. Bickford commended Campbell as Moderator and would like the Town to express their thanks.

j. Fire Station Building Use Policy: Bennett asked the Board to open the

discussion based on recent requests for use of the building. Currently use has been for Municipal or Community purposes only. The Selectmen felt that Town Boards and Committees, as well as Medical Clinics for the public, and Food Pantry use would be appropriate. Hutchins asked for draft language from the Town Manager.

k. RCC – Dispatch Discussion: Bennett reviewed her memo of 5/12/09 that

outlined the cost impact of transitioning to RCC. Bickford would like to meet with the new Director of the RCC, and also visit and review Towns that had transitioned from local dispatch to RCC. Bennett suggested an exit poll during the June 9 election. Hutchins would like to know on a day to day basis how using RCC would work. Hutchins will talk to Bucksport;

Bennett said the new Director will come to one of the June Selectmen's meetings. Chapais told the Board that the Dispatchers have been named "Citizens of the Year" by the Chamber.

l. GA Fair Hearing Authority (FHA): Bennett referred to the Board of Appeals (BOA) Ordinance revisions which took out the BOA's GA fair hearing obligations; The League of Towns (LOT) attorney has drafted an inter-local agreement with the Towns that are interested in joining the FHA. Bennett asked permission from the Board to enter into the Inter-local Agreement. Dunbar pointed out that Fletcher was not in favor .

It was Moved Dunbar and Seconded Willey to table this issue until next meeting, and to ask Ted Fletcher to come to meeting and explain his concerns. Vote 2 – 2 No passage. It was Moved Hutchins and Seconded Bickford that Southwest Harbor enter in to the Fair Hearing Inter-Local Agreement with the other Towns in the League.

Discussion: Dunbar said in a small community people know each other better.. Bennett explained that the law will determine decisions, and only the law. It is a complex set of laws, and people who don't do it on a regular basis aren't familiar with the law.

Vote: 3– 1 (Dunbar)

m. USDA Loan Resolution: Pending the successful out come of the Police Station referendum:

BE IT RESOLVED, that the Board of Selectmen of the Town of Southwest Harbor approves and accepts in all respects, a proposed loan of \$800,000 at an interest rate not to exceed Four and Three Quarters (4.75%) for a period of twenty nine (29) years from the USDA Rural Development, for the purpose of renovations for their police station in accordance with Loan Resolution (Public Bodies) Form RD 1942-47, and to authorize the Town Manager and the Town Clerk to execute and deliver all documents, and to take any and all actions necessary to carry into effect such financing, including, but not limited to, Form RD 400-1, Equal Opportunity Agreement, and Form RD 400-4, Assurance Agreement.

Form RD 1942-47 was presented and voted upon as follows:

Yeas 4                      Nays 0                      Absent 1

#### VII. Manager's Report:

- Bennett said the Town has officially received the grant for the water projects.
- Town will have a Public Hearing on the 26<sup>th</sup> of May for Island Connections
- Started archive sorting/disposal downstairs;
- Town needs quotes for movers to remove the archives and Police department records;
- Bennett reviewing emergency policies relative to the pan flu.
- ADD still working on the EMR contract. Should have results within a month.

VIII. Other Business: Dunbar: regarding the sidewalk from Town to Manset corner: what money is available and what action can we take to make them passable for the summer season? Bennett said there is approximately \$110,000. The Board discussed patching, rebuilding and/or scraping away to the bare dirt as possibilities for this sidewalk. Dunbar asked if Bennett could contact Goodwin and Gott to get prices for replacement.

Chief Chapais told the Board that Patrolman Aaron Arsenaault will be graduating from the Academy next week and the PD is planning the Bike Rodeo for June 13<sup>th</sup>; Chapais and Alan Smith are working with Pemetic revisiting their Emergency Plan. Chapais will be hiring a parking officer soon – he and Bennett will look at the budget.

Bickford asked about McEachern's and the view coming up Clark Point Rd to turn left. She suggested enforcement as a first step. Dunbar suggested another exit poll on June 9<sup>th</sup>. Bennett will frame language for the exit polls.

Hutchins: The Consent Agreement with the Dawson's became confusing to the Planning Board as to their responsibility and authority.

IX. Sign Warrants:

It was Moved Bickford and Seconded Dunbar to sign Administrative Warrants 117-124, Water Warrant 10 and Sewer Warrants 24 and 25. Vote in Favor: 4 – 0.

X. Executive Session

- a. Executive Session – personnel matters in pursuant to 1 M.R.S.A. § 405 (6) (A)

It was Moved Hutchins and Seconded Bickford to go into Executive Session pursuant to 1 M.R.S.A. § 402 ( 6) (A), at 8:10 p.m. Vote in favor: 4 – 0.

It was Moved Hutchins and Seconded Bickford to come out of Executive Session at 8:37 p.m. Vote in favor: 4 – 0.

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

It was Moved Hutchins and Seconded Bickford to go into Executive Session pursuant to 1 M.R.A. § 405 (6) (A) at 8:37 p.m. Vote in favor: 4 – 0.

It was Moved Hutchins and Seconded Bickford to come out of Executive Session at 8:40 p.m. Vote in favor: 4 – 0.

XI. Adjournment

It was Moved Willey and Seconded Hutchins to adjourn the meeting at 8:41 p.m. Vote in favor: 4 – 0.

ATTEST A TRUE COPY

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Beatrice D. Grinnell, Town Clerk