

**Minutes of Meeting
Board of Selectmen
January 27, 2009
SOUTHWEST HARBOR TOWN OFFICE
6:00 p.m.**

I. Call to Order/Roll Call: The meeting was called to order at 6:00 pm: those present were: Kristin Hutchins, Chairman; Dorr “Skip” Wilson, Vice Chairman; Trudy Bickford; Ralph Dunbar, Jr.; Town Manager, Robin M. Bennett; excused: Berten Willey.
Visitors: Lydia Goetze, Comprehensive Plan; Sam Jacobson, Pemetic School, Colton Sanborn, Pemetic School, Dianne Helprin, Pemetic School, Bonnie Burne, Pemetic School, Robert Bosserman, Erika Shriner, Nan Lincoln, Bar Harbor Times, Michael Curless, M. J. Good, MD Islander; Susan Buell, David Chapais, Police Chief; Donald Lagrange, Code Enforcement Officer.

II. Visitors to be heard not on the agenda: Lydia Goetze asked that the Selectmen appoint new members to the Comprehensive Plan Committee, since as their By-Laws stand now, they are required to have 7 members, as well as have 5 present to vote. Typically 3 to 6 members attend meetings. Currently, not enough members are attending, to vote to suspend the By-Laws which suspension would allow the Committee to conduct business as it should be conducted. Goetze is serving as the temporary Chairman, and asked to be on the February 10th Agenda. She encouraged the Selectmen to assist the Committee in searching out members.

Regarding public facilities and services being addressed by the Comprehensive Plan Committee, Hutchins will put a draft of that in the Selectmen’s next packet; please read in order to discuss at the February 10th meeting. Bickford asked how many people show up at Comprehensive Plan meetings and Goetze said between 3 – 6. Having more members will be important when policies and strategies are discussed. Hutchins asked the Board to move the Committee appointments up on the agenda – all agreed.

III. (The following were moved from Agenda Item: VI., subsections a. & b.).

a. Comprehensive Plan Committee Appointments:

Robert Bosserman: Comprehensive Plan Committee applicant:

It was Moved Hutchins and Seconded Wilson to appoint Robert Bosserman to the Comprehensive Plan Committee. 4 – 0 in favor: Motion passed.

Michael Curless: Comprehensive Plan Committee applicant:

It was Moved Hutchins and Seconded Wilson to appoint Michael Curless to the Comprehensive Plan Committee. 4 – 0 in favor: Motion passed.

Thanks were expressed by the Board.

b. Solid Waste Committee Name Change & Appointments:

Bickford said the name change will be: Waste Prevention Committee as it fits with the goals of the Committee; Shriener explained the excitement of the Committee and the involvement with the school and two students. Bennett mentioned the effort in Trenton to do a program in the school there. They may contact Pemetec, and the group from Pemetec will be open to that. It was Moved Wilson and Seconded Dunbar to change the name of the Committee from Solid Waste Committee to the Waste Prevention Committee. 4 – 0 in favor: Motion passed..

Appointments: Bennett told the Board that two applicants to this Committee are not citizens of Southwest Harbor.

Susan Buell: Waste Prevention applicant for a term to end 6/30/10: It was Moved Wilson and Seconded Dunbar to appoint Susan Buell a member of the Waste Prevention Committee: 4 – 0 in favor: Motion passed.

Bonnie Burne, Waste Prevention applicant for a term to end 6/30/10: Burne, former Southwest Harbor resident has been a teacher for 6 years at Pemetec, and now lives in Bar Harbor. It was Moved Wilson and Seconded Bickford to appoint Bonnie Burne a member of the Waste Prevention Committee for a term to end 6/30/10, without the requirement of Town residence. 4 – 0 in favor: Motion passed.

Sam Jacobson, Student at Pemetec School: Waste Prevention Applicant for a term to end 6/30/09: It was Moved Wilson and Seconded Dunbar to appoint Sam Jacobson a member of the Waste Prevention Committee for a term to end 6/30/09. 4 – 0 in favor: Motion passed.

Dianne Helprin, Tremont Town Resident and Principal of Pemetec School: Waste Prevention Applicant for a term to end 06/30/10: It was Moved Wilson, and Seconded Bickford to appoint Dianne Helprin a member of the Waste Prevention Committee for a term to end 6/30/10, without the requirement of Town residence. 4 – 0 in favor: Motion passed.

Colton Sanborn, Student at Pemetec School: Waste Prevention Applicant for a term to end 6/30/09: It was Moved Wilson and Seconded Bickford to appoint Colton Sanborn a member of the Waste Prevention Committee for a term to end 6/30/09. 4 – 0 in favor: Motion passed.

Wilson expressed excitement with the energy of the Committee and commended Erika Shriver for her leadership in forming the Committee. Bickford announced the next meeting for 3:30 p.m., Feb 25th at this meeting room.

- IV. Approval of Minutes: January 13, 2009: It was Moved Bickford and Seconded Willey to accept as written. 4 – 0 in favor: Motion passed.
- V. Warrants: Administration 59-66 Water 2 Sewer 17
- VI. Old Business
- a. Facilities update:
- i. Police Station RFP: Bennett reported to the Selectmen that the Engineers will meet again tomorrow, the 28th, at the Town Office at 4:00 p.m., weather permitting.
- ii. Town Office Conference Room: Bennett said that there needs to be a home for the records that are required to be retained. The only space available within the building is this conference room. Mina Vescera and Bennett are weeding out records that can be destroyed, and if renovations are done downstairs the remaining records will need to be moved. Hutchins asked for comments. Bickford said currently the Town Office is not big enough and it's not good to fill up this space when more space is actually needed. "Long term it's not good". Points discussed were the inconvenience of meetings out of office, for example, the Fire Station, and concerns over the cost of increasing the heating level and time at the fire station meeting room to accommodate a heavy meeting schedule. Bickford reiterated: "it is a terrible situation this Town is in, using this room as a storage space." Bennett said this conference room is used on a daily basis and Bickford pointed to the need to make copies during meetings. Hutchins said she essentially agreed with Bickford – but doesn't see any alternative but to put the materials here for the short term and will have to use the fire station for meetings. Wilson proposed using the Fire Station for the short term storage problem. Fire Chief Chisholm was present and said there might be a locked space about 16' x 12', which is currently the laundry room. Chisholm said the only days the fire station uses their meeting room is the first and third Thursdays of each month – they are trying to keep the heating costs down and there will be added expenses for that. Bennett suggested that she and Fire Chief Chisholm take a look at the Fire Station storage options. Hutchins asked Bennett and Chisholm to pursue this option and report back.
- b. CEO Fee Schedule Proposal: Building Permit Fee adjustments were addressed by Lagrange with materials that had been requested by the Board from the prior meeting. He explained the 2010 Building Code requirements that will include stated value for each Building Permit issued. He explained that Southwest Harbor is different from most other communities because of the variety of structures and oceanfront location. Hutchins said Lagrange has provided the legal documentation, but Dunbar questioned the "reasonable cost" as stated in the document. Lagrange said it is legal to support the cost of the department through the fee structure, but no profit is allowed. Hutchins asked if the Town could charge fees that could reimburse (offset) the

costs of the office. Yes was the answer from Lagrange. Hutchins clarified: the Town cannot make a profit through permit fees, but can meet the expenses of the office with the fees, legally. Hutchins said the reason this proposal is attractive, is that it is an opportunity to switch from property tax to use fees. This switches the tax burden more toward users. Bickford somewhat agrees. Wilson said it might offset some lost revenue that will be seen over the next few years. Wilson has no problem with the recommendations. It was Moved Wilson and Seconded Hutchins to accept the Building Permit fee recommendations of the Code Enforcement Officer. Discussion: Wilson said those who can afford to build million dollar homes can afford to pay a higher fee. Lagrange said that if this had been in effect over the past year it would have increased revenue by \$8,000 to \$10,000. Dunbar said the fee is going to be unjustified by the Maine Court Rules. Wilson said people are slowly being priced out of Town, and a fee that offsets this is the reality.. Vote in favor 3 – opposed 1 (Dunbar): Motion carried.

c. Annual Town Report: The Board reviewed the list of names of deceased provided for consideration of a possible memoriam in the upcoming Annual Report. The Board discussed. It was Moved Bickford and Seconded Wilson to dedicate the upcoming Annual Report to Maurice Norwood and to publish the whole list of names in the Report as well. 4 – 0 in favor: Motion passed.

VII. New Business

a. Fair Hearing Authority: Bennett advised the Board that in the League of Town jurisdiction there had recently been potential for a number of Fair Hearings for appeal of General Assistance rulings. Legally, the hearing must happen within 5 days of the request. Two years ago Southwest Harbor used Millard Billings for an appeal, however, Bennett pointed out that our Board of Appeals ordinance requires that they be the Fair Hearing Authority. Discussions at the League of Towns meeting pointed out that it should be someone who is available within the 5 day time frame, and who is familiar with General Assistance. The League proposed having those in the individual Towns, who are the General Assistance Administrators, be part of a Fair Hearing Authority pool. Bennett asked the Board of Selectmen to consider an amendment to the Board of Appeals Ordinance. It was Moved Hutchins and Seconded Wilson to accept the Town Manager’s recommendation to remove the Fair Hearing Authority from the Board of Appeals and have a pool of Fair Hearing Authority Officers, and to form an Inter-local agreement with the League of Towns to do so. 4 – 0 in favor: Motion passed.

b. FY09-10 Supplemental Budget: Wilson asked why the letter concerning reduction in force of the Police Department was entitled “Supplemental Budget”. Hutchins said the letter she wrote to the Board, depending on the outcome of the discussion, would make this a supplemental item. Chapais said he tried to make it clear that running a 4 man Department is a temporary solution when someone is in the Academy or out for a short period and

it is an extreme burden to run any length of time with a 4 man team. To have a 24/7 coverage with a 4 man team would require time and a half from a full time person, even before someone is sick and/or goes on vacation. Bickford said when she made the decision, it was not to have 24/7, but to have the 4 work a 40 hour shift. Bennett told the Board that the reduction in staff would be a savings of \$17,400 . Unemployment is not paid by municipalities into the unemployment fund; therefore, when a person claims unemployment the State bills the Town for the funds paid out. Bickford said the Board needs to decide if they want 24/7 service. Dunbar said it is inappropriate to bring this back to the Board without the five man Board present. Wilson said he didn't think reducing to a 4 man team and using part timers to fill in would reduce the 24/7 coverage. Chapais reiterated that it is very difficult to fill with part timers as they already have full time jobs. There are only three part-timers available. Bennett said that reduction in service was never part of the discussion. She also expressed concern over safety issues when Officers are working extended shifts over a long period of time. This item will be on the agenda at the next meeting to discuss Police Services. Chapais said it is not as easy as cutting one person and filling the 8 hours.

c. Maine Service Center Coalition (MSCC): Bennett received a letter, and Southwest Harbor has been asked to join this group. The fee would be \$500 for the community and the pros are: support and advocate for local sales option tax, and petitioning to change the PUC oversight of water utilities. Dunbar asked if MMA does this – Bennett explained that the MSCC is more specific to service center communities. This item tabled.

d. Water & Sewer Commitments: Water: \$23,419.20 and \$108,285.81. Sewer: \$10,974.17; and \$67,980.21. It was Moved Wilson, and Seconded Bickford to approve the Water and Sewer Commitments as presented. 4 – 0 in favor: Motion passed.

e. AOS Warrants: Bennett circulated these warrants to the Board. It was Moved Hutchins and Seconded Dunbar to warn the meeting of June 9, 2009. Discussion: none 4 – 0 in favor: Motion carried.

VIII. Manager's Report. Bennett reported that Acadia Disposal District met last week; some changes made to the by-laws; EMR has been unable to meet to conclude contract negotiations; Bennett has made the changes to the budget and it has gone to the Warrant Committee. Their first meeting is scheduled at the Town Office at 7 pm tomorrow, January 28, 2009, weather permitting. Hutchins and Bennett will meet with USDA on the 28th of January to sign application documents to earmark funds at 4.75% interest. The Board of Appeals have concluded the 2007 tax appeals, and recently heard an appeal by Ocean's End. The Board upheld the Code Enforcement Officer's decision. League of Towns held their election of officers at the last meeting, and re-elected the entire slate of officers from the prior year.

IX. Other Business: Hutchins: gave Board Members copies of her draft of an introductory packet for volunteers. Bennett gave Hutchins her notes on the draft and this item will go on the next Selectmen's Agenda.

Wilson suggested the School Budget, provided by Bennett in this week's information packet, be an agenda item for the next meeting.

Wilson: re the Harbormaster boat, he would like to see that on the next agenda. Invite Chisholm, David, and ask why they support the boat.

It was Moved Wilson and Seconded Dunbar to approved the warrants as presented. 4 -0 in favor: Motion carried.

It was Moved Hutchins and Seconded Wilson to enter into Executive Session to discuss Personnel Matters in pursuant to 1 M.R.S.A. § 405 (6) (A) at 7:52 p.m. 4 – 0 in favor: Motion carried.

X. Executive Session: Personnel Matters in pursuant to 1 M.R.S.A. § 405 (6) (A)

It was Moved Hutchins and Seconded Wilson to come out of Executive Session at 8:09 p.m. 4 – 0 in favor: Motion passed.

XI. Adjournment: It was Moved Wilson and seconded Hutchins to adjourn the meeting at 8:10 p.m. 4 – 0 in favor: Motion passed.