

**MINUTES OF MEETING**  
**Board of Selectmen**  
**January 13, 2009**  
**SOUTHWEST HARBOR TOWN OFFICE**  
6:00 p.m.

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

Visitors: Mark Good, Islander; Nan Lincoln, BH Times; Donald Lagrange,  
CEO; Douglas Monson, Public Works Director; David Chapais, Police Chief;  
Sandra Johnson, Planning Board & Warrant Committee Member.

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

III. Approval of Minutes: November 25, 2008, December 9, 2008 and  
December 23, 2008:

It was Moved (Bickford ) and Seconded (Dunbar) to approve the minutes of November  
25<sup>th</sup> and December 9<sup>th</sup>, 2008 as presented. Vote: 3 in favor, 2 abstained  
(Wilson & Willey).

Minutes of December 23<sup>rd</sup>, 2008. Chair Hutchins requested the recording secretary to  
clarify which “Hutchins” was speaking at the bottom of page 2.

It was Moved (Dunbar ) and Seconded ( Willey) to accept the minutes of December 23,  
2008 as amended. Vote in favor 3, Abstained 2 (Bickford & Wilson).

IV. Warrants: Administration 53 – 58 Water 1 Sewer 16

V. Old Business

a. Facilities update:

i. Police Station RFP: Summarized by Hutchins that the  
Sewall report was the best. Dunbar suggested agreeing to their follow-up letter with a  
phone call. Hutchins indicated she was more comfortable with a fixed cost, and Wilson  
agreed and said he would like to see that. Bickford and Willey agreed. The fixed fee  
includes the oversight as well. It was Moved (Bickford) and Seconded (Wilson) to  
accept the Sewall proposal of a Fixed Fee of \$62,900. Vote in favor: 4 – opposed: 1  
(Dunbar) – motion carried.

VI. New Business

a. Storm Water Management: The Board reviewed material from  
Don Lagrange, CEO. Suggestions in his report for changes to the process will put the

burden on the person getting the permit, to explain how their plan will not affect property downstream. Lagrange wants to bring ordinance changes to the Planning Board. Bickford suggested putting some wording in the ordinance that discourages paving of private driveways. There are a lot of issues that play into the ordinance wording and the Town also has accountability.

Hutchins said the Town could require private land owners to use best practices, and as the Town rebuilds and repaves roads, they must look at the storm water run off as well. She asked Lagrange how steep the financial burden would be for builders/landowners, if the Town puts some of these practices in place. Lagrange replied that each project would have to be looked at individually. He said professional builders will be more aware of their responsibilities. He also said a homeowner building his own project could find information on line that will assist, and both the CEO and Public Works Director would be available to help direct the search. The one problem he has is that there is little or no information on private roads. He reminded the Board that Monson signs off as Public Works Director on road and driveway entrances (onto Public Ways), using DOT standards as a guide.

Hutchins asked the Board for their opinion. Wilson asked Lagrange to clarify the additions to the LUO. Lagrange explained the changes were added into the draft that the Select Board received. Wilson and Bickford both agreed this approach will make people more aware and educated. The Board asked Lagrange to proceed with this project.

b. CEO Proposed Fee Schedule: The fee schedule for permits asks for only two changes. CEO would like to change the value calculation wording. The change allows CEO to get a fair value from ANY home being constructed in Town with a minimum cost of \$130 per square foot. He said permit fees can be adjusted to pay for the Code Office expenses including Secretarial. Johnson asked: 'why wouldn't the Town want to capture a larger fee for those able to build luxury homes?' The base value and cost doesn't change for the ordinary builder. Lagrange clarified the "finished" upstairs of a garage changes that are proposed. It was Moved (Hutchins) to accept the CEO's recommendation to update the fee schedule. There was no Second. Dunbar would like to be sure there are no legal issues attached to these changes; Wilson would like to postpone the decision for a couple of weeks. Hutchins suggested preparing a list of questions for the CEO concerning these proposed fee changes: 'what is the legal ramifications, and what other communities have this type of fee structure?' This item will be on the next agenda.

Plumbing fees were also discussed – the CEO recommends increasing from \$6/fixture to \$10/fixture based on Trenton and Bar Harbor fee structures which are higher than the proposed increase in this Town. It was Moved (Dunbar) and Seconded (Bickford) to accept the change in the plumbing fees as set for the in the document presented at this meeting. Vote in favor: 4 -0 -1 abstain (Willey).

c. School Funding Formula: The Board reviewed the letter that Bennett prepared to the Town of Mt. Desert Selectmen, for signature of the Chairman. Wilson said the letter is good, and Hutchins said it addressed the question that Mt. Desert asked neighboring towns. It was Moved (Wilson) and Seconded (Bickford) to sign and

mail the response letter to the Mt. Desert Board of Selectmen, as presented. Vote: 5 – 0 in favor

- d. Water & Sewer Commitments: tabled to the next meeting
- e. Town Report and Dedication: Several names were suggested for either a dedication or memorial. Hutchins asked the Board to think about possible candidates, and have an answer at the next meeting.

VII. Manager's Report: ADD negotiations are on-going; Bennett is still working on the fiscal budget, and will begin preparing for the Warrant Committee meetings the last of January. Concerning the USDA application, she and Hutchins will meet with Lewis Sirois to go over documents that need to be signed. A number of committees and boards are working on changes to ordinances and will need to arrange the appropriate public hearings. The Town is preparing for the water audit; at the end of last week MDOT came out with their newest 6 year plan and our project was not on it;

VIII. Other Business: The proposed shellfish income and expenditures are being checked by the bookkeeper for accuracy.

Wilson said he would like to see the storm water management evaluation focus on the center of Town first. Bickford said there must be a complete picture of the entire Town and the storm water run off. Hutchins feels the full plan will help the Town make a more informed decision. She asked Monson if this would assist his department. Monson said an engineer would be needed to do borings, and camera views in the center of Town as two catch basins are under buildings and the Town does not own some of the equipment needed to do a thorough evaluation. Wilson reiterated that the center of Town is certainly his priority issue, and Willey agreed. Monson said he has a pretty good inventory of the system currently and could probably indicate their condition. The Board asked him to provide that inventory. Dunbar said Monson could provide as much as possible about the current system, identify the problems and proceed from there, using the funds that are available this year. Bickford said there are more areas than just the downtown area that are having water problems. Wilson agreed, and said every project we do, roads, culverts, should be done at the top level of affordability that is possible, to address these problems. Hutchins said that a Comprehensive Storm Water Run-Off Plan would be best, and she would like to see that kept as part of the Capital Improvement Plan. Hutchins asked Wilson to outline what he thought was the boundaries of the immediate problem area; He said: from Southwest Cycle (Bicycle Bob's) to Bar Harbor Bank and Clark Point Road to SW Auto, including Wesley Ave. Monson said from Main Street (Seal Cove Road to Manset corner) including Freeman Ridge, Wesley Ave., and Clark Point Road. Bennett said there needs to be an engineering survey and there is no money for that. If there is to be any money set aside, it needs to be decided now. Board agreed this is a priority. Monson said there needs to be another main across Main Street from the west side of Main Street to the east side to assist the drainage problem. Summarizing, the Board agreed that Monson produce an inventory and quality of the drainage, then the Board could ask for an RFP from an engineering firm.

Bickford asked if tax payers will be receiving notices prior to being published in the Town Report. Bennett said a reminder went in the newsletter. Bickford informed the Board that the Solid Waste Committee is having a meeting at 4:00 p.m. Wednesday which will include two teachers and two students who are interested.

Wednesday the 14<sup>th</sup> is the School Consolidation meeting.

IX. Sign Warrants: It was Moved (Bickford) and Seconded (Wilson) to accept and sign warrants as presented – Vote: 5 – 0 in favor

X. Adjournment It was Moved (Wilson) and Seconded (Bickford) to adjourn the meeting at 7:39 p.m. Vote: 5 – 0 in favor.