

**Minutes of Meeting**  
**Board of Selectmen**  
**November 10, 2009 @ 6:00 P.M.**  
**Southwest Harbor Fire Station Meeting Room**

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

Visitors: Mark Good, Greg Johnston, Jeff Crafts, Donald Lagrange, Chadbourn Smith, James Collier, Dennis Dever, Sandy Johnson, Erika Shriner, Sue Griffiths, Tim Woodcock, Gena Silverman, Olin Rumalea, Les McEachern, Susan Buell, Bill Trotter, Ken & Meredith Hutchins, Carol Williams, Cuyler Morris, Bob Bosserman, Susan Dyer, Carolyn Maling, Anna Demeo, Ken Collins.

II. Visitors to be heard not on the agenda: Erika Shriner, Chair of the SWH Waste Prevention Committee, told the Selectmen that they are celebrating recycle week Tuesday 11/17 at the Library with a display about recycling. The group will be showing three short films on recycling at 7pm.

Sandra Johnson informed the Board of selectmen she had a petition which re-defines "Multi-use". She presented 98 signatures and read the petition to the Selectmen. The Town Clerk has not verified signatures. Johnson asked whether the Selectmen are accepting the petition tonight. Bickford said the Town Clerk hasn't verified the signatures, and she would like time to read it. Hutchins said it will go on an agenda after signatures have been verified. Johnson has two outstanding signature pages for this petitions and Bennett suggested that she collect those, and Bennett, once it is received complete, will put it on the next agenda.

Ken Hutchins, asked if the Selectmen had the motions from the Harbor Committee. This item will be discussed under other business at the end of the meeting.

The Chairman announced that the Moratorium would be discussed out of order, and would be next on the Agenda.

a. Moratorium Proposal: James Collier and Chad Smith, Attorneys for the Town of Southwest Harbor reviewed the draft Moratorium

the Board of Selectmen instructed them to prepare at the last Selectmen's meeting. Collier said they are only acting in a neutral capacity to protect the Town; this is only a draft, and if it is not in the spirit of the original petition, it can be adjusted. The re-draft states specifically that it will not apply to building permits connected to a previously approved subdivision. Demeo said the petition submitted addressed two things: it asked for a moratorium on all sub division applications and, a moratorium on all applications that call out the multi-unit definition. The fact that wording is being added to exempt the permitting process is not what the petitioners wanted.

Tim Woodcock, representing VOE, said: for each of the criteria set forth at the beginning of the moratorium document, there must be proof of serious public harm. If the permits were in question, it would be necessary to follow up.

It was Moved Bickford and Seconded Dunbar to accept the re-drafted moratorium and continue to have the Planning Board re-draft definitions. Vote 4-1 (Wilson) Motion carried. Hutchins said that she would like the Board to recommend that the moratorium not have passage. Dunbar agreed. It was Moved Hutchins and Seconded Dunbar to present the Moratorium at the May Town Meeting and that the Selectmen make a recommendation not to approve. Discussion: Marshall said she attended the last Planning Board meeting and she did not leave that meeting feeling the Planning Board is going to produce a definition of the words that will satisfy the people that want the changes. Hutchins withdrew the motion. Dunbar withdrew the second.

It was Moved Hutchins and Seconded Wilson that the moratorium be scheduled for a Special Town Meeting on Tuesday, December 8<sup>th</sup>, 2009, by written ballot with the recommendation from this Board that it not have passage. Discussion: Attorney Chad Smith would like to review the timing of the Town Meeting and the Public Hearing to be sure that it meets legal guidelines. Hutchins and Wilson withdrew their motion and second to allow time for Smith to review the statutes for Australian ballots.

III. Approval of Minutes: October 27, 2009 & November 3, 2009  
It was recommended to change the votes on the motions of the November 3 meeting to read: votes 3 – 1 – 0, or simply 3 – 1. Appropriate changes will be made. It was Moved Hutchins and Seconded Bickford to approve the

minutes of October 27, 2009 and November 3, 2009 as amended. Vote in Favor: 4 –0 - 1 (abstain Willey).

IV. Warrants: Administration 70-78 Water 24-26 Sewer 14-15  
Fire \_\_\_\_\_ Water Project 4 Lower Town Dock: 1

V. Old Business:

a. Police Station Update: Bennett reported that the project should see substantial completion in about a week and a half. Construction meeting next Thursday with walk through for substantial completion.

b. Water Project Update – Bennett said this project is going well. There was a project meeting this morning and it is anticipated they will be finishing around Dec 3<sup>rd</sup>.

c. Lower Town Dock Update: Bennett contacted M - DOT grant source and they will fund 50% of the change order. They also will entertain funding Option 1 at 50%. Bennett told the Selectmen that this may mean a total of an additional 10K in grant funds.

VI. New Business

b. Harbor Committee Appointment: Nick Madeira will be moving to the Caribbean and will be resigning. Cuyler Morris has volunteered to be a member of the Harbor Committee. Wilson expressed thanks. It was Moved Hutchins and Seconded Bickford to approve Cuyler Morris' nomination to the Harbor Committee. Vote: 5 – 0 in favor

Ken Hutchins said last night the Harbor Committee made a motion to recommend that a mooring that was taken legally by the Harbormaster, should be returned. However, the Harbormaster has reassigned the mooring site, and Hutchins feels he should not have reassigned the site until it was certain that there was not an appeal. Dever said the mooring was reassigned on August 19 and the appeal didn't come until October 1<sup>st</sup>. Selectmen Hutchins and Bickford said the Board of Appeals should handle this. Dever said the Ordinance on the web site is the right Ordinance. Bennett said the Town will go to the Board of Appeals.

c. Reduced Sewer Fee Request – Les McEachern: Hutchins recused herself from these discussions. Dunbar asked CEO if there is one

sewer and water connection or five to the building. The CEO said that each dwelling unit is one connection under one use. It was Moved Dunbar and Seconded Willey to accept the letter request outlined by Les McEachern and that \$500/apartment is a fair price. CEO said this is really an impact fee more than a connection fee. Vote: 2 – 3 motion failed.

d. Manset Dock Recommendations: Wilson said he has looked over the situation, and more needs to be done than is detailed in the Harbormaster's memoranda. He suggested looking at the fiberglass structures that the U of ME is building. Hutchins would like to hear from the Harbor Committee directly. The Board asked the Harbormaster to get information on fiberglass pilings and other alternatives, and bring a recommendation from the Harbor Committee that confirms the recommendations for improvements. This is an item for a future Agenda.

e. Dispatch – HCRCC: Dunbar said that at the last meeting the Board was split on the recommendation the Board would make at the Town Meeting. He believes the recommendation should be to keep Dispatch. Wilson suggested putting the Dispatch question on that Australian ballot at the Special Town Meeting in December. The saving would be about \$160,000. Hutchins said she would like to see the Board recommend moving Dispatch to HCRCC, but it should go before the voters. Hutchins will write an objective article outlining the cost, expense, pros and cons of Dispatch here or out-sourced.

f. Street Lights: It was Moved Wilson and Seconded Willey to turn all streetlights back on. Vote in favor: 5 -0.

g. Supplemental Water Commitment \$2,518.36

h. Supplemental Sewer Commitment \$2,674.15

It was Moved Bickford and Seconded Wilson to accept the Supplemental Water Commitment in the amount of \$2,518.36 and the Supplemental Sewer Commitment in the amount of \$2,674.15. Vote in favor 5 - 0 .

VII. Manager's Report: Work on the budget is ongoing; the Terms and Conditions were approved by the Public Utilities Commission . Rapid Renewal testing was successful. There was a Main Street sidewalk meeting

11/4; Bennett has an interview with College of the Atlantic regarding water quality; The street sweeper has arrived and is being used.

VIII. Other Business: Dunbar: said the motions should be looked at with the Harbor Committee and Dever at the next Selectmen's meeting. Hutchins asked if there had been anything done about posting Long Pond for wading and swimming. Bennett will pursue. Hutchins also said she would like to suggest the Resource Guideline come back to be reviewed at the next meeting. Additionally, the Comp Plan survey information could go on the next Selectmen's agenda for review and discussion.

Dunbar said the CEO needs to get the sign removed from the front of the school. Whatever the fee is, the school should be fined. Information was circulated that teachers who teach at Pemetec and bring their children from out of town are not paying the fees they agreed.

Willey asked about the water department job. Bennett said the Town has re-advertised the position. Bickford asked if there will be a light on the Fire Station sign. CEO will follow up. Bickford asked if there was a plan to hire a Public Works Director. She said she feels Lagrange is doing a great job, but is concerned about burn out. Dunbar said Lagrange is doing an admirable job. Lagrange asked the Board's permission to discuss this situation with the Town Manager. Agreed.

IX. Sign Warrants: It was Moved Hutchins and Seconded Bickford to accept and sign the warrants as presented. Vote in favor: 5 - 0

X. Executive Session: Labor contracts/negotiations, pursuant to 1.M.R.S.A. § 405 (6) (D) It was Moved Hutchins and Seconded Bickford to go into Executive Session at 9:50 p.m. Vote in favor: 5 - 0.

It was Moved and Seconded to come out of Executive Session at 9:55 p.m. Vote in favor: 5 - 0.

XI. Adjournment: The meeting was adjourned at 9:56 P.M.