



**Board of Selectmen**  
Thursday, November 10, 2011 @ 6:00 P.M.  
Southwest Harbor Town Office

**MINUTES**

- I. Call to Order/Roll Call: the meeting was called to order at 6:00 p.m.  
Present: Dan Norwood, George Jellison, Jr., Ralph Dunbar, Jr., Tom Benson, David Minctons and Interim Town Manager Donald Lagrange.  
  
Visitors: David Chapais, Dick Broom, Lydia Goetze, Sandy Johnson, Don Lodge, Michael Levesque, Meredith Hutchins
  
- II. Visitors to be heard not on the Agenda: Lydia Goetze, as one of the people on the search committee for the Town Manager said she would like to know if any offers have been made, what has happened, as well as the timeline. Jellison said there have been offers made, and the timeline is likely before the first of the year. Johnson asked if the offers were outstanding or rejected. Jellison said he would not comment as the process is still going through Executive Session and the privacy of the candidates needs to be protected. Johnson asked what was going on with the Public Works Director position – Jellison said the position has been advertised.
  
- III. Approval of Minutes of October 25, 2011: It was Moved (Benson) and Seconded (Minctons) to approve the minutes of October 25, 2011 as presented. 5 – 0.
  
- IV. Manager's Report: Lagrange asked the Board to consider both the fireworks law change and the status of the earthquake upgrade for New England. A gate at the water tower at the top of Wesley at a cost of \$600 has been ordered to protect the water tower area. Construction activity on the Village Green and Community Drive area was the result of work to direct the flow of water to the catch basin. Restrooms are closed and a porta potty will be placed there as has been done for the past 5 years. The two CIP programs will need more analysis and there may be a discussion at a later day. Ad has been placed for Public Works Director. Municipal Review Committee documents were enclosed in the Select packet. It was Moved (Dunbar) and Seconded (Norwood) to nominate Sophia Wilson to Director of MRC. Vote 5 – 0. Lagrange will attend the cable franchise meeting next month – more information next meeting. People have asked to have the Town Meeting televised next May. Benson suggested Jeff Dobbs be approached. Sewer Billing – some of the billing may not be in line with the ordinance and Lagrange will bring more information in the future. Wesley curb cuts – these are directed by the Ordinance, the

existing use and the stormwater issues. Harbor Committee will hear an application for an expansion of floats at the former Moorings restaurant. Engineers examined the Manset Pier, and found 3 levels of planking which allows a 20,000 lb weight on the pier. Some work still needs to be done. Dunbar asked if the sign had been posted – Lagrange said the sign has not been ordered yet in order to confirm the weight limit. Norwood asked what type of weight limit would be achieved if the repairs were done. Lagrange has not calculated that. There is an alarm system quote for the sewer treatment plant and sewer pump stations. Only one of the items in the first set of quotes would be recommended when the funds become available - \$9,700 for the treatment plant which may help contain subjective visits to the plant.

V. Warrants: Administration 66-73, 76-80, 82-85 Water 27-29  
Sewer 18-20 Mansell/Wesley 81

V. Old Business

- a. Wesley/Mansell: Wesley does not have storm water drainage from the Ball property to the ocean. This needs to be done next week – on Tuesday it may be able to be resolved. On the upper parking lot there is some damage to the hot top around the drain and Goodwin will pay half of the patch. Jim Wilson will be at the next meeting to update the project costs. There needs to be patches at the mouth of Wesley and at the head of the harbor. Suggestion from visitor to also put cold patch in the holes on the Seal Cove road by Marshall Brook, near the Town Garage.
- b. Clark Point/Lower Town Dock: Finished putting fill behind the curbing by the Madeira property and will finish all in the Spring.
- c. Manset Town Dock weight limits: discussed in Manager’s Report earlier in meeting.

VI. New Business

- a. Superintendent of School Presentation-Special Ed Funding: Rob Liebow has been authorized by his Boards to request a warrant article on each Town Meeting to develop a Special Education Fund Reserve fund. Liebow explained the scenarios relating to special education students that could be extremely costly any town. This concept is to ask everyone to chip into a common reserve with a percentage annual donation to that reserve. If there was an out of district placement, the Town could draw out of the reserve (75,000/annual). Payback is 20% of the balance per year. Maximum size of the reserve is \$750,000 and the interest comes back to the town based on their percentage of contribution. If one town turns down the program, the whole program does not happen. It can only be used for high cost out of area placement. Dunbar asked if this is funded by the town, will the town still fund their own reserve. Liebow explained the concept of interest to be paid on monies borrowed. Leibow also told the Board that there will be a non-binding referendum concerning whether the two school

- systems of Southwest Harbor and Tremont wish to merge into one system. Liebow said this program is one step in consolidation.
- b. Police Equipment: Lagrange said last meeting there was discussion on funds being available from the old CIP fund and he would like to examine that further. Chief was asked at last meeting to look up more numbers of the use of tasers. Chief reported that 75,000 lives were saved by the use of tasers and 7,000 agencies used tasers. 239,000 are sold to the general public. Field use of tasers includes 1,406,240 deployments. 1,293,942 were used in training and volunteers being tased. Of those there were no deaths. Chapais referred to a report which discussed containment of excited delirium persons. Workers comp claims are down as well. Other statistics include: 2 out of 1,000 persons may be injured due to the use of a taser – 780 serious injuries resulted from a punch, 500 serious injuries out of 1,000 were created by a fire arm – the other 500 were deaths. Norwood asked who in the area used them – Chapais: none on the island – Ellsworth uses them, Jim Willis in NEH is in discussions with his Board, and the Hancock County Sherriff Department is purchasing. A report from Portland, Maine indicated a significant reduction in police and suspect injuries. Jellison asked if the Police Department could get by with less than 6 tasers, and asked if the Park Rangers had them. Chapais said he believes the Park does, and a member of the Park service has offered to come and discuss this subject with the Board if they wish. Chapais has written a model policy and would present it to the Board if they have interest. He also said a camera can be attached to the taser and a committee would review that tape if the taser was used. Chapais said the problem is here. Norwood asked if they would be stored at the police station and not carried off duty. Chapais said he has considered doing that, except for himself, as he gets called out from home. Benson said it appears the Town should move ahead. Dunbar said the potential to kill someone with a taser still exists if improperly used. He feels that if someone can die from being tased is very unjust. He also said he does understand the potential need. Chapais said that Dunbar's concerns are understood and he would take suggestions on how to get a person on bath salts under control. He reiterated the statistics. Norwood asked if the funding was under control to accommodate this. Lagrange has to resolve the funding issues. It was Moved Minctons and Secoded Benson to purchase three tasers for the Police Department if the funding can be verified. Vote: 4 – 1 (Dunbar)
- c. League Collaboration Participation: November 30 at 6:00 p.m. at the Southwest Harbor Fire Department meeting room. This will discuss how to encourage fire department volunteerism and training cooperation.
- d. Water Department Wage Structure: Lagrange said this is a policy decision for the Board and explained that Chad Erwin has received his Class 1 Certification. Lagrange recommends he get 1/3 of the

- compensation outlined in the contract, and recommends a \$.50/hour raise. The Board agreed Lagrange should arrange that.
- e. Water & Sewer Commitments
    - i. Water: \$177,866.56: It was Moved (Dunbar) and Seconded (Benson) to approve Water Commitment in the amount of \$177,866.56. Vote: 5 – 0.
    - ii. Sewer: \$168,699.63: It was Moved (Dunbar) and Seconded (Benson) to approve Sewer Commitment in the amount of \$168,699.63. Vote: 5 – 0.
  - f. Support letters for HCPC requests for funding: These letters are support letters requested annually for support in their attempts to obtain grant money. It was Moved (Dunbar) and Seconded (Norwood ) to support the HCPC by signing and sending the letters of support. Vote 5 - 0
- IX. Other Business: Chapais said to suggest at the next meeting the discussion of Fireworks as the State has legalized fireworks, but have given the communities the ability to pass ordinances to limit use. Dunbar suggests it be put on the agenda for discussion.
- X. Sign Warrants: It was Moved (Benson) and Seconded (Norwood) to approve the warrants as presented. Vote: 5 - 0
- XI. Executive Sessions:
  - a. Executive Session pursuant to 1 M.R.S.A. 405 (6) (A), Personnel Matters: It was Moved (Mincions) and Seconded (Norwood) to go into Executive Session pursuant to 1 M.R.S.A. 405 (6) (A), personnel matters at 7:28 p.m. Vote: 5 – 0. It was Moved (Dunbar) and Seconded (Benson) to come out of Executive Session at 7:50 p.m. Vote: 5 – 0.

It was moved (Mincions) and Seconded (Benson) to go into Executive Session at 7:51 p.m. pursuant to 1 M.R.S.A. 405 (6) (A), personnel matters. Vote: 5 – 0.

It was Moved (Dunbar) and Seconded (Benson) to come out of Executive Session at 8:25 p.m. Vote: 5 – 0.
- XII. Adjournment: It was Moved (Mincions) and Seconded (Dunbar) to adjourn the meeting at 8:26 p.m. Vote: 5 - 0