

Board of Selectmen  
Tuesday, April 24, 2012 @ 6:00 P.M.  
Southwest Harbor Fire Station Meeting Room

Minutes

- I. Call to Order/Roll Call: the meeting was called to order at 6:00 p.m.  
Present: Tom Benson, George Jellison, Jr., Ralph Dunbar, Jr., David Minctons, Dan Norwood, Town Manager Donald Lagrange

Visitors: Michael Mansolilli, Chad Terry, Susan Griffiths, Meredith Hutchins, Demaris Smith, Lee Worcester, Mike Magnani, Joey Feliciano, Anita Chalfoun, David Chapais, Eric Davis, Lyle Dever, Matthew Garrity-Janger, Dick Atlee, Steve & Nancy Homer

PUBLIC HEARING

Board of Selectmen/Southwest Harbor Planning Board

The public meeting was opened at 6:00 p.m. The purpose of the meeting is to review the warrant articles that will be voted on at the polls on May 8<sup>th</sup>.

- II. Review of Warrants:

**Article 56** was reviewed. Lagrange said this brings the Town into compliance with State Statutes, and we have to make reference to that Statute in our ordinance. The italic portions of the ordinance are the items brought from the State statute.

**Article 57:** This changes definitions for height of building except in the shoreland zone. Beyond 250' of the shoreland zone we are asking the voters to change the measurement from the mean original grade at the downhill side of a structure to: from the finish grade to the highest point of the roof.

**Article 58:** The ordinance used to say any lot that was non-conforming, if in the same name, had to be merged to conform to the lot standards; this takes that liability away and subdivisions approved prior o 1988, and even individually owned lots, may remain separate as they are non conforming lots of record.

**Article 59:** there are instances where someone has difficulty completing their permit within the timeframe of one year. This change allows a permit to be good for three ears without having to pay each year to continue. With this change, after three years it will need to be reconfirmed and you would be required to adhere to the current land use ordinance. Griffiths asked the reasoning. Lagrange said this allows someone with an approved permit to get financing or whatever they need to complete their project without going to the Board of Appeals each year to continue the permit. Davis said it also reduces the time of the Board of Appeals to rubber stamp a permit that has already been approved. Atlee asked about meeting

the conditions of a new LUO regulation. Lagrange said if the project hasn't been started yet, a person would be responsible to meet the new LUO regulations. Davis reiterated that this was to avoid taking time for the BOA to rubber stamp something.

**Article 60:** This is a definition of the zones which have been re-written very specifically to allow people to be able to follow the tax maps for each zone. It also takes into consideration the combination of zones B & C. There were several errors pointed out by townspeople, in the prior definitions. Worcester said it makes both the map and the ordinance say the same thing.

**Article 61:** After establishing the parameters of Zone B this last year the public brought to the attention of the PB that the wording was vague, and the changes made were addressed to clarify the rules of that zone.

**Article 62:** asks the voters to vote for new bonding for the new water tower on Freeman Ridge. Financing came through the State and Federal government which is very inviting at 0% interest and 20% forgiveness. Keep in mind that the town will only ask for the amount needed to build the water tower, and not the full amount – this is going out to bid shortly and we will expect that to be much lower than the \$557,000. Mansolilli said this is something we cannot keep putting a band aid on. Magnani asked how we got a 0% bond. Lagrange said he has the paperwork, but couldn't tell how they came up with 0% financing. The federal government is supporting this. The fact that it is a major infrastructure necessity carried weight with the financing.

**Article 63:** Acadia Disposal District. Lagrange said this came to the Selectmen, because we are spending \$11,000 / year to negotiate deals with PERC and EMR. In the inter-local agreement signed May 2003 – this is a separate corporation in the fee structure. It allows the ADD to build a transfer station without local approval. Towns in the ADD would be required to pay whatever the cost. Southwest Harbor pays 1/3 of the cost of the district because they are the heaviest users. Hutchins asked where we go if we withdraw. Jellison said we are paying fees for the Towns that go to Ellsworth. Worcester said the Town is contracted with EMR and PERC and not with the ADD. The money we spend on ADD pays for lawyers, etc. Lagrange said the town can act on its own behalf. Atlee asked if ADD assisted other towns. Lagrange said ADD made the deal with Ellsworth, but each town had to set up their own collection area and that has cost them individually. Chalfoun said, if we don't have ADD anymore, don't we have enough brains to manage our system. Lagrange said our contract with PERC runs till 2018 and we already have an agent taking care of us with PERC. Lyle Dever said the people at ADD are very dedicated, but the whole system is wrong. He does think we need something for waste disposal, but it is up to the Selectmen, and it should be for them to decide. Concerning PERC, remember the towns own 29% of PERC. It's the best of anything we have.

**Article 64:** review of the openings. The Town will vote on 1 Board of Selectman member, two school committee openings and one trustee opening.

**Article 65:** this is the non-binding straw poll from the school district to determine where they should concentrate their efforts. Magnani asked if there had been any cost analysis. Jellison said there have been some estimates done, and will likely be addressed at the public meetings. This is only to determine if there will be further conversation on the subject. Dunbar said that by combining the schools there would be just under \$900,000 savings, but the other two options didn't produce much if any savings.

It was Moved (Benson) and Seconded (Minctons) to adjourn the public hearing at 6:40 p.m. Vote: 5 – 0.

The Chairman opened the Regular Board of Selectmen's Meeting of April 24, 2012:

- III. Approval of Minutes of April 10th, 2012: It was Moved (Dunbar) and Seconded (Benson) to approve the minutes of April 10, 2012 as presented. Vote: 4 – 0 – 1 (Norwood)
- V. Warrants: Administration 161,163, 166-169 Water 9  
Sewer 34 School 162,165
- VI. New Business
- a. Liquor License & SAP Renewal: Café DryDock: It was Moved (Dunbar) and Seconded (Norwood) to approve the Liquor License renewal for Café DryDock. Vote: 5 – 0; It was Moved (Minctons) and Seconded (Benson) to approve the SAP renewal for Café Drydock. Vote: 5 - 0
- b. Liquor License Renewal: Lindenwood: It was Moved (Minctons) and Seconded (Benson) to approve the Liquor License renewal for The Lindenwood Inn. Vote: 5 - 0
- d. Liquor License Renewal: Top of the Hill Restaurant: It was moved (Norwood) and Seconded (Minctons) to approve the liquor license renewal for Top of the Hill restaurant. Vote: 5 - 0
- e. Liquor License Renewal: The Claremont. It was moved (Dunbar) and Seconded (Benson) to approve the liquor license renewal for the Claremont Hotel. Vote: 5 - 0
- f. Liquor License Renewal: Fiddler's Green: It was moved (Minctons) and Seconded (Benson) to approve the liquor license renewal for Fiddler's Green. Vote: 5 - 0
- g. Special Town Meeting Warrant – School Referendum June. It was Moved (Norwood) and Seconded (Benson) to approve the Special Town Meeting School Referendum Warrant for June. Vote: 5 – 0.
- h. Discuss Selectmen's meeting of May 8, 2012: Norwood said he would look to Lagrange's guidance. Lagrange said the Board could come in and sign warrants and approve them at the next meeting, or have a short meeting to sign warrants. Benson said let's keep to the schedule and if there is no other business, it would just be a short meeting. Dunbar agreed that there should be a meeting on May 8<sup>th</sup>.

Joey Feliciano asked the Board if they would consider putting his name on the liquor license that was approved at an April

Selectmen's meeting. Benson said it seems fairly simple – Lagrange said it is the same license that came through before. Dunbar asked if the license was not processed correctly can we do this. Benson said the board is approving an application with his name added to it. Lagrange said to use the access through the Village Washtub building Joey needs to have his name on the application as well. Benson discussed with Lagrange, the fact that there was no problem with the original application with the State. Lagrange said the circumstances don't change, you're not re-approving the license, only approving adding a name to the license. Jellison asked Feliciano to add his name and a birth date to the application. It was Moved Minctons and Seconded Benson to accept the liquor license of Feliciano and Rodriguez doing business as Joey's Place. Dunbar asked if this was a new or a renewal – Benson said this is not a new application, but an amendment, or modification. Lagrange pointed out that there was no license issued by the state. Vote: 3 – 0 – 2 (Dunbar/Norwood).

- X. Sign Warrants: It was Moved (Norwood) and Seconded (Benson) to approve Administrative Warrants as presented. Vote: 5 -0 Water: It was Moved (Benson) and Seconded (Minctons) to approve water warrant as presented. Vote: 5 – 0.; Sewer: It was Moved (Norwood) and Seconded (Minctons) to approve sewer warrants as presented, Vote: 5 – 0. ; School: It was Moved (Minctons) and Seconded (Benson) to approve school warrants as presented. Vote: 5 – 0. 5 - 0
- XII. Adjourn: It was Moved (Minctons) and Seconded (Benson) to adjourn the meeting at 7:10 p.m. Vote: 5 – 0.