

**MINUTES OF MEETING**  
**Board of Selectmen**  
**April 28, 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: Selectmen: Trudy Bickford, Ralph Dunbar Jr., Kristin Hutchins, Bert Willey, Dorr "Skip" Wilson; Town Manager, Robin M. Bennett.

Visitors: Vaughn Clark, James Lindquist, Dennis Dever. Mark Good, MD Islander, David Chapais, Chief of Police; Corey Pettegrow; Pat Buchello, Ambulance Service Paramedic Chief, Jay Maderia, Claremont, Sheryl Harper

- II. Visitors to be heard not on the agenda:  
Vaughn Clark spoke saying he took out nomination papers for the Harbor Committee and has heard nothing, even though there are openings. Corey Pettegrow attended the meeting for the same reason. Responding to the Board's inquiry as to his interest and experience, Clark said he has lived, fished here all his life, and would like to be on the Committee to see the future of the Harbor ensured. Dennis Dever, Harbormaster, asked if Clark would be willing to help out with volunteer projects around the dock, and asked what he saw as the problems now and in the future; Clark expressed concern over access issues and upgrades on docks and floats feeling the Town should steer towards the commercial fishing industry more; he would like to see the Harbor more self-sufficient. He said the Town has real estate and access now which could be developed to pay for itself with user fees. Answering the same questions, Corey Pettegrow said he, also, is a life long resident, a commercial fisherman and has a great interest in the Harbor and its future which he sees as having many strengths and a few weaknesses. Pettegrow said it is important for the locals to be more involved. In answer to the Harbormaster, Pettegrow said the Harbor is user friendly and he wants to keep it that way by always allowing access to the water. Hutchins asked how many members the Harbor Committee has now. Dever said the by-laws will be amended to 9 members from 12 – there are currently 8 people on the Committee and one possible resignation which would allow two openings. The current Ordinance proposal for referendum ballot in June is to go from 12 members to 9 members. Hutchins said these are two very good candidates.

It was Moved Dunbar and Seconded Wilson to place Vaughn Clark and Corey Pettegrow on the Harbor Committee. Vote: 5 – 0 in favor.

Bennett asked both new members come into the Town Office after Wednesday to sign appointment papers.

Cheryl Harper spoke, asking the Board what is going on with fee charges for the person on the Town Dock buying lobsters off the boats. Has the selectmen done anything? Is the zoning coming up on the ballot? She said at a prior meeting the Harbor Committee asked the Planning Board to review this subject, and it has not come up on the Planning Board agenda. Hutchins said it will not be on the Agenda in May as it will involve a lot of public debate. Hutchins said Harper should attend a Planning Board Meeting, and also reminded Harper that Ordinances may be changed through a public petition, offering assistance if needed. Wilson said it will be a year or so process to review and revise the Harbor zone, as it is tied into the Comprehensive Plan and there will have to be many public meetings. The Comprehensive Plan Committee is working on revisions and updates to their Plan, after 12 years. This would be a good Committee for Harper to attend as well. Dunbar questioned the letter from the Harbor Committee and asked when it was scheduled on their Agenda. Wilson said part of the hold-up was that the Planning Board has had a tremendous amount of work on the Shoreland Zoning changes. There will be a Planning Board meeting the 30<sup>th</sup> of April, and Hutchins suggested Harper attend that meeting. Harper also asked about the fees for the lobster purchases on the dock. Hutchins said there was a retroactive fee and the Harbor Committee is looking at all fees for all Harbor services. Dever said the current fee is \$1000 to do business off the dock. Both Harper and Pettegrow said this is an out-of-town business who is only paying \$1000 while Harper pays \$20,000 a year in taxes. Hutchins said input in that area should go to the Harbor Committee. She said the Selectmen asked the Harbor Committee to address the fee structure. Wilson said this is about private industry doing business on public property, and is the same as allowing a tour boat off the Town Dock. Hutchins asked if there was language that addressed this in the Harbor Ordinance, and Wilson said it was not likely. Wilson thinks rates that reflect the real cost should be determined and we should ask the Harbor Committee to review it again and bring recommendations to the Board. He said the issue is a lot bigger than the fee issue. Hutchins said there is nothing in the Ordinance that prohibits, or permits this type of transaction. Bickford said the Board must make a decision and make it last. Harper said: “the Town is telling me the value of my property to do

business on the water but you are telling him it's only \$1000.” Dunbar said he totally agreed with her plight but the question is not only the fee structure, but should this practice continue. He suggested a public forum to discuss whether or not the Town will continue to allow this practice. Wilson agreed that if this is addressed, the fees should be such that they do not harm the private businesses. Hutchins said the Board should schedule a forum on this. Worcester said she totally agrees with Harper that selling on public property is wrong; however, kids selling lemonade or a bake sale should not be part of this. She asked who would regulate this? Harper suggested the Code Enforcement Officer. Hutchins agreed there should be a Public Forum after the Town Meeting. Harper said a fair fee schedule could be changed immediately. Dunbar said at the last meeting where this was discussed, the Harbor Committee was charged to address that specific item. Dever said it could be on the Harbor Committee Agenda after the next meeting. He felt the fee changes should be lumped together to be changed once a year, but sees this as a special circumstance, to be dealt with separately if needed. Bickford suggested the Board hear all the information, including talking with the Comprehensive Plan Committee and the Code Enforcement Officer.

- III. Approval of Minutes: April 14<sup>th</sup>, 2009 and April 16<sup>th</sup>, 2009  
It was Moved Wilson and Seconded Willey to accept the Minutes of April 14, 2009 as presented. Vote: 4 –0 - 1 (abstained- Bickford)

It was Moved Wilson and Seconded Bickford, to approve the Minutes of April 16, 2009 as presented. Vote: 5 – 0 in favor.

It was Moved Wilson and Seconded Bickford to accept the Minutes of April 23, 2009 as presented. Vote: 5 – 0 in favor.

- IV. Warrants: Administration 105 – 116 Water 9 Sewer 23

- V. Old Business:

- a. Facilities update:  
i. Police Department Renovations: Bennett told the Board that a pre bid meeting is scheduled for May 6, 2009 at 2:00 pm; Wilson commented ‘good newsletter’.

- VI. New Business:

There were no issues noted from the Police Chief for any of the following permit requests:

- a. Special Amusement, Fiddler’s Green, Derek Wilber

Wilber said this would be for weddings; already scheduled are two weddings: June 27 and July 18<sup>th</sup> . It was Moved Bickford and Seconded Willey to approve the Special Amusement Permit for Fiddler's Green. Vote: 5 – 0 in favor.

- b. Liquor License Renewal, Fiddler's Green, Derek Wilber It was Moved Wilson and Seconded Bickford to approve. Vote: 5 – 0 in favor.
- c. Liquor License Renewal, Sips, Jennifer Worcester Worcester said this is a renewal with the addition of spirits: It was Moved Bickford and Seconded Wilson to approve. Vote: 5 – 0 in favor.
- d. Special Amusement, The Claremont, Inc., John Maderia, Jr. It was Moved Bickford and Seconded Wilson to approve the Special Amusement Permit for the Claremont, Inc. Vote: 5 – 0 in favor.
- e. Liquor License Renewal, The Claremont, Inc., John Maderia, It was Moved Wilson and Seconded Bickford to approve. Vote: 5 – 0 in favor.
- f. Liquor License Renewal, James Lindquist, Red Sky Restaurant: It was Moved Wilson and Seconded Wilson to approve. Vote: 5 – 0 in favor.
- g. Liquor License Renewal, Arthur Jacobs, Little Notch Bakery, Inc. It was Moved Wilson and Seconded Bickford to approve. Vote: 5 – 0 in favor.

Bickford suggested the CEO look into those businesses with tables outside, and make a decision whether or not it will be allowed.

- h. Southwest Harbor Tremont Ambulance, Pat Bouchello Hutchins asked Pat Bouchello to speak to the Selectmen about the Ambulance Service. Pat is the Crew Chief and has been so for about 8 years. Currently there is a staff of approximately 22-23 volunteer attendants; About 10 years ago the Ambulance Service started 24 hour coverage. The Service makes approximately 330 runs a year. Stats from the State include:
- response time averaged 76% of the time under 12 minutes while the State average is about 1% less;
  - the Service's average response time of over 24 minutes is 24% and the State average is about 19%; Discussing patient types, Bouchello said that because of the make up of our community, it includes the elderly living alone in their homes.
  - 81% of calls are considered emergency calls rather than routine transport;

- 18% of calls are “no transport” as, of that number it includes elderly patients who may have fallen and can’t get up without assistance, but no injury. There is a higher than normal percentage of medical calls of and over 20% of those are cardiac calls.
  - Almost 20% are respiratory calls and the State average is about 13%.
  - The busiest day of the week is Friday, followed by Wednesday. The busiest time of the day is between 8:00 am and 4:00 pm; Bouchello said the calls at 2:00 a.m. are the most serious.
  - In summer there are different types of calls: allergic reaction at the Lobster Pier is a frequent problem. Some calls come from boats, and more Swans Island calls are received during the Summer.
  - Bouchello explained that calls come in through the SWHPD Dispatch and they do an amazing job. She said the personalization is invaluable.; 911 calls go to the RCC which is what used to be Hancock County Sheriff.
  - The Duty Attendant lives in this building when on duty and 75-80% of the time there is a Paramedic on duty.
  - The average age of the crew is well over 40 and many over 50 and the problem is recruiting younger people in the community. Between Northeast Harbor and Southwest Harbor/Tremont there is great backup. There are a few more local folks being certified right now which will help. There has been some Coast Guard assistance with EMT work, and two are participating currently, but they are never stationed here too long. . Dunbar asked if it would help for the Town to encourage participation. Bouchello said she would prefer to talk with the two crewmen she has currently, before going that route.
  - Hutchins asked about Community Nurses and Bouchello said the Town would benefit tremendously by having a Community Nurse. It would supplement many programs. She knows it is a cost factor. It is a huge void.
  - The Association has Anne Napier making an inventory of all the nurses on the Island, many of whom are retired. The inventory will be a huge help if there is a pandemic.
- i. 2009 Annual Town Meeting: May 4<sup>th</sup> at 7pm with an informal meeting at 6pm. Hutchins said there should be a representative from each Committee or Board, whose Ordinance is being addressed. There was a reminder to bring bottled water. Wilson suggested that either he or Dunbar be

the person to discuss the referendum on the Police Station at the 6:00 pm informational meeting. Bickford said the Town Manager should answer the public's questions at the Town Meeting, with Selectmen adding clarification if needed. Hutchins said copies of the entire Capital Improvement Plan should be available for the Public as a hand-out, and that should be itemized.

- j. Identity Theft Prevention Program: Bennett said the FCC recently passed rules involving identity theft, and one area which must adopt these guidelines is utilities, which for this Town is Water and Sewer. These guidelines are more about what to look for to identify fraud, and remedies that would be available.

It was Moved Dunbar and Seconded Bickford, to accept the Identity Theft Prevention Program as presented. Discussion: Wilson asked about the agreement and Bennett said the staff has already edited the document and the line that says "add or delete" will be eliminated on the original by a line drawn through. Vote: 5 – 0 in favor

VII. Manager's Report:

- Water quality project: Bennett is working with Engineers and we have been given more time from the State;
- The newsletter has been mailed;
- Dispatch: there will be a meeting with the RCC on Wednesday this week, to discuss technology issues etc. The Interim Manager will assume that responsibility again; as the person hired to replace him has given notice. Wilson asked who will be at the meeting and Bennett said that John Mahon and Bob McKenny, along with the Police Chief, Fire Chief and Bennett; Wilson asked if a Selectman would be there and if this was a data collecting meeting. Bennett confirmed and said once the material is gathered, it will come before the Selectmen. Wilson would like data and information, saying the Board will discuss how it works and will it work. Bennett stressed the next meeting is only about technical communication between the two entities
- The Harbor Ordinance was pulled from the Warrant for May, as it had not been revised from the most current Ordinance. The proposed revised Harbor Ordinance will be on the June 9<sup>th</sup> ballot instead.
- The Town has received permission from the State to proceed on the Lower Town Dock project, and to advertise for bids.

- Open House: Bennett has looked through the list of new homeowners in Southwest Harbor, and most of them are summer residents, with only one new, year-round resident. She suggested the Open House might be more appropriate in the summer months.
- Some Office Staff attended MOSES Training last week which dealt with fishing and hunting licenses, as well as a variety vehicles, such as ATV's. There will be additional training on this in May, as well.

Concerning the Town's current investments having to be moved to a temporary NOW account, Bennett asked the Board if they want to meet all candidates for placing the investments in a permanent account, or just receive a recommendation from her. Bickford said personally she would prefer that Bennett pick the best one and bring it to the Board with appropriate backup material. Wilson would like to see a list of candidates interviewed, and receive a recommendation. Dunbar said a local firm would be preferable. Bennett said the local banks responded to the problem very quickly. Linda Corson, Bookkeeper, sat in on the meetings with Bennett. The Board consensus would be for Bennett to go forward and recommend one candidate.

Letter from Dorothy Lauriat: The Board reviewed a letter from Mrs. Lauriat requesting monthly billing for water and sewer. Wilson pointed out that the time and effort reading meters every month would be impossible but that residents who want to pay monthly may do so. He suggested the Town Manager draft a letter to Mrs. Lauriat offering her the option of paying on a monthly basis

VIII. Other Business: Willey reported that Firemen were upset with the Firehouse sign being approved without the LED portion at the bottom. They felt that the Reserve money of \$35,000 going back to the General Fund could be used for that purpose. Bennett said that money was left from funds designated for land and for that reason must go back to the general fund until such time as a new warrant article designated the funds for some other purpose. The money left from the building construction is paying for the sign. Dunbar said the LED display is against the sign ordinance. Bennett said she had asked the Code Enforcement Officer about the legality before bringing it to the Board and the LED Sign is allowed. Willey asked that the option of the LED addition at the bottom of the Fire Station sign be kept in the works. Hutchins said a petition could be an option.

Willey also referred to the pump house generator article on page 49 of the Annual Report, saying the funding was not for a replacement. Hutchins said that was her error and Bennett caught it. It has been corrected in the newsletter that was just mailed to residents.

IX. Sign Warrants

It was Moved Wilson and Seconded Bickford to Approve the Warrants as presented. Vote: 5 – 0 in favor.

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

It was Moved Bickford and Seconded Hutchins to go into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A) at 7:31 p.m. Vote: 5 – 0 in favor.

It was Moved Wilson and Seconded Hutchins to come out of Executive Session at 8:18 p.m. Vote: 5 – 0 in favor.

X. Adjournment

It was Moved Wilson and Seconded Willey to adjourn the meeting at 8:18 p.m. Vote: 5 – 0 in favor.