

**MINUTES OF MEETING**  
**Board of Selectmen**  
**September 22, 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: Bert Willey, Trudy Bickford, Skip Wilson, Kristin Hutchins, Ralph Dunbar, Jr., Town Manager, Robin M. Bennett  
Visitors: Jeff Crafts, Greg Johnston, Sandy Johnston, Tim Woodcock, Mark Good, David Chapais, Marc Chalfoun, Bob Bosserman, Carolyn Maling, Susan Buell, Erika Shriner, Jean Marshall, Ian Marshall, Bruce Carlson, Anna Demeo, Eric Johnson, Mary Jellison, Janice Roberts, Michael Shook, Dick Atlee, Ken Collins.

II. Visitors to be heard not on the agenda: the Chairman recognized Anna Demeo who addressed the Subdivision and Land Use Ordinance, offering 148 signatures of registered voters, with a petition calling for a 180 day moratorium. Chair asked Demeo to read the petition. (Copy is attached to the minutes). Hutchins asked if the signatures were certified by the Town Clerk. Demeo said that the Town Clerk has verified the signatures. Bennett informed the Board that options include taking the petition under advisement, schedule a vote, or let it go on the next warrant which will be in May. Dunbar asked that the Town Attorneys review the petition before any decision is made. Bickford reminded the Board that the current Planning Board has been asked to look at the Ordinances to which the petition refers. Demeo said waiting until the May meeting would mean the moratorium would expire and she suggested a committee be established to look at the changes to the ordinance as the current Planning Board is mostly new and in the midst of a large subdivision application at present. Wilson said this should go to the attorney and be scheduled for a public Selectmen's meeting in the immediate future. Bennett suggested the Selectmen vote to *receive* this petition, not vote to *accept* the petition, upon advice from attorney. It was Moved Hutchins and Seconded Dunbar to receive the petition and forward same to legal counsel for review and to schedule a hearing at the next meeting after receipt of information from the legal counsel. [Discussion: Sandra Johnson requested that the Selectmen get a second attorney opinion as she feels the Town attorney is biased. Hutchins said she continues to have confidence in the advice of the Town attorney. Ken Collins also requested an independent attorney review.

Dunbar pointed out additional expenses will be incurred if the Town has to pay an additional attorney.] Vote 5 – 0 Motion carried. The next Selectmen’s meeting, October 13, 2009, will be held at the Legion Hall. Jean Marshall asked if the Selectmen will appoint a committee as requested to look at the ordinances. Hutchins said the public is welcomed and encouraged to attend the Planning Board meetings, but the Selectmen have already asked the Planning Board to look at the Ordinances. Wilson said he is not opposed to a committee, but would table the discussion until after the legal opinion has been received. Hutchins pointed out that the Ordinance that established the Planning Board specifically gives authority to the Planning Board to propose changes to the Ordinances. Wilson said the Board will continue with this discussion at another meeting. Purpose of the next meeting will be to discuss the petition only.

III. Approval of Minutes: September 8, 2009: It was Moved Bickford and Seconded Willey to accept the minutes of September 8, 2009 as presented. Vote in favor: 5 – 0.

IV. Warrants: Administration 43-52 Water 20 Sewer 11  
Fire 4 Police 1-2

V. Old Business

a. Police Station Update: Bennett said the project is back on track, sheetrock was delivered today, and the electrical is almost finished. Generator should arrive at the vendor’s next week; no installation date has been set.

b. Water Project Update: Bennett said progress is good, with a minor problem in a chamber where water is filtered; screens have rusted off where they attach to the tubes, and those will be replaced with stainless at a cost of less than \$1,000. Intake pipe is nearly finished and the next phase is work at the pump house itself. Cement will be poured at the water filtration plant today.

VI. New Business

a. Special Amusement & Liquor Permit-Oktoberfest: It was Moved Hutchins and Seconded Bickford to approve the Special Amusement permit as presented for Oktoberfest Vote: 5 – 0.

Liquor License for Oktoberfest: Chief Chapais said there were some problems the last few years with people outside the tents carrying alcoholic

beverages. He will have four policemen on duty. Carlson said the tents have been enlarged this year, and he will work with the Chief to see what solution they could come up with, perhaps a snow fence to limit the movement outside the tent area. The State does not license outside the tents with the exception of a small restricted area at the front.

Liquor License: It was Moved Hutchins and Seconded Willey to approve the liquor license request for Oktoberfest. 5 – 0.

b. Movie Request: Van Wormer International, LLC, film “Indian Summer”: Long Pond Pumping Station filming. Bennett has spoken with the contractor at Long Pond and they expect to be completed with the intake pipe by October 1<sup>st</sup>, and should not interfere with the filming. It was Moved Dunbar and Seconded Bickford to grant permission to film at the Pumping Station as requested. Vote in favor: 5 – 0.

c. PUC Rate Case: Bennett said that a petition against the rate increase was received by PUC, and will delay the increase 6 – 9 months. The Town will continue to work with Maine Rural Water and an attorney specializing in that field. This means the Town will have to defend the rate increase in more detail. Hutchins told the Board that the Town does not need permission to raise sewer rates. Dunbar suggested handling the water rate PUC item first. Bennett urged moving forward on sewer rates, and feels that every day that passes the debt gets worse. The Water Company owes the Town approximately \$400,000. Wilson would like to increase the sewer rates now. Hutchins agreed, and would like a recommendation from the Town Manager, have a public hearing, and inform the public sooner than later. Bennett asked if the Board wants to look at what it will take for bonds to begin replacements that will be needed in the Sewer Department infrastructure. Hutchins said the Board should instruct Bennett to look at the bond issues, and reiterated the Board has the right to raise sewer rates without approval from voters or the PUC. Wilson agreed the Board should meet once or twice a year specifically for the purpose of reviewing water and sewer rates. Hutchins agreed. Bennett asked if the Board was in favor of taking the money that has been budgeted thus far and putting it into a water/sewer bond, rebuilding the Capital Improvement Plan in the future. Bickford would like to have a meeting the first week of October to discuss all these issues, and Bennett agreed saying, in October preparations will begin for the upcoming budget year. October 6, 2009: Water Sewer infrastructure meeting.

d. Street Sweeper – tabled

VII. Manager's Report. Signed terms and conditions for PUC. Manset dock: some minor replacements necessary; this will involve some scheduling changes; getting ready to begin next years budget; ICMA conference in Montreal discussed economy. State engineers will be here tomorrow to review sidewalk issues and that will then go out to bid. Clark Point Road sidewalk paving will be laid Wednesday.

VIII. Other Business: Dunbar – follow up on the Town policy on licensing and classes for Town personnel. Bennett said the Town pays for employees keeping up their certifications as long as it is related to their job.

Hutchins: Worcester was appointed to the Park Commission and would like to have him report on the Wind Power seminar that was held recently. Board agreed. Tonight in Ellsworth is the MMA meeting on Tabor II and Excise. Bennett said indications are that Towns are opposing this initiative.

Hutchins: acknowledge a letter from Olver Associates complimenting Alan Wiley.

Dunbar: concerning the memo from the Shellfish Committee asking the Board to appoint Dever as Shellfish Warden for the Town. Jay Carroll talked with Dunbar concerning Fernald Point clam flats. Local ordinances should provide direction, and Carroll said that July and August are the times when most illegal digging occurs, and that is a busy time for the Harbormaster. He referenced Milbridge where the Police Department takes on that roll. Wilson said both departments should be involved. The other option would be to close the area periodically to assist in regulating. No commercial digging is allowed in SWH. Wilson suggested Jim Colquhoun be invited to a meeting to get further detail.

Wilson gave Bennett a letter from Pine Tree Chapter of the American Red Cross asking for \$1,000 for next year.

IX. Sign Warrants: It was Moved Hutchins and Seconded Bickford to approve the Warrants as submitted. Vote in favor: 4 – 0 – 1 (Wilson abstained).

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 7:25 p.m.

It was Moved Bickford and Seconded Willey to come out of Executive Session at 7:36 p.m. Vote in favor 5 – 0.

XI. Adjournment: It was Moved Willey and Seconded Hutchins to adjourn the meeting at 7:37 p.m. Vote in favor 5 – 0.