

**MINUTES**  
**Board of Selectmen**  
**February 10, 2009**  
**SOUTHWEST HARBOR TOWN OFFICE**  
**6:00 p.m.**

- I. Call to Order/Roll Call: The meeting was called to order at p.m.  
Present: Robin M. Bennett, Town Manager, Kristin Hutchins, Chairman;  
Skip Wilson, Vice Chairman; Trudy Bickford, Ralph Dunbar, Jr.
- Visitors: Mark Good, MD Islander, David Chapais, Police Chief; Harold Hall; S. Philbrack; Bill Trotter, BDN; Lydia Goetze; Nan Lincoln, BHT; Michael Allen, Dennis Dever; Ken Hutchins; Dianne Helprin; Sam Chisholm
- II. Visitors to be heard not on the agenda: Ken Hutchins said the Harbor Committee has written a letter to the Planning Board asking them to re-visit some of the zoning areas in the Town, particularly in the harbor and commercial fisheries and marine activities zones, to alleviate some of the strain on the businesses in that area. Copies were provided to the Board of Selectmen. The Board will review the letter. Wilson suggested this also go to the Comprehensive Plan Committee for consideration on how the Town does business in the future. Chairman Hutchins suggested she and the Chairman of the Comprehensive Plan Committee review this to evaluate how the Committee's involvement fits. Mr. Hutchins said he additionally wondered if the rules in those waterfront areas are really doing the job. Chairman Hutchins suggested a joint meeting with the Selectmen and the Planning Board. Wilson suggested including the Comprehensive Plan Committee and the public. Mr. Hutchins asked for support in the form of a letter. The Board will make a decision at the next meeting.
- III. Approval of Minutes: January 27, 2009: It was Moved Bickford and Seconded Dunbar, to accept minutes as presented. Vote: 4 – 0 in favor.
- IV. Warrants: Administration 67-72 Water 3 Sewer 18 Fire 1
- V. Old Business
- a. Facilities update:
- i. Police Department Renovations: Dunbar reported the last meeting with Sewall worked on the format of the layout of the changes – there were three layout changes. The Committee has not received the third and final change as of this meeting. The next Building Committee meeting is scheduled for

March 4<sup>th</sup> at 4:00 p.m. Sewall suggested that date, and will be addressing the electrical and design of the rooms. Hutchins asked about a decision on the vault. Bennett said there has been some purging of materials. Dunbar said Sewall will look into the reinforcement of this meeting room. Bennett will go to the Fire Station to review possibilities for storage at that site.

VI. New Business

a. Liquor License Renewal-The Captain's Galley: there were no issues or concerns from the Police Department. It was Moved Wilson and Seconded Bickford to approve the liquor license renewal for The Captain's Galley, Vote: 4 – 0 in favor.

b. Police Coverage: Dunbar said he was under the impression that the reduction of one officer would result in a savings of \$63,000 . Bennett said that would not be the total savings as the shifts would have to be covered by overtime and the savings would not be that great. Discussion was held on whether the cutting of one person would also include cutting services. Bickford said she would not expect 24/7 coverage. Wilson agreed that it was his understanding also and did not expect the coverage to be 24/7. Hutchins said if that is the case, the Board should discuss specific changes. Chapais stated that going to a four man roster will be a challenge to fill even one shift, not to mention covering sick time, vacation time, or extended leave time. Information from the Chief's conference said training for part-timers will be in effect soon. He said DARE, the Bike Rodeo and other activities might have to be cut. The officers will have to have 8 hours between shifts. Wilson questioned whether the Town needed 24 hour coverage. Chapais disagreed. Helprin, Pemetic School Principal, commented on cutting programs, and said the value of DARE is immeasurable. She also said that behavior incidences are on the rise and may be the result of the economy, and the stress levels that will result if the economy declines further. Bickford said the Selectmen work for all Town people, and with economics the way they are she expects more domestic abuse, and she would personally have to vote to keep the fifth person in the Department. Sam Chisholm, referred to Town meeting 1982 when two officers were cut saying he worked a 12 hour on and 12 hour off shift. Hutchins asked again what specifically Selectmen are prepared to do without and what will be the consequences. Chapais asked who would take ownership of the consequences? Wilson said cutting one man from the force eliminates one man for 8 hours and it is all about how it is organized. He only sees sick time as a problem as it cannot be scheduled. Chapais responded that the shift being discussed would have to be filled by officers and not part-timers. Overtime would be greatly increased. Dunbar said when this was voted on the Board was looking at an 8.1% increase in the budget and feels the Townspeople should have a chance to have a say in this. Bickford said she feels this will create more overtime and may be a big problem. Hutchins reiterated that if the Board goes to the Town with the recommended cut, it should be specific as to which services are cut. Chapais

said Bennett has convinced him that the savings is not big. Officer Mike Allen spoke saying he has worked in both a three man and a five man department and the three man shift has had to come in after 4 hours sleep. Hutchins asked what the recommendation should be. Wilson suggested that Chapais make the cut work the best way he could. Bickford pointed out that it is not fair to the Taxpayers without coming up with solutions. Chapais said it only takes one incident to make the decision a poor one. Wilson said he would take time to look this over and make the schedule work with one less person. He said the 8.1% increase without the school in the budget is not acceptable. Bennett said the Town is currently at a 2.8% increase and would be at about 3.1% if the Police Officer position was restored.

c. Pemetec School Budget: Dunbar asked about Ed Tech salaries increasing on a declining enrollment. Helprin said those are mandated, and are supposed to be funded 100% by the State and Federal government, but have never been. It's possible that some of the money could be gotten from the stimulus. Dunbar also asked about the Blue Cross and Blue Shield for Ed Techs. Helprin agreed it was an unfunded mandate, and is not controllable. Dunbar also asked about the \$30,000 in capital improvements. Helprin said this is to maintain the new structure and some legal issues on the exit stairs at the back of the building must be addressed. Bickford said it costs more when something is broken than it does to continually maintain. Hutchins said there must be some choices to save money. Helprin said that when they meet again in March heating oil will be an issue. Bennett suggested that Helprin contact her about heating oil.

d. Harbor Ordinance Amendments: The Board has reviewed the amendments to the Ordinance. Dever said there are some changes that came in late. The Board reviewed the changes with Dever, page by page. Dever discussed the changes, most of which were simple clarifications of wording resulting in an easier read of the document. Jurisdiction of the Harbormaster was clarified and explained in more specific terms. Bennett and Wilson discussed the legality of the Harbormaster having a deciding vote, as changed in the proposed Ordinance. Bennett felt it was not necessarily a good idea and that Robert's rules would apply and a tie vote would defeat the motion. Wilson suggested that no vote be taken without a quorum of 5. Mr. Hutchins said that a quorum would be a majority of the current membership of the Board. Chairman Hutchins suggested a change to the Harbormaster having a deciding vote. It was agreed and Dever made a change that stated the Harbormaster is a non-voting member and eliminated the remainder of the change which referred to the "deciding vote". Chairman Hutchins suggested reviewing the document to be sure all that was originally in the document is evident with the changes. When discussion the addition that said all Harbor fees collected shall be forwarded to the Harbor Management fund the Board agreed that might take effect when the Harbor pays for itself, and suggested eliminating that change until such time as the General Fund does not support the Harbor expense. At the conclusion, Chairman Hutchins asked for a final

document with the Boards suggested changes. Bennett said there will be a public hearing, and once that is complete and there are no further changes, this revised Ordinance may go on the Warrant. It was Moved Wilson and Seconded Bickford, to accept the Coastal & Harbor Ordinance as reviewed and amended by the Board of Selectmen, and a public hearing be held. Vote: 4 – 0 in favor.

e. Harbor Fee Schedule: Dever presented the Board with additional changes from the most recent Harbor Committee Meeting. Dunbar suggested looking at the usage fee. The Harbor Committee is ready for the Board to address these changes. It was Moved Bickford and Seconded Wilson, to accept increased Mooring and Harbor fees as recommended by the Harbor Committee and the Harbormaster. Vote: 4 – 0 in favor.

f. Harbormaster Boat Usage: Hutchins reviewed the information provided. Dunbar asked to clarify his understanding that there might be enough money in the budget for the boat, and motor as proposed, but the trailer is not budgeted. He asked if the old motor could be used on a new boat. Dever did not encourage this and thought there could be a better return by selling the old boat and motor as a package. Dunbar asked if the proposed boat would have to be constructed and would that have to be committed to now. He suggested, if that was the case, waiting till the budget goes through in May. Dever thinks the best thing to do is to keep the current budget monies and the proposed budgeted money separate. Bennett said there is over \$29,000 in the Capital Improvement Fund now and conceivably, based on Dever's figures, the boat could be purchased now. Bickford suggested checking locally for a price. Dunbar would prefer to get the nod of the Town Meeting before committing. Bennett suggested getting the specs out for pricing and if the price comes in over the current funds available, the Board could accept the bid pending Town Meeting approval. The Board agreed to have Dever develop specs.

Mr. Hutchins would very much like to see the Town acquire the parking lot at the Lower Town Dock before purchasing many more things. Wilson agreed, saying the property is critical and without it the Town cannot operate the dock. Goetze suggested a concentrated, critical effort to purchase the property. Wilson said that effort has been made several times. Hutchins floated the idea of a budget item to be brought before the Town. Mr. Hutchins agreed with Goetze to make a concerted attempt to negotiate for purchase of the property. Wilson agreed as well. It was Moved Hutchins and Seconded Wilson, to direct the Town Manager to make a priority of negotiating for the purchase of the Hook property adjacent to the Lower Town Dock. Vote: 4 – 0 in favor.

The Board returned to the Harbormaster proposal for boat replacement. Wilson felt that the stated mission of the boat in the Harbormaster's presentation was well beyond what was expected by the Board of Selectmen. He suggested the Board should formally accept the missions explicitly stated in the Harbormaster proposal.

It was Moved Wilson and Seconded Bickford, that based on the information sheet from the Harbormaster, the missions of the Harbormaster boat be: day and night law enforcement; Medevac; towing floats up to 16' x 24' and boats up to 40'; maintenance of floats and docks; light aids to navigation/mooring service and positioning; search and rescue in moderate conditions, all states of visibility within the entire area of responsibility; emergency logistics for fire, pollution and salvage; light salvage and dewatering of small boats, floats, lobster cars, etc; and public affairs all be accepted as the future uses of the boat. Vote: 4 – 0 in favor. Wilson suggested hiring someone to appraise the current boat to confirm the conditions of same. It was determined the qualifications of Chief Chapais and the Harbormaster were sufficient.

g. Comprehensive Plan Committee Presentation: Hutchins gave the Board three pieces of the proposal. The self assessment checklist was reviewed and it indicated what the State Planning Office expects from the Town. Wilson said he had not had time to read the package. Goetze said the Comprehensive Plan Committee is in the fact gathering stage and this needs a lot of public input before going forward to policies and strategies. Her estimation is that the entire project will likely take two years. Hutchins asked the Board to go through the analysis and key issues section. She said the Committee would like to hold a public meeting/forum sometime in March. The Public Facilities and Services section was reviewed. Hutchins asked for reaction to the individual sections of this piece as she reviewed each question. Hutchins asked the Board to re-read the package provided and strongly encouraged feedback. Bennett specifically thanked Hutchins and Goetze for the efforts that they put toward this project and the Comprehensive Plan Committee.

h. Volunteer Information Packets – Hutchins suggested deferring to the next agenda.

VII. Manager's Report: ADD will hold a public hearing on 19 February – have not had a response from EMR on contract negotiations; The Warrant Committee at February 4th meeting elected Sandra Johnson as Chairman. Their meeting schedule is in the packet. The Board of Appeals Ordinance will be on the next agenda; signatures are needed for the Commitments from the last meeting, and School Warrants needed to be signed. Bennett said a Poverty Abatement application will be forthcoming and she would like to schedule that on a night that the Board normally does not meet. Hutchins asked it not be a Wednesday. It was agreed to be scheduled on a Tuesday when the Board would not normally meet.

VIII. Other Business: Dunbar asked the Board about the letter from the office staff and said they should be allowed to come in and speak their piece. Hutchins asked if the Board wanted to ask the office staff to come in at the next meeting. Hutchins also said Representative Elsie Fleming wants to talk to the Board and the Board agreed to invite her. Hutchins additionally said the

Selectmen offered to allow two payment options for property taxpayers and asked that the Town Manager address that with recommendations.

- IX. Sign Warrants: It was Moved Wilson and Seconded Bickford to sign the Warrants as presented. Vote: 4 – 0 in favor.
  
- X. Executive Session pursuant to Personnel Matters, 1 M.R.S.A. §405 (6) (A). It was Moved Hutchins and Seconded Bickford, to go into Executive Session at 9:13 p.m. Vote 4 – 0 in favor.  
  
It was Moved Hutchins and Seconded Wilson to come out of Executive Session at 9:35 p.m. Vote: 4 – 0 in favor.
  
- XI. Adjournment: It was Moved Hutchins and Seconded Wilson, to adjourn the meeting at 9:36 p.m.