

Public Hearing Minutes
Tuesday, October 14, 2014
Southwest Harbor Fire Station

I. Call to Order/Roll Call

The Public Hearing was opened by Chairman Norwood at 6:00 PMPM. In attendance with Chairman included George Jellison, Thomas Benson, David Mincton, Lydia Goetze and Town Manager Don Lagrange.

II. Articles discussed during public hearing:

a. Article 1: No discussion regarding the election of Moderator

b. Article 2: Amendment to ‘Coastal Waters and Harbor Ordinance’

Harbormaster Adam Thurston explained there was a potential need for a designated mooring area for houseboats prohibiting from mooring or anchoring in SWH coastal waters except at marinas.

c. Article 3: Amendment to “Coastal Waters and Harbor Ordinance’

This article identifies in definitions of the Coastal Waters and Harbor Ordinance the terms of houseboat and floating business.

d. Article 4: Amendment to “Coastal Waters and Harbor Ordinance’

The intent of this article is to amend the limitations of fishing off the town piers which will allow fishing between 8 AM and 5 PM.

e. Article 5: Authorize Selectmen to approve parking easement

The town manager suggested recommendations to the Selectmen as a condition to accept an easement from the Gordon-White Associates for the continuation of plowing and maintaining the parking area in front of Carroll’s Drug. Town counsel advised it was unconstitutional to indefinitely plow and maintain private property for an easement issued in 1991 for the Village Green Way. An easement would provide for public parking with the following recommended terms:

1. The Town will maintain the area between the Gordon-White building and Village Green Way, including snow removal, for the purposes of providing public parking.
2. The Town will have the right to limit the length of time vehicles may park in this area.
3. The Town will not utilize any part of this easement for any purposes other than public parking, including eliminating the proposed south lane egress.
4. The Town will return the parking spaces as previously existed abutting the Bar Harbor Bank property.
5. There will be no further expansion of the building into the easement area.
6. The area will be subject to winter parking bans

f. Article 6: Authorize Selectmen to donate proceeds from Swap Shop
Members of the swap shop requested to donate \$1,000 to the West Side Food Pantry out of their proceeds. Audience was concerned this deviated from the normal donation process however the Swap Shop balance account was accumulated through sales of recycled products and these funds are not tax based. Also, there were no guidelines in the development of the Swap Shop to define use of proceeds other than maintenance of their location.

III. Other Comments

There were no other comments regarding the articles to be voted on.

IV. Close Public Hearing

The public hearing for Articles I – VI was adjourned at 6:35 PM

Public Hearing, General Assistance

I. Appendix B and C

Manager Lagrange explained the amendments to the GA Ordinance is annually adjusted to provide the maximum allowances for food and housing in Hancock County. George Jellison moved to accept the GA amendments, seconded by Tom Benson and voted in favor 5/0/0.

David Mincton moved to close the GA public hearing at 6:41 PM, seconded by Tom Benson and voted in favor 5/0/0.

Selectmen Meeting

Tuesday, October 14, 2014

Southwest Harbor Fire Station

I. Chairman Dan Norwood opened the Selectmen's meeting at 6:41 PM with all in attendance.

II. Visitors to be heard not on the agenda

There were no visitors to be heard.

III. Approval of Minutes: September 23, 2014

Tom Benson moved to accept the water/sewer board minutes of 9-23-14, seconded by Lydia Goetze and voted in favor 5/0/0.

Lydia Goetze moved to accept the Selectmen meeting minutes of 9-23-14, seconded by Tom Benson and voted in favor 5/0/0.

IV. Manager's Report

~ State DOT has funded a northbound turn lane on 102/3 in Somesville intersection. Should be constructed in the 2016 cycle. (The scope includes construction of a northbound right turn lane on Rte. 102 and replacement of the traffic signal.)

~ Bid request have been sent to four contractors for 1000 yards winter sand to be returned October 24.

~ Nelia has tendered her resignation effective October 22, 2014. Ads have been place in local papers to find a replacement.

~ A reminder the League of Towns elected officials meeting in Somesville is Wed, October 15 with a buffet served this year beginning at 5:00 PM.

~ The street sweeper will be out on Friday mornings trying to pick up leaves before they plug up the catch basins. We will vac the catch basins around the first of November.

~ The organizers of the Marathon have been advised the amount of fees required to run their event through Southwest Harbor. Historically, they have not paid for the extra police protection as well as the fire fighters for traffic control as other non-profits have done. We sent a payment request of \$900 for the police and \$840 for fire department.

~ Attached member update from MRC regarding current and future plans.

V. Old Business:

a. Main Street Update

The Town Manager had originally suggested construction activities to change from day to night however after more info surfaced, the town would require additional expense for inspection as well as day time construction activities to continue and not relieve traffic problems. Due to Town Manager suggestion not to approve, BOS decided by consensus not approved

VI. New Business:

a. Hancock Budget Meeting

A notice was provided regarding the next County budget session

b. Warrant Committee Appointment(s)

The BOS accepted the application from Mike Magnani to serve on the Warrant Committee with a motion from Lydia Goetze, seconded by Tom Benson and voted in favor 5/0/0. Lydia Goetze was concerned about the possibility of a small group of people serving on several committees and the Selectmen would need to address that issue. Manager Lagrange suggested we are not receiving any applications for volunteering.

Chad Terry applied for warrant committee but was not available for the meeting and Lagrange suggested to place him on the next agenda for Warrant Committee appointment

c. Charlotte Rhoades House

The request from Conservation Committee to dispose equipment and furnishings from the Rhoades house was moved by Tom Benson, second by David Mincton and voted in favor, 5/0/0.1) Proceeds from this sale can be deposited in the Rhoades Park Trust Fund.

Manager Lagrange provided a copy of the notice to quit sent to the tenant occupying the second floor apartment in the Rhoades house. The tenant had been advised previously in December, 2013 by the Jim Geary of the Conservation Committee to vacate and again by Ann Judd in August, 2014. The 30-day notice ended October 30, 2014.

d. Personnel Policy

Manager Lagrange requested to amend Personnel Policy to require wage increases follow the Northeast CPI-U; to eliminate Patriots Day as a town holiday for non-union staff; to clarify the health insurance benefit according to the Selectmen decision in December, 2013 to change from POS C plan to the PPO 1500 plan, and to amend the sick leave policy to offer a payout based on number of sick days accumulated after a duration of employment.

Lydia Goetze voted to amend Article II linking wage increases to the Northeast CPI-U with a minimum of 1% and maximum of 3% increases. Second by George Jellison and voted in favor 5/0/0.

Lydia Goetze moved to amend Article VI as follows seconded by Tom Benson and voted in favor 5/0/0:

Paid sick leave for Full Time employees is accumulated at the rate of one day for each calendar month of service and may accumulate for not more than 60 days. ~~After 10 years of continuous service,~~ An employee upon separation of employment in good standing, shall receive in pay twenty five (25%) percent of any accumulated sick time upon ten (10) years of service; an additional 5% each year from year 10 to 15, and 10% additional each year thereafter to a maximum of 100%.

Dan Norwood moved to table Article V until next meeting, seconded by Tom Benson and voted in favor 5/0/0.

Tom Benson moved to amend Article III eliminating Patriots Day as a holiday for non-union staff. Seconded by David Mincton and voted in favor 4/1/0 with Dan Norwood against.

e. Dirigo Road Paving Proposal

Two bids submitted for maintenance paving approximately 370' on Dirigo Lane were from Rings Paving (\$13,020) and Land Construction (\$17,700). Tom Benson moved to accept Rings quote, seconded by David Mincton and voted in favor 5/0/0.

f. Police CIP Expenditures, (Tasers)

Chief Chapais explained the technology of tasers have improved and the current program allows to purchase five and receive the sixth at no cost. They will be replaced in five years based on the maintenance program at cost of \$1,100 per year. Goetze suggested she was uncomfortable with tasers in this town. Jellison suggested deadly

force on the rise however Chief Chapais indicated the sensationalism associated with deadly force and use of tasers are not in media focus. Chapais confirmed Benson's statement tasers are now part of the police equipment. Tom Benson moved to purchase (6) tasers with funds from police CIP, seconded by David Mincton. It was voted in favor 4/0/1 with Goetze abstaining because she did not know enough to vote.

g. Tremont Police Proposal

Manager Lagrange suggested a proposal be sent again to the Town of Tremont to provide police coverage in place of the Hancock County Sheriff's office. Lagrange suggested Southwest Harbor has provided first response on numerous occasions for emergency response without Tremont compensating Southwest Harbor. This new proposal states the continuation of emergency response with agreement. The Board of Selectmen agreed by consensus to have the proposal submitted to Tremont.

h. Acting Police Chief Appointment

Lagrange presented a memorandum of understanding appointing Lieutenant Michael Miller as Acting Police Chief to replace the retiring Chief David Chapais, to be effective October 18, 2013. Tom Benson moved to confirm the Manager's appointment, seconded by George Jellison and voted in favor 5/0/0.

VII. Other Business

There was no other business presented.

VIII. Accept & Sign Warrants:

Tom Benson moved to accept following warrants, seconded by Lydia Goetze and voted in favor 5/0/0.

General Fund Warrants, FY 14-15: 44, 47, 52, 59

Sewer FY 14-15: 55

Water FY2014: 20

Special Projects FY 14-15: 56, 57, 58

School FY14-15: 45, 46, 53, 54

IX. Next Meeting Date:

October 28, 2014

Selectmen Meeting

6:00 PM @ Town Office

X. Adjourn Selectmen Meeting

Tom Benson moved to adjourn Selectmen's meeting at 8:30 PM, seconded by Lydia Goetze and voted in favor 5/0/0