



**Board of Selectmen**  
Tuesday, April 23, 2013 @ 6:00 p.m.  
Southwest Harbor Town Office

**MINUTES**

**I. Call to Order/Roll Call:** Tom Benson, Dan Norwood, Ralph Dunbar, Jr., George Jellison, Jr., Dave Minctons, Don Lagrange, Town Manager.

**II. Visitors to be heard not on the agenda:** Kristin Hutchins addressed the BOS about following up with them concerning the upcoming Main Street road project. Lagrange Responded by saying that he had spoken to Mr. Craig from the DOT about possibly working until the end of December on the project. She stated that she had one very concerned Main Street customer about the project being worked on during the busy summer months. Benson said that the BOS wants to work together with the Town and try not to impact these businesses anymore than need be. Kristin Hutchins also asked Lagrange about the possibility of underground electrical wiring for the Main Street. She was wondering what it would cost because she has been in other towns and it looks so nice not having those telephone poles and all the wiring in sight. As much information she can receive from the construction would be very helpful to inform her business through the Chamber Office. The local businesses are looking for a specific time line of construction. PW Director Corrigan added that the construction will have a time frame but things could get shifted around...there will be variables. He also added that there will more meetings in the future about the construction project and the town will have more information available as things progress.

Marsha Pilz addressed the BOS complaining about the firework ordinance is never on the agenda and she has been following the issue since last August. She feels it is a lack of public safety. She also voiced her opinion that she thought the BOS was being disrespectful to the Police Chief and Fire Chief for not looking at what they have drafted for the issues with safety concerning fireworks. Trudy Bickford addressed the BOS about starting a petition about the fireworks. The town has a right to say yes or no. It's too bad the citizens have to do the work for the BOS/Town. She feels that the townspeople shouldn't have to wait to see what the State will do with the firework issues. She asked if the BOS are going to say yes or no to what Chief Chapais has done with the firework ordinance. It all comes down to a "noise" complaint concerning the fireworks. Benson did add that only a few people have shown up at these meetings concerning the fireworks and there needs to be support from the public. Chad Terry commented on his liking of the fireworks...he enjoys them and he thinks it is a great addition to a wedding reception. Trudy Bickford believes the fireworks are a fire hazard and that people should obtain a permit from the Police Dept... Trudy said that she isn't trying to stop the fireworks from going off but to let the Police Chief and Fire Chief know ahead of time. Marsha Pilz added

that the issue is the dangers of lighting of the fireworks being in close proximity to a neighbor's roof or yard or possibility hitting somebody. She feels that controlled fireworks had to be away from buildings and in safe places where there wasn't people around. It does present a hazard to people's roofs—causing a fire---public safety concerns to get to the fire before it causes too much damage. Chief Chapais said that fireworks are designed for nighttime activities. The "usage of fireworks" was the concern of the people like Trudy so that is why they drafted up a simpler draft of a firework ordinance. Dunbar Jr. addressed the audience by saying that danger is everywhere and there have been no fire complaints about the fireworks. He thinks it is the will of the people of SWH and if they want an ordinance for fireworks and the only to get an answer to that is to pose a straw poll and have it done for the June 11, 2013 voting. Pose a question before spending a lot of time on coming up with an ordinance. Fireworks have been around for years and he is sure that people are aware of the dangers. He is not saying that Pilz is wrong but he is in favor of a straw poll. Norwood did add that the BOS has heard from a couple of people with their concerns but he would like to hear from a broader range of people. Lagrange will work on getting things ready for the June 11, 2013 voting.

A member of the audience asked about the decision made on the usage of fluoride in the water. Dunbar, Jr. said that they had had an intense meeting concerning fluoride and the BOS stood firm and the question will be going to the public for them to decide the fate of the fluoride in the water.

Another audience member voiced his concern about the re-routing of traffic onto Herrick Road during the upcoming Main Street construction project. He feels Herrick Road isn't designed to hold the traffic that would be going through there on a daily basis. Corrigan explained that it would only be one way that would be detoured through Herrick Road during the construction. He understood the concern but there maybe no other alternative to the re-routing.

**III. Approval of Minutes: Selectmen Meeting, April 9, 2013** A Motion by Jellison, Jr. and Seconded by Minctons to accept the minutes of the Selectmen Meeting dated April 9, 2013 as written. Vote 5/0.

**IV. Manager's Report:** Lagrange addressed the BOS briefly about some correspondence he had received from Nancy Thurlow indicating a payment of \$88,000.00 toward the school insurance claim. He asked if the BOS had any comments regarding the recent newsletter that went out to the residents. Cost savings of the newsletter was explained and the BOS had no complains. He told the BOS that the PB was still working on the zoning changes and are going over it closely word by word. Jellison, Jr. asked Lagrange about a discrepancy he noticed in the Cable Consortium minutes on page 5. It says a 10 year contract but he thought it should read a 15 year contract. Lagrange thanked him for bringing it to his attention and he will check into it.

**V. Old Business:**

**a. Glenn Greenlaw Appointment:** Lagrange addressed the BOS regarding the issue of needing signatures from them for Glenn Greenlaw's Appointment that was previously approved to the Shellfish Committee. BOS signed the form.

**b. Firepond on Seal Cove Road:** Lagrange explained briefly that no permits will be approved for the Fire Pond because it has to be 75 ft. from the stream. He said that he would be closing the books on this one.

**c. School Straw Poll (Dunbar):** Dunbar, Jr. spoke about the pursuit of talks about the future of Pemetic to the board of Tremont...Tremont wasn't interested. He would like to see SWH move forward and possibly form a board to look into other options, to have an open conversation with the school board and any other interested parties to look to the future. Benson agreed saying that he is for it and he thinks it is worth looking into. Norwood suggested inviting the school board to a BOS meeting to see if they would like to participate. Trudy Bickford added that she thinks the BOS have enough on their plate and she thinks the BOS is stepping on someone's toes. It has been in the paper and they are very upset with the BOS for wanting to do this. She just wanted to warn the BOS. Benson added that the town has expressed an interest in working with them and we're just looking at some options.

## **VI. New Business:**

**a. Peggy Lewis/Access to Property:** Lagrange explained to the BOS about the lot up behind the Town Office and the issue with the trees being cut down. He explained to them that Ms. Lewis is working on the issues concerning her property. He did want to talk with the BOS about the access to the property...if the town should give her an easement or eliminate access to the property from the Town's parking lot. The board discussed an issue of giving up his right of way from prior year's paperwork concerning Chet Lewis Chad Terry added to the conversation that he rents a bay from Ms. Lewis and it is easier and safer for him to travel through the parking lot with his one ton truck rather than going out of Wesley Ave. Dunbar, Jr. added that he didn't think the town needed to do anything at this time. No harm done and he suggested filing a notice so there is no adverse damage in the future. He suggested leaving things status quo. Lagrange suggested allowing access on a temporary basis. He said he would check with legal council and bring it back to the BOS at another meeting. He did add that he had asked the owners to please clean up the mess in the empty lot where the trees had recently been cut.

**b. Appointment to Housing Authority (Sonia Field):** No appointment was made at this time. The BOS would like the appointee to come before the BOS when a new appointment to any board is presented. Lagrange will notify Ms. Field and have her attend the next BOS meeting.

**c. Tax Abatement, Deck House/Robert Marshall Personal Property Lien:** Lagrange briefly explained about the uncollectible debt owed for personal property taxes.

A Motion by Dunbar, Jr. and Seconded by Jellison, Jr. to abate the sum of \$413.56 for the personal property taxes due from Deck House/Robert Marshall. Vote 5/0.

**d. Tax Abatement, Todd Lear:** Lagrange briefly explained about abating this tax bill for a mobile home which had been moved out of town. A Motion by Jellison, Jr. and Seconded by Norwood to abate the sum of \$148.27 for the taxes owed from Todd Lear. Vote 5/0.

### **e. Liquor License Renewals:**

**1) Café Drydock & Inn:** A Motion by Norwood and Seconded by Jellison, Jr. to accept the special amusement permit and liquor license renewal application from Marty Williams dba Café Drydock & Inn. Vote 5/0.

**2) Fiddler's Green:** A Motion by Norwood and Seconded by Minctons to accept the special amusement permit and liquor license renewal application from Derek Wilbur dba Fiddler's Green. Vote 5/0.

**3) Claremont, Inc.:** A Motion by Jellison, Jr. and Seconded by Minctons to accept the special amusement permit and liquor license renewal application from The Claremont, Inc. Vote 5/0.

**4) Little Notch Bakery:** A Motion by Jellison, Jr. and Seconded by Norwood to accept the liquor license renewal application from Arthur Jacobs dba Little Notch Bakery. Vote 5/0.

**f. Office Premise Catering License – Authorize Town Manager:** Lagrange spoke with the BOS to allow the Town Manager to sign on behalf of the Selectmen to approve the application for off premise catering. A Motion by Jellison, Jr. and Seconded by Norwood to authorize the Town Manager to approve and sign on behalf of the BOS for off site catering permits that goes to the State with the \$10.00 fee. Vote 5/0.

**g. School Warrant, June 11 Ballot:** Lagrange asked the BOS to sign the School Warrant so he can give it to Chief Chapais and post for the June 11 ballot. A Motion by Dunbar, Jr. and Seconded by Norwood to accept the Warrant School Budget Validation Referendum (20-A M.R.S.A 1486 and 2307) Town of Southwest Harbor. Vote 5/0.

**h. Warrant, \$12,000 School Security Participation:** Lagrange explained to the BOS that he needed them to sign the Warrant Special Town Meeting. A Motion by Norwood and Seconded by Minctons to approve the Warrant Special Town Meeting Town of Southwest Harbor asking the question Shall the Town appropriate the sum of up to \$12000.00 from Undesignated surplus to be used for increased security systems to the Pemetic Elementary School? Vote 5/0.

**i. Public Works Report:** Corrigan addressed the BOS by saying that he had filed for some safety grants with Maine Municipal. Should hear back sometime in May about them. Summer water lines have been turned on. Dunbar, Jr. asked Corrigan when was the company coming back to paint the water tank so the project would be completed? Corrigan said that he has a letter in to them about them coming back and finishing up the water tank.

**VII. Other Business:** Lagrange spoke briefly about a purchasing policy that Beattie had found that had been talked about at BOS meetings but she couldn't find where it had ever been signed by the Selectmen. Lagrange will include a copy for the BOS to review and they will discuss it at the next BOS meeting.

**VIII. Accept & Sign Warrants: Administration: 157, 160, 163, Water: 7, Sewer: 162, School: 158, 159, Special Projects: 161** A Motion by Dunbar, Jr. and Seconded by Jellison, Jr. to accept and sign warrants as presented. Vote 5/0.

**IX. Next Meeting:** Town Meeting, May 6 (Pemetic School)  
Selectmen Meeting, May 14, 2013 (6:00 pm)

**X. Adjourn:** A Motion by Dunbar, Jr. and Seconded by Minctons to adjourn the Selectmen meeting. Vote 5/0.