



Board of Selectmen
Tuesday, October 9, 2018 @ 6:00 P.M.
Southwest Harbor Town Office

MINUTES

I. Chairman Chad Terry called the regular Selectmen's meeting to order at 6:00. In attendance George Jellison Jr., Lydia Goetze, Kristin Hutchins, Ryan Donahue, Assistant Manager Marilyn Lowell and Manager Justin VanDongen. There were approximately 15 members of the public also present.

II. No visitors to be heard not on agenda.

III. Lydia Goetze made a motion to approve Board of Selectmen meeting minutes for 6/28/2018, seconded by George Jellison, approved 5-0-0.

IV. Justin VanDongen reviewed attached Manager's Report, Ryan Donahue requested that the fill from the infrastructure project be used at the Hook property to raise the dirt lot to match the grade of the parking lot and the vegetation be removed. Justin VanDongen stated we are waiting for the Highest Annual Tide line to be delineated by Tom Benson to apply for the proper permits. Motion made by Lydia Goetze to approve the use of CIP funds for the replacement of water main connections on Main Street, seconded by Ryan Donahue approved 5-0-0.

V. A. Justin VanDongen updated the board about the change to the drainage design that was requested by DOT for the sidewalk underdrain and provided an updated to the estimated project cost. The additional cost was estimated at \$60,000.

B. The Board discussed the proposed single use plastic bag ordinance and polystyrene foam container ordinance. Chad Terry feels that we should hold public hearings and place it on the agenda for May Annual Town Meeting. Lydia Goetze suggested that the merchants need to order supplies before May. Ryan Donahue expressed that he would like to see a larger turnout than normally comes to a special town meeting. Lydia said that we need to have a special town meeting for the raw water station anyway. George Jellison would like to place it on the Town ballot in May rather than an open meeting. Justin asked if the Board would like to hold public hearings to take input from the public about the ordinance. Consensus of the Board is to hold a public informational hearing at the beginning of the next regular Selectmen's meeting. Ryan Donahue wanted to know the status of these types of ordinances in other MDI towns.

C. Justin VanDongen asked if the Board would like to hold a special town meeting to fund the Raw Water Station bond. Ryan Donahue suggested we hold a public hearing about the bond prior to a meeting. George Jellison wondered if the voters would support a bond that the District is moving forward with regardless. The consensus of the Board is to

hold a public hearing about the raw water bond prior to the next Selectmen's meeting. Lydia Goetze offered to draft Polco questions about the proposed ordinances and the bond. Kristin Hutchins suggested we need to better inform voters using social and traditional media.

VI. A. Justin VanDongen submitted a request from the CEO for the use of legal reserve funds to enforce a violation of the Land Use Ordinance at 126 Clark Point Road. Eric Columber, attorney of the tenants, offered to work with the CEO and Town Manager to draft a consent agreement to avoid litigation. Sheryl Harper suggested that the noise emitted from the property is not new and is a continuation of the historic use of the property. Justin VanDongen suggested that the reason a violation exists is that the noise is new to the property and that the CEO determines whether or not the level is objectionable. Lydia Goetze has heard that the noise being generated is louder and more frequent than it was in the past. Ryan Donahue asked if there is a quieter way to conduct the business in order to fit better in the neighborhood. Don Jalbert, owner of a neighboring Inn, said that he has lost approximately \$25,000 in revenue due to the noise and asked that be considered. Alfred Hallaby, owner of another B&B in the area, confirmed he is similarly suffering. A neighborhood resident, confirmed the noise and suggested that we need to work together to solve this. Justin VanDongen suggested that the Board should decide the use of funds and not focus on the merits of the violation. He suggested the Board approve the funds and that the Town work with MDI Lobster to reach a consent agreement to present to the Board. Sheryl Harper asked if this was a threat and the Town Manager suggested that this is how violations of Land Use Ordinance are handled. Kristin Hutchins made a motion to approve the use of funds with the understanding that the Town will work with Eric Columber to draft a consent agreement to present to the Board, seconded by Lydia Goetze. Ryan Donahue clarified that Sheryl Harper owns the property but that it is the lessee's refrigeration unit and that both parties were notified of the violation. He asked if the unit was there last year and Sheryl confirmed that this noise was not present last year. Motion approved 5-0-0.

B. Justin VanDongen informed the Board that Glen and Joyce Mickowski have submitted an appeal to the Board of Appeals regarding the cost of parking at the Hook lot. A hearing will be held November 14, 2018.

C. Justin VanDongen submitted a request for nominations for the Acadia National Park Advisory Commission. Justin suggested that the Board again nominate Ben C. Worcester III. Ryan Donahue made a motion to nominate Ben C. Worcester, seconded by Lydia Goetze, approved 5-0-0.

D. The Board discussed the report of the Maine Coast Heritage Trust and the proposed driveway at Chris' Pond. Ryan Donahue asked what the future of the warming hut is. Justin VanDongen suggested we could reposition the hut and allow for continued use.

E. Justin VanDongen submitted a quarterly financial report for review by the Board. George Jellison asked about the overage in computer license fees. Kristin Hutchins asked about utilities and Justin informed them that telephone service is the driver. Marilyn Lowell suggested that we are locked in for a couple more years. Lydia Goetze clarified that the dispatch phones still work when the internet is down. Justin asked the Board what they would like to see in future reports. Ryan asked to see what is running over budget and Lydia requested seeing what is in CIP accounts and what is available. Justin will

prepare a more condensed summary report for future quarterly financial reports. The upcoming TRIO training will be useful to help clarify the financial reports and accounting practices of the Town.

VII. Justin VanDongen updated the Board of thank you letters from the WIC program and Island Connections. Kristin Hutchins said Oktoberfest went really well and had a great group of volunteers.

VIII. Lydia Goetze made a motion to approve warrants:

General Fund Warrants, FY 18-19: 35

Payroll Warrants: FY 18-19: 33, 34

School FY 18-19: 31, 32

seconded by Kristin Hutchins, approved 5-0-0.

IX. Next meeting set for October 23, 2018 at 6:00pm.

X. Kristin Hutchins made a motion to adjourn at 9:05pm, seconded by Ryan Donahue, approved 5-0-0.