



**SELECT BOARD MEETING**  
**Town of Southwest Harbor**  
**Fire Dept. & Via Zoom\***  
**6:00 p.m. ~ Tuesday, April 25, 2023**

**Minutes**

1. **CALL TO ORDER:** Called at 6:00 p.m. by Chair Carolyn Ball.
2. **ROLL CALL:** All present. Chair Carolyn Ball, Vice Chair Natasha Johnson, George Jellison Jr., Jim Vallette, Luke Damon, Manager Marilyn Lowell, and Town Clerk Jennifer LaHaye.

**A. Excused Absences:** None

3. **ADOPTION OF AGENDA:** *Request of the Town Manager for a motion to adopt the agenda as presented.*

Johnson motioned to adopt the agenda as presented. Seconded by Damon. Vote: 5-0-0.

4. **PUBLIC HEARING:**

**A. Liquor License Renewal – Carisa A. Goodell, Inc.:** *Request of Carisa A. Goodell, Inc. on behalf of Café Drydock, 357 Main Street, SWH for an On-Premises Beer, Wine, and Spirits liquor license renewal.*

Damon motioned to recommend approval of the application of Carisa A. Goodell, Inc. on behalf of Café Drydock, 357 Main Street, SWH, for an On-Premises Beer, Wine, and Spirits liquor license. Seconded by Johnson Vote: 5-0-0.

**B. Special Amusement Permit – Carisa A. Goodell, Inc.:** *Request of Carisa A. Goodell, Inc. on behalf of Café Drydock, 357 Main Street, SWH for a Class E - Special Amusement Permit.*

Johnson motioned to recommend approval of the application of Carisa A. Goodell, Inc. on behalf of Café Drydock, 357 Main Street, SWH for a Class E Special Amusement Permit. Seconded by Damon Vote: 5-0-0.

5. **OLD BUSINESS:**

**A. Article 48/Chris's Pond:** *Request of George Jellison to discuss questions & aspects of the Chris' Pond Project*

Chair Carolyn Ball addressed the audience supplying information about Article 48 on Chris' Pond. Ball noted her own interest in the project and discussed past votes. She noted she had changed her vote several times to allow other members to change their mind if they wished. Ball

noted that this was the fourth meeting recently related to Chris' Pond. Ball said the wording of the article has been vetted by the town attorney. Ball discussed the 'costs' associated with accepting the land.

- ~There will be a tax loss, approximately \$4,500.00, annually, likely less depending on how much land the town agrees to receive.
- ~The match of the grant is the land itself. No money would be involved.
- ~The upkeep of the property moving forward would be the Town's responsibility.
- ~Money asked to be spent would be reimbursed.

Jellison expressed concern for the following:

- ~ April 19<sup>th</sup>, 2023, he requested the Select Board schedule a meeting to discuss legal liability for this project. This did not happen.
- ~Concerns for water level of the pond, in years past the town has had to drain to avoid flooding of neighbors below.
- ~The warrant article was presented as an update to the Select Board, and yet it was voted on. The Select Board voted on a warrant article that had not yet been vetted by the town attorney.
- ~Jellison expressed concern that Johnson and Ball informed the Conservation Commission they were on the agenda and had used personal email to correspond with the committee members.
- ~Jellison noted his concern for what he believes is a secret meeting being held that was not advertised or recorded on zoom by the town.

~ Johnson disagrees with Jellison's statements. She said Chris' Pond is already owned by the town. Johnson explained the State of Maine does allow administrative communications to happen on personal emails. Johnson expressed that she feels there are miscommunications and information is being misinterpreted. Johnson then directed the conversation back to the actual project of Chris' Pond.

~Residents discussed concerns for current retaining wall found on the property, as well as potential flooding surrounding neighbors. Others expressed concern for the stewardship of the conservation commission not attending to the property until now. Concerns were expressed about the town being liable to the condition of the warming hut and the potential risk it poses as there is broken glass in the windows.

~Many other residents discussed the importance of Chris' Pond and the value of having a place in the town for residents, and young families to go and enjoy the area, whether it is for skating, walking, or bird watching. Many residents spoke in favor of the project.

**B. Conduct Policy:** *Request of James Vallette & George Jellison to review & discuss Conduct policy.*

Ball advised there has been some concern raised that the Conservation Commission has violated the Conduct Policy and Right to Know. The meeting in question was not open to the public. The purpose of the meeting was to gather recommendations for the Select Board. A quorum is four voters of the Conservation Commission. Ball noted no vote was taken, and questions if this indeed, was a violation.

Jellison is concerned the Conservation Commission tried to have a secret meeting and attempting to limit the meeting to two voting members and one or two associate members to develop language for the Chris' Pond article that will be presented to voters. The town has no minutes or attendance record as it was not created on the town's zoom account and was not advertised. Jellison noted that there are emails showing possibly up to three voting members attending this meeting. Jellison believes this could be a Freedom of Access violation. Vallette requested Jellison to show the specific violation and point to language in the law. Vallette expressed concern for Jellison making accusations without any evidence. Kristen Hutchins identified as an associate member of the Conservation Commission, said it was called a subcommittee doing a choir of work. Several members of the committee advised there was no collusion, they were trying to have a "team" group.

Vallette read the email from Maine Municipal Association outlining unless the town has an ordinance governing the committee which provided otherwise the general rule is that the quorum is majority of the "regular" voting membership.

No action taken.

**6. APPROVAL OF MINUTES:** *Request of the Town Manager for a motion "to approve the minutes of...."*

**A. April 11, 2023 – SB Meeting**

Johnson motioned to approve the April 11, 2023 Select Board meeting minutes. Seconded by Damon. Vote: 5-0-0.

**7. APPROVAL OF WARRANTS:**

Town Payables: W#110  
Town Payroll: W#0420, 0427  
Trust & Agency: W#108, 109

School Payroll: W#107  
School Payables: W#106

Jellison motioned to approve the warrants as presented. Seconded by Johnson. Vote: 5-0-0.

**8. APPOINTMENTS:**

**A. Board of Appeals:** *Request of Town Clerk to appoint Scott Preston as a Board of Appeals member.*

Johnson motioned to appoint Scott Preston to the Board of Appeals for a 3-year term, to be effective until June 30, 2026. Seconded by Damon. Vote: 5-0-0.

**9. FINANCIAL REPORTS:** *Presentation of the monthly Budget Variance Report, Revenue Variance Report and Reserves Report.*

Manager Lowell advised that not a lot has changed, currently under the budget by a small amount. Lowell noted the insurance is paid quarterly. There has been no money taken out of the reserves. There was a bit taken out of Wage and Benefits when Mike Miller retired. Vallette explored the status of the landing barges. Lowell said that the Harbormaster was looking into that, and she would follow up on that.

**10. REGULAR BUSINESS:**

- A. Resident Tonnage Donation:** *Request of Town Manager to discuss the donation of resident, unused tonnage for disposal of SWH families dismantled, shipwrecked boat.*

Vallette motioned to authorize SWH residents to donate up to 30,000 pounds of unused tonnage at the EMR Transfer Station for the Kelley family, and to waive any landing fees with removal. Seconded by Damon Vote: 5-0-0.

David Kelley was present in person, requesting approval for residents to donate unused tonnage to help dispose of his late brother Nahm Kelley's boat that is still in the harbor. Kelley said he has had several volunteers to help him break up the boat and dispose of the boat.

- B. Solid Waste Reduction Task Force:** *Request of SWRTF to discuss amending their Mission Statement with the Select Board.*

Johnson motioned to authorize the proposed amendment to the SWRTF Mission Statement with proposed verbiage. Seconded by Damon Vote: 5-0-0.

*New Mission Statement:*

“The Southwest Harbor Solid Waste Reduction Task Force will identify methods for reducing the amount and cost of managing solid waste generated by our town's residents, businesses, and visitors.”

*Original Mission Statement:*

“The Southwest Harbor Solid Waste Reduction Task Force will identify methods for reducing the amount and cost of managing garbage generated by our town's residents and businesses, all of which is paid through property taxes.”

- C. Climate to Thrive – Community Resilience Partnership:** *Request of Carolyn Ball to review and discuss results of the Community Actions List provided by Ms. Blackman.*

Johnson motioned to adopt the following statements below. Seconded by Vallette Vote: 5-0-0.

**WHEREAS**, the Town of Southwest Harbor has completed the Community Resilience Partnership's Community Resilience Self-Assessment and List Community Actions, and held a community workshop of March 16, 2023 which prioritized the following action areas:

1. Implement strategies that increase public transit ridership and alternative transportation modes.
2. Adopt a Complete Streets policy which addresses safety, bike/pedestrian uses, and transit.
3. Adopt and execute a plan for energy efficiency and building envelope weatherization improvements for municipal/tribal buildings. Collaborate with local school district for school building improvements.
4. Install renewable energy projects (solar, wind, geothermal, anaerobic digestion, etc.) on municipal/tribal property (e.g., School rooftop, wellhead protection area, landfill, brownfield site, etc.)
5. Improve and protect drinking water and wastewater treatment facilities to reduce physical damage and sustain function during extreme weather events.

**BE IT RESOLVED**, the Town of Southwest Harbor commits to participating in the Community Resilience Partnership, which supports community leadership in reducing greenhouse gas emissions and increasing resiliency to extreme weather and climate change impacts.

**BE IT FURTHER RESOLVED**, the Town of Southwest Harbor designates Town Manager Marilyn Lowell to coordinate planning, implementation, and monitoring of energy and resilience projects and to be the primary point of contact to the Community Resilience Partnership.

**D. Lawler Lane Groundwork Proposals:** *Request of Town Manager to discuss two proposals received for groundwork on Lawler Lane.*

Vallette motioned to authorize the Town Manager to accept and sign a contract from Doug Gott & Sons, LLC. for the proposal amount of \$ 22,181. Seconded by Johnson Vote 5-0-0.

**E. Care of Town Property/Chris' Pond:** *Request of George Jellison to discuss the care of Town Property foremost Chris' Pond.*

Vallette motioned to authorize the Conservation Commission to investigate maintenance associated with Chris' Pond and present preliminary ideas to the Select Board. Seconded by Damon. Vote: 4-1-0. Jellison nay.

Discussion took place about the condition of the Chris' Pond area, and the proposal of the Conservation Commission to further investigate maintenance associated with the pond.

**F. Committee Liaisons:** *Request of James Vallette to discuss and review the Committee Liaison duties.*

Vallette motioned to table topic until next meeting. Seconded by Damon. Vote: 5-0-0.

**11. MANAGER REPORT:** Please see attached report.

- Vallette would like some questions answered about Term of Office/ Town Manager Plan/ When did the Town vote to transition to a Town Manager’s form of government.

**12. SUGGESTIONS FOR THE NEXT MEETING:** *No action will be taken, other than to place the requested item on the next agenda.*

- A climate to Thrive – Next meeting May 9<sup>th</sup>.
- In Depth Conversation – attention about Chris’ Pond Shack.
- Conservation Commission presented to Select Board June 13<sup>th</sup>.
- Liquor Licenses

**13. NEXT MEETING DATE:** *Adoption of a motion to confirm the date of the next regular meeting for Tuesday, May 9<sup>th</sup> at 6:00 p.m. at the Town Office meeting room.*

Damon motioned to confirm the date of the next regular meeting for Tuesday, May 9<sup>th</sup> at 6:00 p.m. at the Town Office meeting room. Seconded by Johnson. Vote:5-0-0.

**14. ADJOURNMENT:**

Johnson motioned to adjourn the meeting at 9:29p.m. Seconded by Damon. Vote: 5-0-0.

Respectfully Submitted,

Jennifer E. LaHaye  
Town Clerk

**APPROVED**

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Carolyn Ball, Chair

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Natasha Johnson, Vice Chair

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George Jellison, Jr.

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James Vallette

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Luke Damon