

SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. – Tuesday, January 14, 2025

Minutes

1. **CALL TO ORDER:** Ball called the meeting to order at 6:00 p.m.
2. **ROLL CALL:** Chair Carolyn Ball, James Vallette, Chapin McFarland, Noah Burby, Town Manager Karen Reddersen, Town Clerk Jennifer LaHaye all present. Vice Chair Natasha Johnson attending via Zoom
3. **ADOPTION OF AGENDA:** *Request of the Town Manager for a motion to adopt the agenda as presented.*

Burby motioned to amend the agenda to go into executive session at the beginning of the meeting. Second McFarland. Vote: 4-0-0. (Johnson absent for this vote)

4. **EXECUTIVE SESSION:** *1 MRSA 405 (6)(e) to discuss a legal matter-Chris's Pond.*

A. Legal Matter: *Possible adoption of a motion for the Select Board to enter Executive session to discuss a legal matter as permitted by 1 MRSA 405.6.E.*

Burby motioned to enter into executive session, pursuant to 1 MRSA 405 (6) (e) to discuss legal matters regarding Chris's Pond. Seconded by McFarland. Vote: 5-0-0. Natasha Johnson present by Zoom

Burby motioned to exit executive session, pursuant to 1 MRSA 405 (6) (e) to discuss legal matters regarding Chris's Pond. Seconded by McFarland. Vote: 5-0-0. Natasha Johnson present by Zoom

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

A. December 10, 2024 – SB Minutes

Burby motioned to approve the minutes as amended. Seconded by McFarland. Vote: 4-0-0. Natasha Johnson is offline at this vote.

6. APPROVAL OF WARRANTS:

Town Payables: W#64,65,71. (64+65 previously signed)
Town Payroll: W#1212,1219,1226,0102,0109.
Trust & Agency: W#59,61,66,67,69.
Conservation: W#0114.
Main Street Project: W#70.
School Payables: W#60,63.
School Payroll: W#62,68.

Natasha Johnson back online present by Zoom.

Burby motioned to approve the warrants as presented. Seconded by McFarland. Vote: 5-0-0.

7. PUBLIC HEARING:

A. Liquor License Renewal – Jersey Lounge, LLC: *Request of Jersey Lounge, LLC on behalf of Joey's Place, 11 Seal Cove Rd., SWH for an On- Premises Beer, Wine, and Spirits liquor license.*

Burby motioned to recommend approval of the application of Jersey Lounge, LLC on behalf of Joey's Place, 11 Seal Cove Rd., SWH, for an On-Premises Beer, Wine, and Spirits liquor license. Seconded by McFarland. Vote: 5-0-0.

B. Special Amusement Permit – Jersey Lounge, LLC: *Request of Jersey Lounge, LLC on behalf of Joey's Place, 11 Seal Cove Rd., SWH for a Class D- Special Amusement Permit.*

Burby motioned to recommend approval of the application of Jersey Lounge, LLC on behalf of Joey's Place, 11 Seal Cove Rd., SWH for a Class D/E Special Amusement Permit. Seconded by McFarland. Vote: 5-0-0.

C. Liquor License Renewal -Bub's Burritos LLC: *Request of Bub's Burritos LLC, on behalf of Bubs Burritos, 19 Clark Point Rd, SWH for an On-Premises Beer, Wine, and Spirits Liquor License.*

Burby motioned to recommend approval of the application of Bub's Burritos LLC, on behalf of Bubs Burritos, 19 Clark Point Rd, SWH for an On-Premises Beer, Wine, and Spir-its Liquor License. Seconded by McFarland. Vote: 5-0-0.

8. APPOINTMENTS:

A. SUSTAINABILITY COMMITTEE: *Request of the Town Clerk to appoint members to the Sustainability Committee.*

Burby motioned to confirm the Town Clerk's Appointment of Lydia Goetze to the Sustainability Committee for terms effective until June 30, 2025. Seconded by McFarland. Vote:5-0-0.

B. WATER/SEWER DISTRICT BOARD OF TRUSTEES: *Request of the Town Clerk to appoint William G. Tillman and Ben "Lee" Worcester III to the Water/Sewer District Board of Trustees*

Vallette motions to table the Water and Sewer Trustee appointments until the next meeting or until the Water and Sewer District can get back to us answering these questions. Seconded by Burby. 4-1-0 McFarland opposed.

Vallette would like to request the Town Manager to request the Water and Sewer District to update routinely their website to include previous meeting minutes, advertising the names and the terms of their members, and uploading all the minutes from the beginning of the district.

Vallette wanted further discussion about conflicts of interest. He stated we do not have board minutes on the website, or names of directors on the website, this makes it hard to become involved, or to know what is happening. Vallette said he is aware the Water and Sewer district, without the select boards' knowledge, has been in talks with a board member who has a private interest related to his own company involving installing water lines. Vallette is aware of emails dating back to 2021 that discuss coordinating with a private company on this project and the Water and Sewer District will take over the maintenance after a year of the project being installed. He would like to know the process and confirm that there is a recusal of board members if a conflict of interest arises and would like to validate how those situations are addressed and managed.

Vallette is not in support of moving forward. He is aware the board can function under three members. He noted the agenda for this month is mostly warrants.

9. REGULAR BUSINESS:

A. Review of Southwest Harbor & Tremont EMS Planning Committee Bylaws:
Review of draft bylaws for the Southwest Harbor & Tremont EMS Planning Committee.

Board members reviewed the Bylaws approved by the Tremont select board. Several amendments were made to the document. Members advised Town Manager Reddersen to make those amendments and submit them to the Tremont Town Manager for review by their board.

B. Lobster Buyer Truck Permits for 2025: *Review and discussion of 2025 Interim Permit Process and draft policy: Commercial Lobster Buyer Truck Permits*

Burby motioned to approve the amended draft Lobster Buyer Truck Policy as amended, to include a certification of agreement to policy terms by the permit applicant, with annual review and certification. Seconded by McFarland. Vote: 5-0-0

Burby motioned to extend three Lobster Buyer Truck Permits to Northeast Seafood Company, RDR Wholesale, and Seal Cove Lobster Company, contingent on authorized signature of company representative agreeing to the Southwest Harbor Lobster Buyer Truck Permit Policy. Seconded by McFarland. Vote: 5-0-0.

C. Conservation Committee: *Review of draft bylaws for the Southwest Harbor Conservation Commission. Review of "Friends of Chris's Pond Mission Statement. Request of Ann Ratcliff and committee to provide SB with an update of the Conservation Committee's work.*

Ann Ratcliff, Chair of the Conservation Commission, was with other members of the commission, including several volunteers from the subcommittee Friends of Chris' Pond. Cora Ogley read the Mission Statement. Gina Silverman reviewed the Chris' Pond historical timeline dating back to its original construction of the pond around the year 1826. Ann Ratcliff presented the Conservation Commission updated Bylaws. It has been brought to the attention of the select board that vandalism has taken place several times on the property. Chief Hall was present in the audience and contributed to the discussion developing wording that would allow for the Police Department to enforce.

Vallette motioned that the Town shall post a sign stating that the Conservation Commission is responsible for the maintenance of the Chris' Pond and all related structures. Seconded by Burby. No vote.

McFarland motioned to amend the previous motion to state the Town shall post a sign stating that the Conservation Commission is responsible for the maintenance of the Chris' Pond and all related structures. Any unauthorized work on this property is deemed an act of criminal mischief. Seconded by Burby. Vote: 5-0-0.

Discussion:

McFarland explored if there should be a sign stating "Danger Thin Ice" other members discuss no skating sign.

George Jellison expressed concern that the board is allowing volunteers to put a lot of properties at risk due to flooding. Jellison stated that the town is passing along the liability to the commission, he later would express concern for members taking notes shortly after an executive session. All members who participated in the executive session confirmed there were no notes taken.

Ball read a statement regarding the Tort Claim Act, noting a “Governmental entity is not liable for any claim which results from land, building, structures, facilities, or equipment designed for use primarily by the public in connection with public outdoor recreation or dams.”

D. Investing: *Review and discussion of CD renewal options*

A current one-year CD with Bar Harbor Financial Services in the amount of \$125,000 has matured with bond interest in the amount of \$5,983.56. The Financial Consultant has indicated that 4.10% brokered CD's are limited and unlikely available. They have a 4% 1-year CD available and a 4.15% 6-month CD available. They currently have a 6-month CD available at 4.25% with Bar Harbor Banking and Trust.

Johnson motioned to authorize the Town Manager to invest CD funds in the amount of \$125,000 in a 12-month CD with Bar Harbor Financial Services in the amount of 4%, with bond interest being deposited to SWH checking account as revenue. Seconded by Burby. Vote: 5-0-0.

E. Change Order Main Street Sidewalk Project: *Review and discussion of change order for roadway milling, shim and overlay costs*

It was brought to the attention of the Town Manager that funds for added roadway, milling, shim and overlay costs for the Main Street Sidewalk project were not included in the original bid request and this work is needed to complete the Main Street Sidewalk Project. Annalise Hafford from Olver Engineering has provided a cost estimate in the amount of \$138,600.00. The town will receive a credit from MaineDOT in the amount of \$15,000 for a light scheduled overlay of the road that was delayed due to the project.

F. Code Enforcement: *Discussion of SWH Code Enforcement Officer position*

Manager Reddersen is requesting Code Enforcement Officer John Larson go full-time status. There is money in the budget now; Larson supports moving to full-time status and is in good health to do so. He will start at 35 hours a week.

Johnson motioned to authorize renewal of the current CEO license and approve a CEO weekly schedule of 35 hours/per week from February 1, 2025-June 30, 2025. Seconded by Burby. Vote: 5-0-0.

G. Budget Review: *Request of Town Manager to give brief overview of the DRAFT FY25/26 Budget.*

Town Manager Reddersen presented the Budget to select board members. She notes several increases they will see in the budget in various departments. Reddersen has had many meetings with department heads to help reduce some of the requests, and has noted the CIPs have been thin, and this will be slowly built back into the budget. She noted several inconsistencies within the CIPs, so adjustments have been made. The town has not received the audit.

10. LIAISON REPORT:

Harbor Committee – Burby reports the key issues have already been discussed earlier in the meeting.

ADD update- Vallette reports touring the MRC Facility. He reports 2025 should be the year for the facility to open.

Storm Response- Ball noted that the meeting was during a scheduled budget meeting. The Harbormaster + Highway Supervisor attended.

11. MANAGER REPORT: See report file at the Town Office.

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

- Shellfish Ordinance amendment review.
- Housing
- Conservation Commission Bylaws
- Remote Participation

13. NEXT MEETING DATE: *Adoption of a motion to confirm the date of the next special meeting for Wednesday, January 15th at 6:00 p.m. at the Pemetic School Library.*

Burby motioned to confirm the next special meeting for Wednesday, January 15th, at 6:00 p.m. at Pemetic School Library. Seconded by McFarland. Vote: 4-0-0.

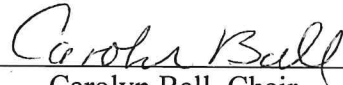
14. ADJOURNMENT:

Burby motioned to adjourn the meeting at 9:14 p.m. Seconded by McFarland.

Respectfully Submitted,


Jennifer E. LaHaye
Town Clerk

APPROVED



Carolyn Ball, Chair


Natasha Johnson, Vice Chair



James Vallette



Chapin McFarland



Noah Burby