



SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. ~ Tuesday, February 14, 2023

Minutes

1. **CALL TO ORDER:** Ball called the meeting to order at 6:06 p.m.
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.

4. **PUBLIC HEARING:**

A. Marijuana Retail License Renewal – Meristem, LLC: *Request of Tyler & Natasha Johnson, d/b/a Meristem, LLC, for approval of their renewal application for an Adult Use Retail Store to be located at 11 Seal Cove Road.*

Vallette motioned to recommend approval of the renewal application of Tyler & Natasha Johnson on behalf of Meristem, LLC, 11 Seal Cove Road, for an Adult Use Retail Store. Seconded by Jellison. Vote 4-0-1. Johnson abstained.

Natasha Johnson, and husband Tyler were present in person. Johnson removed herself from the table and sat in the audience as she is an owner of Meristem LLC. Johnson supplied a brief update, and reported they are looking to expand the current footprint of the shop and extend into another shop next door.

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

A. January 17, 2023 – SB Budget Meeting

Damon motioned to approve the select board budget minutes. Seconded by Johnson. Vote 5-0.

B. January 18, 2023 – SB Budget Meeting

P3 second paragraph. Lease agreement should say “is not responsible.”
American Legion: changed to Dehumidifier.

P2 under Chamber – Damon referred to an ‘unwritten policy’ member had referenced during an earlier discussion earlier in the meeting.
P2 strike sentence.

C. January 24, 2023 – SB Meeting

Damon motioned to approve the select board budget minutes. Seconded by Johnson. Vote 5-0.

6. APPROVAL OF WARRANTS:

Town Payables: W# 83, 84	School Payables: W#81
Town Payroll: W#0202, 0209, 0216	School Payroll: W#79
Trust & Agency: W#78, 80, 82	

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

7. APPOINTMENTS:

A. W/S District Trustee: *Request of W/S District to appoint Kenneth A Minier to the W/S District board of trustees.*

Postponed to the next meeting.

B. SWH Housing Board of Commissioners: *Request of SWH Housing Authority to appoint Anne Heisey to the SWH Housing Authority Board of as a Commissioner.*

Postponed to next meeting.

C. Warrant Committee Member Introduction: *Anne Trotter is our newly, appointed Warrant Committee Member.*

Anne Trotter was present in person. Anne was in the Army for several years, a government contractor for 20 years and traveled to various areas. She has lived in town for about two years. She is interested in infrastructure, and currently works in government risk and compliance for information technology. Becoming part of the warrant committee this allows her to learn more.

8. REGULAR BUSINESS:

A. Town Garage: *Request of SB to discuss questions board members may have of the new plans, before going to bid.*

Annaleis Hafford and Eric Hardy were present via Zoom and available to answer questions of the select board members.

Hafford explained again the process of moving forward with the CDS grant application. She predicts this to significantly delay the project if the town wishes to move forward and apply for the grant. Olver Associates would apply on behalf of the town. Hafford explained the town would need to wait to put the project out for bid due to the requirements the grant funds. There is a 20% match that town would be responsible for. If the town waits to apply for the grant, inflation will play a role in the cost of the project. The project currently is ready to go out to bid at this point. Hafford will work with the town in whatever decision is made.

Members of the board briefly discussed moving forward with the project or waiting with the likelihood of inflation increasing the cost of the project, but potentially securing grant funds to help offset the increase in cost. Select Board requested Town Manager to meet with Annaleis Hafford and the USDA Rural Development.

B. Harbor Ordinance Amendments & Combining of Float & Dock Ordinance:
Request of Select Board to discuss Harbor Ordinance Amendments with Harbormaster, Jarrod Kushla.

Jarrold Kushla was present in person. Kushla agrees with the corrections made by the harbor committee, and noted he took part in these changes. Kushla spoke to his job, and explained he had no concerns for enforcing these changes within the ordinance. Kushla said his job allows the ability to use discretion when implementing recent changes before violations are written.

Kushla supplied an update on the boat still beached in the harbor. He advised there is a plan for the boat once salvaged from the rocks, however weather and tides have been difficult. Kushla advised it is not an environmental or safety concern at this time.

C. Municipal Building Generator Replacement: *Request of Select Board to discuss and ask questions about the generator replacement with Stephen Stanley.*

Damon motioned to authorize Town Manager to order the new 45 kw Generac generator through Stephen Stanley Electrical Contractor, Inc. and accept their proposed estimate for providing labor and materials for installation, up to the amount of \$32,500. Seconded by Jellison. Vote 5-0.

Steve Stanley from Stanley Electric was present in person and said he had originally quoted a 60K generator. He now recommends a 45K, where it is low rpm generator, liquid cooled, will run better, is quieter, for industrial use, and made to run for an extended period. He referenced a graph of the usage, noting that the compressor for the sprinkler system is running every 20 minutes. Manager Lowell said she has followed up with the sprinkler company and they had said that was normal. Stanley noted that is increasing our bill. Stanley reported a new switch would be included with the new generator.

The current generator that is in use does not meet EPA standards. He advised if it were moved from this property, it could become a mess. He recommended not giving this to a neighbor. There is a disposal problem. He reported working with Northeast Harbor with the same problem several years ago. You could re-issue it to a new location within the town such as the Highway Department. If the town wishes to dispose of it, Generac likely will request a disposal fee to

ensure it is never in use again.

Damon explored if there was something that could alert dispatch, they are working off the generator. Stanley said that it is Wi-Fi connected and they could have access to that.

D. 2004 International Replacement: *Request of Select Board to have the 2007 Freightliner assessed for life expectancy.*

Scott Alley was present in person. Members discussed the replacement of the 2004 International. Alley said that it takes about 2 years to order. Alley believes the truck could be ordered without supplying the deposit. Jellison would like to verify this, and if this is true, motion next meeting to continue without a down payment.

E. Fire Department Donation/Misc. Reserve Account/ Police Department Donation. Reserve Account: *Request of Town Manager to create FD and PD Donation/Misc. Reserve Accounts.*

Johnson motioned to set up a Fire Department reserve, and Police Department reserve beginning FY 21/22. Seconded by Vallette. Vote 5-0.

Manager Lowell and Bookkeeper Becky Gatcomb have been collaborating with the auditor to find a way to transfer donations directly to the Fire Department and Police Department. Currently any donation that is specifically specified goes to the revenues and rolls over into the undesignated fund balance. Manager Lowell would like to see the revenue transfer into a reserve account designated for equipment or gear. Then the Departments could expend that money and help offset equipment, or gear specifically identified by donor.

F. Street Signs/North Causeway Lane: *Request of Town Manager to discuss North Causeway Lane Street signs and Town ROW.*

Damon motioned to authorize Scott Alley to reposition the sign from Ron Scott's property at 21 N. Causeway Lane to other side of his driveway. Seconded by Johnson. Vote 5-0.

Members reviewed the survey completed by Tom Benson in December 2001. The survey determined there is a town right of way down to the shore off North Causeway Lane. Moving Mr. Scott's sign to the other side of his driveway would make it more obvious helping show the towns right of way to the water.

Johnson expressed importance of reclaiming public access to the shore in the town and protecting it. She would like to see consistent signage.

Johnson motioned to create the same signage used for all the public accesses to the ocean such as one sign saying public access to shore, and a separate signage if needed naming no turn around where appropriate.

Members discussed various wording on the signs.

Johnson then amended her earlier motion:

to create the same signage used for all public access to shore, and no turn around where appropriate.

Amended for a second time to add:

For areas such as not inclusive to Cable Crossing, Harbor Ave, North Causeway Lane, and Lawler Lane.

Ball asked Johnson if having the minutes reflect Cable Crossing, Harbor Ave, North Causeway Lane, and Lawler Lane would be sufficient. Johnson was worried it would be forgotten.

Johnson withdrew her motion.

Johnson motioned to create signage for shore access, “public access to shore” and “no turn around” where proper. Seconded by Damon. Vote: 3-2. Ball and Jellison nay.

G. Comprehensive Plan Update Task Force: *Request of Carolyn Ball to discuss and review the amendments to the housing recommendations.*

Jellison motioned to postpone adoption of this for warrant until provided with a final draft February 28th. Seconded by Damon. Vote 5-0.

Manager Lowell supplied an overview of how the articles would be laid out. Manager Lowell advised that the updates to the Comprehensive Plan on Coastal Erosion and Stormwater Runoff have been passed by the board. Workforce and Affordable Housing still need to be approved by the board. If not approved, it would have to be separate articles if the board chose to move forward on the other two updates of the Comprehensive Plan. Ball felt all the updates should be done together. Jellison expressed the update to the plan should be a ballot question.

Ball noted several changes of wording that could be made. Members discussed changes.

A final draft will be presented to the board next meeting for a vote.

H. MDI Housing Solutions Summit: *Request of Town Manager to discuss possible designation of appropriate participant for summit meetings.*

Members discussed potential nominations of the MDI Housing Solutions Summit. Ben Worcester, and Lydia Goetze.

9. MANAGER REPORT:

Please see attached Manager’s report.

- Johnson discussed concerns for getting paving quotes for Wood Street. She questioned why we would be. Manager Lowell said Scott requested the quote for roads, but the paving on Wood Street would not be completed until after Main Street was completed. The quotes were for reference for paving project costs.

- Vallette expressed concern that there was only 1 warming center in Hancock County the last big storm. Wondering where people would look to know if one is open. Manager Lowell stated the Fire Department is used if they receive a call from Dispatch that there are residents without power and/or heat. The Harbor House also is used as a warming center. Neither have the ability to have sleeping arrangements. They are for getting warm, charging devises, obtaining water and possibly food.

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

- Comp Plan Final Draft
- Maine Coast Heritage Trust
- Ex Session for next meeting about the MRC.
- Freightliner – verify there is no downpayment and make formal motion.

11. NEXT MEETING DATE: *Adoption of a motion to confirm the date of the next regular meeting for Tuesday, February 28th at 6:00 p.m. at the Town Office meeting room.*

Johnson motioned to confirm the next date of the regular meeting for Tuesday, February 28th at 6:00p.m. Seconded by Damon. Vote:5-0.

12. ADJOURNMENT:

Johnson motioned to adjourn the meeting at 9:20 pm. Seconded by Damon. Vote: 5-0.

Respectfully Submitted,

Jennifer E. LaHaye
Town Clerk

APPROVED

Carolyn Ball, Chair

Natasha Johnson, Vice Chair

George Jellison, Jr.

James Vallette

Luke Damon