



SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. – Tuesday, February 25, 2025

Minutes

1. CALL TO ORDER: Ball called the meeting to order at 6:01 p.m.

2. ROLL CALL: All present.

A. Excused Absences (*if any*)

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

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

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.*

Burby 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 McFarland. 4-0-1 Johnson recused herself and sat in the audience.

Tyler Johnson was present in person. He provided an update on the business and expressed his wish to be involved in any future ordinance changes. He referenced new products that are unregulated in town and in the state are making an appearance in convenient stores. Because there is no age limit on the product, it might be an idea for the town to have more restrictive regulations. There is not enough oversight on these products. Currently legislation is being drafted. Johnson also discussed a pilot program that Meristem was asked to take part in by the CDC. It helps people have the right equipment to keep products locked up and away from the hands that should not have it. These were bags they were able to give out for free.

5. APPROVAL OF WARRANTS:

Town Payables: W#87

Trust & Agency: W#82,83,86

School Payables: W#84

Town Payroll: W#0213, 0220,0227

Conservation: W#0225

School Payroll: W#85

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

6. APPOINTMENTS:

- A. SUSTAINABILITY COMMITTEE:** *Request of the Town Clerk to appoint Raney Bench to the Sustainability Committee.*

Johnson motioned to confirm the Town Clerk's appointment of Raney Bench for the Sustainability Committee for terms effective until June 30, 2025. Seconded by Burby. Vote: 5-0-0.

- B. WATER/SEWER DISTRICT BOARD OF TRUSTEES:** *Request of the Town Clerk to appoint Allan Willey to the Water/Sewer District Board of Trustees*

Burby motioned to confirm the Town Clerk's appointment for Allan Willey as Water/Sewer District Trustee for term effective until December 31, 2027. Seconded by McFarland.

7. REGULAR BUSINESS:

- A. Review of 2025 Interim Lobster Buyers Permit:** *Request of Select Board to review the 2025 Interim Lobster Buyers Permit*

Vallette motioned to direct the Town Manager to investigate the legal mechanism for weight limit. Seconded by Burby. Vote: 5-0-0.

McFarland motioned to remove weight restrictions from the initial Lobster Buyer Policy. No vote.

Vallette amended McFarland's motion to include upon an adoption of a general weight limit policy. Seconded by Johnson. Vote: 5-0-0.

Burby motioned to change the title to Interim Lobster Buyer Truck Policy. Seconded by Vallette. Vote 5-0-0.

The Select Board members reviewed the Lobster Buyer Truck permit again. Several changes were noted to reflect this is an Interim policy. Discussion with board members about removing the weight limit from the policy. Several members of the Harbor Committee were present in person at the meeting. Several expressed concerns about the weight restriction and noted it singled out the lobster buyer trucks, while other large trucks use the dock facilities. Questions arose if the weight limit outlined in the engineer report reflected the whole weight of the vehicle, vs. It is the weight per axle. Members concluded the engineer report should be included in the select board packet to discuss soon. Ball noted that some of the language in the current policy was negative, while the suggested language was more positive. Select Board members agreed to the new title being "Interim Lobster Buyer Permit Policy." Members agreed to adding/rewriting Section 3: Regulations # 6 "permits will be renewed provided buyers act in a professional manner." Several Harbor members expressed frustration and concern that the original policy was created without their input and wished the board to "start from scratch." Members discussed this as an interim policy, and it was to be reviewed again.

Select Board members agreed more research would be completed to establish a Harbor Use Policy incorporating all users at the harbor facilities.

- B. Subdivision Ordinance Amendments:** *Request of the Town Clerk to review the proposed changes to the current ordinance*

Burby motioned to authorize the amendments made to the Subdivision Ordinance, for placement on the ballot of May 6, 2025. Seconded by McFarland. Vote 5-0-0.

- C. 911 Addressing Ordinance Amendments:** *Request of the Town Clerk to review the proposed changes to the current ordinance*

Burby motioned to authorize the amendments made to the 911 Addressing Ordinance, for placement on the ballot of May 6, 2025. Seconded by Johnson. Vote: 5-0-0.

- D. Memoriam and Dedication for Town Report:** *Request of the Town Clerk to review Memoriam List & discuss dedication of Town Report.*

Vallette motioned to dedicate the Annual Report to the community that donated services to the Seawall. Seconded by McFarland. 5-0-0.

Members will decide at the next meeting as to who they wish to be nominated for the Memoriam.

- E. Tax-Acquired Property.** *Discussion of foreclosed properties for unpaid FY 22 property taxes.*

Town Clerk Jennifer LaHaye presented a list of properties that have been foreclosed on. Members had a lengthy discussion of payment of taxes and the process. LaHaye discussed the foreclosure process and explained the current practice of what the office does when someone still owes on taxes. All foreclosed properties have received many certified letters. LaHaye explained this is the first year that the Select Board was made aware of the foreclosures, and requested a “no action motion be made” LaHaye explained the Select Board also had the authority to “retain” the property for the use of the town or “dispose” the property and put it up for auction. LaHaye explained if the Town wanted to retain or dispose of properties, several steps must be completed before that. Those steps were not taken because the Town has never acted in past years. Several questions were raised about paying off the earlier balances. LaHaye noted that one of the properties listed had a verbal agreement that the family did not have to pay off the earlier taxes because they were owned by another family member. LaHaye believes there is only one account that is like this. LaHaye explained that if someone were to buy the house, the payment of all the taxes would be made. Johnson would like LaHaye to have the proper time to investigate this issue more. The future motion could be “no action; remine in foreclosure.”

8. LIAISON REPORT:

Burby – is still working on the Parking ordinance. He explored if others would entertain a third-party consultant on reviewing and proposing revisions to existing ordinance in addition to proposing new ordinances. Ball suggested that she could revise the Parking ordinance and that a consultant was not necessary at this time.

McFarland – Attended the Planning Board meeting provided an update of upcoming meetings. Verizon is looking to put cellular tower in, this was tabled until March 20th meeting. Atlantic Holdings LLC bought the medical center for their employee workforce housing. McFarland noted the Board of Appeals decision to remand the Planning Board's approval for Acadia View subdivisions.

9. MANAGER REPORT: See attached Manager's memo filed at Town Office.

~Manager Reddersen reports that she has requested an update of the Sidewalk Project contract from Olver Associates. They are in the last 42-day phase. The meeting is scheduled for March 5th

~She has a status meeting with FEMA tomorrow, June or July will be the disbursement months for current funds in obligated status. It is moving along. Reddersen reported she continues to work with the Warrant Committee, both Becky Gatcomb and Manager Reddersen have attended all Warrant Committee meetings.

~Highway Department has been busy; anyone can get the 2 5-gallon buckets of sand. Vallette asked if this could be on the website.

~The board members discussed residents being able to get sand daily if needed. Members were pleased to hear about the outreach program with the seniors.

Chief Hall and Town Manager Reddersen have collaborated with Tremont Town Manager Jesse Dunbar to discuss the Police Contract with Tremont.

Budget update:

\$304,970 less than what was originally thought. This is due to the school's budget being less than what was anticipated.

Tremont Police Funding;

\$332,775 will be collected from Tremont in FY24/25 for Police Services. Manager Reddersen reports this revenue was not budgeted for, due to the timing of the contract, which allows the Town to utilize these funds to lower the FY26 budget request.

The FY25 Tremont Police funding has not yet been allocated and is in a revenue holding account. Manager Reddersen presented a draft First Responders package, suggesting these funds be distributed to offset the CIP and other requests for next year. This will help reduce the tax burden on Southwest Harbor residents. This will also help offset the Tremont Police budget, as they were concerned with the number initially given to them.

\$50,000 police vehicle CIP

\$24,11 Police Protective Equipment CIP

\$46,819 Dispatch Equipment

\$16,750 Fire Dept. Equipment CIP

\$50,000 Paving Reserve

\$145,000 transfer from Undesignated Fund in 25/26FY

Total: \$332,680

Johnson – would like to see the dispatch equipment line in the positive. The money that could be allocated could bring the line to 0.

Vallette expressed concern for the float on the Lower Town dock tilted into the water. Harbormaster Leavitt is aware of this and has a plan.

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

Memorial
Select board appointee
Warrant committee will review the budget
Public Hearing for the ordinance
Adopt the budget on 3/25

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

Burby motioned to confirm the date for the next meeting March 11th at 6pm. At the Town Office meeting room. Seconded by

12. EXECUTIVE SESSION: *1 MRSA 405 (6)(A) for a discussion of personnel matters related to appointees.*

A. Personnel Matter: *Possible adoption of a motion for the Select Board to find that public discussion of this personnel matter could be reasonably expected to violate the individual's right to privacy, and therefore, to go into executive session to discuss the employment of an individual, as permitted by 1 MRSA 405.6.A.*

Burby motioned to enter Executive Session. Seconded by Johnson. Vote: 5-0-0.

Burby motioned to exit executive session. Johnson seconded. 4-0-0 McFarland is no longer present.

Vallette motioned to schedule an executive session on March 6th for the discussion of personal matters related to appointees. Seconded by Johnson. Vote: 4-0-0.

13. ADJOURNMENT:

Johnson motioned to adjourn the meeting. Burby seconded the motion. Vote: 4-0-0.

Respectfully Submitted,

Jennifer E. LaHaye
Town Clerk

APPROVED

Carolyn Ball, Chair

Natasha Johnson, Vice Chair

James Vallette

Chapin McFarland

Noah Burby