



SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. ~ Tuesday, February 27, 2024

Minutes

- 1. CALL TO ORDER:** Ball called the meeting to order at 6:00pm.
- 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.*

Johnson motioned to amend the agenda and include discussion of the EMR Contract when discussing cardboard in section 7A. Seconded by Damon. Vote: 5-0-0.

~Vallette noted he would like to include the discussion of ERM contact in section 7A along with discussion of cardboard.

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

A. February 13, 2024 – SB Minutes

Johnson motioned to table the minutes to next meeting. Seconded by Damon. Vote: 5-0-0.

5. APPROVAL OF WARRANTS:

Town Payables: W#88	Main Street Project: #86
Town Payroll: W#0222, 0229	School Payroll: 84
Trust & Agency W#85, 87	School Payables #82, 83

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

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

~Manager Lowell provided a basic overview of the financial reports. She reports things look good, however there is an increase with the Highway budget due to the front loader, and backhoe needing to be fixed. The town is still awaiting that bill. There continues to be a good interest rate back from all the accounts at .8%. Lowell noted that the Harbor would be increasing the revenues as payments continue to be processed. The first two- six-month CD's will roll over June 1st.

7. REGULAR BUSINESS:

- A. EMR Contract & (Recycling) Cardboard:** *Request of James Vallette for Lee Worcester to supply additional information on contract & recycling tonnage & MSW Summary to SB to discuss in relation to Budget.*

Cardboard Recycling:

Vallette started the discussion related to cardboard, he wishes to promote recycling by residents and wishes to have more flexibility to do so. Vallette explained potential revenue for the town with cardboard and gave examples. One in which the town could become a member of the Maine Resource Recovery Association, and advised there are vendors' that will come to municipalities and collect the recycled cardboard, then the town would receive a payment of that. The vendors then will sell substantial amounts of cardboard collected and then sell in a bigger market. The Town could become a member of the M.R.R.A and then receive marketing services, and wholesale prices. Damon and other members wished to see some more numbers related to the potential cost and revenue. Ball would like to see the financial figures to see what it could save the town.

EMR Contract:

~Vallette presented his concern of the current contract. He feels there are other opportunities to look outside E.M.R, he would like to have a bit more freedom and recommended to his fellow members not to renew the contract. The contract is still in place until June 2024.

~Lee Worcester advised there are things within the contract that can be discussed, he noted "gross volume of waste" no one can has control over, but E.M.R has always had open ears and willing to discuss. He noted E.M.R relies on the revenue stream is a mixture of costs. If all recycling went away, EMR wouldn't be paid for the tonnage. EMR would need to have some serious thought of what they would need to do.

~Vallette explored if E.M.R would be willing to remove all the exclusivity within the contract of recycling and compostables or subset. Mr. Worcester said he wouldn't be able to answer those questions tonight.

~Damon expressed concern about alienating the town if the town were to 'nitpick line by line' of the contract. He noted that currently Southwest Harbor is not surrounded by facilities available to take waste from the town.

~Vallette discussed there could be cross island opportunities, and work with other towns. He is asking the members to take a pause, and have a discussion, and to not lock into a five-year contract.

~Members discussed the Coast Guard's increase of Town's waste. Mr. Worcester suggested several ideas of how the Town could negotiate with the coast guard and noted that would not be in violation of the current contract.

~Ball wanted to clarify; do we need to terminate the contract with you to make changes within the contract? Mr. Worcester advised that is correct.

~Scott Alley in the audience asked where the Town would not take their trash. Ellen Pope from the Solid Waste Reduction Task Force interjected and asked Lee to clarify. Mr.

Worcester clarified to the audience that the vote ends the contract with EMR. After June 30, 2024, there is no longer a contract with E.M.R. July 1, there is no contract in place.

Vallette motioned to notify E.M.R Ben C. Worcester III president of EMR Po. Box 787 SWH that the select board will not renew the next contract 2024-2029 without further discussion and instruct the Town Manager to send a certified letter with that information with a receipt before March 5, 2024. Seconded by Johnson. Vote: 3-2-0 Ball and Damon Nay.

B. Pre-recommendation for re-classification from Warrant Committee: *Request of Warrant Committee to review & discuss a pre-recommendation of re-classification of Harbor House, SWH Library, and SWH-Tremont Nursing Services.*

Johnson motioned to keep as they were, Harbor House, Library, and Ambulance services, for separate warrants. Seconded by McFarland. Vote: 5-0-0.

Mr. Lodge reports the Warrant committee suggests leaving Harbor House, Ambulance, and the library separate individual line items instead of re-classifying them and put into the group of contracted services. Ball agrees with this. Damon noted Ingrid from Harbor House also agrees leave as it right now and discuss in the future any changes that might need to be made.

- C. Solid Waste Ordinance:** *Request of the Town Clerk, Jennifer LaHaye to discuss and sign Order for Solid Waste Ordinance, for placement on ballot of May 7, 2024.*

Johnson motioned to authorize the signing of the “Order” for the Solid Waste Ordinance, for placement on the ballot of May 7, 2024, by the Select Board. Seconded by

- D. Solid Waste Ordinance:** *Request of the Town Clerk, Jennifer LaHaye to discuss and sign Certification of Official Text of a Proposed Ordinance.*

Johnson motioned to authorize the signing of the “Certification of Official Text of a Proposed Ordinance” for the Solid Waste Ordinance, for placement on the ballot of May 7, 2024, by the Select Board. Seconded by McFarland. Vote:5-0-0.

- E. Memoriam and Dedication for Town Report:** *Request of Town Clerk, Jennifer LaHaye to review Memoriam List & discuss dedication of Town Report.*

No decision was made this evening. Select Board members will continue to explore the names provided and conduct their own research of potential candidates. Town Clerk Jennifer LaHaye also reminded members the dedication candidate does not need to be deceased, and suggested Town Manager Marilyn Lowell.

8. LIAISON REPORT:

Johnson said she was still waiting to hear back from Johanna at a Climate to Thrive, to explore a date for when she was available to conduct the tabletop exercise discussed in earlier meetings. Manager Lowell advised that there have only been two responses back. Code Enforcement Officer Katie Higgins would be willing to take part as long as it didn't conflict with a Planning Board meeting.

9. MANAGER REPORT: See attached.

Manager Lowell referenced her report and added she had received information about the Brown Tail moth and has put pamphlets out for residents to take for more information. She also noted to the board members it was brought to her attention that Skips Automotive has been placed on the market to sell. This could possibly be a location for the town garage. Members discussed potential possibilities with the property and how it could potentially work for a town garage. Manager Lowell will gather more information about the property and reach out to the Realtor representing the business.

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

Board members discussed the Water and Sewer District upcoming project. Members expressed concern for the current plan and how this current plant was affected by the most recent storms resulting in the sea water level rising. Members would like to express their concerns to Seve Kenney District Manager and explore if there could be away to alter the plans.

- Discussion with Steve Kenney about the Water and Sewer Treatment plant
- Discussion related to the sale of Skips Automotive discuss garage space.
- Meristem LLC renewal
- Housing update – Carolyn will check with Lydia to see if there is information she can report.
- Dedication & Memoriam

11. EXECUTIVE SESSION:

- A. Discussion of Confidential Record:** (To be considered in executive session, as permitted by 1 MRSA 405.6.E), since premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial
- B. disadvantage.**

Johnson motioned to enter into executive session at 8:20p.m. Seconded by McFarland. Vote: 5-0-0.

Vallette motioned to exit the executive session. Seconded by Johnson at 8:25pm. Vote: 5-0-0

12. EXECUTIVE SESSION:

- 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).*

Johnson motioned to enter executive session pursuant to 1 MRSA 405.6.A to discuss personnel items relating to the hir of a new town manager. Seconded by Damon at 8:26p.m. Vote: 5-0-0. 8:26pm.

Johnson motioned to exit the executive session. Seconded by Damon at 8:50p.m. Vote: 5-0-0. 8

- 13. NEXT MEETING DATE:** *Adoption of a motion to confirm the date of the next regular meeting for Tuesday, March 12th at 6:00 p.m. in the Town Office meeting room.*

Johnson motioned to confirm the date of the next regular meeting for Tuesday, March 12th at 6:00pm. Seconded by McFarland. Vote: 5-0-0.

14. ADJOURNMENT:

Johnson motioned to adjourn the meeting at 8:52p.m. Seconded by McFarland. Vote: 5-0-0

Respectfully Submitted,

Jennifer E. LaHaye
Town Clerk

APPROVED

Carolyn Ball, Chair

Natasha Johnson, Vice Chair

James Vallette

Luke Damon

Chapin McFarland