



SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. ~ Tuesday, March 12, 2024

Minutes

1. **CALL TO ORDER:** Ball called the meeting to order at 6:05p.m.
2. **ROLL CALL:** Carolyn Ball Chair, James Vallette, Luke Damon, Chapin McFarland, Town Manager Marilyn Lowell, and Deputy Treasurer Becky Gatcomb. Town Clerk Jennifer LaHaye present via Zoom.
 - A. **Excused Absences** (if any): *Natasha Johnson, Vice Chair, absent during roll call - arrived to meeting at 6:22pm.*
3. **ADOPTION OF AGENDA:** *Request of the Town Manager for a motion to adopt the agenda as presented.*

Damon motioned to adopt the agenda as presented. Seconded by McFarland. Vote: 4-0-0.

4. PUBLIC HEARING:

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

Damon motioned to approve the renewal of Meristem, LLC’s Marijuana Retail License. Seconded by McFarland. Vote: 4-0-0.

5. **APPROVAL OF MINUTES:** *Request of the Town Manager for a motion “to approve the minutes of...”*
 - A. February 13, 2024 – SB Minutes

Made corrections of typos, and the correction of “solid waste” to “hazardous waste”.

Damon motioned to approve the minutes of the February 13, 2024 meeting as amended. Seconded by McFarland. Vote: 4-0-0.

6. APPROVAL OF WARRANTS:

Town Payables: W#92
Town Payroll: W#0307, 0314

School Payroll: W#89
Trust & Agency: W#90, 91

Damon motioned to approve the warrants as presented. Seconded by McFarland. Vote: 4-0-0.

7. APPOINTMENTS:

- A. Harbor Committee:** *Request of Town Clerk to appoint Noah Burby to the Harbor Committee.*

McFarland motioned to appoint Noah Burby as a Harbor Committee member for a term effective until June 30, 2026. Seconded by Damon. Vote: 4-0-0.

8. REGULAR BUSINESS:

- A. Warrant Committee Recommendations for FY25 Budget:** *Request of Warrant Committee to review recommendation for FY25 Budget with the Select Board.*

Priscilla Ksionzyk spoke on behalf of the Warrant Committee. The committee recommends that town engineers could look into traffic calming solutions to address speeding on Main Street. Also stated concern for housing issues, which are affecting the hiring processes for emergency departments. The Warrant Committee has accepted the budget as presented. Ball inquired about the new position proposed for the fire department, which Ksionzyk explained the Warrant Committee was unanimously in support of, 8-0.

Damon motioned to accept the Warrant Committee recommendations to the Select Board and have them added to the town warrant articles with the Select Board recommendations. Seconded by McFarland. Vote: 4-0-1. Johnson abstained, as she had just arrived at the meeting.

- B. R.F. Jordan & Sons:** *Request of Ben Sekulich, R.F. Jordan Project Manager to extend the springtime work window and maintain “one-way” alternating traffic as done last season.*

Manager Lowell explained that R.F. Jordan has requested to extend their work window to the end of June and would waive the fee for the traffic control devices from June 15th-29th. Discussion was made about the same request from last year, and the circumstances regarding the decision at that time. Johnson questioned why the device fee would only be waived from June 15th-29th when the original deadline was June 1st. The Board determined that they would like to ask R.F. Jordan 1.) if they’re able to start work earlier, 2.) if they’ll waive the fee beginning June 1st, and 3.) if we’re able to wait to decide about extending the work window until later in the spring.

- C. EMR Solid Waste Contract Negotiations:** *Request of Lee Worcester to discuss contract negotiations.*

Lee Worcester spoke about the letter dated March 5, 2024, and gave more clarity about what the town has been billed for, comparing 2018 to 2023. Discussion took place about surrounding towns and how SWH would compare. Vallette explained that there are two concerns at the moment which he would recommend the town contact MMA Legan about – 1.) the constitutionality of exclusivity (as it relates to the Supreme Court ruling of C&A Carbone, Inc. v. Town of Clarkstown, New York, 511 U.S. 383), and 2.) the obligation of a private transfer station to be open to the public.

The Board asked Lowell to consult with Legal about these issues before taking any action.

D. Skip's Automotive Building Site: *Request of SB to discuss information presented for the commercial building site as possible Public Works building site.*

Lowell explained that she consulted with Code Enforcement and MDOT regarding what would need to be done if the Town bought the property. Also spoke with engineers about CDS funds and bonding the project as a Capital Acquisition. Scott Alley explained that some work would need to be done on the building to accommodate their equipment. Members discussed the square footage and layout of the property, and if it could suit the needs of the Public Works. The Board asked Lowell to set up a showing with the realtor for the Board, Lowell, and Alley to view the property together.

9. LIAISON REPORT:

- A Climate to Thrive: Johnson has arranged a "Planning Forward" workshop on April 25th at 5:00pm at the Town Office.
- Harbor Committee: Damon mentioned several current issues discussed, such as regular touch fee audits, parking concerns at the Lower Town Dock, and the encroachment of the town's right of way on North Causeway Lane. Recommended that we investigate getting a survey done to be sure of the boundaries. Mentioned the proposal for the Town to buy MDI Lobster, but that the price of the property and the cost of repair work needed seemed too high. Briefly mentioned the idea of a co-op for first purchase with a buy-back contract.
- Solid Waste Reduction Task Force: Vallette explained that the SWRTF would be meeting with Trenton's solid waste committee about the ADD, and that there is cooperation happening between towns. Discussed cardboard pickup programs with EMR. Mentioned the Hazardous Waste facility and that the engineers will focus on the avoidance of overnight storage.
- Ball briefly discussed affordable housing. Explained that Lydia Goetze is going around and collecting information on the use of houses with an accessory dwelling unit, and seasonal versus year-round housing in the greater downtown area. Expressed that we may want to issue a press release, so residents are aware if they see her collecting data.

10. MANAGER REPORT:

- Interior bill included W/S Infrastructure, \$1M.
- A Swan's Island resident had an allergic reaction during storm – EMS and Fire Dept. went out on USCG boat to aid.
- A child came to the Fire Dept. for help because his friend was stuck in a tree.
- The Harbormaster and Deputy have both given their notice. Harbormaster Kushla's last day will be April 12, 2024.

- County taxes have gone up 12.6% - this will need to be updated in the FY25 budget.
- Shore Rd/Harbor Ave erosion is getting worse. The board will need to decide on a short-term or long-term solution.

11. SUGGESTIONS FOR NEXT MEETING:

- Discussion of Harbor Ave/Alder Ln solutions
- Budget
- Annual Report
- Wastewater Treatment Plant – Steve
- Review of resumes received for Town Manager search
- Straw Poll
- Lowell will follow up with information asked to get by the Board.

12. NEXT MEETING DATE: *Adoption of a motion to confirm the date of the next regular meeting for Tuesday, March 26th, at 6:00 p.m. at the Town Office Meeting room.*

Johnson motioned to confirm the next meeting for Tuesday, Marth 26th, at 6:00p.m. at the Town Office meeting room. Seconded by Damon vote: 5-0-0.

13. ADJOURNMENT:

Johnson motioned to adjourn the meeting. Seconded by Damon. Vote: 5-0-0.

Respectfully Submitted,
Becky Gatcomb
Deputy Treasurer

APPROVED

Carolyn Ball, Chair

Natasha Johnson, Vice Chair

James Vallette

Luke Damon

Chapin McFarland