



SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. ~ Tuesday, May 9, 2023

Minutes

1. **CALL TO ORDER:** Called at 6:03 p.m. by Chair Carolyn Ball.
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.
3. **ADOPTION OF AGENDA:** *Request of the Town Manager for a motion to adopt the agenda as presented.*

Jellison motioned to adopt the agenda as presented. Seconded by Damon. Vote:5-0-0.

4. PUBLIC HEARING:

- A. Liquor License Renewal – HR Beal & Sons, Inc.:** *Request of HR Beal & Sons, Inc. on behalf of Beal's Lobster, 182 Clark Point Rd., SWH for an On- Premises Beer, Wine, and Spirits liquor license renewal.*

Jellison motioned to recommend approval of the application of HR Beal & Sons, Inc. on behalf of Beal's Lobster, 182 Clark Point Rd., SWH, for an On-Premises Beer, Wine, and Spirits liquor license. Seconded by Damon. Vote 5-0-0.

- B. Special Amusement Permit – HR Beal & Sons, Inc.:** *Request of HR Beal & Sons, Inc. on behalf of Beal's Lobster, 182 Clark Point Rd., SWH for a Class D-Special Amusement Permit.*

Vallette motioned to recommend approval of the application of HR Beal & Sons, Inc. on behalf of Beal's Lobster, 182 Clark Point Rd., SWH for a Class D Special Amusement Permit. Seconded by Johnson. Vote 5-0-0.

- C. Liquor License Renewal – Sayre Debeck Holding, LLC,** *Request of Sayre Debeck Holding, LLC on behalf of MDI Lobster Pound & BBQ, 126 Clark Point Rd., SWH for an On- Premises Beer and Wine, license renewal.*

The manager from MDI Lobster Pound & BBQ was present in person. Members noted that currently there were concerns about noncompliance with the Land Use ordinance. An August court date has been set to address these issues. Vallette read state law, which allows for municipal officers to accept or deny a Liquor License. Jellison expressed concern for denying licenses.

Jellison motioned to approve the Liquor License on behalf of Debeck Holdings, LLC on behalf of MDI Lobster Pound & BBQ, 126 Clark Point Rd, SWH for an on-premises Beer and Wine, License renewal. Seconded by Damon

Vallette motioned to amend the motion on the floor, and table to next regular select board meeting. Seconded by Jellison Vote: 3-2 Damon and Jellison nay.

Outcome: Ball told the manager of MDI Lobster that the board will be taking this up at the next regularly scheduled board meeting.

~Later in the meeting, at Approximately 7p.m. Nick Sayre, from Sayre Debeck holding, LLC came into the meeting. Sayre was upset that the Liquor License was tabled until next meeting, he wishes for an explanation. Sayre said his license will expire on May 17th. Members did allow discussion with him. Sayre believes he is in compliance. He does not believe he is in court. He wishes to be open in two weeks. He said this is why he came back here today. Sayre believes John Larson put him in compliance.

Vallette suggests having a special meeting to discuss this. He read the state law. Section 653 under License for sale of Liquor. Vallette continues it outlines the municipal officers can deny a liquor license that is in violation of a land use ordinance.

7:24p.m. Board member Jellison exited the meeting. He said he had had enough of this.

Johnson motioned to have a special meeting held on Friday, May 12, at Noon Via Zoom. Seconded by Damon. Vote: 4-0-0.

D. Liquor Auxiliary License – Causeway Club, Inc., Request of Causeway Club, Inc. on behalf of The Causeway Club, 10 Fernald Point Rd., SWH for a Liquor Auxiliary License

Jellison motioned to recommend approval of the application of Causeway Club, Inc. on behalf of The Causeway Club, 10 Fernald Point Rd., SWH, for a Liquor Auxiliary License as an amendment to the current liquor license for a mobile service bar on the 9-hole golf course. Seconded by Johnson. Vote: 5-0-0.

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

A. April 25, 2023 – SB Meeting.

P2. Johnson – wanted to correct a sentence, she received emails but didn’t correspond. LaHaye explained that was a concern Jellison had. Ball suggested it was the spacing, issue, and if taken out it would be Jellison expressing the following. Vallette would like that sentence to be worked on. It doesn’t read right. He feels the memo from Lee Brag should also be in there.

Vallette wanted to make an observation of the minutes, he felt in that specific paragraph Johnson noted, there was a lot about one person's perspective, and felt there was not a response from the people on the receiving end of that. LaHaye said the responses were summarized, and when doing minutes, after looking back at old records it's important to capture the concern, why it is a concern and the outcome.

Damon noted the recording is available to go back to and suggested it should be the bullets not the entire conversation captured.

Minutes were requested to be brought back to the next meeting with corrections.

6. APPROVAL OF WARRANTS:

Johnson motioned to approve the Conservation warrant #0509, Town Payroll warrants # 0504,0511, School Payroll warrant # 111, Trust & Agency warrant #112, 114, and School Payables warrant # 112. Seconded by Vallette. Vote 5-0-0.

Jellison motioned to approve W3 115. Seconded by Damon. No vote.

Johnson motioned to amend the previous motion, to approve warrant #115 without the Real Term Energy Invoice. Seconded by Vallette. Vote: 4-1-0 Jellison nay.

Johnson would like to review the Real Term Energy contract before making payment, due to the Streetlight project not yet being completed, and to ensure the work is completed properly. Jellison disagrees with this. Damon noted no interest would accrue to the town, if waiting to review the contract before making the payment.

7. REGULAR BUSINESS:

- A. Community Resilience Partnership:** *Request of Town Manager to review SWH Community Resilience Partnership Resolution for Select Board signing.*

Vallette motioned to recommend approval of the Southwest Harbor Community Resilience Partnership Resolution as presented. Seconded by Johnson. Vote: 5-0-0.

- B. Returned Check Policy:** *Request of Town Manager to review Returned Check Policy for Select Board signing.*

Johnson motioned to recommend approval and signing of the Returned Check Policy as modified. Seconded by Vallette. Vote: 5-0-0.

Ball suggested several corrections within the document such as changing the nonnegotiable check to NSF. Members agreed the last part of the document should be taken out. Members will sign at the next meeting.

C. SWH Acceptable Use Agreement: *Request of Town Manager to review policy for Cyber Security for Select Board signing.*

Manager Lowell supplied an overview of the Acceptable Use Agreement that was provided by Maine Municipal Association as a template. Board members had questions related to the agreement. Lowell will further explore with Bob Bickmore, the town's IT coordinator. No action taken.

D. Town Meeting Minutes: *Request of Town Manager to review and approve Minutes of Town Meeting.*

Johnson motioned to approve the Town Meeting Minutes. Seconded by Damon. Vote: 4-0-0.

E. Committee Liaisons: *Request of James Vallette to discuss and review the Committee Liaison duties.*

Vallette discussed the purpose of Liaisons to the committees. Members discussed ways the Liaisons could report to the select board. Other towns have had the boards report monthly or quarterly. Members explored should minutes be provided in the monthly packet. If committees present to the board, it could be longer meetings. Vallette noted he could come back with a draft or could write up an understanding of the role of Liaisons.

Outcome: Manager Lowell will make an addition to the agenda for Liaisons to provide the board with an update as needed.

F. General Policies and By-Laws for the Select Board: *Request of James Vallette to discuss and review the sample By-Laws for Select Board.*

Vallette had some general questions related to policies, and By-Laws. He wishes for clarity of what exists and what doesn't. Manager Lowell discussed what other towns had done. She found what appears to be a preliminary draft of bylaws from 1993. Lowell advises there could have been something much earlier. Lowell had started going through the document and made some changes thus far.

Vallette would like to see the town manager's plan, Ball and Lowell explained that it was a warrant article from the town meeting in 1965. The warrant article was adopted by the town. Vallette would like to see the warrant article to see what the plan is of what is adopted. Ball said Maine Law is the plan. Vallette asked if the Select Board is required to have By-Laws, he was advised by Ball and Manager Lowell no you are not required.

G. Acadia Disposal District Information: *Request of Town Manager to discuss the next steps in becoming a full member of the ADD.*

Manager Lowell recommended that she talk with Tony Davis at the ADD. Lowell provided the board with updates and next steps with moving forward now that the town has voted to join. She

said she needs some clarification about satisfactory evidence. Vallette said he would like to explore appointing a director. It was the consensus of the board it would be a voting resident of the Town of Southwest Harbor. The appointment would need to wait until after the town has been accepted. The candidate would complete a volunteer form and submit it, then the board would act after reviewing applications.

Vallette motioned to sign an interlocal agreement with the Acadia Disposal District. Seconded by Johnson. Vote: 4-0-0.

8. MANAGER REPORT: Please see report attached.

Discussion related to the Beaver at Chris' Pond took place. Several people have spotted it. Lowell has asked to get a live trap; it will be set tomorrow morning. The Warden Service has been involved and will supply security cameras. Members discussed ways to keep the water within the pond. Damon suggested using a board to keep the water, this is done in other areas on the island. Lowell expressed it should be something the town should have control over.

Lowell said Annalise reached out to her, RF Jordan is requesting to work on Saturdays and keep one way traffic until the end of the month to catch up until June 30th.

Damon motioned to allow for weekend work with one way traffic, until the contract expired for one way traffic. No second due to further discussion, which leads to the motion below.

Vallette motioned to proceed with one way traffic on weekends and extend workdays until sunset through June 10th. Seconded by Johnson. Vote 4-0-0.

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

- **SWRFT would like to come to the select board meeting in June to supply an update.**
- **Appointments**
- **Vallette will bring back a write up for Liaisons.**
- **Streetlights**

10. NEXT MEETING DATE: *Adoption of a motion to confirm the date of the next regular meeting for Tuesday, May 23rd at 6:00 p.m. in the Town Office meeting room.*

Johnson motioned to confirm the date of the next regular meeting for Tuesday, May 23rd at 6:00 p.m. in the Town Office meeting room. Seconded by Damon. 4-0-0.

11. ADJOURNMENT:

Johnson motioned to adjourn the meeting at 8:51p.m. Seconded by Damon. Vote 4-0-0.

Respectfully Submitted,

Jennifer E. LaHaye
Town Clerk

APPROVED

Carolyn Ball, Chair

Natasha Johnson, Vice Chair

George Jellison, Jr.

James Vallette

Luke Damon