



SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. ~ Tuesday, August 22, 2023

Minutes

1. **CALL TO ORDER:** Chair Carolyn Ball called meeting at 6:04 pm
2. **ROLL CALL:** Present. Chair Carolyn Ball, Chapin McFarland, Jim Vallette, Luke Damon, Manager Marilyn Lowell.
 - A. **Excused Absences:** Vice Chair Natasha Johnson and Town Clerk Jennifer LaHaye.
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. **APPROVAL OF MINUTES:** *Request of the Town Manager for a motion "to approve the minutes of...."*

A. July 25, 2023 – SB Meeting

Tabled to 9.12.23 SB meeting for amendments to be completed.

5. APPROVAL OF WARRANTS:

Town FY 22/23 A/P: W#141
Town FY 23/24 A/P: W#21
Trust & Agency: W#11, 14, 16 & 20
Main St. Project FY 22/23 A/P: W#142

Town Payroll: W#0803, 0810, 0817 & 0824
School Payroll: W#12 & 17
School A/P: W#15 & 19

Vallette motioned to approve warrants as presented. Seconded by Damon. Vote: 4/0/0.

6. COMMITTEE LIAISONS:

- A. **Planning Board:**
- B. **Harbor Committee:**
- C. **Shellfish Committee:**
- D. **Conservation Commission:**
- E. **Historic Cemetery:**
- F. **Warrant Committee:**
- G. **Solid Waste Reduction Update Task Force:**

* To access the meeting using Zoom, please click the meeting link on the home page of the Town's website www.southwestharbormaine.org.

McFarland chose to be liaison for the Planning Board.

7. REGULAR BUSINESS:

- A. Employee Meet and Greet:** *Request of Town Manager & Police Chief to introduce our new Deputy Clerk and Police Officer.*

Manager Lowell introduced Ashlie Brown as the new Deputy Clerk. Chief Hall introduced Ryan Blakeney as the new member of the Police Department.

- B. FY 2122 Audit Overview:** *Request of Town Manager for Auditor, Ron Bean to give an overview of the FY2122 Audit.*

Ron Bean from Jim Wadman's Accounting firm was in attendance to give the SB an overview of the completed FY2122 audit.

MMA recommends 10-12% for the undesignated fund balance. SWH is at 17% for this audit year. SW is not as high as some towns, but they do not have the number of reserves as we do. It is also recommended that towns do not borrow more than 5% of State value and SWH is well below the %.

Ron also reviewed Non-spendable, Restricted, Committed, Assigned and Unassigned Fund Balances. With new members it is important to go over and discuss any questions. Overall, the audit discussion was positive and with each audit, accounting issues are being rectified so there is not as much research being done by the auditors.

Ron also noted that the audit is getting later each year because of the school portion. Unless something changes with this, he does not see it getting better.

- C. G.F. Johnston & Associates:** *Request of Greg Johnston & Steve Kenney to discuss the extension of public water and gravity sewer extension.*

Vallette motioned to authorize the water and sewer extension project for Journeys End and Dirigo Lane to proceed as shown on permit plan sets. Seconded by Damon. Vote: 4/0/0.

- D. Liquor License Renewal – The Upper Deck SWH, LLC:** *Request of The Upper Deck SWH, LLC on behalf of The Upper Deck, 433 Main Street, SWH for an On-Premises Beer, Wine, and Spirits liquor license renewal.*

Vallette motioned to recommend approval of the application of The Upper Deck SWH, LLC on behalf of The Upper Deck, 433 Main Street, SWH, for an On-Premises Beer, Wine, and Spirits liquor license. Seconded by Damon. Vote: 4/0/0.

- E. Special Amusement Permit - The Upper Deck SWH, LLC:** *Request of The Upper Deck SWH, LLC on behalf of The Upper Deck, 433 Main Street, SWH for a Class D/E Special Amusement Permit.*

Damon motioned to recommend approval of the application of The Upper Deck SWH, LLC on behalf of The Upper Deck, 433 Main Street, SWH, for a Class D/E Special Amusement Permit. Seconded by McFarland. Vote: 4/0/0.

F. Conservation Commission/Chris' Pond: *Request of Selectboard to discuss Chris's Pond signs, and environmental plans of the Conservation Commission.*

Valerie Bodner, an Associate Member of the Conservation Commission was in attendance to give an overview of the Environmental Study planned for the Chris' Pond area. She has a degree in Biology and has significant experience with managing soils, ground water, and lake monitoring. Ideas presented and starting to be worked through were:

- *They are working with Billy Halperin from the Somes-Meynell Wildlife Sanctuary who is very familiar with developing lake study plans.
- *Bonnie Norwood's 6th grade science students will be implementing the plan year after year and monitoring. When the students are 8th graders, they will mentor new 6th grade students in the process and hopefully will become vested in the protection of the pond.
- * Evaluate watershed. Review historical data to see how the pond has changed, collect new data to create a baseline, for which they can review and see any concerns.
- *Look at chemical, physical, and biological indicators for environmental health. Plates will be placed on bottom of pond to see the presence of organisms and if they are good or bad for the water. Samples will be collected for testing.
- *Art students will also be participating in the project by building bird houses, platforms for the birds in the area.
- *Reports will be written after all data is collected.
- *See what may need to be done with the sedge plants in the middle of pond. DEP will be contacted to see if there will be permits needed.

James Vallette noted that some of the presented ideas seem to be related to the potential maintenance plan discussed a few months ago. There is also Googs Pond which needs the same maintenance. Jim would like to keep this on the Commission's radar.

Ann Ratcliff was also in attendance to go over the signage. Suggestion to keep pets on a leash on sign. At this time a simpler sign to help prevent the pond area from being trashed. Putting a trash can was also mentioned but this will be discussed later when the SB meets with the CC again.

Vallette motioned to table the sign discussion until SB has more discussion on the site as a whole. Seconded by McFarland. Vote: 4/0/0.

G. Chris's Pond Boundaries: *Request Misha Mytar to discuss Chris' Pond Boundaries.*

Vallette motioned to authorize and accept the conveyance of 3.00 acres of land to The Inhabitants of The Town of SWH, ME from Conservation Limited Development, LLC as depicted on the land survey completed by Thomas Benson on August 10, 2023. Seconded by McFarland. Vote: 4/0/0.

H. Harbor Ordinance: *Request of Nick Maderia to discuss additional changes & additions to the Harbor Ordinance.*

Nick Maderia presented several additions the Harbormaster and Harbor Committee would like to add into the Harbor Ordinance. These items would help the Harbormaster in doing his job more efficiently. There

was discussion about doing it so soon after the May 2023 additions and changes. It was agreed that in the future any changes/additions should be made in November so to be completed before the spring. The discussion also included a warrant question on the May ballot.

Damon motion to accept the additions/change as recommended by the Harbor Committee. Seconded by Vallette. Vote: 4/0/0.

Ball moved the Harbor Committee's request of the Town to go forward on updating the full Harbor Ordinance. Seconded by Damon. Vote: 4/0/0.

- I. Main Street Proposed Vote:** *Request of Town Manager for Select Board vote for General Obligation Bond to the Maine Municipal Bond Bank for the Main Street Project.*

Damon motioned to authorize and accept the "Proposed Vote" as presented for the General Obligation Bond in an amount not to exceed \$2,601,844.00, for the purpose of funding the project. Seconded by McFarland. Vote: 4/0/0.

- J. Solid Waste Q&A:** *Request of Jim Vallette to give update on the State Q&A Grant information on Solid Waste.*

Jim Vallette participated in a State Q & A Grant Seminar on Solid Waste Reduction Grant Program. He gave a short overview of some of the highlights.

These included:

- *Town's eligible for \$1-\$40,000 in grants with a 25% Town match.
- *The funds cannot be expended on recycling per our EMR contract, w/o EMR approval.
- *In SWH 10%-20% of cardboard waste is commercial, residents foot bill for the whole.
- *Bar Harbor & Mt. Desert separates cardboard out of their waste stream.
- *The grant could be used for a cardboard compactor (for example) which could potentially produce \$100 per/ton income opposed to costing \$300+ per/ton to go wherever under recycling.
- *More eligible than other towns in the ADD because of our economic status in the state.
- *Monies from the grant are used for the program, not just equipment.
- *Eligible to apply since the program would not start until July of 2024. This would be after budget season and the renegotiating of EMR contract.

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

Reports were reviewed and any questions answered.

- 9. LIAISON REPORT:**

No reports.

- 10. MANAGER REPORT:**

See attached report.

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

- *Comprehensive Plan implementation
- *SWRTF discussion of ordinance creation
- *Downeast Community Partners Energy Efficiency
- *Harbormaster Office
- *Municipal Quit Claim Deed
- *Elected Officials Start Date

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

McFarland motioned to confirm the date of the next meeting for Tuesday, September 12th at 6:00 p.m. in the Town Office meeting room. Seconded by Damon. Vote: 4/0/0.

13. ADJOURNMENT:

Vallette motioned at 9:00 pm to adjourn the meeting. Seconded by Damon. Vote: 4/0/0.

Respectfully Submitted,

Marilyn J Lowell
Town Manager

APPROVED

Carolyn Ball, Chair

Natasha Johnson, Vice Chair

Jams Vallette

Luke Damon

Chapin McFarland