



**SELECT BOARD MEETING**  
**Town of Southwest Harbor**  
**Town Office & Via Zoom\***  
**5:00 p.m. ~ Tuesday, August 26, 2025**

**Minutes**

1. **CALL TO ORDER:** Burby called the meeting to order at 5:02 p.m.
2. **ROLL CALL:** Noah Burby Chair, Chapin McFarland Vice Chair, Natasha Johnson, Carolyn Ball, Dan Norwood, Town Manager Karen Reddersen, Town Clerk Jennifer LaHaye
  - A. **Excused Absences** (*if any*) None.
3. **ADOPTION OF AGENDA:** *Request of the Town Manager for a motion to adopt the agenda as presented.*  
Johnston motioned to amend the agenda and remove C from regular business. F. should be amended and have the word 'petition' stricken. Seconded by McFarland. Vote: 5-0-0.
4. **APPROVAL OF MINUTES:** *Request of the Town Manager for a motion "to approve the minutes of..."*
  - A. **August 12, 2025- Ex SB Meeting**  
Johnson motioned to approve the minutes from the August 12, 2025, Ex Session Select Board meeting. Seconded by McFarland. Vote: 5-0-0.
  - B. **August 12, 2025- SB Meeting**  
McFarland motioned to approve the minutes from August 12, 2025, Select Board meeting. Seconded by Johnson. Vote: 5-0-0.
5. **APPOINTMENTS:**
  - A. **ASSOCIATE CONSERVATION COMMISSION MEMBER:** *Request of the Town Clerk to appoint Hilary Hudson as an Associate Conservation Commission Member*  
Johnson motioned to appoint Hilary Hudson as an Associate Conservation Commission Member for a term effective until June 30, 2028. Seconded by McFarland. Vote 5-0-0.
  - B. **SUSTANABILITY COMMITTEE:** *Request of the Town Clerk to appoint Kailie Hess to the Sustainability Committee.*  
Johnson motioned to appoint Kalie Hess for the Sustainability Committee for a term effective until June 30, 2026. Seconded by McFarland. Vote: 5-0-0.
  - C. **SUSTANABILITY COMMITTEE:** *Request of the Town Clerk to appoint Emily Samuel to the Sustainability Committee.*  
Johnson motioned to appoint Emily Samuel for the Sustainability Committee for a term effective until June 30, 2026. Seconded by McFarland. Vote 5-0-0.

**6. APPROVAL OF WARRANTS:**

Town Payables: (24-25FY): W# 145  
Town Payroll: W#0821  
Main St. Project: W#144  
School Payroll: W# 17

Town Payables (25-26FY): W#19  
Trust & Agency: W# 18  
Conservation: W# 0826-1, 0826-2  
School Payables: W#16

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

**7. REGULAR BUSINESS:**

**A. Harbor Avenue Design and Permitting Referral:** *Request of Town Manager to discuss the possibility of adding Mr. Angelbeck's construction at 12 Harbor Ave. to the Town design and permit.*

- Town Manager Karen Reddersen presented the possibility of adding Mr. Angelbeck's construction at 12 Harbor Ave. to the Town design and permit related to the future work. She noted that the Select Board had approved this with Mr. Clarke as both Clarke and Angelbeck are willing to pay their own share of the construction. It was determined there is no additional cost to the Town.
- Select Board members would like more information related to the permitting process and request Reddersen to speak with Olver Associates before they approve the request.

**B. Department of Environmental Protection Danielle Aubry and Maine State Geologist Sean Dowdey:** *Discussion and update on status of contaminants affecting properties in Southwest Harbor-Marshall Brook Road area.*

Sean Dowdey, and Danielle Aubry attended in person. Dowdey provided an overview of monitoring and data collection in the Marshall Brook area that has been directly related to the landfill located on Long Pond. He reports it was operating from the 1930's to the early 1990's. In the area of Marshall Brook Road, they have monitoring wells around the landfill. There have been two primary contaminated flow paths, in the soil material to the south from the landfill, and in the bedrock. In their monitoring they expect to see municipal solid waste dissolved. They have identified Marshall Brook Road to have detected some PFAS compounds. He reports methane is also something they have monitored. He stated methane is not actually toxic to humans but becomes explosive before it gets toxic to humans. This is used as an indicator. He reports they have sampled some ground water and detected methane at two residents on Marshall Brook Road and notes over the years it shows some influence from the landfill. Several residents were exploring if there were concerns to the west of the dumpsite. Dowdey reports that they have explored that area somewhat, but there is a public water supply which takes the area of focus off to their investigations. He reports wells above the landfill are expected to not be impacted and reports little to no evidence of contamination. James Vallette expressed concern for testing soils to the south of the landfill and finding explosive levels of methane in 2009.

~~**C. Discussion of Trundy Farm Subdivision Road:** *Request of E.M.R, Inc. Vice President Lee Worcester to discuss the proposed dedication of the subdivision road the Town of SWH creating a public road.*~~

Discussion of Trundy Farm Subdivision Road was removed from the agenda. Per request of Mr. Worcester.

**D. Discussion of Moratorium for Intoxicating Hemp Derived Products/or Chemically Derived THC Products:** *Request of Town Manager to discuss 2<sup>nd</sup> draft Ordinance*

- Johnson recused herself as a board member and sat in the audience and participated in discussion as a resident and business owner.
- ~Select Board members discussed the second draft of the Ordinance Banning the Sale of Potentially Intoxicating Hemp Products. The proposed amendments from the original draft included an exemption for marijuana establishments.

**8. PUBLIC HEARINGS: Began at 6:00 P.M.**

**A. Liquor License Renewal – Salvio Holdings, LLC:** *Request of Salvio Holdings, LLC on behalf of Harbour Cottage Inn, 9 Dirigo Rd., SWH for an On-Premises Beer, Wine, and Spirits liquor license renewal.*

McFarland motioned to recommend approval of the application of Salvio Holdings, LLC on behalf of Harbour Cottage Inn, 9 Dirigo Rd., SWH, for an On-Premises Beer, Wine, and Spirits liquor license. Seconded by Johnson.

**B. Coastal Waters and Harbor Ordinance** *-Discussion of proposed amendments to the Coastal Waters and Harbor Ordinance*

- Select Board members held a public hearing to hear public comment on the changes made
- It was noted that there are several grammatical errors in the Ordinance on the use of Docks, Piers, Wharfs and other such Facilities to Transfer Ship Passengers enacted in 2018 that was made an addendum to the Coastal Waters and Harbor Ordinance in years past. Members explored whether those changes should be made now. Nick Madeira, Chair of the Harbor Committee, advised that it should happen later. The recommendations brought forward from the Harbor Committee did not include those changes.

**C. Telecommunications Facilities Ordinance** *-Discussion of proposed enactment of a Telecommunications Facilities Ordinance.*

- Select Board members held a public hearing to hear public comments on the proposed enactment of a Telecommunications Facilities Ordinance. Town Clerk LaHaye presented the ordinance with the amendments as requested by the board.
- Several members from the Planning Board were present in the audience, Mike Levesque and Charlotte Gill expressed concern about the possibility of allowing cell phone towers on the polls. Levesque stated the ordinance was presented to the Planning Board several months ago and they unanimously did not approve of this idea. He requested the select board member's reconsider.

- Johnson reported discussing this topic at the select board level and exploring wireless communication opportunities that could benefit the town after researching possibilities.
- Language was agreed upon that reads “No wireless communications facilities shall be attached to new or existing telephone or power poles, except to existing Town owned light fixtures with the *governing body’s approval.*”

**D. Ordinance Banning the Sale of Potentially Intoxicating Hemp Products. -**  
*Discussion of proposed enactment of an Ordinance Banning the Sale of Potentially Intoxicating Hemp Products.*

- ~ Natasha Johnson recused herself from the table and sat in the audience.
- Select Board members held a public hearing to hear public comments on the changes made. Most members agreed they would like to consider the second draft.

**E. Ordinance Establishing a Retroactive Moratorium on Tobacco Specialty Stores-**  
*Discussion of proposed enactment of an Ordinance Establishing a Retroactive Moratorium on Tobacco Specialty Stores.*

- ~ Select Board members held a public hearing to hear public comments on the Ordinance Establishing a Retroactive Moratorium on Tobacco Specialty Stores.

**F. Review Order and Official Text of proposed Ordinance Changes:** *Request of the Town Clerk to review the orders and official text of the proposed Ordinance changes.*

McFarland motioned to authorize the signing of the “Order” for the Coastal Waters and Harbor Ordinance, for placement on the ballot of November 4, 2025, by the Select Board. Seconded by Johnson. Vote: 5-0-0.

McFarland motioned to authorize the signing of the “Certification of Official Text of a Proposed Ordinance” for the Coastal Waters and Harbor Ordinance, for placement on the ballot of November 4, 2025, by the Select Board. Seconded by Johnson. Vote: 5-0-0.

Johnson motioned to authorize the signing of the “Order” for the Wireless Telecommunications Facilities Ordinance, for placement on the ballot of November 4, 2025, by the Select Board Seconded by McFarland. Vote: 5-0-0.

Johnson motioned to authorize the signing of the “Certification of Official Text of a Proposed Ordinance” for the Wireless Telecommunications Facilities Ordinance for placement on the ballot of November 4, 2025, by the Select Board. Seconded by McFarland. Vote: 5-0-0.

Ball motioned to authorize the signing of the “Order” for the Town of Southwest Harbor Ordinance Banning the Sale of Potentially Intoxicating Hemp Products, (second draft presented) for placement on the ballot of November 4, 2025, by the Select Board. Seconded by McFarland. Vote: 4-0-1. Johnson recused herself.

Ball motioned to authorize the signing of the “Certification of Official Text of a Proposed Ordinance” Town of Southwest Harbor Ordinance Banning the Sale of Potentially Intoxicating Hemp Products for

placement on the ballot of November 4, 2025, by the Select Board. Seconded by McFarland. Vote; 4-0-1. Johnson recused herself.

Norwood motioned to authorize the signing of the “Order” for the Town of Southwest Harbor Establishing a Retroactive Moratorium on Tobacco Specialty Stores, for placement on the ballot of November 4, 2025, by the Select Board. Seconded by McFarland. Vote: 4-0-1 Johnson recused herself.

Norwood motioned to authorize the signing of the “Certification of Official Text of a Proposed Ordinance” Town of Southwest Harbor Establishing a Retroactive Moratorium on Tobacco Specialty Stores, for placement on the ballot of November 4, 2025, by the Select Board. Seconded by McFarland. Vote: 4-0-1. Johnson recused herself.

***G. Discussion of Land use Ordinance by Amendment: Consideration of a Land use Ordinance amendment by petition.***

Several residents have signed a Citizen’s Initiative Petition. Town Clerk LaHaye confirmed they had reached the number of signatures needed. They needed to reach 10% of the voters who voted in the last Gubernatorial Election. They needed to have at least 102 voters sign the petition and they had 124 signatures. The Town Clerk advised the Select Board of the “Reasonable Refusal” of a Citizen’s Initiative Petition. LaHaye reported the Select Board could put this on the November ballot or choose to schedule a special municipal election. Johnson noted Code Enforcement Officer John Larson suggested waiting to hold a special election in the winter as there were other amendments that needed to be added to that ordinance. Johnson wanted to recognize CEO Larson, she expressed how she felt it is important to pay attention to the amount of people that have come forward in signing this petition. There would need to be two hearings, one held at the Planning Board level, and one at the Select Board level due to the zoning within the Land Use Ordinance. McFarland requested that the legal be consulted. On the language of the petition. Town Manager Reddersen reported consulting with legal regarding the process.

McFarland motioned to seek legal counsel to explore if this violates state statutes. Seconded by Norwood. Vote: 5-0-0.

Ball motioned to direct the Planning Board to hold a public hearing on the citizen petition so it can be placed on the November 4, 2025, ballot. Seconded by Johnson. Vote: 4-1-0 McFarland opposed.

Ball motioned to authorize the signing of the Certification of Official Text of the proposed ordinance of Section O of the Land Use Ordinance. Seconded by Johnson. 4-1-0. McFarland opposed.

McFarland noted that the reason he is opposed is he feels that it should be reviewed by legal counsel.

McFarland motioned to direct the Town Manager to seek legal counsel to determine if this proposed ordinance change violates any state statute. Seconded by Norwood. Vote: 5-0-0.

***G. Discussion of Open Access Law Related to Planning Board: Consideration of the Planning Board’s failure to abide by state Open Access law by petition.***

Town Manager Reddersen reviewed the material provided to members in the packet.

~Planning Board members discussed the need for a secretary and it can’t be a board member. This would allow for documentation for the site visits. Town Manager Reddersen advises that this has been a discussion at the Select Board level and they are continuing to look at this topic.

~ James Vallette expressed concern for members meeting in ex parte communications and the public and the public not being notified. He expressed concerns about proper procedures not being followed at the Planning Board level.

~ Town Clerk noted when a Planning Board member is re-appointed, they receive a copy of the 2022 Conduct Policy, and Freedom of Access training.

~CEO John Larson reports the ordinance does not outline site walks and note how many members of the Planning Board need to attend a site walk. Typically, at the site walk visits the applicant will answer questions about where things are located. Mr. Larson does not believe this is an ex-parte discussion. He notes they have since published in the paper a site walk that is scheduled for next week.

~ John Williams noted they follow the MMA guidelines, he denies any type of secret meeting. He recognizes that there is more work related to site walks and has met with CEO John Larson to further discuss ways to address this.

**9. MANAGER REPORT:** please see filed report in Select Board packet.

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

- Freedom of Access training for the Select Board
- Conduct Policy review by the Select Board

**11. NEXT MEETING DATE:** *Adoption of a motion to confirm the date of the next regular meeting for Tuesday, September 9<sup>th</sup> at 6:00 p.m. in the Town Office meeting room.*

McFarland motioned to confirm the next regular meeting for Tuesday, September 9<sup>th</sup> at 6:00 p.m. in the Town Office meeting room. Seconded by Johnson. Vote: 5-0-0.

**12. ADJOURNMENT:**

McFarland motioned to adjourn at 8:08 p.m. Seconded by Johnson. Vote: 5-0-0.

Respectfully Submitted,

Jennifer E. LaHaye  
Town Clerk

**APPROVED**

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Noah Burby, Chair

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Chapin McFarland, Vice Chair

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Natasha Johnson

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Carolyn Ball,

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Dan Norwood