



SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. ~ Tuesday, September 12, 2023

Minutes

1. **CALL TO ORDER:** Vice Chair Natasha Johnson called the meeting to order at 6:00p.m.
2. **ROLL CALL:** Vice Chair Johnson, Jim Vallette, Luke Damon, Chapin McFarland, Manager Marilyn Lowell, and Town Clerk Jennifer LaHaye present.
 - A. **Excused Absences** (*if any*) Chair Carolyn Ball has been excused.
3. **ADOPTION OF AGENDA:** *Request of the Town Manager for a motion to adopt the agenda as presented.*

Damon motioned to amend the agenda to include Debt Service Assumption agreement. Seconded by Vallette. Vote: 4-0-0.

4. **PUBLIC HEARING:**

- A. **Liquor License Renewal – Bubs Burritos, LLC:** *Request of Bubs Burritos, LLC, on behalf of Bubs Burritos, 19 Clark Point Rd., SWH for an On-Premises Beer, Wine, and Spirits liquor license renewal.*

Vallette motioned to approve the application of Bubs Burritos, LLC on behalf of Bubs Burritos, 19 Clark Point Rd, SWH, for an On-Premise Beer, Wine, and Spirits Liquor License. Seconded by McFarland. VoteL 4-0-0.

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

A. **July 25, 2023 – SB Meeting**

Damon motioned to approve the July 25, 2023 Select Board minutes. Seconded by McFarland Vote: 4-0-0.

B. **August 22, 2023 – SB Meeting**

Damon motioned to approve the August 22, 2023 Select Board minutes as amended. Seconded by McFarland

- Pg. 4 J - The funds cannot be expended on recycling per our EMR contract, without EMR approval.
- Pg. 4 J - two down – Needed to include Mount Desert – should read: Mount Desert, and Bar Harbor separates cardboard out of their waste stream.

6. APPROVAL OF WARRANTS:

Town Payables Prior 22/23 FY: W#143
Town Payables Current 23/24 FY: W# 26
School Payroll: W#23

Trust & Agency: W#22, 24, 25
Town Payroll: W# 0831, 0907, 0914

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

Vallette discussed the contract for the Harbormaster building, he noted members of the board had not seen the contract. He expressed concern about signing the warrant for the 10% deposit. Manager Lowell advised him that the deposit had already been paid yesterday when she signed the contract.

7. REGULAR BUSINESS:

A. Solid Waste Reduction Task Force: *Request of Ellen Pope to discuss the interest in creating an ordinance for solid waste.*

Ellen Pope and Kate Pickup both presented to the Select Board. Pope requested on behalf of the Solid Waste Reduction Task Force that a poll question be added to the ballot for the next election in November. Manager Lowell advised that the town would be willing to do a straw poll, to gather the information that the task force is seeking. Vallette expressed disappointment and felt that a question should be drafted for the ballot.

McFarland motioned to authorize the SWFT to move forward with a Straw Poll at the next election to gather resident responses to the creation of a Solid Waste Ordinance. Seconded by Damon. Vote:4-0-0.

B. Municipal Quitclaim Deed: *Request of Town Manager to release liens, from 1986 with a Municipal Quitclaim Deed.*

Damon motioned to authorize the Select Board to sign and authorize the Municipal Quitclaim Deed to be filed on Thelma Redlon's behalf. Seconded by McFarland. Vote: 4-0-0.

C. Harbormaster Office: *Request of Jim Vallette to discuss the outside finishing of Harbormaster office.*

Discussion took place related to the outside finishing of the Harbormaster's office.

- ~ Vallette discussed his concerns about the PVC for use on buildings and impacts of the siding.
- ~ Members discussed the pros and cons of cedar siding.
- ~Members have two weeks to make changes to the current contract.
- ~Anne Napier advised that Backyard Builders had recommended the Vinal. They could do cedar shingling if requested.
- ~Damon discussed concerns for the current building plan, and identified concerns for plumbing, and proper skirting of the building, and repercussions it could cause if not done correctly the first time, such as burst pipes. Damon also noted that he likes the idea of cedar shingles if they are good quality. Damon wishes to know the quality and thickness of the cedar shingles that Backdoor Builders would be using.
- ~ Nick Madeira, the current Chair of the Harbor Committee, advised the committee wishes for the building to be "turnkey" for the Harbormaster. They would like to see him focus on other harbormaster tasks than finishing up the building.

Damon motioned to request pricing for adding a circuit to the bathroom for the intention of electric

baseboard heat. Seconded by Vallette Vote:4-0-0.

Damon motioned to authorize Backyard Builders to put on \$1,000.00, purposed cedar shingles if unwilling to amend two-week contract extension until after the next select board meeting on 9.27.23 Seconded by Vallette. Vote: 4-0-0.

D. Harbor Ordinance: *Request of Town Manager to review additions and change to Harbor Ordinance.*

Select Board members and representatives from the Harbor Committee discussed the purposed changes to the current Harbor Ordinance.

Vallette motioned to approve additions and changes to the Coastal waters and Harbor Ordinance for the Town of Southwest Harbor, Maine for voter approval at the November 2023 referendum election to move forward, those changes being:

Section 2 # 15 Resident- Any person who occupies a dwelling within the Town of Southwest Harbor more than 183 days per calendar year.

Section A # 16 it's the sole responsibility of those on the Mooring Waiting list to update their contact information, as it changes, to the Harbormaster. If a name is selected for an open mooring that does not have correct contact information, they will be removed from the waiting list. An annual fee for the waiting list will be charged.

Section D # 2 Barge landings shall only occur on the boat ramp at Manset Town Dock.

Section D # 3 The Kayak Launch area shall be specifically designated with signs and outlined as "For the launch and recovery of paddle craft use for this area. Further uses can be granted with prior approval of the Harbormaster."

Section D #4 All Commercial Fisherman utilizing town owned facilities for the on-load or off-load of equipment or catch must be purchase a Commercial Fisherman Permit and it must be displayed on the window closest to the hauling of equipment. The deadline for purchasing permits is listed on the Harbor Fee Schedule. Seconded by McFarland. Vote: 4-0-0.

E. Harbor Fee Schedule: *Request of Harbormaster to review payment deadlines added to fee schedule.*

Damon motioned to approve the addition of the payment deadline for purchasing permits made to the Harbor Fee Schedule. Seconded by Valette.

~A fee will need to be determined to be placed on the mooring waiting list. This will be added in the future, once determined.

F. Downeast Community Partners Energy Efficiency Outreach: *Request of Town Manager to discuss if Select Board would like to participate in the Climate Corps energy efficiency outreach program.*

Vallette motioned to authorize the Town Manager to respond to (DCP), on the Select Board's behalf of their willingness to participate in the Climate Corps energy efficiency outreach program. Seconded by McFarland. Vote:4-0-0.

G. Debt Service Assumption Agreement

~ Manager Lowell reported Annaleis from Olver Associates is attempting to locate more money and funds to go towards the Wastewater Treatment Facility debt service. (8 million was originally approved in 2020 Referendum by the voters, but the bid came back at 15 million.) potential funds could help reduce the debt service. The Debt Service Assumption Agreement includes the results of the election, and that voters authorized the Town to pay the payments on the eight million Bond, but not to exceed that amount.

~ Manager Lowell advised that attorney Lee Brag has reviewed the document and recommended the board authorize her to sign the agreement. Nothing has changed or been added.

~Manager Lowell recapped; this has already been approved in years past by the voters. The town will be paying the bond payments but the bond itself would be through the Water Sewer District because they can get the bond at a lower cost.

Vallette authorizes the Town Manager to sign the Debt Service Assumption Agreement between the Town of Southwest Harbor Maine, and The Southwest Harbor Water Sewer District on behalf of the town. Seconded by McFarland. Vote: 4-0-0.

H. Elected Officials Start Date: *Request of Jim Vallette to discuss the term of newly elected officials being changed to 2nd meeting in May from July 1st.*

~ Manager Lowell provided information related to changing the officials start date. If there isn't context in the article when it was passed, then we would have to have this changed through a ballot question at Town Meeting, however Lowell was not able to locate an article question that stated terms of office would start with a fiscal year. She noted around 1987 the terms of Select Board members and other committees started to fall on a fiscal year. Lowell concluded we would not have to go in front of the voters to make this change.

For payroll purposes, Select Board members would need to be on a stipend, for the month of May and June each member would get payments for the meetings they each attended.

Vallette motioned to change the starting term of elected officials to the next meeting following the Town Meeting Elections of 2024. Seconded by McFarland 4-0-0.

I. Comprehensive Plan Implementation: *Request of Jim Vallette to discuss the implementation of Comp. Plan.*

Damon motioned to table the Comprehensive Plan Implementation to the next regularly scheduled board meeting. Seconded by Vallette. 4-0-0.

~ Vallette suggested due to the time, and length of discussion this topic could bring to table until next meeting. It was also noted that Chair Carolyn Ball was not present and has been involved with this topic in the past.

8. LIAISON REPORT:

- **Conservation Commission** – Johnson provided information related to the Conservation Commission. They have been doing a lot of work surrounding Chris' Pond, and they are working hard and collecting information to bring it back to the Select Board. Some people may view that as a decision-making process, Johnson has attended their meetings, and wanted to share that she believes it is more fact finding for the Select Board.
- **Harbor Committee-** Damon advised he attended a recent meeting, they are still working on the idea of kiosks, Damon stated he has advised the committee to have a plan prior to coming and presenting it to the Board.

9. MANAGER REPORT: ~See attached report.

~Manager Lowell did provide a brief update of the Tree on High Road that was addressed in the manager’s memo. The tree had been taken down earlier this week.

~Manager Lowell connected with Versant regarding the broken electrical pole on Clark Point Road. She advised there was another work order put in, and they are aware of it.

~Town Manager Jesse Dunbar from Tremont is conducting interviews with Manager Lowell, for the new CEO position, and Sarah Abbott has taken the Town Clerk position in Tremont.

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

- *Comprehensive Plan Implementation
- *Decision regarding Cider Shingles or Vinyl
- *Memorandum of Understanding -Acadia National Park
- *MRC Board of Directors
- *Have both local Banks present options for invest
- *General Assistance Ordinance

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

Damon motioned to confirm the date of the next meeting for Tuesday, September 26, at 6:00p.m. in that Town Office meeting room Seconded by McFarland. Vote: 4-0-0.

12. ADJOURNMENT:

Vallette motioned to adjourn the meeting at 8:53p.m. Seconded by McFarland.

Respectfully Submitted,
Jennifer E. LaHaye
Town Clerk

APPROVED

Carolyn Ball, Chair

Natasha Johnson, Vice Chair

Jams Vallette

Luke Damon

Chapin McFarland