



**SELECT BOARD MEETING**  
**Town of Southwest Harbor**  
**Town Office & Via Zoom\***  
**6:00 p.m. ~ Tuesday, April 9, 2024**

**Minutes**

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

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

4. **PUBLIC HEARING:**

- A. **Liquor License Renewal – Next Level Sports Lounge:** Request of The Next Level, LLC on behalf of Next Level Sports Lounge, 386 Main Street, SWH for an On-Premises Beer, Wine, and Spirits liquor license renewal.

Vallette motioned to recommend approval of the application of The Next Level, LLC on behalf of Next Level Sports Lounge, 386 Main Street, SWH, for an On-Premises Beer, Wine, and Spirits liquor license. Seconded by Damon. Vote: 4-0-0.

- B. **Special Amusement Permit – Next Level Sports Lounge:** Request of The Next Level, LLC on behalf of Next Level Sports Lounge, 386 Main Street, SWH for a Class D - Special Amusement Permit.

Vallette motioned to recommend approval of the application of The Next Level, LLC on behalf of Next Level Sports Lounge, 386 Main Street, SWH for a Class D Special Amusement Permit allowing one or more vocalist and/or instrumentalists with or without mechanical amplification. Seconded by Damon. Vote: 4-0-0.

- C. **Liquor License (New): – Rodick’s Take Out:** Request of Gray Sea, Inc. on behalf of Rodick’s Take Out, 55 Main Street, SWH for an On-Premises Beer & Wine liquor license.

Vallette motioned to recommend approval of the application of Gray Sea, Inc on behalf of Rodick’s Take Out, 55 Main Street, SWH, for an On-Premises Beer & Wine liquor 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. March 26, 2024 – SB Minutes**

Tabled until next meeting. Additional dictation is needed under the Town Warrant. Other clarification corrections were also requested.

**B. April 2, 2024 – SB Executive Session Minutes**

Damon motioned to approve the minutes for the April 2<sup>nd</sup>, 2024, Select Board executive session minutes. Seconded by McFarland. Vote: 4-0-0.

**6. APPROVAL OF WARRANTS:**

Town Payables: W#102  
School Payables: W#99  
School Payroll: W#98

Trust & Agency: W#100, 101  
Town Payroll: W#0404, 0411

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

**7. APPOINTMENTS:**

**A. Appeals Board:** *Request of the Town Clerk for a motion to appoint Alyson Meiselman to the Appeals Board.*

Vallette motioned to appoint Alyson Meiselman to the Board of Appeals for a term, to be effective until June 30,2025. Seconded by McFarland. Vote: 4-0-0.

**B. Assessor:** *Request of Town Clerk to appoint Matt Caldwell as Assessor.*

Vallette motioned to appoint Matt Caldwell as Assessor for term effective until June 30, 2025. Seconded by McFarland. Vote: 4-0-0.

**C. Treasurer, Tax Collector, GA Administrator, and Road Commissioner:**  
*Request of Town Clerk to appoint Marilyn J Lowell as Treasurer, Tax Collector, GA Administrator, and Road Commissioner.*

Damon motioned to appoint Marilyn J. Lowell as Treasurer, Tax Collector, GA Administrator, and Road Commissioner for a term effective until June 30, 2025. Seconded by Vallette. Vote: 4-0-0.

**D. Deputy Tax Collector/Treasurer:** *Request of Town Clerk to appoint Becky L. Gatcomb, Jennifer E. LaHaye, and Madilynn Michaud as Deputy Tax Collector/ Treasurer.*

Damon motioned to appoint Becky L. Gatcomb, Jennifer E. LaHaye, and Madilynn Michaud as Deputy Tax Collector/ Treasurer for term effective until June 30, 2025. Seconded by McFarland. Vote: 4-0-0.

**E. Deputy Clerks:** *Request of Town Clerk to appoint Becky Gatcomb, Madilynn Michaud, and Marilyn Lowell as Deputy Clerks.*

Damon motioned to confirm Town Clerk's appointment for Madilynn Michaud, Becky Gatcomb and Marilyn Lowell as Deputy Clerks for a term effective until June 30, 2025. Seconded by McFarland Vote: 4-0-0.

**8. REGULAR BUSINESS:**

**A. Appointment Confirmation:**

- a. Town Clerk:** *Request of Town Clerk to confirm Town Managers appointment for Jennifer LaHaye as Town Clerk.*

McFarland motioned to confirm the Town Manager's appointment for Jennifer LaHaye as Town Clerk for a term effective until June 30, 2027. Seconded by Vallette. Vote:4-0-0.

- b. Deputy GA Administrator:** *Request of Town Clerk to confirm Town Managers appointment for Jennnifer LaHaye as Deputy GA Administrator.*

Damon motioned to confirm Town Manager's appointment for Jennifer LaHaye as Deputy GA Administrator for a term effective until June 30, 2025. Seconded by

- c. Code Enforcement Officer, Plumbing Inspector:** *Request of Town Clerk to confirm Town Managers appointment for John Larson as Code Enforcement Officer and Plumbing Inspector.*

McFarland motioned to appoint John Larson as Code Enforcement Officer, Plumbing Inspector, for term effective until June 30, 2025. Seconded by Damon Vote: 4-0-0.

- d. Deputy Code Enforcement Officer, Deputy Plumbing Inspector, E911 Addressing Officer, and Health Officer:** *Request of Town Clerk to confirm Town Managers appointment for Katie Higgins as Deputy Code Enforcement Officer, Deputy Plumbing Inspector, E911 Addressing Officer, and Health Officer.*

Vallette motioned to appoint Katie Higgins as Deputy Code Enforcement Officer, Deputy Plumbing Inspector, E911 Addressing Officer, and Health Officer for term effective until June 30, 2025. Seconded by Damon. Vote:4-0-0.

- e. Deputy Harbormaster:** *Request of Town Clerk to confirm Town Managers appointment for Michael Slater as Deputy Harbormaster.*

Damon motioned to appoint Michael Slater as Deputy Harbormaster for the remaining 1-year term effective until June 30, 2024. Seconded by McFarland. Vote: 4-0-0.

- f. Deputy Harbormaster:** *Request of Town Clerk to confirm Town Managers appointment for Michael Slater as Deputy Harbormaster.*

Damon motioned to appoint Michael Slater as Deputy Harbormaster for a 1-year term effective until June 30, 2025. Seconded by McFarland. Vote: 4-0-0.

- g. Fair Hearing Officer (General Assistance):** *Request of Town Clerk to confirm Town Managers appointment for Jesse Dunbar as Fair Hearing Officer (GA).*

Vallette motioned to appoint Jesse Dunbar as Fair Hearing Officer (GA) for term effective until June 30, 2025. Seconded by McFarland. Vote: 4-0-0.

**B. CDS Funds:** *Request of SB to pose their CDS/PW Garage questions to Olver Associates for their input, advice and/or concerns.*

Manager Lowell reported she attended a class to receive the CDS funds. She reported that if the application was requesting funds to construct a building, which is what needed to happen.

Damon motioned Olver Associates move forward on the next steps in the application to the USDA and submit the bid package at the original approved location on Seal Cove Road. Seconded by McFarland. Vote: 4-0-0.

**C. Solid Waste Contract Questions:** *Legal responses to questions regarding EMR Contract.*

Vallette motions the board to authorize a draft of a request for proposal for solid waste services. Seconded by McFarland. Vote: 1-3-0. Vallette yes.

~Damon expressed concern not being able to come to a decision in timely manner.

~ Resident Alyson Meiselman suggested rescinding the termination letter, and the five years begins and at the same time continue to seek out what you are looking for, for the next five years.

~Vallette noted the contract has an exclusivity clause, which could hinder the ability to explore an FRP.

~Damon explored if there are easier items that could be attainable and negatable goals in the timeframe left.

~Vallette would like to see the exclusivity change with recycling, and the ability to have the right of first refusal. If Cassella offers the right price, the town could not have much say as to what happens with the property.

Damon motioned to authorize the Town Manager to negotiate a contract with E.M.R for Solid Waste services including services to recycle cardboard. Seconded by McFarland. Vote:3-1-0. Vallette Nay.

**D. Debt Service Questions:** *Request of Town & W/S District concerning debt service obligation regarding bonds issued for water & sewer projects.*

Manager Lowell heard back from the Town's attorney Lee Bragg. The recommendation from Lee is that voters could adopt with a single vote to give the select board ongoing authority to enter into agreements for payments.

Members discussed a previous warrant article from 2019 related to the town's responsibility to contribute as a Town to Water and Sewer. Manager Lowell advised that she would speak with Steve Kenney regarding any ordinance changes that need to be made. She believes that the Water & Sewer District would be responsible for drafting those changes. It is likely not the responsibility of the Town to make those ordinance changes. Any ordinance changes would be appropriate for next years Town's meeting.

**E. Town Warrant:** *Request of Town Manager to present and adopt final draft of the Town Warrant.*

~ Manager Lowell and board members discussed minor changes that would be made to the warrant. Manager Lowell would make these changes and have the warrant available for members to sign later in the week.

~Members discussed moving monies from the undesignated fund to help reduce the mill rate. Suggestions were made regarding how much should be taken. Due to the increase in the interest rate from the Town's bank accounts this revenue could be utilized to go towards the reduction of the mill rate.

Damon motioned to move \$200,000 from the undesignated funds to reduce the mill rate increase. Seconded by McFarland. Vote: 4-0-0.

**9. LIAISON REPORT:**

- ~ The Solid Waste Task Force will have a final report, and will be at the Public Hearing
- ~ A Climate to Thrive, a Solar array report will be compiled later this week. Manager Lowell and Ball will be meeting with them later next week.
- ~ Harbor Committee recommended a cap on the fisherman permits. Members agreed they would like to further discuss ways to keep the working waterfront. Island Institute could also be a partner in this discussion.

**10. MANAGER REPORT: See attached report.**

- ~Manager Lowell noted a representative from DOT will be meeting with towns to discuss issues/concerns. Further discussion will take place then, about traffic going through Tremont if the Seawall Road is not able to be fully open.
- ~Manager Lowell and Nick Madeira went to Northeast Harbor and looked at two floats their town was selling. Lowell noted there is money available to purchase these floats.

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

- Liquor Licenses
- Discuss working waterfront opportunities in a future meeting.

**12. NEXT MEETING DATE:** *Adoption of a motion to confirm the date of the next regular meeting for Tuesday, April 23<sup>rd</sup> at 6:00 p.m. in the Town Office meeting room.*

Vallette motioned to confirm the next regular meeting for Tuesday, April 23<sup>rd</sup> at 6:00 p.m. in the Town Office meeting room. Seconded by McFarland Vote: 4-0-0.

**13. ADJOURNMENT:**

Damon motioned to adjourn the meeting at 8:41 p.m. Seconded by McFarland Vote: 4-0-0.

Respectfully Submitted,

Jennifer E. LaHaye  
Town Clerk

**APPROVED**

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Carolyn Ball, Chair

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Natasha Johnson, Vice Chair

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James Vallette

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Luke Damon

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Chapin McFarland