



SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. ~ Tuesday, March 26, 2024

Minutes

- 1. CALL TO ORDER:** Ball called the meeting to order at 6:00p.m.
- 2. ROLL CALL:** Chair Carolyn Ball, Vice Chair Natasha Johnson, James Vallette, Luke Damon, Chapin McFarland, Town Manager Marilyn Lowell, and 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.*

Johnson motioned to amend the agenda as presented. Seconded by McFarland. Vote: 5-0-0.

~Vallette noted that the executive session should have a topic so there is transparency to the public of what is being discussed. He noted that the public should be aware they are reviewing Town Manager applications.

- 4. APPROVAL OF MINUTES:** *Request of the Town Manager for a motion "to approve the minutes of..."*

A. February 27, 2024 – SB Minutes

Johnson motioned to approve the meetings as amended seconded by Damon. Vote: 5-0-0.

~ removed the mention of .8% from the financial reports.

B. March 12, 2024 – SB Minutes

Johnson motioned to approve the minutes as presented. Seconded by Damon. Vote: 5-0-0.

C. March 19, 2023 – SB Minutes

Johnson motioned to approve the minutes as presented. Seconded by Damon. Vote: 5-0-0.

- 5. APPROVAL OF WARRANTS:**

Town Payables: W#97

School Payroll: W#94

Town Payroll W#0321, 0328

School Payables: W#93

Trust & Agency: W#95, 96

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

- 6. FINANCIAL REPORTS:** *Presentation of the monthly Budget Variance Report, Revenue*

Variance Report, and Reserves Report.

Manager Lowell provided a brief update. Budget variance highway is still high. We had a large bill for two of the vehicles being repaired. Lowell noted monthly reserves, the state revenue sharing was up by \$21,169, but then used money out of nine of the other counts, so the overall decrease of a little over \$17,000. Ball noted we expected to use the reserve.

Revenue Variance: Lowell noted that there has been a .7% increase since January. We are close to 100%. There will still be fees collected. Once we collect those, it will take us over 100%. The extra will be from the Harbor, Payment is lieu of taxes, and we continue to receive the interest rate.

Damon noted Commissioner Keliher just sent a notification there may be funds available for working waterfronts. He noted it was just sent earlier in the evening.

7. APPOINTMENTS:

- A. Election Clerks:** *Request of the Town Clerk for a motion to confirm nomination of Election Clerks.*

Johnson motioned to confirm the Election Clerk nominations for a two-year term to be effective until April 30, 2026. Seconded by Damon Vote: 5-0-0.

- B. Deputy Clerk:** *Request of the Town Clerk for a motion to confirm appointment of Marilyn J Lowell as Deputy Clerk.*

Johnson motioned to confirm the appointment of Marilyn Lowell as Deputy Clerk. Seconded by McFarland. Vote: 5-0-0.

8. REGULAR BUSINESS:

- A. R.F. Jordan & Sons:** *Request of Luke Damon to extend work time to include nights & weekends for R.F. Jordan's duration of work schedule on Main Street Project.*

~ Damon questioned in a previous meeting whether R.F Jordan could work outside of normal business hours vs working until June as requested.

~Manager Lowell advised she has spoken, with Annaliese Hafford from Olver Engineering, Jordan Carter will be taking over as the Project Manager for R. F. Jordan. Lowell stated that she and Annaliese also discussed the end date of the project.

~Members discussed the impact of working weekends during a holiday.

~Damon noted it might not be in the board's purview to limit work leading into a holiday.

Johnson motioned to authorize R. F Jordan & Sons the ability to work nights and weekends from March 27th, with the exception of May 25th a Saturday. Seconded by McFarland. Vote: 5-0-0.

- B. W/S District WWTP:** *Request of Select Board to have more information on the sea level rise assessment done for the new WWTP from Steve Kenney, District Manager.*

Steve Kenney District Manager of the Water & Sewer Department was in the audience to answer the questions and concerns from the select board members related to the water rise and the new wastewater treatment plant being renovated. Members expressed their concerns for the continued storms happening and putting money into the treatment plant without changes made to address those concerns. Kenney advised them he has had to follow many environmental restrictions by the state, and Army Corps

regulations. He advised they are only able to repair what is already there based on the grant restrictions. Vallette expressed concerns related to the chlorine contact chamber. Kenney advised that they don't have the authority to raise the location or relocate it. The chamber is where the state has told them to place it. Kenney clarified that this was a backup, and they would likely not ever need to use this. He also noted this was not a chlorine tank, it is a contact chamber. storage container and did not constantly hold chlorine. This is only if there is a malfunction with the main system they would need to use this tank. Kenney reassured the board he is under a lot of environmental restrictions by the state with this project.

C. SWH Solid Waste Contract Negotiations: *Request of Lee Worcester to discuss information regarding negotiations.*

Lee Worcester was present in person. He wishes to have some direction from the board moving forward. Vallette again expressed concern about the contract the town was being asked to engage in with E.M.R. Vallette noted several concerns within the contract and again discussed exclusivity within the contract. He expressed his concerns about this.

~Ball explored what exactly is being negotiated and suggested to focus on recycling.

Vallette motioned to request the Town Manager to inquire whether E.M.R is open to removing the exclusivity on the recyclables from the contract. Seconded Johnson. Vote:5-0-0.

~Manager Lowell clarified that she thought residents could bring their recyclables to other locations. The only stipulation with that is that the town is unable to pay to help with this. Mr. Worcester confirmed this is correct.

~Damon expressed concern that June is coming soon. Damon said he was in favor of a discussion to look forward to but is concerned that a plan has not been identified.

~Vallette said plan B would be a gate rate and noted we don't have to have a contract. He noted Acadia National Park does not have a contract and is pay as they go.

~Vallette expressed that he felt that the recyclables are 'barely' being recycled, and discussed other ways the town could recycle and be compensated for it.

~Worcester would like to have a decision from the board.

~Vallette would like the town attorney to review the questions that were originally sent to the Maine Municipal Association legal team. Vallette was referring to an email sent by Manager Lowell.

Vallette motioned to have the Town Manager inquire with the town attorney to see 1. If it is constitutional for our town to have an exclusive contract with a private transfer station, 2. Does the private transfer station (in our town) have a legal obligation to be open to the public? 3. Does the Town need to open an RFP when contracting with a private transfer station service? Seconded by McFarland. Vote:4-1-0 Damon nay.

D. Skip's Automotive Site Visit: *Request of Carolyn Ball to discuss the board's input of the site visit of Skip's Automotive on 3.19.2024.*

Johnson explored the status of the grant the town applied for. Manager Lowell confirmed it was awarded to the Town; however, she must take a class to officially receive the funds. Johnson explored if the grant could be used towards the purchase/renovations of Skip's Automotive. Lowell stated she was advised by Annaleis to not ask the funding organization in fear they would not award the grant. Lowell will follow up with Annaliese again about this.

~Damon explored if the town could add on to the bid packet and an addendum if allowed.

~Does the \$2.4 million follow the exact plan that was agreed on with the USDA.
~Ball explored if there needs to be a feasibility study completed.
~Most of the cost for the new town garage project is groundwork.
~Members discussed potential locations within town to build the garage on. The area behind the fire department was discussed. Manager Lowell will look to see if the grant could be used if the town explored a different location to build the garage.

E. Dedication/Memorial for Town Report: *Request of Town Manager for SB's recommendation for Dedication & Memorial.*

Lee Worcester noted Kenneth Hutchins could also be another candidate for a dedication. Bert Willey is a possible candidate. Anne Napier was discussed.

Johnson Motion to nominate Kenneth Hutchins and Anne Napier as dedication. Seconded by McFarland
Vote: 5-0-0.

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

Manager Lowell provided an update on the Town Warrant. Lowell noted the Town appropriation will be increased from \$4,260,393 to \$4,261,660 due to the school's final budget was more than what was expected.

~Manager Lowell discussed other changes that will be made on the warrant, she noted. the towns taxes have increased, the action payroll software has had a recent change and has increase. Lowell also discussed changes within the contracted services.

~Acadia Disposal District: after discussing the majority members after discussion agreed to continue to pay for membership of the ADD.

~Ball request it should be noted under Contracted Services the Warrant Committee would be recommending 2,000 less than what the Select Board is now suggesting. The Select Board received additional information after the Warrant Committee met and made their initial recommendation.

~Members discussed the Fire Department and the additional funding that included the Sunday per-diem position. Damon noted he is supportive of the fire department, supports the fulltime firefighter, and supports the firefighters coming to train. He does not support having a firefighter stay at the station on Sundays. Damon noted he would like to see an on-call firefighter be able to be at home with their family.

~Members discussed the Harbormaster's salary and a possible increase to salary in the future. Manager Lowell discussed the step increases that are available for all hires depending on their credentials. Damon suggested increasing the salary of a Harbormaster to attract a seasoned Harbormaster. Discussion related to changing one salary could lead to other employees' salaries needing to be changed. Ball suggested this could be a good task for the future Town Manager.

Ball motioned to approve the updated amount of \$715,565 for contracted services for placement on the Town Warrant. Seconded by Johnson. Vote: 5-0-0.

Ball motioned to approve \$287,407 for the Fire Department for the warrant. Seconded by Johnson. Vote: 3-1-1. Damon, Nay. McFarland Recused himself from the vote.

Ball motioned the Harbor Department be \$166, 270 on the town warrant. Seconded by Damon. Vote: 5-0-0.

Ball motioned to approve \$5,956,939 for school appropriations on the Town Warrant. Seconded by Johnson. Vote: 5-0-0.

Ball motioned to approve \$326,800 for County Tax on the Town Warrant. Seconded by Johnson. Vote: 5-0-0.

G. Resignation Letter: *Request of the Town Manager for a motion to confirm Jarrod Kushla's resignation.*

Johnson motioned to confirm the acceptance of Jarrod Kushla's resignation with a thank you for his splendid work and time spent with Southwest Harbor. Seconded Damon. Vote:5-0-0.

H. Resignation Letter: *Request of the Town Manager for a motion to confirm Micala Delepierre's resignation.*

Johnson motioned to confirm the acceptance of Micala Delepierre's resignation with a thank you for her work and time spent at Southwest Harbor. Seconded by Damon. Vote: 5-0-0.

I. Retirement/Resignation Letter: *Request of the Town Manager for a motion to confirm Marilyn Lowell's Retirement/Resignation Letter.*

Johnson motioned to confirm Marilyn Lowell's retirement/resignation letter of September 30th, 2024. Seconded by Damon. Vote: 5-0-0.

9. LIAISON REPORT:

No reports from members at this meeting.

10. MANAGER REPORT: See Manager's report.

Manager Lowell added that she attended a meeting at Acadia National Park, she advised there was discussion related to the Southwest Harbor and Schoodic having some structural damage. Lowell also shared the ocean path in Bar Harbor had about 1,000 ft of damage. Lowell also noted that there was mention by DOT regarding abandoning the road at Seawall that connects to Bass Harbor. Members agreed that the town should be part of any discussions. Scott Alley added that he and his crew will sand and plow down to Ships Harbor. Since the damage to the road at Seawall, he and his crew members have had to go the long way around to plow and sand that small area. Manager Lowell will call Lisa at DOT to discuss this further and get more information.

Manager Lowell also reported on discussions with Annaliese Hafford, the engineer from Olver Associates, regarding some contamination due to fuel they found during the excavation process. DEP requires that it be removed, and samples be taken. The cost is \$2,400, this doesn't include the testing.

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

Members discussed meeting for executive session next Tuesday April 2nd at 5:30p.m to review Town Manager applications, it was agreed that the executive session scheduled for tonight’s meeting should be moved to that date.

Johnson motioned to confirm the next special select board meeting to be Tuesday April 2nd at 5:30p.m. in the Town Office meeting room. Seconded by Damon. Vote: 5-0-0.

12. EXECUTIVE SESSION: Review of Town Manager Applications.

A. Personnel Matter: *Possible adoption of a motion for the Select Board to find that public discussion of this personnel matter could be reasonably expected to violate the individual’s right to privacy, and therefore, to go into executive session to discuss the employment of an individual, as permitted by 1 MRSA 405.6.A.*

~Executive session tabled to review applicants next Tuesday April 2nd.

13. NEXT MEETING DATE: *Adoption of a motion to confirm the date of the next regular meeting for Tuesday, April 9th at 6:00 p.m. in the Town Office meeting room.*

Johnson motioned to confirm the next regular select board meeting for Tuesday April 9th at 6:00 p.m. in the Town Office meeting room.

14. ADJOURNMENT:

Vallette motioned to adjourn the meeting. Seconded by Johnson. Vote 5-0-0.

Respectfully Submitted,

Jennifer LaHaye
Town Clerk

APPROVED

Carolyn Ball, Chair

Natasha Johnson, Vice Chair

James Vallette

Luke Damon

Chapin McFarland