

ANNUAL TOWN MEETING

Town of Mount Desert

May 5 & 6, 2008

**Somesville Fire House
1157 Main Street, Somesville, Maine
AND
Kelley Auditorium, Mount Desert Elementary School
8 Joy Road, Northeast Harbor, Maine**

Town Clerk Joelle D. Nolan called the meeting to order at fifty minutes past seven o'clock in the forenoon, May 5, 2008. Printed copies of the Warrant were available.

Article 1. To elect a Moderator by written ballot.

William Ferm was nominated to serve as Moderator. Four votes were cast for Mr. Ferm and he was declared duly elected Moderator. Town Clerk Nolan swore in Mr. Ferm. Moderator Ferm appointed Joelle D. Nolan as Deputy Moderator.

Moderator Ferm declared the polls open at eight o'clock in the forenoon. Voting on Article 2 took place until six o'clock in the evening, at which time Moderator Ferm declared the polls closed. Results were announced at twenty minutes past seven o'clock in the evening.

It was moved, seconded and unanimously carried to recess the meeting to six o'clock in the evening, Tuesday, May 6, 2008 at the Kelley Auditorium, Mount Desert Elementary School, 8 Joy Road, Northeast Harbor.

Moderator Ferm reconvened the meeting at six minutes past six o'clock in the evening, May 6, 2008. Moderator Ferm thanked the assembly for the opportunity to serve the community. He reminded voters to check in and receive a "voting card" to be used during hand counts, and explained the procedures for hand counts as well as for written ballots.

Moderator Ferm presented the voting results of May 5, 2008, shown under Article 2.

Article 2. To elect 2 members to the Board of Selectmen for a term of three years each, 1 member to the superintending school board for a term of three years, and 1 trustee to the Mount Desert Island Regional School District for a term of three years.

For Selectman, two members for a term of three years each:

Jean Bonville	# votes	239	ELECTED
Kathleen Branch	# votes	138	
Charles E. Bucklin	# votes	206	ELECTED

For Mount Desert Elementary School Board, one member for a term of three years:

Charles Wray (Write-in)	# votes	62	ELECTED
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For Mount Desert Island High School District Trustee, one member for a term of three years:

George Peckham (Write-in)	# votes	55	ELECTED
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Voter turn-out:

Voted in Person	259
Absentee Ballots	56
Total	315

# Registered Voters	1773	% turn-out	18%
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It was moved and seconded to take Article 4 out of order.
A voice vote was called on the main motion and the motion passed.

Article 4. To see if non-voters shall be allowed, when recognized, to speak during the 2008 Annual Town Meeting.

It was moved and seconded to pass Article 4.
A voice vote was called on the main motion and Article 4 passed.

Article 3. Shall the Town of Mount Desert be authorized to issue general obligation bonds or notes of the Town in a principal amount not to exceed \$6,500,000 to finance the design and construction of improvements to the Town's wastewater treatment and collection system, including, but not limited to, upgrading and expanding the Somesville treatment plant (the "Project"); and further to authorize the Municipal Officers to execute any and all contracts and documents and do any and all things necessary or convenient to issue the bonds or notes of

the Town, which may be callable, and to accomplish the Project.

FINANCIAL STATEMENT - TOWN OF MOUNT DESERT

1. Total Town Indebtedness
 - A. Bonds outstanding and unpaid: \$10,337,854
 - B. Bonds to be issued if this question is approved: \$ 6,500,000
 - TOTAL \$16,837,854
2. Costs
 - A. At an estimated interest rate of 3.00%, the estimated costs of this bond issue will be: Twenty (20) years \$ 8,770,612
 - a. Principal \$ 6,500,000
 - b. Interest \$ 2,270,612
 - 1) Total Debt Service \$ 8,770,612
3. Validity
 - A. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Brent W. Hamor
Treasurer, Town of Mount Desert

It was moved and seconded to pass Article 3.
It was moved and seconded to vote by written ballot.
A voice vote was called and it was the opinion of the Moderator that the ayes predominated and the motion passed.
It was moved and seconded to amend the amount of the bond to be issued to \$5,300,000 (thereby amending the costs and total debt service).
A voice vote was called and the motion to amend passed.
It was moved and seconded to limit debate.
A voice vote was called and it was the opinion of the Moderator that the motion passed by more than a two-thirds vote.
Moderator Ferm and Town Clerk Nolan conducted the written ballot vote.
Moderator Ferm announced the results: YES 103 NO 28 Article 3 passed.

Selectman Jeffrey Smith presented retiring Selectman Chairman Ernest Coombs with a plaque recognizing his years of service as a Selectman and his many years of service to the Town through the ambulance, dispatch, and public works. A heartfelt applause followed.

Selectman Rick Mooers read an excerpt from the minutes of Annual Town Meeting held March 2, 1908.

Article 5. To see if the Inhabitants of the Town of Mount Desert will vote to establish the annual compensation for Selectmen services at \$1,200 per Selectman.

It was moved and seconded to pass Article 5.
A voice vote was called on the main motion and Article 5 passed.

Article 6. To see if the Inhabitants of the Town of Mount Desert will vote to transfer four hundred thousand dollars (\$400,000.00) from surplus for the 2008-2009 Town Budget to be used to reduce taxes.

It was moved and seconded to pass Article 6.
A voice vote was called on the main motion and Article 6 passed.

Article 7. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and/or appropriate as Revenue through Excise Taxes, Service Fees and miscellaneous sources for the 2008-2009 Town Budget.

It was moved and seconded to pass Article 7 at \$1,509,718.00
A voice vote was called on the main motion and Article 7 passed at \$1,509,718.00

Article 8. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Department 102 General Government - Elected Officials, Administration, Assessor, Tax Collector/Treasurer, Code Enforcement Officer, Town Clerk and Unallocated Funds for the 2008-2009 Town Budget.

It was moved and seconded to pass Article 7 at \$843,331.00
A voice vote was called on the main motion and Article 7 passed at \$843.331.00

Article 9. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Department 103 Health & Welfare – General Assistance for the 2008-2009 Town Budget.

It was moved and seconded to pass Article 9 at \$3,000.00
A voice vote was called on the main motion and Article 9 passed at \$3,000.00

Article 10. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Department 104 Public Safety – Police, Fire, Communications, Emergency Management, and Hydrants for the 2008-2009 Town Budget.

It was moved and seconded to pass Article 10 at \$1,550,287.00
A voice vote was called on the main motion and Article 10 passed at \$1,550,287.00

Article 11. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Department 105 Public Works - Roads, Sewer Capital, Sewers, Waste Management, Parks & Cemeteries and Buildings & Grounds, for the 2008-2009 Town Budget.

It was moved and seconded to pass Article 11 at \$3,250,909.00
A voice vote was called on the main motion and Article 11 passed at \$3,250,909.00

Article 12. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Department 106 Culture - Recreation/Libraries for the 2008-2009 Town Budget.

It was moved and seconded to pass Article 12 at \$143,497.00
A voice vote was called on the main motion and Article 12 passed at \$143,497.00

Article 13. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Department 108 Debt - Debt for the 2008-2009 Town Budget.

It was moved and seconded to pass Article 13 at \$818,006.00
It was moved and seconded amend Article 13 to \$857,306.00
A voice vote was called and the motion to amend passed.
A voice vote was called on the main motion and Article 13 passed at \$857,306.00

Article 14. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Department 109 All Other – Public Agencies and Rural Waste Water Support Program for the 2008-2009 Town Budget.

It was moved and seconded to pass Article 14 at \$216,500.00

It was moved and seconded to amend Article 14 to \$213,500.00

A voice vote was called and the motion to amend passed.

A voice vote was called on the main motion and Article 14 passed at \$213,500.00

Article 15. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Department 104 Public Safety for renovations and additions to the police station at the Town office building.

It was moved and seconded to pass over Article 15.

A voice vote was called and it was the opinion of the Moderator that the main motion passed by more than a two-thirds vote.

Article 15 was passed over.

Article 16. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax Collector to enter into a standard “tax club” agreement with taxpayers whereby: (1) the taxpayer agrees to pay specified monthly payments to the Town based on the taxpayer’s estimated and actual tax obligation for current year property taxes: (2) the Town agrees to waive interest on timely payments: (3) the Town authorizes the Tax Collector to accept payment of taxes prior to commitment of taxes: (4) the agreement automatically terminates if two consecutive payments are missed, and the taxpayer thereupon becomes subject to the same due date and interest rate as other, nonparticipating taxpayers: (5) only taxpayers who are current on their property tax obligations may participate: and (6) interested taxpayers must sign up for participation by a single advertised date to be determined by the Tax Collector.

It was moved and seconded to pass Article 16.

A voice vote was called on the main motion and Article 16 passed.

Article 17. To see if the Inhabitants of the Town of Mount Desert will vote to increase the property tax levy limit of \$5,537,694.00 established for the Town of Mount Desert by State law in the event that the Municipal Budget approved under the previous articles will result in a tax commitment that is greater than the property tax levy limit.

Explanation: The State Legislature passed a new “tax reform” law known as LD#1. This bill created a maximum municipal tax levy based upon this year’s tax, plus an allowance for

inflation and the Town's tax base growth due to new construction. However, LD#1 allows Mount Desert voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. The only requirement is that a secret vote must be taken by written ballot.

It was moved and seconded to pass over Article 17.

A voice vote was called and it was the opinion of the Moderator that the main motion passed by more than a two-thirds vote.

Article 17 was passed over.

Article 18. To see if the inhabitants of the Town of Mount Desert will vote to transfer \$150,000 from the Capital Improvement Reserve (GL#20-24102-01) to the 2008-2009 budget to be used to pay for one-time capital improvement projects and or equipment purchases as detailed below:

Participating with the MDOT to construct roadway improvements to the westerly end of the Pretty Marsh Road for a distance of approximately 0.80 miles on a 2:1 cost share basis (\$300,000 State - \$150,000 Town).

It was moved and seconded to pass Article 18.

It was moved and seconded to move the question.

A voice vote was called and it was the opinion of the Moderator that the motion passed by more than a two-thirds vote.

A voice vote was called on the main motion and Article 18 passed.

Article 19. To see what sum the School Committee is authorized to expend for Regular Instruction for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

It was moved and seconded to pass Article 19 at \$1,123,139.00

It was moved and seconded to amend Article 19 to \$1,115,919.00

A voice vote was called and the motion to amend passed.

A voice vote was called on the main motion and Article 19 passed at \$1,115,919.00

Article 20. To see what sum the School Committee is authorized to expend for Special Education for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

It was moved and seconded to pass Article 20 at \$348,264.00

It was moved and seconded to amend Article 20 to \$344,958.00

A voice vote was called and the motion to amend passed.

A voice vote was called on the main motion and Article passed at \$344,958.00

Article 21. To see what sum the School Committee is authorized to expend for Other Instruction for the fiscal year beginning July 1, 2008 and ending June 30, 2009

It was moved and seconded to pass Article 20 at \$58,865.00
A voice vote was called on the main motion and Article 20 passed at \$58,865.00

Article 22. To see what sum the School Committee is authorized to expend for Student & Staff Support for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

It was moved and seconded to pass Article 22 at \$213,084.00
It was moved and seconded to amend Article 22 to \$212,174.00
A voice vote was called and the motion to amend passed.
A voice vote was called on the main motion and Article 22 passed at \$212,174.00

Article 23. To see what sum the School Committee is authorized to expend for System Administration for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

It was moved and seconded to pass Article 23 at \$111,356.00
IA voice vote was called on the main motion and Article 23 passed at \$111,356.00

Article 24. To see what sum the School Committee is authorized to expend for School Administration for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

It was moved and seconded to pass Article 24 at \$195,418.00
It was moved and seconded to amend Article 24 to \$194,280.00
A voice vote was called and the motion to amend passed.
A voice vote was called on the main motion and Article 24 passed at \$194,280.00

Article 25. To see what sum the School Committee is authorized to expend for Transportation & Buses for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

It was moved and seconded to pass Article 25 at \$111,501.00
It was moved and seconded to amend Article 25 to \$111,267.00
A voice vote was called and the motion to amend passed.
A voice vote was called on the main motion and Article 25 passed at \$111,267.00

Article 26. To see what sum the School Committee is authorized to expend for Facilities Maintenance for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

It was moved and seconded to pass Article 26 at \$342,266.00
It was moved and seconded to amend Article 26 to \$341,074.00
A voice vote was called and the motion to amend passed.
A voice vote was called on the main motion and Article 24 passed at \$341,074.00

Article 27. To see what sum the School Committee is authorized to expend for Debt Service and Other Commitments for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

It was moved and seconded to pass Article 27 at \$504,932.00
A voice vote was called on the main motion and Article 27 passed at \$504,932.00

Article 28. To see what sum the School Committee is authorized to expend for All Other Expenditures for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

It was moved and seconded to pass Article 28 at \$50,000.00
A voice vote was called on the main motion and Article 28 passed at \$50,000.00

Article 29. To see what sum the voters of the Town of Mount Desert will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$1,363,415) and to see what sum the voters of the Town of Mount Desert will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2008 to June 30, 2009.

Explanation: The Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

It was moved and seconded to pass Article 29 by appropriating \$1,363,415.00 and raising \$1,224,829.00
A hand count was conducted and Article 29 passed: YES 106 NO 1

Article 30. To see what sum the voters of the Town of Mount Desert will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 12 for the period July 1, 2008 to June 30, 2009.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town of Mount Desert's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was approved by the voters on November 6, 2001.

It was moved and seconded to pass Article 30 at \$504,932.00
A hand count was conducted and Article 30 passed at \$504,932.00: YES 108 NO 0

Written Ballot Vote Required:

Article 31. To see what sum the voters of the Town of Mount Desert will raise and appropriate in additional local funds for school purposes (Recommend: \$1,168,733) for the period July 1, 2008 to June 30, 2009, which exceeds the State's Essential Programs and Services allocation model by (Recommend: \$1,141,078) as required to fund the budget recommended by the school committee.

Explanation: The additional local funds are those locally raised funds over and above the Town of Mount Desert's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town of Mount Desert's budget for educational programs.

It was moved and seconded to pass Article 31 at \$1,168,733.00 for additional local funds, with the following reason for exceeding the State's Essential Programs and Services funding model by \$1,141,078.00: The State funding model underestimates the actual costs to fully fund the 2008-2009 budget.

It was moved and seconded to amend Article 31 to \$1,154,733.00 for additional local funds, with the following reason for exceeding the State's Essential Programs and Services funding model by \$1,127,078.00: The State funding model underestimates the actual costs to fully fund the 2008-2009 budget.

A voice vote was called and the motion to amend passed.

Moderator Ferm and Town Clerk Nolan conducted the written ballot vote and Article 31 passed as amended: YES 93 NO 7

School Board member Mia Brown extended, on behalf of the School Board and the citizens of

the Town, an appreciative thank you to out-going School Board Chair Laurel Robbins for her dedication and many years of service. She also thanked Gail Marshall, Brian Hubbell, and Rob Liebow for their efforts with the school consolidation issue.

Superintendent Rob Liebow (School Union 98) explained the Budget Validation Referendum Election mandated by the state, read the warrant article, and noted the election date of May 15, 2008.

Article 32. To see what sum the voters of the Town of Mount Desert will authorize the School Committee to expend for the fiscal year beginning July 1, 2008 and ending June 30, 2009 from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

It was moved and seconded to pass Article 32 at \$3,058,825.00

It was moved and seconded amend Article 32 to \$3,044,825.00

A voice vote was called and the motion to amend passed.

A hand count was conducted and Article 32 passed at \$3,044,825.00: YES 86 NO 1

Article 33. In addition to the amount in Articles 19 – 32, shall the Town appropriate and authorize the School Committee to expend additional state, federal and other funds received during the fiscal year 2008-2009 for school purposes.

Current Year Totals: \$ 85,540

It was moved and seconded to pass Article 33.

A voice vote was called and Article 33 passed.

Article 34. Shall an ordinance entitled "Town of Mount Desert Alewife Ordinance" be enacted? The ordinance reads, in its entirety, "Regulations for the taking of alewives shall be as follows: For the year July 1, 2008 through June 30, 2009 there shall be no taking of Alewives in the Town of Mount Desert."

It was moved and seconded to enact Article 34.

A voice vote was called and Article 34 was enacted.

Planning Board Chairman Jim Clunan summarized the proposed changes to the Land Use Zoning Ordinance, and noted the Planning Board has an opening for an alternate member.

For Articles 35 through 37, an underline indicates an addition and a ~~strikethrough~~ indicates a deletion.

Article 35. Shall the Inhabitants of the Town of Mount Desert amend the Land Use Zoning Ordinance of the Town of Mount Desert as set forth in the Revised Land Use Zoning Ordinance? (Copy of the Revised Land Use Zoning Ordinance on file with the Town Clerk)

It was moved and seconded to pass Article 35.
A voice vote was called and Article 35 passed.

Article 36. Shall the Inhabitants of the Town of Mount Desert amend the Land Use Zoning Ordinance of the Town of Mount Desert? (Copy of the on file with the Town Clerk)

It was moved and seconded to pass over Article 36.
A voice vote was called and it was the opinion of the Moderator that the main motion passed by more than a two-thirds vote.
Article 36 was passed over.

Article 37. Shall the Inhabitants of the Town of Mount Desert amend the Land Use Zoning Ordinance of the Town of Mount Desert as set forth below?

6A.6 Lighting - Outdoor

1. Purpose. To establish minimum requirements for outdoor lighting that enhance visibility and public safety by preventing uncontrolled intrusion into adjacent properties and the natural environment. Voluntary best practices are recommended to promote energy conservation and preserve the Town's night sky which is an important part of the Town's character.

2. Requirements

1. Full cutoff. All lights greater than *1800 lumens (a 100 watt incandescent light produces 1800 lumens) shall be shielded to direct all light towards the ground.

2. Light trespass. All light shall be directed away from adjacent properties. The light sources in flood and spot lights shall not be directly visible from adjacent properties. High intensity light sources shall not be directly visible to motorists on public roads.

3. Excessive Lighting may not be used to direct attention away from existing business and community lighting.

1. The lighting of structural canopies such as gas station canopies shall not be used to attract attention to the business. Areas under structural canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illumination) shall be no greater than 5:1 with an average illumination level of not more than 30 footcandles.

2. Light fixtures located on structural canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.

Comment [KP1]: Removed the word "Competitive". Added the word "Excessive". Changed shall to may. Removed second sentence in description which included overly subjective standards. Added two paragraphs with specific requirements pertaining to structural canopies.

3. Recommended Best Practices:

1. Motion sensors. Use motion sensors to control flood and spot lights.

2. HPS lights. Use high pressure sodium (HPS) lights to minimize sky glow where color recognition is not needed.

3. Non-security parking lights. Turn off non-security parking lot lights after business hours to save energy and protect the night sky.

4. Minimum amount of lighting. Provide the minimum amount of light needed to achieve safe uniform lighting with lights that consume the lowest amount of power possible.

5. Shield or flush mount lights. Fully shield or horizontally flush mount all lights.

6. Signs and flags. Illuminate signs and flags from above and shield all sports lighting.

7. Guidelines for professional design. Request that professionals follow Illuminating Engineering Society guidelines for intensity and uniformity and not to exceed the minimum recommended values.

4. Definitions

Lumen: Approximately the amount of light measured one foot from a candle. 1 lumen is approximately 1 foot candle.

*A 100 watt incandescent light produces 1800 lumens.

5. Grandfathering. These requirements apply only to new construction and lighting installations."

It was moved and seconded to pass Article 37.
A voice vote was called and Article 37 passed.

Town Clerk Joelle Nolan read an excerpt from the Town Meeting Minutes of March 3, 1958.

Town Manager Michael MacDonald explained that Articles 38 through 50 represent an effort to review and determine if necessary the ordinances as decreed by town charter. Several items were found not to be ordinances, as explained at the end of the article.

Article 38. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #4 (Moderator's Manual) from the Ordinance Book (Addressed by Charter Section 1.1.5).

It was moved and seconded to pass Article 38.
A voice vote was called and Article 38 passed.

Article 39. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #5 (Elections Law) from the Ordinance Book (Superseded by Maine election laws).

It was moved and seconded to pass Article 39.
A voice vote was called and Article 39 passed.

Article 40. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #6 (Consolidate Polling Districts) from the Ordinance Book. (Action of BOS, 21-A M.R.S.A. s. 631)

It was moved and seconded to pass Article 40.
A voice vote was called and Article 40 passed.

Article 41. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #7 (Creation of High School District) from the Ordinance Book. (State law not ordinance)

It was moved and seconded to pass Article 41.
A voice vote was called and Article 41 passed.

Article 42. To see if the Inhabitants of the Town of Mount Desert will vote to repeal and remove Ordinance #8 (Recall Ordinance) from the Ordinance Book. (Recall is covered under Charter section 2.5)

It was moved and seconded to pass Article 42.
A voice vote was called and Article 42 passed.

Article 43. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #11 (Scholarship Funds) from the Ordinance Book and move to a separate book containing Town Meeting approvals of Policies, Agreements, Leases and gifts. (Not an ordinance)

It was moved and seconded to pass Article 43.
A voice vote was called and Article 43 passed.

Article 44. To see if the Inhabitants of the Town of Mount Desert will vote to repeal and remove Ordinance #12 (Warrant and Closing of Town Books) from the Ordinance Book. (Superseded by BOS action since 1928)

It was moved and seconded to pass Article 44.
A voice vote was called and Article 44 passed.

Article 45. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #15 (Bartlett Island Conservation Easement) from the Ordinance Book and move to a separate Book containing Town Meeting approvals of Policies, Agreements, Leases and gifts. (Not an ordinance)

It was moved and seconded to pass Article 45.
A voice vote was called and Article 45 passed.

Article 46. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #16 (Japanese Garden –Azalea Garden) from the Ordinance Book and move to a separate Book containing Town Meeting approvals of Policies, Agreements, Leases and gifts. (Not an ordinance)

It was moved and seconded to pass Article 46.
A voice vote was called and Article 46 passed.

Article 47. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #17 (Agreement Seal Harbor VIS and Town) from the Ordinance Book and move to a separate Book containing Town Meeting approvals of Policies, Agreements, Leases and gifts. (Not an ordinance)

It was moved and seconded to pass Article 47.
A voice vote was called and Article 47 passed.

Article 48. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #25 (Federal Housing) from the Ordinance Book. (State law not ordinance see 30-A M.R.S.A. s. 4721 for creation of housing boards)

It was moved and seconded to pass Article 48.
A voice vote was called and Article 48 passed.

Article 49. To see if the Inhabitants of the Town of Mount Desert will vote to repeal and remove Ordinance #26 (Hydrant)s from the Ordinance Book. (Likely superseded by Maine 35-A M.R.S.A. ss. 2309 & 2501)

It was moved and seconded to pass Article 49.
A voice vote was called and Article 49 passed.

Article 50. To see if the Inhabitants of the Town of Mount Desert will vote to remove Ordinance #33 (Lookout Way Sewer) from the Ordinance Book and move to a separate Book containing Town Meeting approvals of Policies, Agreements, Leases and gifts. (Not an ordinance)

It was moved and seconded to pass Article 50.
A voice vote was called and Article 50 passed.

Article 51. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654) or Unconditional Gifts (MRSA 30-A §5655), equipment, proceeds from sale of fire equipment or funds on behalf of the Municipal Fire Department. It is understood that any funds received will be placed in the Fire Equipment Reserve Fund.

It was moved and seconded to pass Article 51.
A voice vote was called and Article 51 passed.

Article 52. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to accept a Conditional Gift (MRSA 30-A, §5654) of a granite park bench with the inscription "Freedom Is Not Free" from Galen Cole Family Foundation of Bangor to be placed at the war veterans' memorial park located on the Village Green in Northeast Harbor.

It was moved and seconded to pass Article 52.
A voice vote was called and Article 52 passed.

Article 53. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to lease the so-called "training room" at the Seal Harbor Fire Station to the Lurvey Wright American Legion Post No. 103 for a term of one (1) year under such terms and conditions as the Board of Selectmen, in their sole discretion, deem to be in the best interest of the Town.

It was moved and seconded to pass Article 53.
A voice vote was called and Article 53 passed.

Article 54. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to lease the land and building at 26 Dodge Point Road, Tax Map 1 Lot 15 known as the Seal Harbor Bait House to the Seal Harbor Fisherman's Association under terms and conditions the Board deems advisable.

It was moved and seconded to pass Article 54.
A voice vote was called and Article 54 passed.

Article 55. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to enter into a Governmental Administration Mutual Aid Agreement with the Towns of Bar Harbor, Southwest Harbor, Tremont, and Trenton. (Copy of the agreement on file with the Town Clerk)

It was moved and seconded to pass Article 55.
A voice vote was called and Article 55 passed.

Deputy Town Clerk Jennifer McWain read an excerpt from the minutes of the Annual Town Meeting held March 5, 1883.

Article 56. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to accept and expend on behalf of the Town additional state, federal and other funds (including unconditional gifts of money) received during the fiscal year 2008-2009 for Town purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.

It was moved and seconded to pass Article 56.
A voice vote was called and Article 56 passed.

Article 57. To see if the Inhabitants of the Town of Mount Desert will approve July 1, each year, as the date on which all taxes shall be due and payable providing that all unpaid taxes on November 1, of each year shall be charged interest at an annual rate of 8% (percent) per year.
Explanation: 11% is the maximum allowed by law for 2008.

It was moved and seconded to pass Article 57.
A voice vote was called and Article 57 passed.

Article 58. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax Collector to accept pre-payment of property taxes, with no interest to be paid on same.

It was moved and seconded to pass Article 58.
A voice vote was called and Article 58 passed.

Article 59. To see if the Inhabitants of the Town of Mount Desert will set the interest rate to be paid by the Town for abated taxes that have been paid at the rate of 4% (percent) per year.
Explanation: Can be no greater than what the rate set for delinquent taxes nor be less than that rate reduced by 4%

It was moved and seconded to pass Article 59.
A voice vote was called and Article 59 passed.

Article 60. To see what sum the Town will vote to raise and/or appropriate to pay overpayment of taxes (due to abatement) and applicable interest granted during this fiscal year.
Explanation: Overlay estimated at \$31,967.00 at this time. The final amount will be determined when the assessor commits the taxes.

It was moved and seconded to pass Article 60.
A voice vote was called and Article 60 passed.

Article 61. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to dispose of, by public bid, Town-owned property, other than real property, with a value of ten thousand dollars (\$10,000) or less under such terms and conditions as it deems advisable.

It was moved and seconded to pass Article 61.
A voice vote was called and Article 61 passed.

Article 62. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to sell at public auction or by advertised sealed bid, and to convey titles obtained under tax deeds and under deeds of conveyance to the Inhabitants of the Town any land and/or buildings, including trailers, in lieu of payment of taxes except that the Selectmen have the power to authorize redemption.

It was moved and seconded to pass Article 62.
A voice vote was called and Article 62 passed.

Moderator Ferm asked the assembly to thank the Town Manager, Board of Selectmen, and Clerks for their work. He extended particular thanks to the Warrant Committee for their commitment, and especially to John Macauley and Tom Richardson for their moving presentations.

Article 63. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to contract for services, in amounts not to exceed appropriation for same, under such terms and conditions as it deems advisable.

It was moved and seconded to pass Article 63.
A voice vote was called and Article 63 passed.

It was moved and seconded to adjourn the meeting.
A voice vote was called and the motion to adjourn passed.

Meeting adjourned at 9:24 p.m.

Duly recorded,

Joelle D. Nolan, Town Clerk
Town of Mount Desert

Attest: A true copy

Date: _____

Signature: _____
Town Clerk, Mount Desert