

ANNUAL TOWN MEETING

Town of Mount Desert

March 5 – 7, 2007

**Somesville Fire House
1157 Main Street, Somesville, Maine
AND**

**Kelley Auditorium & The Forum, Mount Desert Elementary School
8 Joy Road, Northeast Harbor, Maine**

Joelle D. Nolan, Town Clerk called the meeting to order at fifty minutes past seven o'clock in the forenoon, March 5, 2007. Printed copies of the Warrant were available.

Article 1. To elect a Moderator by written ballot.

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

Moderator Ferm declared the polls open at seven fifty-seven o'clock in the forenoon. Voting on Articles 2, 3, and 4 took place until six o'clock in the evening. Moderator Ferm declared the polls closed at six o'clock in the evening. Results were announced at thirty five 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, March 7, 2007 at the Kelley Auditorium, Mount Desert Elementary School, 8 Joy Road, Northeast Harbor.

Moderator Ferm reconvened the meeting at five minutes past six o'clock in the evening, March 6, 2007. Moderator Ferm reminded the assembly that there was a sign-in table for all registered voters to check in and receive a "voting card" to be used during hand counts.

Moderator Ferm presented the voting results of March 5, 2007 on Articles 2, 3, and 4:

Voted in person:	252
Voted absentee:	<u>24</u>
TOTAL	276 (16% turnout)

Moderator Ferm then called for a round of applause for all the candidates and asked that any newly or re-elected officials present come forth to be sworn in. Town Clerk Nolan swore in James F. Mooers, Jeffrey T. Smith, Heather D. Jones, Brian Reilly, and Michael Musetti.

Article 2. To elect two members to the Board of Selectmen for a term of three years each, two members to the Superintending School Board for a term of three years each; and one Trustee of the Mount Desert Island Regional School District for a term of three years.

For **Selectman** two members for a term of three years:

James F. Mooers	209	ELECTED
Jeffrey T. Smith	225	ELECTED

For **School Board** two members for a term of three years each:

Heather D. Jones	228	ELECTED
Brian Reilly	201	ELECTED

For **Mount Desert Island High School District Trustee** one member for a term of three years:

Michael C. Musetti	254	ELECTED
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Article 3. Shall the Municipal Charter be amended to change the date of the annual Town meeting from the first Monday of March to the first Monday of May commencing with the May 2008 Town Meeting?

Exact wording change:

1.1.3 ANNUAL TOWN MEETINGS. The annual Town meeting shall commence the first Monday of ~~March~~ May each year. The election of all elected officials of the Town shall be held at the annual town meeting. The Board shall present to the Town at least ten days before the annual town meeting an annual report which shall:

YES: 193	NO: 79	BLANKS: 3	ENACTED
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Article 4. Shall fluoride be added to the public water supply for the intended purpose of reducing tooth decay?

YES: 42	NO: 229	BLANKS: 4	DEFEATED
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Article 5. To see if non-voters shall be allowed, when recognized, to speak during the 2007 Annual Town Meeting.

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 approve an expenditure of \$500 from the Dog Welfare Account to the Southwest Harbor Animal Shelter as a donation.

It was moved and seconded to pass Article 6.
It was moved and seconded to amend the main motion to change the benefactor to the SPCA of Hancock County.
A voice vote was called on the motion to amend and the amendment passed.
A voice vote was called on the main motion as amended and Article 6 **passed**.

Article 7. 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 7.
A voice vote was called on the main motion and Article 7 **passed**.

Selectman Smith spoke on behalf of the Board of Selectman and the citizens of the Town honoring out-going Chairman Rick Savage, and presented Mr. Savage with a carved bird.

Article 8. To see if the Inhabitants of the Town of Mount Desert will vote to transfer one hundred thousand dollars (\$100,000) from the Marina Enterprise Fund to the General Revenue Fund.

It was moved and seconded to pass Article 8.
A voice vote was called on the main motion and Article 8 **passed**.

Article 9. To see if the Inhabitants of the Town of Mount Desert will vote to transfer four hundred thousand dollars (\$400,000) from the Credit Reserve account to the 2007 budget to be used to reduce 2007 taxes.

It was moved and seconded to pass Article 9.
A voice vote was called on the main motion and Article 9 **passed**.

Article 10. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and/or appropriate as 2007 Revenue through Excise Taxes, Service Fees and miscellaneous sources.

It was moved and seconded to pass Article 10 at \$1,663,560.00.
A voice vote was called on the main motion and Article 10 **passed** at \$1,663,560.00.

Article 11. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Elected Officials, Administration, Assessor, Tax Collector/Treasurer, Code Enforcement Officer and Town Clerk in the 2007 Town budget.

It was moved and seconded to pass Article 11 at \$583,188.00.
It was moved and seconded to amend the main motion to reduce the amount by \$59,000 to \$524,188.
A voice vote was called on the motion to amend and failed.
A voice vote was called on the main motion and Article 11 **passed** at \$583,188.00.

Article 12. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Safety - Police in the 2007 Town budget.

It was moved and seconded to pass Article 12 at \$416,642.00.
It was moved and seconded to amend the main motion to reduce the amount by \$42,000 to \$374,642.
A voice vote was called on the motion to amend and failed.
A voice vote was called on the main motion and Article 12 **passed** at \$416,642.00.

Article 13. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Safety - Fire in the 2007 Town budget.

It was moved and seconded to pass Article 13 at \$349,367.00.
A voice vote was called on the main motion and Article 13 **passed** at \$349,367.00.

Ernest Coombs, Chairman of the Board of Selectmen and longtime dispatcher and ambulance attendant, made a presentation to Albert and Carol Hamor for their many years of dedicated service to the Town with the ambulance service.

Article 14. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Communications in the 2007 Town budget.

It was moved and seconded to pass Article 14 at \$189,917.00.
A voice vote was called on the main motion and Article 14 **passed** at \$189,917.00.

Article 15. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Works - Highway/Streets/Roads in the 2007 Town budget.

It was moved and seconded to pass Article 15 at \$1,115,284.00.
It was moved and seconded to amend the main motion to reduce the amount by \$110,000 to \$1,005,284.
A voice vote was called on the motion to amend and failed.
A voice vote was called on the main motion and Article 15 **passed** at \$1,115,284.00.

Article 16. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Works - Waste Collection/Disposal in the 2007 Town budget.

It was moved and seconded to pass Article 16 at \$444,460.00.
A voice vote was called on the main motion and Article 16 **passed** at \$444,460.00.

Article 17. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Buildings & Grounds and Parks & Cemeteries in the 2007 Town budget.

It was moved and seconded to pass Article 17 at \$194,810.00.
A voice vote was called on the main motion and Article 17 **passed** at \$194,810.00.

Article 18. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Compliance/Mandates in the 2007 Town budget.

It was moved and seconded to pass Article 18 at \$361,292.00.
 A voice vote was called on the main motion and Article 18 **passed** at \$361,292.00.

Article 19. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Other Services, for the fiscal year beginning January 1, 2007 and ending December 31, 2007.

	<u>2006</u>	<u>Selectmen</u> <u>recommends</u>	<u>Warrant</u> <u>Committee</u> <u>recommends</u>
Island Connections	\$1,000.00	\$ 1,000.00	\$ 1,000.00
American Red Cross	\$0.00	\$ 300.00	\$ 500.00
Eastern Agency on Aging	\$500.00	\$ 0.00	\$ 500.00
Community Health & Counsel	\$0.00	\$ 0.00	\$ 0.00
Mt Desert Nursing Assoc	\$19,000.00	\$20,000.00	\$20,000.00
Downeast Transport	\$450.00	\$ 450.00	\$ 450.00
Downeast Horizons	\$5,600.00	\$ 500.00	\$ 500.00
Mt Desert Nursery School	\$1,050.00	\$ 3,000.00	\$ 3,000.00
MDI League for Bus	\$14,000.00	\$ 0.00	\$14,000.00
Showers/Chamber Commerce	\$5,450.00	\$10,450.00	\$10,450.00
Bar Harbor Food Pantry	\$0.00	\$ 500.00	\$ 500.00
Hospice of Hancock County	\$500.00	\$ 500.00	\$ 500.00
Total	\$47,500.00	\$36,700.00	\$51,400.00

It was moved and seconded to pass Article 19 at \$51,400.00.
 It was moved and seconded to amend the main motion to increase the amount by \$5,100, for Downeast Horizons, to a total of \$56,500.
 A voice vote was called on the motion to amend and passed.
 A voice vote was called on the main motion as amended and Article 19 **passed** at \$56,500.

Article 20. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Village Associations, for the fiscal year beginning January 1, 2007 and ending December 31, 2007:

Association	2006	Selectmen recommend s	Warrant Committee recommends
NEH Library	\$10,000.00	\$10,000.00	\$10,000.00
Seal Harbor Library	\$4,000.00	\$4,000.00	\$4,000.00
Somesville Library	\$5,500.00	\$5,500.00	\$5,500.00
Seal Harbor VIS	\$22,700.00	\$22,700.00	\$22,700.00
MDI Historical Society	\$500.00	\$500.00	\$500.00
Somesville VIS	\$1,000.00	\$1,000.00	\$1,000.00
Total	\$43,700.00	\$43,700.00	\$43,700.00

It was moved and seconded to pass Article 20 at \$43,7000.
A voice vote was called on the main motion and Article 20 **passed** at \$43,700.00

Article 21. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Recreation in the 2007 Town budget.

It was moved and seconded to pass Article 21 at \$90,747.00.
A voice vote was called on the main motion and Article 21 **passed** at \$90,797.00.

Article 22. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Rural Wastewater Support Program in the 2007 Town budget.

It was moved and seconded to pass Article 22 at \$150,000.00.
A voice vote was called on the main motion and Article 22 **passed** at \$150,000.00

Article 23. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Works – Sewer Capital & Debt in the 2007 Town budget.

It was moved and seconded to pass Article 23 at \$1,209,174.00.
It was moved and seconded to amend the main motion to reduce the amount by \$92,000 to \$1,117,174.
A voice vote was called and the motion to amend the main motion passed.

It was then moved and seconded to take Article 31 out of order.
A vote was called and Moderator Ferm determined the motion to move the question passed by two third's voice vote.

Article 31. Shall the inhabitants of Mount Desert vote to transfer \$213,207.00 from Capital Improvement Reserve (received from Acadia National Park as partial share of the Otter Creek/Seal Harbor wastewater treatment project); to a newly created Wastewater Bond Repayment Reserve?

It was moved and seconded to pass Article 31.
A voice vote was called and Article 31 **passed**.

A voice vote was called on the main motion as amended for Article 23 and Article 23 **passed** at \$1,117,174.

Article 24. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Public Works - Sewer Treatment for Northeast Harbor, Somesville, Seal Harbor and Otter Creek in the 2007 Town budget.

It was moved and seconded to pass Article 24 at \$596,999.00.
A voice vote was called on the main motion and Article 24 **passed** at \$596,999.00.

Article 25. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Finance in the 2007 Town budget.

It was moved and seconded to pass Article 25 at \$64,331.00.
A voice vote was called on the main motion and Article 25 **passed** at \$64,331.00.

Article 26. To see what sum the Inhabitants of the Town of Mount Desert will raise and appropriate for Personnel (Insurance, FICA and other costs) in the 2007 Town budget.

It was moved and seconded to pass Article 26 at \$779,770.00.
A voice vote was called on the main motion and Article 26 **passed** at \$779,770.00.

Article 27. To see if the Inhabitants of the Town of Mount Desert will vote to increase the property tax levy limit of \$5,384,065.42 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 Article 27.
A voice vote was called on the main motion and Article 27 **passed**.

Article 28. Shall the inhabitants of Mount Desert vote to rename the Credit Reserve (GL# 2660) as Capital Improvement Reserve and designate the purpose of the Capital Improvement Reserve as improvements to infrastructure and buildings?

It was moved and seconded to pass Article 28.
A voice vote was called on the main motion and Article 28 **passed**.

Article 29. To see if the Inhabitants of the Town of Mount Desert will vote to transfer any balance in the Surplus account on December 31, 2007 over five hundred thousand dollars (\$500,000) to the Capital Improvement Reserve Account.

It was moved and seconded to pass Article 29.
A voice vote was called on the main motion and Article 29 **passed**.

Article 30. To see if the inhabitants of the Town of Mount Desert will vote to transfer \$ 195,750.00 from the Capital Improvement Reserve (GL# 2660) to the 2007 budget to be used to pay for one-time capital improvement projects and or equipment purchases as detailed below:

Pretty Marsh Road	\$ 50,750.00
Town Office Building	\$ 25,000.00
Seal Harbor Sidewalks	\$120,000.00

It was moved and seconded to pass Article 30.
A voice vote was called on the main motion and Article 30 **passed**.

Article 31. Shall the inhabitants of Mount Desert vote to transfer \$213,207.00 from Capital Improvement Reserve (received from Acadia National Park as partial share of the Otter Creek/Seal Harbor wastewater treatment project); to a newly created Wastewater Bond Repayment Reserve?

Article 31 taken out of order, see Article 23.

Article 32. Shall the inhabitants of Mount Desert vote to transfer any funds received from Acadia National Park as partial share of the Otter Creek/Seal Harbor wastewater treatment project to the Wastewater Bond Repayment Reserve?

It was moved and seconded to pass Article 32.
A voice vote was called on the main motion and Article 32 **passed**.

Town Clerk Joelle Nolan read an excerpt from the Annual Town Meeting held one hundred years ago, held at the Neighborhood House March 4, 1907 at ten o'clock in the forenoon.

Article 33. To see what sum the Inhabitants of the Town of Mount Desert will appropriate for the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 8 as described in the Essential Programs and Services Funding Act (Recommend \$1,221,891) and to see what sum the Inhabitants of the Town of Mount Desert will raise as the municipality's contribution to the total cost of funding public education from kindergarten to grade 8 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, 2007 to June 30, 2007. **Hand Count Required**

Explanation: *The Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 8 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.*

Ending period date changed to June 30, 2008.

It was moved and seconded to pass Article 33 at \$1,021,891.00.

A vote was called on the main motion and by hand count Article 33 **passed** at \$1,021,891.00. YES – 96 NO – 3.

Article 34. To see what sum the Inhabitants of the Town of Mount Desert will raise for the annual debt service payments on a non-state-funded school construction project 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 8 for the period July 1, 2006 to June 30, 2008. **Hand Count Required**

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 that is not approved for state subsidy. The bonding of this long-term debt was approved by the voters on November 6, 2001.*

Beginning period changed to July 1, 2007.

It was moved and seconded to pass Article 34 at \$516,237.00

A vote was called on the main motion and by hand count Article 34 **passed** at \$516,237.00. YES – 87 NO – 0

Article 35. To see what sum the voters of the Town of Mount Desert raise and appropriate in additional local funds for school purposes (Recommend: \$1,157,648) for the period July 1, 2007 to June 30, 2008, which exceeds the State's Essential Programs and Services funding model by \$ 1,059,461? **Written Ballot Vote Required**

Reason: To raise additional monies in order to fully fund the 2007-2008 budget.

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 8 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual debt service payment on non-state-funded school construction projects that will help achieve the Town of Mount Desert's budget for educational programs.*

It was moved and seconded to pass Article 35 at \$1,157,648.00
A vote was called on the main motion and by written ballot Article 35 **passed** at \$1,157,648.00. YES – 81 NO – 4

Note: Articles 33, 34 & 35 equal a total appropriation of \$2,695,776.00

Article 36. To see what sum the voters of the Town of Mount Desert will authorize the School Board to expend for personnel for the fiscal year beginning July 1, 2007 and ending June 30, 2008, from the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 8 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. **Hand Count Required**

It was moved and seconded to pass Article 36 at \$1,914,381.00.
A vote was called on the main motion and by hand count Article 36 **passed** at \$1,914,381.00. YES – 81 NO – 1

Article 37. To see what sum the voters of the Town of Mount Desert will authorize the School Board to expend for operating expenses for the fiscal year beginning July 1, 2007 and ending June 30, 2008, from the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 8 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. **Hand Count Required**

It was moved and seconded to pass Article 37 at \$548,547.00
A vote was called on the main motion and by hand count Article 37 **passed** at \$548,547.00. YES – 85 NO – 1

Article 38. To see what sum the voters of the Town of Mount Desert will authorize the School Board to expend for debt service for the fiscal year beginning July 1, 2007 and ending June 30, 2008, from the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 8 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. **Hand Count Required**

It was moved and seconded to pass Article 38 at \$516,237.00.
A vote was called on the main motion and by hand count Article 38 **passed** at \$516,237.00. YES – 84 NO – 0

Article 39. To see what sum the voters of the Town of Mount Desert will authorize the School Board to expend for capital outlay for the fiscal year beginning July 1, 2007 and ending June 30, 2008, from the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 8 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. **Hand Count Required**

It was moved and seconded to pass Article 39 at \$11,500.00.
A vote was called on the main motion and by hand count Article 39 **passed** at \$11,500.00. YES – 84 NO – 0

Note: Articles 36, 37, 38, & 39 equal a total budget of \$2,990,665

Article 40. In addition to the amount in Article 33, 34, 35 and 36, shall the Town appropriate and authorize the School Board to expend additional state, federal and other funds received during the fiscal year 2007-2008 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated? **Hand Count Required**

Current Year Totals: \$85,490.00.

It was moved and seconded to pass Article 40.

A vote was called on the main motion and by hand count Article 40 **passed**.

YES – 83 NO – 0

Gail Marshall, Chairman Mount Desert Elementary School Board, reminded citizens to explore the website mdschools.net for current information on local and statewide school issues. Links can also be found from the Town and Mount Desert Island Regional High School websites.

Article 41. To see if the inhabitants of the Town of Mount Desert will vote to establish the areas described below as “safe zones” in order to enhance criminal penalties for drug violations that take place in and around the established safe zones as authorized by M.S.R.A. Title 30-A - §3253. Safe zones designated by municipality.

- The Neighborhood House
- Seal Harbor Beach
- Ponds End
- Seal Harbor Playground
- Otter Creek Playground
- Sergeant Drive Picnic Area
- Camp Beach Cliff
- Northeast Harbor Swim Club
- Northeast Harbor Tennis Club
- The Fleet facility in Northeast Harbor

It was moved and seconded to pass Article 41.

It was moved and seconded to amend Article 41 to add three more locations.

Moderator Ferm determined this particular Article may not be amended.

It was moved and second to move the question.

A vote was called and Moderator Ferm determined the motion to move the question **passed** by two-third's voice vote.

A vote was called on the main motion and by hand count Article 41 **passed**.

YES – 47 NO – 38

Article 42. 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 January 1, 2007 through December 31, 2007 there shall be no taking of Alewives in the Town of Mount Desert.”

It was moved and seconded to enact Article 42.
A voice vote was called on the main motion and Article 42 **passed**.

Article 43. Shall an ordinance entitled “Town of Mount Desert Majority Vote” be enacted? The ordinance reads, in its entirety,:

“Notwithstanding any ordinance provision to the contrary, no meeting of the Board of Selectmen or Planning Board shall be held without a quorum consisting of a majority of the full membership of the board. The board shall act by majority vote of the members present and voting. Period of Ordinance - This ordinance shall remain in effect until the next annual town meeting”

It was moved and seconded to pass Article 43.
After considerable discussion,
It was moved and seconded to move the question.
A vote was called and Moderator Ferm determined the motion to move the question passed by two-third’s voice vote.
A voice vote was called on the main motion and Article 43 **was defeated**.

For Articles 41 through 57, an underline indicates an addition and a ~~strikethrough~~ indicates a deletion.

Article 44. 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?

SECTION 15. DEFINITIONS

HEIGHT OF A STRUCTURE: The vertical distance between the mean ~~finished~~ original grade at the downhill side of the structure and the highest point of the roof, excluding chimneys and antennas.

It was moved and seconded to enact Article 44.
A voice vote was called on the main motion and Article 44 **passed**.

Article 45. 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?

SECTION 15. DEFINITIONS

COOKING FACILITIES: comprise:

- (1) a stove, microwave, or other cooking device; ~~and~~
- (2) ~~[a] a sink and/or [b] a refrigerator~~

It was moved and seconded to enact Article 45.

It was moved and seconded to move the question.

A vote was called and Moderator Ferm determined the motion to move the question passed by two-third's voice vote.

A voice vote was called on the main motion and Article 45 **passed**.

Article 46. 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?

SECTION 15. DEFINITIONS

FENCE/WALL, SOLID: Any fence or wall in which the individual solid portions visually exceed the open portions. The individual solid portions shall not exceed twelve (12) inches in width

It was moved and seconded to enact Article 46.

A voice vote was called on the main motion and Article 46 **passed**.

Article 47. 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?

SECTION 2. GENERAL REGULATIONS

2.7 Road Construction:

6. Driveway Construction: Driveways that provide the primary access from a public way to a building shall meet the following construction standards:

a) Minimum travel surface width:

12 feet

b) Minimum unobstructed width:

14.5 feet

c) Minimum vertical clearance:

14.5 feet

d) Minimum setback as measured from the edge of the fill extension from property line: 5 feet

The minimum construction standards must be maintained at all times to provide adequate ingress and egress for emergency vehicles.

Culverts with a minimum 15" diameter shall be installed at the end of driveways to provide for adequate drainage at the intersection with public or private ways where ditching exists.

It was moved and seconded to enact Article 47.

A voice vote was called on the main motion and Article 47 **passed**.

Article 48. 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?

Home Occupation has a “C” for all districts except RP. Replace “C” with “CEO”

Section 3.5 Permitted, Conditional, and Excluded uses by District

LAND USE:	DISTRICTS:							
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP
PUBLIC								
Church, school, library, museum, community bldg	C	C	X	C	C	X	X	X
Post office, fire station	C	C	X	C	C	C	X	X
Park, playground, recreation structures	C	C	X	C	C	X	X	X
Municipal activities	C	C	C	C	C	C	C	X
Cemeteries	X	X	X	C	X	X	X	X
COMMERCIAL								
Agriculture	X	X	X	P	X	X	X	X
Animal husbandry	X	X	X	P	X	X	X	X
Aquaculture	X	X	X	C	X	C	X	X
Auto repair, sales	X	X	X	C	C	X	X	X
Auto service, filling	X	X	X	X	C	X	X	X

LAND USE:	DISTRICTS:							
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP
Boat storage, repair, and service	X	X	X	C	C	C	X	X
Boat marina	NA	NA	X	NA	NA	C	X	X
Campground	X	X	X	X	X	X	X	X
Commercial fishing	C	C	X	C	X	C	X	X
Commercial Materials:								
Bulk storage	X	X	X	C	X	X	X	X
Retail sales	X	X	X	C	C	C	X	X
Wholesale sales	X	X	X	C	X	X	X	X
Excavations (gravel pits)	X	X	X	X	X	X	X	X
Fish processing	X	X	X	X	X	C	X	X
Home Occupation	C <u>CEO</u>	C <u>CEO</u>	C <u>CEO</u>	C <u>CEO</u>	C <u>CEO</u>	C <u>CEO</u>	C <u>CEO</u>	X

It was moved and seconded to enact Article 48.
A voice vote was called on the main motion and Article 48 **passed**.

Article 49. 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?

SECTION 3. LAND USE DISTRICTS

3.4 Regulations: Specific Uses: (See also Section 15 Definitions)

7. Fences and walls: A solid fence (as opposed to a rail or similar fence) or wall, more than four (4) feet in height, measured vertically from the ground directly beneath the fence or wall, shall require a Code Enforcement Officer or a Conditional Use Permit. Such fences or walls shall not unduly restrict scenic views. The structural side of the fence shall not face the public view.

1. **A Code Enforcement Officer Permit** may be issued for solid fences or walls up to six (6) feet in height provided that:
 - a. A setback of six (6) feet is maintained from roads, sidewalks, and right-of-ways.
 - b. It does not obstruct highway visibility.
 - c. A plan for vegetative screening, in the six (6) foot setback area, is provided that produces a minimum of twenty (20) percent cover of the fence or wall area. The plan must be implemented and maintained.
2. **Fences or walls that do not meet** the above criteria shall require a Conditional Use Permit from the Planning Board.

It was moved and seconded to enact Article 49.

A voice vote was called on the main motion and Article 49 **passed**.

Article 50. 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?

SECTION 5. CONDITIONAL USE PERMITS: PROCEDURE FOR ISSUANCE

Section 5.6 Any application for subdivision approval shall be directed to the Planning Board in accordance with Section 2-2-4 2 of the Subdivision Ordinance of the Town of Mount Desert.

It was moved and seconded to enact Article 50.

A voice vote was called on the main motion and Article 50 **passed**.

Article 51. 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?

SECTION 3. LAND USE DISTRICTS

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

NOTES:

~~(d) In all district restrictions on setback of structures from property lines may be varied or nullified by written agreement with the abutting property owner. Said agreement or a copy of said agreement showing signatures shall be filed at the Municipal Office.~~

(See attached for corrections to Section 3.6/Chart and Lettering)

It was moved and seconded to enact Article 51.

It was moved and seconded to move the question.

A vote was called and Moderator Fern determined the motion to move the question passed by two-third's voice vote.

A voice vote was called on the main motion and Article 51 was **defeated**.

Article 52. 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?

SECTION 3. LAND USE DISTRICTS

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

NOTES:

(h²) Height: Structures in any Shoreland district shall not exceed thirty-five (35) feet. ~~In exceptional cases, which meet the standards of this ordinance and will not adversely affect the skyline of the Town, a Conditional Use Permit may be issued notwithstanding the above height limitations. Placement of fill with the intention of to circumventing this height requirement is prohibited.~~

(See attached for corrections to Section 3.6/Chart and Lettering)

It was moved and seconded to enact Article 52.

A voice vote was called on the main motion and Article 52 **passed**

Article 53. 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?

SECTION 3. LAND USE DISTRICTS

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

NOTES:

(h¹) Height: Structures in any non-Shoreland district shall not exceed forty (40) feet. In exceptional cases, which meet the standards of this ordinance and will not adversely affect the skyline of the Town, a Conditional Use Permit may be issued notwithstanding the above height limitations. Placement of fill ~~with the intention of~~ to circumventing this height requirement is prohibited.

It was moved and seconded to enact Article 53.

A voice vote was called on the main motion and Article 53 **passed**

Article 54. 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?

Proposed Change:

Re-letter Note l to Note d, as to minimize the changes on the Dimensional Chart for this section.

All old "Note d's" will be deleted and the Current "Note l's" will be replaced with "Note d".

Also ~~*See Note e~~ on page 15 under VR1 will be deleted as it has nothing to do with this zone. It will be placed on Page 17 under "Setbacks From" for SC. After 75ft., will be *see Note (e).

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	VR1	VR2	R1	R2
DIMENSIONS see Notes (b) (i) (j) (h¹)				
MINIMUM LOT SIZE: A. with public sewer B. without public sewer. C. Cluster Subdivision w/sewer* D. Cluster Subdivision w/o sewer* E. Workforce Subdivision* * see Note (k)	10,000 sq ft 1 acre 5,000 sq ft 20,000 sq ft State Minimum	20,000 sq ft 1 acre 10,000 sq ft 20,000 sq ft State Minimum	1 acre 1 acre 20,000 sq ft 20,000 sq ft State Minimum	2 acres 2 acres 1 acre 1 acre State Minimum
MINIMUM WIDTH OF LOTS: on shore on road -Cluster Subdivision* -Workforce Subdivision* * see Note (l) Note (d)	N/A* 75 ft 50 ft -0- ft * see Note (e)	N/A 100 ft 50 ft -0- ft	N/A 100 ft 50 ft -0- ft	N/A 100 ft 50 ft -0- ft
SETBACKS FROM: normal high water line of a water body or upland edge of a wetland public road*, right of way property lines*** * see Note (c)* ** see Note (d)	75 ft 20 ft 10 ft	75 ft 30 ft 15 ft	75 ft 30 ft 15 ft	75 ft 30 ft 25 ft
MAXIMUM LOT COVERAGE	40%	40%	40%	40%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	20 ft	20 ft	20 ft	20 ft

continued...

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	SR1 see Note (f)	SR2 see Note (f)	SR3 see Note (f)	SR5 see Note (f)
DIMENSIONS see Notes (b) (i) (j) (h²)				
MINIMUM LOT SIZE: with public sewer without public sewer	1 acre N/A	2 acres 2 acres	3 acres 3 acres	5 acres 5 acres
MINIMUM WIDTH OF LOTS: on shore on road	250 ft 150 ft	250 ft 150 ft	250 ft 150 ft	250 ft 150 ft
SETBACKS FROM: normal high water line of a water body or upland edge of a wetland public road*, right of way property lines (d)** * see Note (c) ** see Note (d)	75 ft 50 ft 25 ft	75 ft 50 ft 25 ft	75 ft 50 ft 25 ft	75 ft 50 ft 25 ft
MAXIMUM LOT COVERAGE	15%	15%	15%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft	30 ft	30 ft	30 ft

continued...

Section 3.6 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	RW2	RW3	VC see Note (g)	SC	C
DIMENSIONS (b) (f) (j) (h')					
MINIMUM LOT SIZE:					
A. with public sewer	2 acres	3 acres	5,000 sq ft	1 acre	3 acres
B. without public sewer	2 acres	3 acres	1 acre	1 acre	3 acres
C. Cluster Subdivision w/sewer*	1 acre	1.5 acres	see note (g)	N/A	N/A
D. Cluster Subdivision w/o sewer*	1 acre	1.5 acres	see note (g)	N/A	N/A
E. Workforce Subdivision*	State Minimum	State Minimum	see note (g)	N/A	N/A
* See Note (k)					
MINIMUM WIDTH OF LOTS:					
on shore	250 ft	250 ft	N/A	100 ft	250 ft
on road:	175 ft	175 ft	20 ft	50 ft	150 ft
-Cluster Subdivision*	50 ft	50 ft	50 ft	N/A	N/A
-Workforce Housing*	-0- ft	-0- ft	-0- ft	N/A	N/A
* see Note (l) (d)					
SETBACKS FROM:					
normal high water line of a water body or upland edge of a wetland	75 ft	75 ft	75 ft	75 ft* see Note(e)	75 ft
public road*, right of way	60 ft	60 ft	10 ft or -0- ft from edge of public sidewalk	25 ft	50 ft
property lines**	25 ft	25 ft	5 ft	5 ft	25 ft
* see Note (c)					
** see Note (d)					
MAXIMUM LOT COVERAGE	15 %	15%	75%	75%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft	30 ft	N/A	10 ft	30 ft

It was moved and seconded to enact Article 54.

A voice vote was called on the main motion and Article 54 was **defeated**.

Article 55. Shall the Inhabitants of the Town of Mount Desert amend the Rural Wastewater Support Ordinance as set forth below?

Section 6.0 Additional Eligibility Requirements

6.1 All property taxes must be paid no later than ~~September 30th~~ December 1st of the benefit year.

It was moved and seconded to enact Article 55.

A voice vote was called on the main motion and Article 55 **passed**

Article 56. Shall the Inhabitants of the Town of Mount Desert amend the Marine Management Ordinance as set forth below?

6.8 REGISTRATION ~~NOT~~ TRANSFERABLE

Mooring registrations are ~~not~~ transferable, except pursuant to 38 M.R.S.A §3 and 3-A in that a Town of Mount Desert resident commercial fishing mooring may be transferred his mooring to a immediate family member as defined in 38 M.R.S.A §3-A, provided that the recipient mooring assignment will continue to be used for commercial fishing purposes. is a resident of the Town of Mount Desert.

It was moved and seconded to enact Article 56.

A voice vote was called on the main motion and Article 56 **passed**

Article 57. Shall the Inhabitants of the Town of Mount Desert amend the Public Right of Way Opening Ordinance as set forth below? See Appendix A.

It was moved and seconded to enact Article 57.

A voice vote was called on the main motion and Article 57 **passed**

Article 58. Shall the Inhabitants of the Town of Mount Desert amend the Sewer Ordinance as set forth below?

Article 4 – Building Sewers and Connections to Public Sewers

4.04 A separate and independent building sewer shall be provided for every principal building/structure as defined in Paragraph 15 of the Mount Desert Land Use Zoning Ordinance except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Waivers related to this paragraph of the Sewer Ordinance may be requested in writing from the Board of Selectmen. The Board of Selectmen will base their decision in part on the recommendation of the Agent for the town responsible for administration of this Sewer Ordinance. Final determination of the granting of a waiver will be solely at the discretion of the town's Board of Selectmen. They may choose to attach conditions to a waiver if one is granted. In the event a waiver is granted, all other portions of the Sewer Ordinance still apply.

At a minimum, required conditions for granting a waiver may include, but not necessarily be limited to: (A) The Agent has determined that connection of the new building sewer to the public sewer will require crossing the public way requiring excavation of said public way thereby adversely affecting said public way. (B) The Applicant has proven to the satisfaction of the Agent that the existing building sewer is adequate to accommodate the proposed additional discharge. (C) The Applicant has proven to the satisfaction of the Agent that they have right, title, or interest to use the existing building sewer. (D) The Applicant agrees in writing to the satisfaction of the Agent to assume all liability for the installation and maintenance of their proposed building sewer.

It was moved and seconded to enact Article 58.

A voice vote was called on the main motion and Article 58 **passed**

Article 59. Shall the Inhabitants of the Town of Mount Desert amend the Sewer Ordinance as set forth below?

Addendum 1

Aboveground Private Sanitary Sewers

Purpose:

This is an addendum to the most recent edition of the Town of Mount Desert's Sewer Ordinance. It presents mandatory requirements related to the inspection, maintenance and construction of aboveground private sewers.

Inspections:

All private sanitary sewers, any portion of which is above the surface of the ground, on private and/or public lands, shall be subject to an annual inspection over their entire aboveground length. The length of the sewer is equal to the distance measured along the horizontal access of the pipe, through and including any and all fittings, comprising the sewer. These inspections are to be conducted by the property owner or their designated agent and are to be completed on or before June 1st of each and every year.

Multiple Users of a Single Sewer:

The property owner upon whose property any portion of an aboveground private sewer is located is responsible for the entire portion of said private sewer located on their property regardless of the number of sewers that are connected to it on or off said property unless the property owner is not connected to the above ground private sewer located on their property.

Reporting:

Following completion of the inspection, and prior to June 15th of each and every year, a written report presenting the results of the inspection and any action taken as a result of the inspection is to be submitted to the Town's Code Enforcement Officer or designee. A completed standardized form furnished by the Town shall serve as the report.

Repairs and Corrections:

Repairs and corrections of identified deficiencies of the aboveground private sewers shall be in conformance with generally accepted construction methods and materials and in conformance with all Local, State and Federal regulations. Upon discovery or notification that an aboveground private sewer is broken, cracked, disjointed, leaking, etc. must be repaired within 24 hours. Failure to make necessary repairs will result in penalties specified in Article 9 of the Sewer Ordinance.

Construction:

Construction of new aboveground private sewers or reconstruction of fifty-percent (50%) or more of the length of the existing aboveground private sewer shall conform to all Local, State and Federal regulations.

Sewer Pipe Materials and Installation:

Materials for sewer pipe composition shall be high-density polyethylene (HDPE) or PVC (polyvinyl chloride) or ductile iron as described below.

A. HDPE single wall sewer pipe:

1. The pipe shall be made from high density, extra high molecular weight compounds equaling a PE 3408 designation and conforming to ASTM-1248 and ASTM-3350 with a cell classification of 345434C.
2. HDPE pipe and fittings shall be from the same manufacturer and shall be resin compatible and shall be for the application at hand.
3. The pipe shall be a minimum of SDR 17.
4. The individual sections of pipe and HDPE fittings comprising the sewer shall be butt-welded using the fusion welding process.
5. Ductile iron mechanical joint fittings may be used in place of HDPE fittings. Fernco-style couplings are not allowed.
6. Fittings specifically manufactured for HDPE pipe are allowed.

B. DR-25 PVC Pressure Pipe:

1. The pipe shall conform to AWWA C-900 and shall be UL and FM approved.
2. The pipe shall be bell and spigot, push on joint type.
3. The fittings shall be PVC pressure fittings for C-900 PVC pipe or ductile iron mechanical joint fittings.

C. Class 51 Ductile Iron Pipe:

1. The pipe shall be Tyton Joint pressure class manufactured in conformance with all AWWA and ANSI standards.
2. The fittings shall be ductile iron mechanical joint fittings.

D. Regardless of the type of pipe used for sewer construction:

1. Expansion joints are to be used to minimize the effects of thermal expansion and contraction of the sewer.
2. The sewer shall be constructed to minimize the number of joints from its beginning to its end and shall be sufficiently supported to maintain the required lines and grades and to reduce tension of the sewer joints.

Prohibited Practices:

A. New aboveground private sewers are to be constructed primarily on private property. Any sewer construction that is parallel to the public right-of-way shall be solely on private property. Private sewers are not allowed to be constructed in any Town-owned and maintained drainage structures e.g. roadway stone drains, roadway culverts, driveway culverts, etc.

B. Reconstruction of existing aboveground private sewers will not be allowed inside any Town-owned and maintained drainage structures e.g. roadway stone drains, roadway culverts, driveway culverts, etc. Any existing sewers inside said structures at the time of sewer reconstruction are to be relocated outside of the public right-of-way on private property in conformance with Part A above of these "Prohibited Practices".

It was moved and seconded to enact Article 59.

A voice vote was called on the main motion and Article 59 **passed**

Article 60. Shall the Inhabitants of the Town of Mount Desert amend the Shellfish Ordinance as set forth below?

D. Limitation of Diggers Clam resources vary in size and distribution from year to year and over the limited soft shell clam producing areas of the town. It is essential that the town carefully husband its resources. Following the annual review of the Town's clam resources, its size distribution, abundance, and the wardens' reports, as required by Section 3, the Shellfish Conservation Committee in consultation with the DMR Area Biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.

1. Prior to March 1st the committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.

2. After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to April 1st, the Shellfish Conservation Committee shall notify the Town Clerk in writing of the allocation of shellfish licenses to be issued. the Town Clerk shall file said approval in the Town Office.

3. Notice of licenses to be issued and procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which municipal officers consider effective in reaching persons affected, not less than ten (10) days prior to the period of issuance, (the first business day in October annually), and shall be posted in the municipals offices until the period concludes.

E. License Expiration Date Each license issued under authority of this ordinance is valid from October 1st of each year and expires at midnight the 30th day of April following the date of issuance.

It was moved and seconded to enact Article 60.

A voice vote was called on the main motion and Article 60 **passed**

Article 61. To see if the Inhabitants of the Town of Mount Desert will vote to accept any or all of the following Private Road names:

Fawn Lane
Patterson Hill Road
Grace Point Lane
Blackwoods Drive

It was moved and seconded to pass Article 61.

A voice vote was called on the main motion and Article 61 **passed**

Article 62. To see if the Inhabitants of the Town of Mount Desert will vote to rename the Private Road currently known as Centennial Lane from Centennial Lane to Blue Bell Lane:

It was moved and seconded to pass Article 62.

A voice vote was called on the main motion and Article 62 **passed**

Article 63. 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 63.

A voice vote was called on the main motion and Article 63 **passed**

Article 64. To see if the Town 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 1 year(s) 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 64.

A voice vote was called on the main motion and Article 64 **passed**

Article 65. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to negotiate and enter into an agreement with the Great Harbor Maritime Museum for the sale of the building at 124 Main Street, Northeast Harbor, for the price of \$1.00 (one dollar) and for a concurrent lease of the land underneath the aforementioned building. The Town will be guaranteed the right of first refusal to buy back the building for \$1.00 (one dollar) if the Great Harbor Maritime Museum ceases to exist.

It was moved and seconded to pass Article 65.

It was moved and seconded to move the question.

A vote was called and Moderator Ferm determined a two-third's voice vote was inconclusive.

A hand count was called and the motion to move the question passed.

YES – 38 NO – 14

Article 66. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen to negotiate and enter into an agreement with The Great Harbor Maritime Museum for a lease up to but not exceeding 15 (fifteen) years at 124 Main Street, Northeast Harbor.

It was moved and seconded to pass Article 66.
A voice vote was called on the main motion and Article 66 was **defeated**.

Article 67. To see if the Town will vote to authorize the Board of Selectmen to enter into a lease agreement with the Somesville Fire Company for the Somesville Fire Station 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 67.
A voice vote was called on the main motion and Article 67 **passed**

Article 68. To see if the Town will vote to authorize the Board of Selectmen to enter into a license agreement with Judith Swett for use of a portion of Town owned property 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 68.
A voice vote was called on the main motion and Article 68 **passed**

Article 69. To see if the Town will vote to authorize the Board of Selectmen to enter into a lease agreement with Northeast Harbor Ambulance Service 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 69.
A voice vote was called on the main motion and Article 69 **passed**

Article 70. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to convey, for no consideration, to Kim P. Horton and Shaw Jewelry: Inc., the owners of Mount Desert Tax Map 24, Lots 107 and 108-1, any and all right, title and interest in a parcel of land identified as parcel "B" on a survey entitled "Plan Showing Property for Shaby, Inc. and Kim Horton at Northeast Harbor, Hancock County, Maine," dated December, 2006 and prepared by Edward B. Jackson, PLS. A copy of the proposed deed along with said plan shall be on file at the Town Office and available for inspection no less than seven (7) days prior to the Town Meeting and that copy shall be certified as accurate by the Town Clerk.

It was moved and seconded to pass Article 70.

It was moved and seconded to move the question.

A vote was called and Moderator Ferm determined the motion to move the question passed by two-third's voice vote.

A voice vote was called on the main motion and Article 70 **passed**

It was brought to the attention of Moderator Ferm per Town of Mount Desert Charter fifty (50) voters are needed to conduct Annual Town Meeting business. Moderator Ferm determined fifty voters were not currently present.

At twenty-five minutes past ten o'clock in the evening, it was moved and seconded to recess the meeting and reconvene at seven o'clock the evening of Wednesday, March 7, 2007 in the Mount Desert Elementary School Forum; and to begin with Article 71.

A voice vote was called and the motion to recess **passed**.

After determining 50 registered voters were present, at ten minutes past seven o'clock in the evening, March 7, 2007 Moderator Ferm reconvened the meeting in the Mount Desert Elementary School Forum.

Moderator Ferm asked to have Article 27 reconsidered.

It was moved and seconded to reconsider Article 27.

It was moved and seconded to move the question.

A vote was called and Moderator Ferm determined the motion to move the question passed by two-third's voice vote.

It was moved and seconded to withdraw the motion to reconsider.

A voice vote was called and the motion to withdraw the motion to reconsider Article 27 **passed**.

It was moved and seconded to reconsider Article 70.

Because there was a question about the required number of voters present near the end of the previous night's meeting, it was decided to reconsider Article 67 through Article 70.

It was moved and seconded to amend the main motion as follows: "to reconsider Article 67".
A voice vote was called and the motion to amend passed.
It was moved and seconded to reconsider Article 67 and a voice vote was called and the motion to reconsider **passed**.
It was moved and seconded to pass Article 67.
A voice vote was called on the main motion and Article 67 **passed**.

It was moved and seconded to reconsider Article 68.
A voice vote was called and the motion to reconsider passed.
It was moved and seconded to pass Article 68.
A voice vote was called on the main motion and Article 68 **passed**.

It was moved and seconded to reconsider Article 69.
A voice vote was called and the motion to reconsider passed.
It was moved and seconded to pass Article 69.
A voice vote was called on the main motion and Article 69 **passed**.

It was moved and seconded to reconsider Article 70.
A voice vote was called and the motion to reconsider passed.
It was moved and seconded to pass Article 70.
It was moved and seconded to move the question
A vote was called and Moderator Fern determined the motion to move the question passed by two-third's voice vote.
A voice vote was called on the main motion and Article 70 **passed**.

Article 71. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to convey a 178 square foot parcel of land in Northeast Harbor situated easterly of a 20 feet wide right of way to Kim P. Horton under terms and conditions the Board deems advisable. The land is depicted as "Parcel A" on the survey entitled "Plan Showing Property for Shaby, Inc. and Kim Horton at Northeast Harbor, Hancock County, Maine," dated December, 2006 and prepared by Edward B. Jackson, PLS. A copy of said plan shall be on file at the Town Office and available for inspection no less than seven (7) days prior to the Town Meeting and that copy shall be certified as accurate by the Town Clerk.

It was moved and seconded to pass Article 71.
It was moved and seconded to move the question
A vote was called and Moderator Fern determined the motion to move the question passed by two-third's voice vote.
A voice vote was called on the main motion and Article 71 **passed**.

Article 72. To see if the inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to enter into an agreement with the Mount Desert Yacht Yard, Inc. for an operations and maintenance easement (to the Town) for a waste water pumping station in exchange for a 25-foot X 25-foot square section of town owned property (to the Mount Desert Yacht Yard, Inc.) bounded on all sides by property owned by the Mount Desert Yacht Yard, Inc. under such terms and conditions as the Board of Selectmen, in their sole discretion, deem to be in the best interests of the Town.

It was moved and seconded to pass Article 72.

A voice vote was called on the main motion and Article 72 **passed**

Article 73. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the municipal officers to spend an amount not to exceed 3/12 of the budgeted amount in each budget category of the 2007 annual budget during the period January 1, 2008 to the March 2008 Annual Town Meeting.

Explanation: This article legalizes municipal expenditures made after the fiscal year ends but before the annual Town meeting.

It was moved and seconded to pass Article 73.

The Movant and the voter seconding the Motion then withdrew their Motion.

It was moved and seconded to withdraw Article 73.

A voice vote was called and the motion to withdraw Article 73 **passed**.

Article 74. 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 2007 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 74.

A voice vote was called on the main motion and Article 74 **passed**

Article 75. 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 September 1, of each year shall be charged interest at an annual rate of _ % (percent) per year.

It was moved and seconded to pass Article 75 at 8%.

A voice vote was called on the main motion and Article 75 **passed**

Article 76. 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 76.

A voice vote was called on the main motion and Article 76 **passed**

Article 77. 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 _ % (percent) per year.

It was moved and seconded to pass Article 77 at 4%.

A voice vote was called on the main motion and Article 77 **passed**

Article 78. 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.

It was moved and seconded to recommend appropriation for abatement expenses from overlay.

A voice vote was called on the main motion and Article 78 **passed as moved.**

Article 79. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to dispose by public bid of 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 79.

A voice vote was called on the main motion and Article 79 **passed**

Article 80. 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 80.
A voice vote was called on the main motion and Article 80 **passed**

Moderator Ferm thanked Town Clerk Joelle Nolan, and Assistant Clerks Margaret Porter and Darcel Winslow for their work in the preparations of the Town Meeting materials and help during the meeting. He also thanked the Board of Selectmen for their work on the budget and warrant. Warrant Committee Co-Chair Tom Richardson thanked Moderator Ferm for his dedication and expertise. Moderator Ferm thanked Town Manager Mike MacDonald, Warrant Committee members John Macauley, Jerry Miller and Tom Richardson for moving the meeting process along, and all Warrant Committee members for their commitment to the Town.

Article 81. 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 81.
A voice vote was called on the main motion and Article 81 **passed**

It was moved and seconded to adjourn the Annual Town Meeting at fifty-six minutes past seven o'clock in the evening.
A voice vote was called on the main motion and the meeting was adjourned.

As recorded by:

Attest: A True Copy

Joelle D. Nolan, CCM
Mount Desert Town Clerk
