

**Town of Mount Desert
SelectBoard Meeting Minutes
Meeting Room, Town Hall
6:30 PM, November 4, 2019**

SelectBoard Members Present: Rick Mooers, Matt Hart, Chair John Macauley, and Wendy Littlefield

I. Call to order at 6:30 p.m.

The meeting was called to order by Chair Macauley.

II. Minutes

A. Approval of minutes from October 21, 2019 meeting

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval of the October 21, 2019 Minutes as presented.

Mr. Hart requested a small amendment. He requested the sentence in Section V, SelectBoard Reports, the line reading "*The questions would be distributed to Chamber of Commerce Members this fall*" should read "*...distributed through the Chamber of Commerce this fall.*"

Motion made by Mr. Mooers and seconded by Ms. Littlefield was approved as amended by Mr. Hart 4-0.

III. Appointments/Recognitions/Resignations

A. Accept the resignation of Alex Birdsall from the Broadband Committee effective immediately
It was noted Mr. Birdsall is in Portland now.

MOTION: Mr. Mooers moved, with Mr. Hart seconding, to accept the resignation of Alex Birdsall from the Broadband Committee effective immediately, and with regret.

Chair Macauley thanked Mr. Birdsall for his work.

Motion approved 4-0

IV. Consent Agenda *(These items are considered routine, and therefore, may be passed by the Selectmen in one blanket motion. Board members may remove any item for discussion by requesting such action prior to consideration of that portion of the agenda.)*

A. Department Reports: Public Works, Treasurer: Permanent Trust – 1st Quarter 2020, Investment Trust – 1st Quarter 2020

B. Planning Board Minutes of September 11, 2019

C. Department of Marine Resources Notice of Scheduled Aquaculture Lease Hearing – November 19, 2019

MOTION: Mr. Hart moved, with Mr. Mooers seconding, acceptance of the Consent Agenda as presented. Motion approved 4-0.

V. Selectmen's Reports

Mr. Hart reported that when the Neighborhood House had questions about the Main Street Project scheduling, Public Works Director Smith and a CES engineer were quick to respond. He

1 wanted to make note of the positive experience, in light of the hard work the contractors are
2 doing on Main St.

3
4 Mr. Hart reported on the Christmas Party thrown by Mr. Butt each year. Janet Stratton asked
5 Mr. Hart to forward on the message that she hoped to have all Town employees and volunteers
6 at the event if possible. The date is December 13.

7
8 **VI. Unfinished Business**

9 A. *Act on the Executive Session of October 7, 2019 Pursuant to 1 MRSA §405(6) (F) Discussion of*
10 *Confidential Records, Poverty Abatement Hearing per Tittle 36 MRSA§842 – Case #100*
11 *(2018) and Case #100 (2019)*

12 MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, approval of Case #100 (2018), as
13 presented. Motion approved 4-0.

14
15 MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, approval of Case #100 (2019), as
16 presented. Motion approved 4-0.

17
18 **VII. New Business**

19 A. *Request to Authorize a Public Space Special Event Application - MDI YMCA for Half Iron*
20 *Distance Triathlon; August 30, 2020, Ponds End*

21 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, authorization of Public Space
22 Special Event Application - MDI YMCA for Half Iron Distance Triathlon; August 30, 2020,
23 Ponds End, as presented. Motion approved 4-0.

24
25 B. *Approve Amendments to the Town of Mount Desert Personnel Policy Manual; Sections 6.7.1*
26 *and 6.7.2 Salary and Wage Scale Adjustments*

27 Town Manager Lunt noted this was an update to the Personnel Policy so the policy
28 agrees with the salary and wage adjustments already adopted by the Town.

29
30 MOTION: Mr. Mooers moved, with Mr. Hart seconding affirmation for the Personnel
31 Policy of the amendments adopted in 2017. Motion approved 3-0-1 (Littlefield in
32 Abstention).

33
34 C. *Maine Uniform Building and Energy Codes (MUBEC) Adoption (recent legislation approved of*
35 *LD1509 is now Statewide effective September 17, 2019)*

36 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, the Maine Uniform Building and
37 Energy Codes (MUBEC) Adoption (recent legislation approved of LD1509 is now Statewide
38 effective September 17, 2019), as presented.

39
40 Mr. Mooers asked what has changed with MUBEC since the Board last acted on it in 2011.

41
42 CEO Keene reported that in 2011 the Board had the option to opt into MUBEC. The Board chose
43 not to do so at that time. MUBEC is now statewide, meaning any contractor working in the
44 State of Maine must comply. Towns with populations under 4,000 still have the option to
45 enforce it or not. Mr. Mooers felt this allowed the Municipality to decide on the degree to
46 which they choose to enforce MUBEC. CEO Keene affirmed. The CEO could enforce the codes,

1 or a third-party inspector could be contracted by the homeowner at their expense as inspector.
2 Banks and insurance companies are looking for MUBEC compliance.
3

4 Ms. Keene is certified in MUBEC. The changes will require more detailed drawings and more
5 plan review. Permit fees will likely have to increase. The workload would likely increase and it's
6 possible another staff person would be necessary to handle the paperwork increase. Currently
7 homeowners are responsible for inspection.
8

9 Public Works Director Smith suggested holding off on a decision on the issue.
10

11 Resident Bill Hanley noted that in his capacity as an architect, he is in support of the Town
12 adopting the MUBEC, however as a member of the Planning Board he does not believe the
13 Town is ready. He hoped the Town would be willing to take the time to go through a period of
14 educating themselves. There are many layers to MUBEC. The codes need to be reviewed to
15 understand what they will mean for construction costs, compliance, and enforcement. There's a
16 structural component as well that will affect inspections and oversight. This will affect staffing.
17

18 Chairman Macauley asked what, as an architect, Mr. Hanley sees as benefits to accepting
19 MUBEC. Mr. Hanley felt it will increase energy efficiency of certain types of construction, and it
20 could hold the bar higher for construction quality.
21

22 CEO Keene reported contractors don't have to be certified in MUBEC. Modular homes,
23 manufactured homes and timber frames are exempt from MUBEC.
24

25 A homebuilder would have to get architect drawings and follow the other MUBEC requirements.
26

27 Mr. Hart agreed with Mr. Hanley; this was something the Town should be working toward but is
28 currently not staffed or educated enough to competently handle the changes MUBEC creates.
29

30 Mr. Mooers asked that, given the number of residents is under 4,000, if the Town chose to
31 accept MUBEC, could certain sections, such as requiring architectural drawings be waived. CEO
32 Keene was unsure whether the architectural requirement could be waived; it was under the
33 general description of the code. Mr. Mooers felt he would need more information on exactly
34 what a small town can waive before he could approve such a code.
35

36 Mr. Hanley suggested a staged adoption, approving pieces at a time. The life safety component
37 is already in place in Mount Desert.
38

39 MOTION: Mr. Mooers moved, with Mr. Hart seconding, to table the issue, and the SelectBoard
40 work with CEO Keene and Town Manager Lunt to create an implementation timeline for
41 educational events to occur, including where they would occur and what they would constitute,
42 and bring the issue back before the Board once the Board is confident that residents have an
43 adequate level of knowledge about the code. Motion approved 4-0.
44

45 *D. Authorization of Carry-Overs from Fiscal Year 2018-2019 to Fiscal Year 2019-2020 in the*
46 *amount of \$126,029.41 per the Carryover Memo, Detailed Schedule, and Public Works*
47 *Memo*

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, authorization of Carry-Overs from Fiscal Year 2018-2019 to Fiscal Year 2019-2020 in the amount of \$126,029.41 per the Carryover Memo, Detailed Schedule, and Public Works Memo, as presented, and with a thank you to Treasurer Mahar for the detailed report. Motion approved 4-0.

VIII. Other Business

A. Such other business as may be legally conducted

Director Smith hoped to be allowed to put all or some winter snow in the parking lot between the Town offices and the tennis courts. This is due to RF Jordan working in the gray cow parking lot. Director Smith would look at the lot and determine how much room was available, knowing boats are stored there as well. This is a proactive measure in the event the Town requires the extra space. Extra space may not be required.

The Board encouraged Mr. Smith to look into it. It was determined a Motion and Vote was not necessary.

IX. Treasurer's Warrants

A. Approve & Sign Treasurer's Warrant Accounts Payable (AP) AP2027 in the amount of \$603,057.20

MOTION: Mr. Mooers moved, with Mr. Hart seconding, approval and signature of Treasurer's Warrant Accounts Payable (AP) AP2027 in the amount of \$603,057.20, as presented. Motion approved 4-0.

B. Approve Signed Treasurer's Payroll (PR), State Fees, & PR Benefit Warrants AP2025, AP2026, PR2009, and PR2010 in the amounts of \$1,514.75, \$4,687.76, \$109,651.89, and \$4,027.93, respectively

MOTION: Mr. Mooers moved, with Mr. Hart seconding, approval of signed Treasurer's Payroll (PR), State Fees, & PR Benefit Warrants AP2025, AP2026, PR2009, and PR2010 in the amounts of \$1,514.75, \$4,687.76, \$109,651.89, and \$4,027.93, respectively, as presented. Motion approved 3-0-1 (Littlefield in Abstention).

C. Acknowledge Treasurer's School Board PR Warrant 09 in the amounts of \$163,534.00

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, acknowledgement of Treasurer's School Board PR Warrant 09 in the amounts of \$163,534.00, as presented. Motion approved 4-0.

X. Adjournment

MOTION: Mr. Mooers moved, with Mr. Hart seconding, adjournment. Motion approved 4-0.

The meeting was adjourned at 6:56PM.

Respectfully Submitted,


Wendy Littlefield, Secretary