

**Town of Mount Desert  
Select Board Meeting Minutes  
Meeting Room, Town Hall  
6:30 PM, November 18, 2019**

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

Town Manager Durlin Lunt, Harbormaster John Lemoine, Police Chief Jim Willis, Town Clerk Claire Woolfolk, Treasurer Kathy Mahar, Fire Chief Mike Bender and Public Works Director Tony Smith were also present.

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

Chair Macauley called the meeting to order at 6:30PM.

**II. Minutes**

*A. Approval of Minutes from November 4, 2019 meeting*

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval of the November 4, 2019 Minutes as presented. Motion approved 4-0-1 (Dudman in Abstention).

**III. Appointments/Recognitions/Resignations**

*A. Confirm re-appointment of Elizabeth Macul to the Mount Desert Housing Authority Board of Commissioners as Tenant Commissioner, for a 4-year term through March 2024*

MOTION: Mr. Mooers moved, with Mr. Hart seconding, confirmation of re-appointment of Elizabeth Macul to the Mount Desert Housing Authority Board of Commissioners as Tenant Commissioner, for a 4-year term through March 2024, as presented. Motion approved 5-0.

*B. Resignation of Molly Brown as On-Call Firefighter, effective October 22, 2019*

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, acceptance of Resignation of Molly Brown as On-Call Firefighter, effective October 22, 2019, with thanks for her service, as presented. Motion approved 5-0.

**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. Letter from Kate and Steven Hughes regarding Freshwater Stone license dated 10/31/2019*

MOTION: Mr. Mooers moved with Mr. Hart seconding, acceptance of the Consent Agenda as presented. Motion approved 5-0.

MOTION: Mr. Mooers moved, with Mr. Hart seconding, taking Agenda Items VII. A and B out of Order. Motion approved 5-0.

**V. Selectmen's Reports**

Chair Macauley inquired about the light over the dock in Seal Harbor. He wondered if there were anything that could be done to reduce the brightness. Harbormaster Lemoine noted the light is new. The old light failed and was replaced with LED. It requires some modification.

1 Seal Harbor resident Dennis Shubert complained that the light was not the only issue. He  
2 asserted the light is not compliant with the Land Use Zoning Ordinance. The Town must figure  
3 out how to maintain LUZO compliance while also providing safety and security.

4  
5 Chair Macauley noted the light at the Somesville Fire Station should also be looked at. Fire Chief  
6 Bender stated that the Somesville Fire Station lights were in compliance with the LUZO at the  
7 time of installation.

8  
9 Mr. Shubert stated there is an LED streetlight over the water and the area is never dark. The  
10 lights are left on all winter, even when there are no boats or activity in the harbor.

11  
12 Public Works Director Tony Smith pointed out that some of the lights are necessary for safety  
13 reasons. Smart controls can be installed on all the lights, but the decision of who decides to turn  
14 lights up or down will have to be made.

15  
16 Sustainable Committee member Phil Lichtenstein noted that the decision was made to forego  
17 the ability to control each light individually. It was felt this would lead to spot-zoning, where the  
18 Town is expected to set and maintain various lights or areas differently based on individual  
19 requests from the public. There are 272 street lights in the Town. However, it makes sense to  
20 have control of public space lighting.

21  
22 Director Smith noted there were citizens happy with the change from mercury lights and high-  
23 pressured sodium lights to the LED lights. Contractors were directed to ensure all the lights  
24 were dark-sky compliant. Mr. Lichtenstein agreed; discussions were held with the contractor  
25 regarding dark-sky compliance.

26  
27 Mr. Shubert stated the issue was to provide safety for the fishermen without affecting others.  
28 Director Smith pointed out that safety was an issue for plow trucks and pedestrians using the  
29 area as well. Mr. Shubert disagreed. He stated he was not concerned with the lights over the  
30 streets, just the lights over large open areas. There must be some way to mitigate the impact of  
31 those lights. They're on too long, they're too bright, they're angled wrong, they're not dark-sky  
32 compliant, and they're not LUZO compliant.

33  
34 Chair Macauley felt the dock area and the Somesville Fire Station area were two large-space  
35 areas that could be focused on.

36  
37 Mr. Lichtenstein felt it was a matter of angling the light down or adding shielding.

38  
39 Mr. Shubert opined the Board should send the issue to the Sustainability Committee.

40  
41 Fire Chief Bender agreed with Mr. Lichtenstein's assessment. As an example, the lights over the  
42 Northeast Harbor Fire Station were not adequate for the work being done there after dark. He  
43 was told by electrical contractors that the only way to brighten the area and remain in  
44 compliance with dark-sky policy is to elevate the lights. This solution likely applied to the open  
45 areas being discussed as well.  
46

1 It was noted the Sustainability Committee meets on the following Thursday. Mr. Lichtenstein  
2 offered to report back to the Board on the Sustainability Committee's discussion. He reiterated  
3 that he felt the lights were simply installed at the wrong angle. The lights are a good quality.  
4

5 Mr. Shubert stated the discussion must involve Town Department Heads. They must be  
6 educated to the issues and learn about the solutions. Mr. Lichtenstein agreed the Sustainability  
7 Committee would be working with the Public Works Director, Fire Chief, and the Harbormaster.  
8 Director Smith stated he has participated in the LED light program and suggested the  
9 Sustainability Committee research the cost of the smart controls. These controls allow the  
10 Town to control the brightness levels of each light. Mr. Lichtenstein noted the lights have the  
11 smart controls within each light; the Town requires the control that connects to the lights, and  
12 the decision made as to who specifically controls each light.  
13

14 Mr. Hart wondered if areas could be dimmed after a certain hour at night, and then brought  
15 back up in the morning. Mr. Lichtenstein cautioned that it should be used in public areas.  
16 Otherwise every neighborhood will request different needs and levels. Additionally, all  
17 contractors should be aware the Town requires lights to be full dark-sky compliant, with cutoffs.  
18

19 Police Chief Willis suggested before using smart controls, a rule for consistent use should be in  
20 place. Policies for how lighting will work in the different types of areas in Town would be  
21 prudent.  
22

23  
24  
25 Mr. Hart reminded the Board of the Town Christmas party. He wondered if an email invitation  
26 can be sent to the community volunteers. Manager Lunt asked for clarification on whether just  
27 Boards were to be asked, or Boards and Committees both. Both is a sizable amount of people.  
28 The Town plans to invite Board Members. Mr. Hart promised to look into the intended  
29 invitation list.  
30

## 31 **VI. Unfinished Business**

### 32 *A. Fire Department Personnel Analysis*

33 The Board commended Chief Bender on the work done on this analysis.  
34

35 Chief Bender reported that all Island Fire Departments are finding themselves in difficulties with  
36 regard to personnel. In conferring with other island Fire Chiefs, it was felt that the next best  
37 step would be for all Fire Chiefs and Town Managers to meet and discuss the situation and  
38 future needs, and the possibility of looking into Fire Department consolidation or mutual  
39 sharing. Chief Bender hoped to set up such a meeting within the next month to start the  
40 conversation.  
41

42 Chief Bender reported the difficulty recruiting and retaining personnel is a state-wide crisis.  
43 What the Town wants for protection and what they are willing to pay for will provide clarity on  
44 the next steps the Town can take.  
45

46 Mr. Mooers felt that with the trends stated in the report, full time, 24/7 coverage for the Town  
47 was perhaps becoming increasingly necessary. Perhaps this can be done just with this Town, or  
48 with a consolidation of the island Towns.

Chief Bender felt regionalization is not a short-term answer for the Town. It will take a lengthy amount of time to organize the system. He likened it to the difficulty in school consolidation. Issues such as financing the system, station sites, staffing, management will have to be worked out. Chief Bender estimated the work would take as long as ten to twelve years.

Ms. Dudman asked what a short-term solution might be. Chief Bender would require direction from the Board to determine what a short-term solution might be. It would depend on the level of service the Town wants. Any expansion on the Town's part will most likely involve the need for living quarters. This could mean expansion of an existing building or a new building. Chief Bender estimated there were a few years left before staff critical to operations begin to age out. Bar Harbor assists in Mount Desert coverage as well.

Ms. Dudman suggested the Fire Chief submit a proposal for better coverage. Ms. Littlefield felt finding people to fill the jobs is as much of a concern as finding the money to cover those people. Fire Chief Bender hoped the Town would see the value of such money being spent.

Chief Bender noted that if the Town thinks 24/7 coverage is the path to take, then quarters will be required for staff. The Town must start now to find the funding and space for this goal, even though realization of that goal may be several years out and issues like enlarging space already on hand or find new space will have to be addressed.

## **VII. New Business**

### *A. Request to Authorize a Public Space Special Event Application – Hospice Regatta of Maine; July 11, 2020, Northeast Harbor Marina Green*

MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval of request to authorize a Public Space Special Event Application – Hospice Regatta of Maine; July 11, 2020, Northeast Harbor Marina Green, as presented. Motion approved 5-0.

### *B. Discussion with Mia Petrini of Healthy Acadia regarding the development of a comprehensive tobacco/vaping policy*

Ms. Petrini made her presentation on the development of a comprehensive tobacco/vaping policy. She noted Healthy Acadia is prepared to work with the Town on creating such a policy. Healthy Acadia has partnered with local municipalities to strengthen tobacco free recreational policies, covering town-owned parks, playgrounds and swimming areas. Healthy Acadia has worked with Bar Harbor, Lemoine, Tremont and Ellsworth on such policies. Tobacco is the leading cause of death and disability in the United States, and it is a big problem in Maine. There is no safe level of second-hand smoke exposure.

Town Manager Lunt noted a Policy would come before the Board. The Ordinance itself would go before the Town.

Public Works Director asked if there were documented problems with smoking in public spaces. Ms. Petrini was unsure. This is where interaction with the Town is necessary. Ms. Petrini noted that other Towns have provided lists of their public recreation spaces. A policy can be created based on the needs of the Town.

1 Manager Lunt requested to see some drafts of policies for review and revamping. In the  
2 meantime, the Town can furnish Health Acadia with a list of public areas. The issue would have  
3 to go before the Town for final review and approval, and perhaps the creation of an Ordinance.  
4

5 Mr. Hart noted the Town will need a policy in place for the use of recreational marijuana.  
6 Manager Lunt did not believe marijuana use was allowed in public spaces.  
7

8 Ms. Dudman asked about e-cigarettes. Ms. Petrini agreed e-cigarettes would be included in the  
9 policy. Ms. Petrini noted Healthy Acadia has policy templates that can be shared. Towns are  
10 free to modify those templates based on their needs.  
11

12 MOTION: Mr. Hart moved, with Ms. Dudman seconding, to continue discussions with Healthy  
13 Acadia regarding the potential of adopting a new tobacco/vaping policy. Motion approved 5-0.  
14

15 *C. HRA Modification*

16 Town Manager Lunt explained the policies were not in sync with the overall cost. He  
17 recommended not adding more money to the HRA. This will allow for Group Dynamics to bill  
18 the Town if an employee exceeds a co—pay cap. This is possible but not likely.  
19

20 MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval of the HRA Modification as  
21 presented. Motion approved 5-0.  
22

23 *D. Approve and authorize Fire Chief to sign Cooperative Agreement between The United States*  
24 *Department of Interior National Park Service and The Town of Mount Desert*

25 Chair Macauley noted there was not a lot of quid pro quo in the agreement. Fire Chief Bender  
26 agreed. He noted this agreement was a replacement for the one signed in 2012. There's very  
27 little change to the agreement. The Park provides training for wildland fire fighting, and  
28 provides search and rescue services for the Town. The agreement should be in place as a  
29 precaution.  
30

31 MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval and authorization of the Fire  
32 Chief to sign Cooperative Agreement between The United States Department of Interior  
33 National Park Service and The Town of Mount Desert, as presented. Motion approved 5-0.  
34

35 *E. Request authorization for release and expenditure of \$4,381.00 from Northeast Harbor CIP*  
36 *line Acct. # 6410100-24681 that has a balance of \$288,212.00 for the replacement of top*  
37 *chains on three mooring floats*

38 MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, authorization for release and  
39 expenditure of \$4,381.00 from Northeast Harbor CIP line Acct. # 6410100-24681 that has a  
40 balance of \$288,212.00 for the replacement of top chains on three mooring floats, as presented.  
41 Motion approved 5-0.  
42

43 *F. Request authorization for release and expenditure for \$48,323.00 less the \$1,500.00 trade-in*  
44 *value of our 2010 Ford work truck which equals a net price of \$46,823.00 from the Public*  
45 *Works Equipment Reserve account number 4050100-24500 that has a balance of*  
46 *\$213,204.93 for the purchase a new 2020 Ram 2500 pickup truck from Darlings Auto Mall*  
47 *located in Ellsworth*

1 Director Smith noted five proposals were solicited. The current mechanics truck would be used  
2 for Buildings and Grounds. This truck will be used by the mechanics. The Buildings and Grounds  
3 truck was sold for \$1500.00.

4  
5 Ms. Dudman moved, with Mr. Hart seconding, authorization for release and expenditure for  
6 \$48,323.00 less the \$1,500.00 trade-in value of our 2010 Ford work truck which equals a net  
7 price of \$46,823.00 from the Public Works Equipment Reserve account number 4050100-24500  
8 that has a balance of \$213,204.93 for the purchase a new 2020 Ram 2500 pickup truck from  
9 Darlings Auto Mall located in Ellsworth, as presented. Motion approved 5-0.

10  
11 *G. Request Office Closure for Employee Christmas Party on Friday, December 13th*

12 Ms. Dudman moved as amended, with Ms. Littlefield seconding approval of Office Closure from  
13 11:30AM to 1:30PM for Employee Christmas Party on Friday, December 13<sup>th</sup>, as presented.  
14 Motion approved 5-0.

15  
16 *H. Request Christmas Eve Early Closure at 12 noon, December 24, 2019*

17 Mr. Mooers moved, with Mr. Hart seconding, approval of request for Christmas Eve Early  
18 Closure at 12 noon, December 24, 2019, as presented. Motion approved 5-0.

19  
20 *I. Review of the General Fund and Marina Capital Improvement Plans (CIP) proposed funding*  
21 *for Fiscal Year 2020-2021*

22 A review of the General Fund and Marina Capital Improvement Plans was made by the Board.

23  
24 Manager Lunt did not feel there was a lot of change since last year.

25  
26 Director Smith noted a slight change to his budget. He omitted a \$10,000 addition to the  
27 garbage trucks.

28  
29 Fire Chief Bender noted there were no sizable purchases scheduled for the upcoming year.

30  
31 Police Chief Willis noted that Dispatch has gone up approximately \$12,000. This is in an effort to  
32 catch up with a dispatch console replacement. The current consoles are at the end of their use.

33  
34 Harbormaster Lemoine noted there were no changes to his CIP.

35  
36 Town Manager Lunt noted there were no changes to his CIP.

37  
38 Treasurer Mahar noted no changes to her CIP. She requested a line item title change, from  
39 Finance to Technology – for a computer network server.

40  
41 Chair Macauley asked about the sand shed. Director Smith reported replacement was still not  
42 close.

43  
44 **VIII. Other Business**

45 *A. Such other business as may be legally conducted*

46 Mr. Lichtenstein noted the Warrant Committee was in need of new members. If there are any  
47 citizens that might be willing to serve that anyone knew of, please inform Mr. Lichtenstein.

48

**IX. Treasurer's Warrants**

A. *Approve & Sign Treasurer's Warrant Accounts Payable (AP)2030 in the amount of \$530,807.59*

MOTION: Ms. Littlefield moved, with Mr. Hart seconding, approval and signature of Treasurer's Warrant Accounts Payable (AP)2030 in the amount of \$530,807.59, as presented. Motion approved 5-0.

B. *Approve Signed Treasurer's Payroll (PR), State Fees, & PR Benefit Warrants AP2028, AP2029, and PR2011 in the amounts of \$6,231.96, \$2,821.50, and \$104,178.68, respectively*

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, approval of signed Treasurer's Payroll (PR), State Fees, & PR Benefit Warrants AP2028, AP2029, and PR2011 in the amounts of \$6,231.96, \$2,821.50, and \$104,178.68, respectively, as presented. Motion approved 4-0-1 (Littlefield in Abstention).

C. *Acknowledge Treasurer's School Board AP/PR Warrants 05 and 10 in the amounts of \$34,890.05 and \$81,783.52, respectively*

MOTION: Ms. Dudman moved, with Mr. Hart seconding, acknowledgement of Treasurer's School Board AP/PR Warrants 05 and 10 in the amounts of \$34,890.05 and \$81,783.52, respectively, as presented. Motion approved 5-0.

**X. Adjournment**

MOTION: Mr. Mooers moved, with Mr. Hart seconding, adjournment. Motion approved 5-0.

The meeting adjourned at 7:22PM.

Respectfully Submitted,



Wendy Littlefield, Secretary