

**Town of Mount Desert
SelectBoard Meeting Minutes
Meeting Room, Town Hall
6:30 PM, January 21, 2020**

Board Members present: Chair John Macauley, Rick Mooers, Matt Hart, Martha Dudman.

Harbormaster John Lemoine, Public Works Director Tony Smith, Town Manager Durlin Lunt and Town Clerk Claire Woolfolk were present.

Members of the Public were also in attendance.

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

Chair Macauley called the meeting to order at 6:28 PM.

II. Minutes

A. Approval of Minutes from January 6, 2020 meeting

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, approval of the January 6, 2020 Minutes as presented. Motion approved 3-0-1 (Mooers in Abstention).

III. Appointments/Recognitions/Resignations

A. Appointment of Ninette Firm as Warden for the March 3, 2020 Presidential Primary and Special State Referendum Election

MOTION: Mr. Mooers moved, with Mr. Hart seconding, appointment of Ninette Firm as Warden for the March 3, 2020 Presidential Primary and Special State Referendum Election, as presented. Motion approved 4-0.

B. Appointment of Gail Marshall to the Warrant Committee

MOTION: Ms. Dudman moved, with Mr. Hart seconding, appointment of Gail Marshall to the Warrant Committee, as presented. Motion approved 4-0.

C. Appointment of Carmen Sanford to the Warrant Committee

MOTION: Ms. Dudman moved, with Mr. Hart seconding, appointment of Carmen Sanford to the Warrant Committee, as presented. Motion approved 4-0.

D. Appointment of Howie Motenko to the Harbor Committee

MOTION: Mr. Hart moved, with Ms. Dudman seconding, appointment of Howie Motenko to the Harbor Committee, as presented.

Mr. Hart thought there was a waiting list for members wishing to join the Harbor Committee. He asked about the status of that list. Harbormaster John Lemoine noted the committee currently has 11 members. Harbormaster Lemoine maintains the list of those interested in becoming members. Mr. Bromage is stepping down, and Mr. Motenko was the next on that list.

Motion approved 4-0.

E. Resignation of Edward S. Bromage from the Harbor Committee

MOTION: Mr. Hart moved, with Ms. Dudman seconding, acceptance of the resignation of Edward S. Bromage from the Harbor Committee, as presented, and with thanks for his many years serving on the Committee. Motion approved 4-0.

F. Resignation of Gordon Beck from the Warrant Committee

MOTION: Ms. Dudman moved, with Mr. Hart seconding, acceptance of Resignation of Gordon Beck from the Warrant Committee, as presented, and with thanks for his service. 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

B. Hancock County Commissioners Meeting Minutes from December 17, 2019

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

V. SelectBoard Reports

There were no SelectBoard reports

VI. Unfinished Business

A. Discussion of Boundary Line Agreement between Mount Desert 365 and the Town of Mount Desert

Noel Musson, representing Mount Desert 365 presented the question of a boundary line agreement between MD365 and the Town. The issue has been touched on previously, but not fully addressed.

In the process of the MD365 development project, a boundary survey for the property was created. The surveyor identified some confusion regarding the titles between property owned by MD365 and property owned by the Town. MD365 is proposing a boundary line agreement to clarify title issues. MD365 is not requesting an easement or additional land. Clarifications are included in the draft boundary agreement along the eastern line of the property and along the southerly line of the property. MD365 worked with Public Works Director Tony Smith to ensure the appropriate setback areas of five feet from the boundary lines were included.

MD365 is asking the Town if they would like to enter into a boundary line agreement so both parties have a better understanding of exactly what is owned, and what each has title to. A boundary line agreement will benefit both parties. Mr. Musson hopes to get the question on the agenda for this year's Town Meeting.

Mr. Musson explained the plan presented to the Board. He pointed out lines on the plan representing all the iterations going back through older deed descriptions.

Chair Macauley noted that this clarification would mean the issue does not have to be revisited with every change going forward. Mr. Musson agreed.

Warrant Committee member Katrina Carter inquired whether the size of the MD365 property was changing. How much square footage was the property at time of purchase and how much

square footage will there be with the approval of this boundary line agreement? Mr. Musson did not know the exact size of the property. The property will remain relatively unchanged. Ms. Carter remembered a past dispute over a property line in that area, and property owners were forced to purchase land from the Town. Mr. Musson stated there is no clear boundary claim. He did not feel the Town could make an argument to claim the land along the boundary lines mentioned.

Mr. Hart recalled the issue Ms. Carter was referring to. He felt the previous case involved a purchase of land to provide an additional Right of Way to a property. This situation does not add value to the MD365 property. Ms. Carter felt value would be added if this boundary line agreement adds size to the MD365 property. Mr. Musson assured the Board that from a functional perspective, there is no net gain or loss. MD365 is not asking for anything new, there are no plans to use additional land, and no additional land is required for lot coverage. No easement or additional Right of Way is being requested.

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to put the issue before the voters at Town Meeting.

It was noted that a Warrant Article was created previously. Mr. Musson did not feel it required any change, other than the name of Mount Desert 365 as the property owner.

Motion approved 4-0.

VII. New Business

A. *Request authorization from the Board of Selectmen for release and expenditure of \$6,122.19 to Chalmers Enterprises LLC. from the Bartlett Landing CIP line Acct. # 6410300-24670 that has a balance of \$28,411.72*

MOTION: Mr. Mooers moved, with Mr. Hart seconding, authorization for release and expenditure of \$6,122.19 to Chalmers Enterprises LLC. from the Bartlett Landing CIP line Acct. # 6410300-24670 that has a balance of \$28,411.72, as presented. Motion approved 4-0.

B. *Discussion of possible access easement off Parker Farm Road for Map 10/Lot 190*

Mr. Musson, representing property owner Peter Blanchard, stated that Mr. Blanchard plans to do no development on his property, with the exception of reserving a building envelope lot for the right to build a single-family structure. He intends to put a Conservation Easement on the property, linking it to an abutting lot already in Conservation Easement, under the National Park Service. Development was proposed for the lot at one point, explaining the presence of an access road. There is approximately 700 feet of frontage on Route 102, and an additional 600+ feet of frontage on Parker Farm Road. Mr. Blanchard requests the right to use the Town's treatment plant driveway as access to his property. Mr. Blanchard does not want to cut on his property to create a driveway.

Mr. Mooers pointed out an existing cut that was intended as a road at one point. Mr. Musson noted Mr. Blanchard preferred to use the Town's driveway instead of the existing cut in an effort to minimize cutting.

Director Smith opposed the Board granting the easement. There is ample road frontage for a driveway, both on Route 102 and on Parker Farm Road. Additionally, there is a cut already on

the property. There is no need to bargain away the Town's property rights. The Town's wastewater treatment division requires access to that driveway all hours of the day and night all days of the week. The three-phase power is on that side of the road as well.

Chair Macauley agreed. Construction occurring at the building envelope site would likely impede the town's unobstructed access of that driveway.

Mr. Musson felt there was access near wetlands in the area, and the building envelope lot would be just a single lot for a single dwelling. He felt the property owner was only interested in preserving vegetation and habitat to the greatest extent possible.

Mr. Hart felt that as long as there is acceptable access from public roadway, it is not appropriate to grant an easement over the Town's driveway.

No Action was taken.

C. Review of FY 2021 Budgets: Public Works

The Board reviewed the Public Works Budget. Town Manager Durlin Lunt noted the increase in Worker's Compensation was due to the auditor's recommendation.

Director Smith pointed out the lack of recycling service cost. This was due to implementation of the One Bin All In program.

Wastewater budget is up 5%. The rest of Public Works is up 1.25%. The increase in Wastewater is due to EPA regulations requiring year-round process for some systems the division has only been using seasonally.

The recent fire in the loader was discussed. Director Smith is waiting for an insurance coverage report. The repair will be made out of the Public Works Equipment Reserve Fund and would not affect the budget as presented.

Ms. Carter asked whether the wastewater treatment plant could be fitted with solar panels to offset the cost of electricity. Director Smith noted he had conducted an assessment with Sustainability Committee member Gordon Beck and the plant was found to be unsuitable for solar panels. Solar panels can be installed at the Otter Creek pump station.

VIII. Other Business

A. Such other business as may be legally conducted

Manager Lunt reported that Police Chief Jim Willis is requesting to increase the Animal Care Officer wages to \$18.00 an hour up from \$10.00 an hour. This money comes out of surplus funds.

Mr. Mooers felt this was an administrative issue.

MOTION: Mr. Mooers moved, with Mr. Hart seconding, acknowledgement of the increase in the Animal Care Officer wages to \$18.00 per hour, up from \$10.00. Motion approved 4-0.

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2 Chair Macauley suggested creating a model for Third-Party requests. Perhaps through an
3 Executive Session discussion with the goal of determining the types of requests that should be
4 considered, versus what should not be considered. The Seal Harbor VIS request appears to be
5 funding an ongoing position, including some benefits. Warrant Committee member Phil
6 Lichtenstein agreed. There needs to be a discussion about the Town's role in this type of funding
7 request.
8

9 Third-Party requests are due February 6, 2020. Ms. Carter pointed out this was not much time to
10 provide Third-Party groups with news of a potential change to money they have grown to depend
11 on.
12

13 It was agreed there should be a discussion.
14

15 Mr. Lichtenstein agreed that the VIS is a commendable group doing work valuable to the Town.
16 But a third-party request funding a position year after year is probably not the best way to fund.
17

18 The third-party request is less expensive than the cost of funding a Town position to do the work.
19 Director Smith guessed the funds probably go into a larger fund and is spent as the group sees fit.
20 Chair Macauley felt more transparency was needed for such a funding request. Funding for a
21 specific one-time project or issue is preferable to funding an on-going, sustained position.
22

23 Mr. Mooers noted that the property in question is Town property and should be maintained by
24 the Town. Additionally, there are Town funds being requested and granted that may then go to
25 fund trail maintenance on private property.
26

27 Mr. Hart noted the similarity between funding through a third-party request and hiring a
28 contractor.
29

30 Approximately three years ago there was a big jump in the VIS request. Since then an
31 incremental increase has been maintained each year.
32

33 Mr. Mooers recalled that last year there was a request to place those doing the work on the
34 Town's health insurance.
35

36 Manager Lunt was not sure an Executive Session was required for the discussion. An open
37 discussion so all those interested can participate might be better. He felt it was too short of
38 notice to create a different model for use this year. Perhaps create a model for next year, and
39 perhaps start discussions for how the VIS is funded.
40

41 It was suggested that if a third-party group is being funded in part by private donations, and the
42 Town takes over that group's work and those private donations dry up, the Town may be the
43 worse for the change.
44

45 Director Smith suggested perhaps bidding out the services. The VIS maintains the beach, Village
46 Green, and trails. Mr. Mooers felt providing money for a group to maintain private property is
47 unethical.
48

Ms. Carter again cautioned against making the change for this year's Town Meeting. Ms. Dudman agreed. Some of these were small organizations that have come to depend on the Town's support. A public discussion is wise. The Town can gauge what the taxpayers want to do. Chair Macauley agreed it did not have to be this year, but the discussion needs to start.

Ms. Carter suggested starting the process by informing the groups that no one will be receiving an increase. And perhaps a freeze on any new organizations making requests. And then work on scaling the giving back.

It was agreed to put the issue on the February 3 SelectBoard Agenda for public discussion.

Ms. Dudman mentioned the possibility of having this Town Meeting at the Neighborhood House instead of the school gym. Neighborhood House provides a meal before the Town Meeting and it might be easier if both were held at the Neighborhood House. Discussion of whether there was adequate space for attendees ensued.

After some discussion it was agreed that considering the road construction and parking, this year's Town Meeting should remain at the school.

IX. Treasurer's Warrants

A. Approve & Sign Treasurer's Warrant AP2042 in the amount of \$851,847.88

MOTION: Mr. Mooers moved, with Mr. Hart seconding, approval and signature of Treasurer's Warrant AP2042 in the amount of \$851,847.88, as presented. Motion approved 4-0.

B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2040, AP2041, and PR2015 in the amounts of \$5,393.00, \$32,594.49, and \$103,353.70, respectively

MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval of signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2040, AP2041, and PR2015 in the amounts of \$5,393.00, \$32,594.49, and \$103,353.70, respectively, as presented. Motion approved 4-0.

C. Acknowledge Treasurer's School Board AP/Payroll Warrants 07, 08, and 15 in the amounts of \$51,653.10, \$21,950.67 and \$78,357.30, respectively

MOTION: Ms. Dudman moved, with Mr. Hart seconding, acknowledgement of Treasurer's School Board AP/Payroll Warrants 07, 08, and 15 in the amounts of \$51,653.10, \$21,950.67 and \$78,357.30, respectively, as presented. Motion approved 4-0.

X. Adjournment

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

The meeting adjourned at 7:38PM.

Respectfully Submitted,


Wendy Littlefield, Secretary