

**Town of Mount Desert
SelectBoard Meeting Minutes
Meeting Room, Town Hall
4:00 PM, February 10, 2020**

Board Members present were Chair John Macauley, Rick Mooers, Wendy Littlefield, Matt Hart, and Martha Dudman

Town Manager Durlin Lunt, Town Clerk Claire Woolfolk, Fire Chief Mike Bender, Public Works Director Tony Smith, Tax Assessor Kyle Avila, and CEO Kimberly Keene were also present.

Members of the public were present.

I. Call to order at 4:00 p.m.

Chair Macauley called the meeting to order at 4:00 PM.

II. Minutes

A. Approval of minutes from February 3, 2020 meeting

MOTION: Ms. Dudman moved, with Mr. Hart seconding, to approve the Minutes from the February 3, 2020 Meeting, as presented. Motion approved 5-0.

III. New Business

A. MDES Budget Review

Mount Desert Elementary School Gloria Delsandro reported the school's efforts to offer good programming while being fiscally responsible.

Enrollment remains steady at 162. The eighth-grade class has grown with students moving to the area. Projected enrollment for next year stands at 155 students.

Staff includes 25 teachers, 11 ed techs, a part-time occupational therapist/physical therapist shared with other schools, a technology integrator that comes two days a week, a full-time nurse, a tech director, a licensed mental health counselor, two educational interpreters and 21 support staff.

The school has 95% average daily attendance and a 91% extracurricular activity participation rate for kids in grades 6 through 8.

17% of the student population uses counseling services. 16% of the student population uses the free or reduced lunch rate. 24% of the student population receives special education services. 12% of the student population has a 504 plan, providing them accommodations and modification to facilitate their learning. 4.5% of the student population uses the Gifted and Talented program.

1 The special education program has a multi-tiered screening process to try to
2 accommodate student's needs outside of special education services.

3
4 Ms. Delsandro shared special programs in the school such as the American Sign
5 Language club, the school greenhouse, music programs, after school opportunities
6 outside of the athletics program, and computer programming robots. The school
7 works to create outside-of-school opportunities like the outdoor classroom on Somes
8 Pond, and musical performances at the Neighborhood House community lunch.

9
10 Assessments are done on students in grades 3 through 8. 61% of students met or
11 exceeded levels in math assessment, and 77% of students met or exceeded levels in
12 reading assessment. These levels exceed state averages.

13
14 The budget reflects an estimated 15 kindergarten students coming in Fall of 2020.

15
16 Increases in the budget come from a request for \$1000 stipends for non-athletic
17 program advisors for students, and the exploration of creating a Pre-K program at the
18 school. These additions increase the budget by 4.77%. The appropriations increase
19 is 2.21%.

20
21 State subsidy for reimbursement for special education services has risen. The school
22 received \$235,000 last year and is anticipating receiving \$310,000.

23
24 For safety's sake the school needs to repave the bus stop island bricks, and the bricks
25 on the back patio. These have become uneven and broken.

26
27 Trenton Elementary School has a public Pre-K program. Tremont and Southwest
28 Harbor are working to create Pre-K programs. Students that attend Pre-K programs
29 are less likely to require special education services or repeat a grade, and they are
30 more likely to graduate from high school. The school has been working with the
31 Mount Desert Nursery School regarding possible collaboration. Pre-K would be
32 hosted at the nursery school, and an annual memorandum of understanding between
33 the nursery school and the elementary school would be created and agreed upon. The
34 elementary school would cover the cost of tuition for the Pre-K students at the nursery
35 school and provide any needed transportation. Teacher supervision and collaboration
36 would be worked on together. The program would be open to all four-year-olds. The
37 Nursery School would be responsible for hiring a certified teacher. If the budget for
38 the program is approved, the elementary school will proceed with the memorandum of
39 understanding.

40
41 Ms. Littlefield inquired whether the Pre-K program would include only Mount Desert
42 children. The nursery school currently welcomes children from any town. Ms.
43 DelSandro noted this was one of the issues being discussed. Possibly the school will
44 hold approximately 16 spots for Mount Desert children who would get priority, with
45 perhaps a cutoff date. The nursery school has room for more than 16 children, so
46 additional Pre-K kids and younger kids would have a place.

Ms. Dudman asked if children would be required to participate. Ms. DelSandro noted children are not required to go to school until age six.

Mr. Hart asked for an estimate of the number of incoming kindergarteners that are behind in development, that a Pre-K program might improve. Ms. DelSandro noted it was a significant amount. It impacts student learning and a teacher's ability to teach. Mr. Hart asked if the proposed budget amount includes funds for Pre-K students that might require special education services. Ms. DelSandro noted some of the funds were budgeted for that. It would have to be looked into. There are materials that can be provided to explain what a Pre-K program can do. The school tries to get ahead of the needs of the incoming students by working with Child Development Services. Research confirms that every dollar spent on Pre-K programs equals a \$7 savings later on in the educational process.

Regarding the shared cost of the program, the nursery school would be responsible for hiring a teacher and for building needs; the elementary school would provide tuition for the Pre-K students and transportation.

Warrant Committee Member Katrina Carter asked for clarification on when a child from another town attended the nursery school – how will this work, in light of an agreement with the Mount Desert Elementary School. It was explained that if there were unfilled seats, the enrollment would be opened up. Details of the caveat do need to be worked out if the budget is approved. Ms. Carter asked if this meant that a four-year-old student would be riding the bus with the 8th graders. Ms. DelSandro noted it would be an option. The youngest students are required to sit in the very front of the bus.

Ms. DelSandro noted that in addition to the mental health counselor at the school there is an interventionist, and a behavior coordinator will be added to staff to replace a second interventionist. The behavior coordinator will serve students with the most challenging behaviors and provide support to both teachers and families.

Ms. DelSandro added that the school's debt service for building renovations is paid off in two years. The school has a facilities study, and Ms. DelSandro hopes to get a committee together to look at long-range planning for improvements and efficiencies based on that study.

The potential for school consolidation should not affect improvements needed. If a middle school were to happen, it would take the 7th and 8th grade out of the school and allow the Pre-K grade to join the school. Improvements like insulation and window upgrades would still be required. Enrollment studies have been done that show the Town of Mount Desert requires an elementary school.

B. Consideration of retaining Hedefine Engineering and Design, Inc. to provide professional technical services for the development of two concept plans and

1 *associated costs related to potential renovations of the Northeast Harbor fire*
2 *station and ambulance space due to an anticipated future need of transitioning*
3 *current fire department full-time staffing to 24/7 full-time staffing and authorize*
4 *the Fire Chief use of up to \$18,000 from Fire Station Building Reserve, account*
5 *#4040300-24470, with a current unencumbered balance of \$ 75,987.38 to pay for*
6 *these services*

7 The issue has been discussed by the Town before. Fire Chief Mike Bender has been
8 meeting with the engineer to create this first phase. This work will create a proposal
9 and conceptual plans to be reviewed by the Board. Chief Bender hopes to have the
10 conceptual plans available by the next SelectBoard Meeting. It was Chief Bender's
11 hope the Board can come to an agreement on the conceptual plans and proposal and
12 they can be added to the Warrant.

13
14 MOTION: Mr. Mooers moved, with Mr. Hart seconding authorization of retaining
15 Hedefine Engineering and Design, Inc. to provide professional technical services for
16 the development of two concept plans and associated costs related to potential
17 renovations of the Northeast Harbor fire station and ambulance space due to an
18 anticipated future need of transitioning current fire department full-time staffing to
19 24/7 full-time staffing and authorizing the Fire Chief to use of up to \$18,000 from Fire
20 Station Building Reserve, account #4040300-24470, with a current unencumbered
21 balance of \$ 75,987.38 to pay for these services, as presented. Motion approved 5-0.

22
23 *C. Possible Warrant Article to deed property to the Otter Creek Cemetery*
24 *Association*

25 Otter Creek Cemetery Association member George Davis noted the cost of
26 maintaining a cemetery is exorbitant. Therefore, the Association hopes to sell a small
27 portion of cemetery property to an abutting landowner. The Town claims they own
28 the land.

29
30 History tells that eight acres of land was traded to the Town for use as cemetery.

31
32 Town Manager Lunt noted that it was his understanding that covenants attached to
33 the land would not allow for selling a portion. Those covenants apply regardless of
34 who owns the land.

35
36 Chair Macauley noted that other than a mention in Society meeting minutes, no
37 paperwork has been found supporting that this property was intended to go to Otter
38 Creek. Acadia National Park's covenants make it clear that the land can't be used for
39 residential purposes. Assessor Avila is in possession of the survey referenced in a
40 deed that gifts the lots in question to the Inhabitants of the Town of Mount Desert.

41
42 Chair Macauley felt the first step was to research the intent of the land swap and
43 record it appropriately. If the land is transferred any restrictions and covenants would
44 become the business of the Cemetery Association.

45

1 Ms. Carter thought it was a Town-owned cemetery. Chair Macauley stated it was
2 not. The cemetery is owned by the association. Assessor Avila stated the lots in
3 question were deeded to the Town with restrictions that it be used for cemetery or
4 conservation specifically, and nothing else. Ms. Carter wondered if the Town could
5 help to maintain it. Chair Macauley noted that only two cemeteries in town are
6 actually maintained by the Town. Such a change would create a precedent for other
7 cemeteries.

8
9 Chair Macauley reiterated that documentation clarifying who specifically owns the
10 land needs to be found. Nothing can be done without it. Chair Macauley suggested
11 those named in the Association Minutes be contacted for any additional information.
12

13 Mr. Davis reported many references to ownership, but no official documentation as
14 far as he knew. The association spends approximately \$3000.00 a year on
15 maintenance.
16

17 Assessor Avila reported the paperwork he has states the land was deeded to the
18 inhabitants of the Town of Mount Desert with the covenants noted. Chair Macauley
19 reiterated there is no documentation stating the land was supposed to go to the
20 Cemetery Association.
21

22 Town Manager Lunt pointed out the covenants limit the land for use as a cemetery or
23 conservation. This suggests to him that it was not necessarily intended to go to the
24 Cemetery Association, or it would have stated just cemetery use. It was his guess that
25 the land went to the Town, for a future decision on what to do with it. The Town
26 could transfer the land to the Cemetery Association, but it would transfer with those
27 covenants.
28

29 Mr. Mooers stated that the covenants in place preclude the ability for the Town of sell
30 a portion to an abutter. The discussion becomes moot.
31

32 Chair Macauley stated the question remained regarding whether in good faith this
33 land was intended to be transferred to the Cemetery Association.
34

35 Ms. Carter felt that if the land was deeded to the Town then the Town should
36 maintain it. Ms. Dudman pointed out that just the pieces acquired were deeded to the
37 Town, not the parcel on which the cemetery sits. Ms. Dudman asked if there were
38 gravesites in the parcel being discussed. Mr. Davis reported no graves on the lots
39 being discussed. There is ample room in the original cemetery lot, which is only an
40 acre in size. The land in question is over eight acres. Town Manager Lunt pointed
41 out that this was another reason to explain why the land was not deeded to the
42 Cemetery Association – because they did not need the space. Manager Lunt
43 suggested deeding land to the Cemetery Association should the time come when they
44 need the space and strengthen the covenants of no sale already in place at the time of
45 transfer.
46

1 Assessor Avila presented a survey showing the area and lot layout.

2
3 Mr. Mooers reiterated the point is moot until more clarity is brought before the Board
4 regarding who owns the land, and further discussion should be tabled till then.
5 Covenants on the land prevent a benefit or a liability to transferring it because the
6 land cannot be sold even if transferred.

7
8 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, to table indefinitely
9 Item C under New Business. Motion approved 5-0

10
11 *D. Draft Warrant Review:*

12 *a. Land Use Zoning Ordinance Amendments (documentation to be provided*
13 *at the meeting),*

14 Planner Noel Musson reported on Ordinance Amendments. There are several land
15 use amendments to consider.

16
17 **Mobile Vending Licenses:** Changes will allow Mobile Vending Licenses to be valid
18 for a period of three years with annual renewals. Timing for license applications has
19 been changed to the second SelectBoard meeting in February. These changes apply
20 to Shoreland Commercial areas.

21
22 There were no questions.

23
24 **Rooming Houses:** This change will allow rooming houses as defined in the proposal.
25 Rooming houses would be allowed only in the Village Commercial district. This
26 proposal remains similar to what was considered last year, with the exception of the
27 number of bathrooms per roomers. The number in the proposal stands at one
28 bathroom per eight people.

29
30 There were no questions.

31
32 **Appeals Change:** This was recommended by Attorney Andy Hamilton. This is a
33 change for both the Land Use Zoning Ordinance and the Appeals Board Ordinance.
34 Contested determinations by the Code Enforcement Officer will bypass the Board of
35 Appeals. This makes the process more consistent with current caselaw. It was
36 clarified this is in connection with enforcement issues like permits and violations. It
37 narrows the ability to appeal a decision in a way consistent with caselaw. An appeal
38 within the defined scope would go straight to court and not to the Board of Appeals.
39 Ms. Dudman wondered if this could prove more costly to the town. Mr. Musson
40 reiterated this change is more in line with how the court system now works.

41
42 There were no further questions.

43
44 **Village Residential Three Zoning District:** This is a very small zone focused on
45 just the Asticou Inn lot. It will make the use of the property compliant. Currently
46 hotels are allowed only in the Village Commercial District.

There were no questions.

Stream Location: This changes the location of a stream as it appears on the zoning map. On-the-ground data shows the location on the map is incorrect. The stream is not being moved.

There were no questions.

What should be considered in Lot Coverage in the Shoreland Zone: The State has changed the Shoreland Zoning Standards to include exposed ledge in the shoreland zone. This rule can be specifically exempted. Lots from before 1990 can be grandfathered, but not lots after 1990. This change exempts it in the definition but the 1990 provision must remain.

This will affect lot coverage in the Shoreland Zone. Ledge has previously not been counted. Including ledge in lot coverage will result in smaller buildable areas.

There were no further questions.

Lighting: A proposal from the Sustainability Committee to modify lighting standards was recently presented to the Town. Mr. Hart wondered whether there was enough time to ensure appropriate discussion. The issue raises questions such as who enforces and measures lighting will have to be addressed. Mr. Musson agreed the issue should go before the Land Use Committee, and CEO Keene would have to be apprised of how enforcement will work. As the Town Consultant, Mr. Musson would like to review the policy further as well. The Warrant Article is written, and Mr. Musson felt there was time for a full review per town procedures. Mr. Hart felt that if Mr. Musson, hired by the Town as a consultant, needs more time for review the Ordinance then he should be given the time. Chair Macauley noted that engineer Dwight Lanpher put the policy together. Most of the Ordinance is written regarding light temperature and maintaining dark-sky compliance. He hoped the policy could make it on the Warrant. It was agreed that having Mr. Lanpher at a Board meeting would be beneficial. The next Public Hearing is Wednesday.

Mr. Hart hoped this deviation in a Land Use Ordinance change would not create a precedent. Mr. Musson agreed. It might be prudent to have a conversation on how such a group with a proposed Ordinance change should proceed in future. Ordinance changes are traditionally started in August.

Sewer Ordinance Revisions: Public Works Director Smith and CEO Keene have worked on changes.

b. Special Amusement Ordinance

1 Town Clerk Claire Woolfolk reminded the Board of the proposed change to the liquor
2 license. This change is along the same lines. She hoped to increase the fees for a
3 Special Amusement Permit to cover the cost of public notice and mailings.

4
5 Additionally, there was some confusion regarding the statement noting fifteen years
6 from the effective date. Changes will clarify fifteen years from the effective date or
7 the date of the latest amendment.

8
9 MOTION: Mr. Mooers moved, with Mr. Hart seconding, the Special Amusement
10 Ordinance be placed on the Warrant. Motion approved 5-0.

11
12 *c. Municipal Partnership Initiative Project No. 3 (Rte. 198) articles*

13 Public Works Director Tony Smith noted this work will cover the last bit of road not
14 previously reconstructed and paved. It spans essentially from either end of the Butler
15 Road.

16
17 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, Municipal
18 Partnership Initiative Project No. 3 (Rte. 198) articles be placed on the Warrant.
19 Motion approved 5-0.

20
21 *d. Bait House Lease article*

22 Director Smith used an Article from 2015 as the basis for drafting this Article. He is
23 anticipating a certificate of insurance will have to be for 2 million.

24
25 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, Bait House Lease
26 Article be put on the Warrant. Motion approved 5-0.

27
28 Director Smith noted a second bait house Article will have to be prepared asking for
29 additional funding. The finished floor elevation will have to be raised a foot, per
30 FEMA, and another foot per the Town. The roof will have to be flattened. Piers will
31 have to be extended. The draft Article will go to legal counsel imminently. The extra
32 cost will be an additional \$70,000.

33
34 *E. No Frills Rate Lock for 2020-2021 at \$1.999/gal*

35 Town Manager Lunt thought the current contract is \$2.149/gallon. Manager Lunt will
36 have to lock this price in this week for the coming year. No Frills is the current
37 vendor. Alternatively, the Town can forego the offer and proceed with the normal bid
38 process.

39
40 MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, that given the fact this
41 is a reasonable price and the uncertainty of the market going into the future, the Town
42 accept the No Frills Rate Lock for 2020-2021 at \$1.999/gallon, as presented. Motion
43 approved 5-0.

44
45 **IV. Public Hearing(s)**

1 A. *May 4 & 5, 2020 Annual Town Meeting Proposed Warrant Articles for Appropriation*
2 *of Funds, Ordinance Amendments, and Ordinances – Date correction of Public*
3 *Hearing to March 2, 2020*

4 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, to accept the date
5 correction of the Public Hearing for the May 4 & 5 2020 Annual Town Meeting Proposed
6 Warrant Articles for Appropriation of Funds, Ordinance Amendments, and Ordinances,
7 to March 2, 2020, as presented. Motion approved 5-0.

8
9 **V. Other Business**

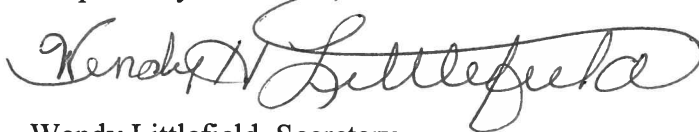
10 A. *Such other business as may be legally conducted*
11 There was no other business.

12
13 **VI. Adjournment**

14 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, adjournment. Motion
15 approved 5-0.

16
17 Meeting adjourned at 5:31PM.

18
19
20 Respectfully Submitted,

21 
22 Wendy Littlefield, Secretary

23
24 Wendy Littlefield, Secretary
25