

**Town of Mount Desert  
Special SelectBoard Meeting Minutes  
Meeting Room, Town Hall  
3:00PM, April 1, 2020**

**This Meeting is occurring via remote access.**

SelectBoard members present were Vice Chair Matt Hart, Martha Dudman, Rick Mooers, and Wendy Littlefield. Chair Macauley joined shortly after the meeting started.

Town Officials present included Public Works Director Tony Smith, Police Chief Jim Willis, Fire Chief Mike Bender

The Meeting was also open to Members of the Public.

**I. Call to order at 3:00 p.m.**

Vice Chair Hart called the Meeting to order at 3:00 PM.

**II. Selectmen's Reports**

Ms. Dudman referred to the email received by resident Gail Marshall and Ms. Marshall's feeling that further restrictions should be placed on people coming into Mount Desert.

It was noted the email was received the day of the meeting and there may not have been time to make it available to the public.

Ms. Dudman summarized that Ms. Marshall felt the Town's response to the public should be stronger, and people should be asked not to come to Mount Desert. Bar Harbor has forbidden nonessential transient rentals. The City of Ellsworth was having a similar discussion. Ms. Dudman wasn't sure such a restriction was enforceable, or something the Town wants to do. However, the Board should hold the discussion. Maine Governor Mills has issued the statement that she did not want people returning to their homes in Maine if they've been away or intend coming to Maine as a refuge.

Vice Chair Hart felt it was clear, per State-level edicts from the Governor, that people should not come to Maine. He speculated there were people who would not abide by such restrictions. Mr. Hart noted that Governor Mills did not go so far as to include hotels in her statement.

Public Works Director Tony Smith did not feel that people who own property and pay taxes in Mount Desert can be forbidden to come, whether they are seasonal residents, or year-round residents who have been away. Requesting that people who have been away should follow the guidelines set may be the best the Town can legally do. Short of installing Martial Law, people still have civil rights.

Vice Chair Hart pointed out the strong encouragement from the State directing anyone arriving in Maine to self-quarantine for a 14-day period upon their arrival. Police Chief Willis did not feel self-quarantine was enforceable through Public Safety. What is enforceable are those points included in the Governor's Executive Orders. Public Safety is currently receiving guidance on how to go about enforcement from the Attorney General's office. Chief Willis was not sure the 14-day quarantine was part of those Executive Orders. Fire Chief Mike Bender agreed with Chief

Willis' assessment. People coming to Maine are being urged to use common sense and to abide by the 14-day self-quarantine suggested. Chief Bender did not believe such a suggestion is enforceable. Additionally, Governor Mills in a news conference yesterday stated that her Executive Orders did not include hotels, motels and bed and breakfast establishments, but that each Municipality has the right to make more stringent guidelines. Bar Harbor has done this, and Ellsworth is considering it. People coming to a destination will be looking for satellite areas to stay if the town they intended to stay in has restricted their visit. The issue is how to enforce limitations.

Ms. Littlefield agreed the Town should try to prevent people from coming. Enforcement is the question. The Town can try to forbid visitors, but how to enforce such an order needs to be addressed. Mount Desert has a variety of rental options. And there are already visitors in Town. How would the Town know if the guidelines set were being followed? Is forbidding visitors to Mount Desert enforceable? Chief Willis felt enforcement was a question that the Town's legal counsel would have to address. If the SelectBoard passed more stringent rules forbidding visitors, Chief Willis did not believe Law Enforcement could enforce the rules for the Town.

Chief Bender noted that Bar Harbor has registered all their rental establishments. This will make identifying rental establishments in Bar Harbor easier than identifying them in Mount Desert.

Vice Chair Hart suggested reaching out the hotels and motels in Town to see what their plans are before issuing proclamations.

It was reiterated as a Point of Order that all Items on the Agenda would be open for public comment at the end of the Board's discussion.

It was noted that Board Chair John Macauley was now online and would be taking over Chairing the Meeting.

The conversation was opened to Public Comment.

Resident Gail Marshall stated the issue at hand is not a law enforcement issue. It is a public health issue. Anything that can be done to amplify the issue and be consistent with what Governor Mills is directing the State to do should be done. Ms. Marshall was aware of seasonal rentals in Town. If the Town issues a directive then residents will follow the directive, and residents will know when others are not following the directive. Those that choose not to follow the directive can be dealt with. There are many seasonal rentals in the community and the Town has the obligation to protect the residents. By allowing visitors the Town is suggesting that this is a place people can come to escape. The rate of infection in the State of Maine is rising, and there is not a full reporting of the numbers currently in the state. Anything that can be done to enhance the public health effort should be done. The Town should be as reasonably proactive as they can.

Donna Reece agreed with Ms. Marshall. This is a public health crisis, and public safety is of the utmost importance.

Mia Thompson agreed that clear communication with the Town's residents was necessary. If visitors can't be restricted, then perhaps the Town can clearly spell out the commonsense efforts a visitor should take. If a seasonal resident or a resident who's been away arrives in Town, then a clear explanation of the 14-day self-quarantine should be made available to them. Arrivals must be clearly told the specifics of what self-quarantine means – i.e. not visiting the post office, or ensuring their homes are well stocked prior to their arrival, or not having contractors in their

1 home after they've arrived. Expectations should be laid out as clearly and comprehensively as  
2 possible. Ms. Thompson did not believe a property owner could be barred from their property.  
3 But perhaps they can be guided into social consciousness.  
4

5 Ms. Marshall stated that per the Governor's orders, specifically the 19<sup>th</sup> order and the 28<sup>th</sup> orders,  
6 work is to be restricted to essential services. Ms. Marshall did not believe services like  
7 caretaking, property opening, and housecleaning could be qualified as essential. Ms. Marshall's  
8 interpretation is that these jobs are prohibited.  
9

10 Ms. Marshall agreed that the behavior requested of these visitors should be explicitly clarified to  
11 residents. Human nature is such that people always believe they are the exception to the rule;  
12 their own situation and perceived needs eclipse what should be done for the greater good.  
13

14 Ms. Reece felt two different issues were being addressed. Rentals and people who own their own  
15 homes in Town are two different groups. She felt the issue at hand was rentals. Ms. Littlefield  
16 noted that the email received from Ms. Marshall mentioned non-essential transient rentals in the  
17 Town and whether they should be allowed to open and that's what the discussion opened with.  
18 However, Ms. Marshall addresses other scenarios that should be reviewed.  
19

20 Ms. Dudman thought the Board would need guidance from Legal Counsel regarding what can  
21 and can't be required. Vice Chair Hart's idea of reaching out to the hotels and motels was a good  
22 one, but it may not be effective. There is a need for an order from the Town, but first the Town  
23 must know what they are able to order, legally. Ms. Littlefield felt additionally that the Town  
24 needs to be careful about making regulations that can't be enforced. Legal Counsel must be  
25 sought first on a variety of issues. Questions to be answered include who determines what work  
26 is deemed essential, and who dictates refusing a visitor coming to assist an elderly family  
27 member. Guidance was needed first regarding what can and can't be enforced.  
28

29 Mr. Hart agreed it was not wise to create rules that are not enforceable or that may be only  
30 sporadically enforceable. In the meantime, while the Town waits to get their legal advice, there  
31 were other things that could be done. It would be wise to spell out as clearly and concisely as  
32 possible the details of what responsible people should be doing to self-quarantine. He did not  
33 believe anyone was actively trying to spread the virus. But some things don't occur to people as  
34 they go about their business. Legal advice is required before any official edicts from the Town  
35 should be made, but the Town can and should be proactive in issuing very clear reiterations of  
36 what people should be doing in an effort to stop the spread of the virus.  
37

38 Chair Macauley agreed with Mr. Hart. The Board does not have a clear understanding of what  
39 they are allowed to do. He supported laying out clear guidelines for self-quarantine for posting  
40 on the Town's website.  
41

42 Ms. Reece felt that time is of the essence.  
43

44 Ms. Dudman agreed. She suggested Mount Desert mimic what the Town of Bar Harbor has so far  
45 done, and strongly urge the Town's hotels, weekly rentals, inns, Air B&Bs, etc. to not rent at this  
46 time to out of state visitors. Concurrent with that, the Town should research into whether an  
47 enforceable rule to that effect can be made, for the duration of the emergency period. And as far  
48 as the summer residents go, they cannot be banned from coming, but they need to be very clearly  
49 told what they should be doing to appropriately self-quarantine. Ms. Dudman did not believe the  
50 website was enough. It's not a resource everyone uses. Perhaps information could be put on  
51 social media and in the local newspaper. A proactive effort needs to be made to get the word out.

1  
2 Ms. Reece agreed. There are strict guidelines to follow to truly quarantine.  
3

4 Ms. Thompson suggested putting a date on any edict to be made. She noted that Bar Harbor has  
5 stated their rules extend through the month of April. As time goes on and with any luck, the date  
6 can be better pinpointed. She suggested following the Governor's restrictions that are stated to  
7 last until April 30, and perhaps adjust or shadow as the Governor's office adjusts.  
8

9 Phil Lichtenstein pointed out that the Town has not listed any resources available in the  
10 community that can assist people, should someone decide to self-quarantine. Information should  
11 be provided for those requiring it.  
12

13 Mr. Hart reported that Bar Harbor has publications coming out regularly with resources listed at  
14 the end. There are several Facebook groups providing information on what services are available.  
15 Mr. Hart believed MD365 has produced some information as well. He suggested the Town ask  
16 Bar Harbor if they can borrow from information they've posted. Police Chief Jim Willis agreed  
17 to discuss the possibility with Bar Harbor's Town Manager. It was the Board's consensus that  
18 Bar Harbor's resources be listed along with anything the Town of Mount Desert publishes on the  
19 issue. Ms. Thompson suggested reaching out to those offering services to encourage them to  
20 share their information with the Town.  
21

22 Ms. Reece clarified that the Maine CDC only reports cases affecting Maine Residents. There is  
23 no way to count those in Maine who are not residents but are affected by COVID19.  
24

25 ORIGINAL MOTION: Ms. Dudman, with Mr. Hart seconding, that the SelectBoard request the  
26 Town Manager to put a carefully worded statement out in the public through various means in  
27 order to reach as many people as possible urging Summer Residents and visitors to self-  
28 quarantine for 14 days after arriving in Maine and spelling out in very clear terms what self-  
29 quarantine means. Additionally, that the Town urge all transient facilities to not invite people to  
30 Town through the month of April. Further, the SelectBoard will direct the Town Manager to get  
31 legal advice on how to word such a request more strongly, similar to the vein of the Town of Bar  
32 Harbor's urging.  
33

34 Ms. Marshall stated the Governor has provided an unambiguous message that seasonal residents  
35 and transient visitors are encouraged not to come to Maine. If the Town sends a message  
36 including conditions for arrival, the Town is falling short in their efforts in relation to what the  
37 Governor is asking people to do. Ms. Reece concurred, and felt the wording as stated would be  
38 perceived as an open invitation to visitors.  
39

40 Ms. Dudman revised her Motion (Stated Below) to include language that says the Town urges  
41 visitors not to come unless necessary. If necessary then requesting they follow the rules for self-  
42 quarantine.  
43

44 With regard to discerning who is or is not essential, Ms. Dudman mentioned the Town of Bar  
45 Harbor has defined it as a health professional, or emergency services, or someone arriving to care  
46 for someone elderly or ill.  
47

48 Mr. Hart felt the statement should say the Town is asking people to adhere to the Governor's  
49 recommendations and the recommendations of the Maine State CDC, and then follow it up with  
50 the language Ms. Dudman crafted, including requesting necessary visitors to self-quarantine for  
51 14 days.

Ms. Thompson suggested including language instructing people to shelter in place; that they don't have to be here to do so.

AMENDED MOTION: Ms. Dudman moved, with Mr. Hart seconding, that the SelectBoard request the Town Manager to put a carefully worded statement out in the public through various means in order to reach as many people as possible that says the Town is asking people to adhere to the Governor's recommendations and the recommendations of the Maine State CDC and urges visitors to shelter in place and not to come unless necessary. If necessary then the Town requests they follow the rules for self-quarantine, including urging Summer Residents and visitors to self-quarantine for 14 days after arriving in Maine and spelling out in very clear terms what self-quarantine means. Additionally, that the Town urges all transient facilities to not invite people to Town through the month of April. Further, the SelectBoard directs the Town Manager to get legal advice on how to word such a request more strongly, similar to the vein of the Town of Bar Harbor's urging.

Ms. Dudman felt time was of the essence. The SelectBoard needs to get this written up and approved quickly. Mr. Hart agreed. This is an unprecedented situation and the Town needs to err on the side of caution.

The Motion was further discussed and clarified.

Ms. Dudman felt the directive needs to be disseminated in more ways than just posting it on the Town's website. The Town directive needs to be out in the community via as many venues as possible. Ms. Littlefield agreed, and noted that including resources for those in the Town should be included as well.

Ms. Littlefield asked Town Manager Lunt if he felt assistance would be necessary. Town Manager Lunt concurred with the plans as stated and welcomed any assistance. Chief Willis would doubtless have some good information from the Town of Bar Harbor to share. Anyone with suggestions should feel free to send them to Manager Lunt via email. He'd be happy to compile what he receives into a document for distribution.

Ms. Littlefield added that referring to what the Town of Bar Harbor has already done would be wise.

It was noted that Mount Desert does not require all Bed and Breakfast facilities and other types of lodging to register with the Town, as Bar Harbor does. Mount Desert has some idea of those establishments but there is no comprehensive list. Chair Macauley would be in favor of creating a comprehensive list of such establishments for the Town. An effort to contact each of these places should be made as soon as possible.

Heather Jones inquired whether there was a date attached to the Motion regarding how soon the directive would be issued. Ms. Dudman hoped it could be issued tomorrow if possible. Ms. Littlefield agreed it must be as soon as possible, but it would take at least a day or two to be finalized before it was ready to be issued. Every effort should be taken to create a statement that is accurate and comprehensive. Ms. Thompson agreed it should be accurate, but as the issue develops, it may require change or update, particularly in relation to other Town's policies, and a perhaps changing list of resources available. There perhaps needs to be a live document that is regularly updated.

Chief Willis suggested software that will allow the Town's RSS feed to be shared automatically on the Town's Facebook page automatically for a small monthly cost. He felt what he was hearing from the discussion is the issuance of a statement, coupled with continually updating information in an effort to keep Townspeople up to date on the issue. The Board concurred with Chief Willis' assessment.

Ms. Littlefield noted that such a social media system requires regular responses to comments. Ms. Littlefield stated she would not be inclined to constantly monitoring social media postings and responses, in particular due to the large number of negative responses such social media sites receive.

Ms. Reece suggested a post advising those with questions can call to discuss or report an issue. Ms. Littlefield asked who mans the Social Media pages. It was noted Deputy Town Clerk Jennifer Buchanan is the website and social media administrator for the Town.

Mr. Hart noted he was also an Administrator; however, Deputy Clerk Buchanan is the person doing all the administrating of the sites. Town Manager Lunt noted he can do postings as well.

Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and Dudman – Aye Motion approved as amended 5-0.

Ms. Dudman hoped that guidance from Town Counsel would be included in the Motion.

It was noted that comments could be turned off on social media.

Chief Willis suggested that perhaps a policy for social media was required, but for now the Town move forward with what they have in place. This was probably not the best time to try to create a comprehensive policy on social media.

It was agreed to work on a list of lodging businesses, but the statement needs to be created first.

### III. New Business

#### A. *Review of the current efforts of TOMD in response to COVID-19 pandemic*

This item was discussed under Selectmen's Reports. Chair Macauley asked for further comment. There was none.

#### B. *Request authorization for the Town Manager to sign on-premises liquor license applications and special amusement permits approved by the selectmen during the COVID - 19 emergency status on their behalf*

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, authorization for the Town Manager to sign on-premises liquor license applications and special amusement permits approved by the SelectBoard during the COVID-19 emergency status on their behalf, as presented. Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and Dudman – Aye Motion approved 5-0.

### IV. Other Business

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

Ms. Littlefield stated she's had conversations with residents and business owners regarding the liquor license and special amusement permit issued at the last meeting.

1 Town Manager Lunt clarified that residents were complaining about the fact that the Board  
2 approved the permit to allow for a single acoustical guitar to be allowed on the deck during the  
3 lunchtime hours at the Nor' Easter Restaurant. The person complaining has been instructed to  
4 follow up with a letter voicing their complaint to the Town Offices, which will then be forwarded  
5 to the Board for discussion.  
6

7 Public Works Director Smith stated that the Town has voiced concern over the problem of young  
8 people in the Town moving away. The Town has also voiced concern about how to build  
9 economic development in Town. This business venture has both Town-raised young people  
10 staying to start a business and economic development.  
11

12 Mr. Hart agreed with Director Smith's assessment.  
13

14 Mr. Hart thanked the Emergency Operations Committee for their hard work. Currently this  
15 Committee is meeting twice a week. Some Public Safety personnel are taking extra shifts.  
16 Director Smith added that the Public Works Department is also involved in this work with 100%  
17 attendance. Ms. Dudman echoed Mr. Hart's sentiments with a thank you to all of those working  
18 hard to keep the Town running during a very stressful time. Chair Macauley and Ms. Littlefield  
19 echoed the sentiments. Ms. Littlefield pointed out the SelectBoard is also doing their share of hard  
20 work, extra meetings, and difficult decisions.  
21

22 **V. Adjournment**

23 MOTION: Mr. Mooers moved, with Mr. Hart seconding, adjournment. Roll-call vote:  
24 Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and Dudman – Aye Motion  
25 approved 5-0.  
26

27  
28 Meeting adjourned at 4:00PM  
29

30 Respectfully Submitted,  
31

32   
33  
34 Wendy Littlefield, Secretary  
35