

Town of Mount Desert  
SelectBoard Meeting Minutes  
Regular Meeting  
Monday, April 6, 2020, 4:00 PM

This meeting was held via remote access.

SelectBoard Members present include Chair John Macauley, Rick Mooers, Matt Hart, Martha Dudman, and Wendy Littlefield.

Town Manager Durlin Lunt, Town Clerk Claire Woolfolk, Police Chief Jim Willis, Public Works Director Tony Smith, Assessor Kyle Avila, Treasurer Kathy Mahar, and Fire Chief Mike Bender were present.

Members of the Public were also in attendance.

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

Chair Macauley called the Meeting to order.

**II. Public Hearing(s)**

**A. Traffic Ordinance Change Recommendation – Amendment regarding the ongoing citizen concerns of overflow parking around Seal Harbor Beach**

Chief Willis stated the SelectBoard was able to make the requested changes because it was the Traffic Ordinance.

Chair Macauley invited Public Comment.

Phil Lichtenstein noted the change will be helpful, particularly in the summer months. Chief Willis noted that the No Parking signs are currently in place. This will make it formal. Tickets are issued to people violating the Ordinance.

Mr. Lichtenstein inquired how parking for employees working in the area will be handled. Chief Willis noted the question is being discussed. Perhaps having employees park in the lot above the antique store or perhaps setting permitted parking through the Harbormaster's Office are two options being considered.

There was no further Public Comment.

MOTION: Mr. Mooers moved, with Mr. Hart seconding, closing the Public Hearing.

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

**B. Post Public Hearing: Traffic Ordinance Change Recommendation, action if necessary**

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to approve the Traffic Ordinance Change Recommendation - an Amendment regarding the ongoing citizen concerns of overflow parking around Seal Harbor Beach - as presented.

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

1 **III. Minutes**

2 *A. Approval of Minutes from March 9, 2020 meeting*

3 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, approval of Minutes of March 9,  
4 2020, as presented.  
5

6 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
7 Dudman – Aye Motion approved 5-0.  
8

9 *B. Approval of Minutes from March 16, 2020 meeting*

10 MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval of the Minutes of March 16,  
11 2020, as presented.  
12

13 Public Works Director Tony Smith noted the Motion for Item IX.C of the March 16, 2020  
14 Minutes does not reference what the requested expenditure is for. Assessor Kyle Avila noted the  
15 money would be spent for the 2020 aerial photography project. Assessor Avila noted there was a  
16 Memorandum attached to the Board's Packet. Mr. Mooers thought he specifically mentioned the  
17 project in his original Motion. It was agreed to amend the March 16, 2020 Minutes to include the  
18 project of the 2020 aerial photography project by name in the Motion of Item IX.C  
19

20 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, to include in the March 16, 2020  
21 Minutes an amendment to the Item IX.C Motion, that amendment being the inclusion of the  
22 reason for the requested \$10,000.00 funds; the 2020 aerial photography project.  
23

24 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
25 Dudman – Aye Motion approved as amended 5-0.  
26

27 Motion to approve the March 16, 2020 Minutes as amended approved 5-0.  
28

29 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
30 Dudman – Aye Motion approved 5-0.  
31

32 *C. Approval of minutes from March 19, 2020 meeting*

33 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, approval of the March 19, 2020  
34 Minutes, as presented.  
35

36 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
37 Dudman – Aye Motion approved 5-0.  
38

39 **IV. Appointments/Recognitions/Resignations**

40 *A. Appoint Ballot Clerks under Title 30-A, MRSA, Section 2528 for 2020 Annual Town Meeting*

41 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, to appoint the list of Ballot Clerks  
42 under Title 30-A, MRSA, Section 2528 for 2020 Annual Town Meeting, as presented and with  
43 thanks.  
44

45 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
46 Dudman – Aye Motion approved 5-0.  
47

48 *B. Appoint Bi-Annual Election Clerks under Title 21-A, MRSA, Section 503*

49 MOTION: Mr. Hart moved, with Mr. Mooers seconding, appointment of the Bi-Annual Election  
50 Clerks under Title 21-A, MRSA, Section 503, as presented and with thanks.  
51

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

**V. Consent Agenda**  
None presented

**VI. Selectmen's Reports**

Ms. Littlefield thanked Director Smith for his efforts in making some Main Street signs safer, after receiving a concerned call that the signs had been moved and were a potential safety hazard.

Mr. Hart reported he had received a phone call about the removal of the dumpsters. It was explained the dumpsters were a health and safety issue in light of the COVID19 virus. The caller understood but hoped they would be returned at some point, particularly the one at the marina, as they are necessary.

Ms. Dudman noted that at the last meeting, the question was raised of how to accomplish signatures required from the Board, and email votes. She wondered if there was any new information on the question. Town Manager Lunt noted the stating of each SelectBoard Member's name during a vote taken can be used in lieu of signatures. At this point emails have not been approved as an appropriate way to vote.

Chair Macauley noted that he had received a communication about this being an opportune time to reassess the budget. Mr. Mooers inquired whether the authority granted to the Town to extend the budget during the COVID19 emergency, therefore allowing the Town to continue operations under last year's budget, meant delaying salary increases scheduled to go into effect July 1, 2020.

Director Smith reminded the Board of a previous instance when the Town operated with an authorization granted prior to Town Meeting. Could a similar action apply now? Mr. Mooers pointed out that the directive for extending the budget specifically states operating at the previous year's funding levels. Director Smith opined that a review of previous similar actions might be warranted for reference.

Treasurer Kathy Mahar stated the directive refers to a total budget number – not divided into specific budget line items. The total budget amount cannot be exceeded based on a month-to-month division of the year's budget. It does not require conforming to specific salary schedules.

Ms. Littlefield mentioned a citizen suggestion that the Town cut back due to the COVID19 outbreak. She stated she was not in favor of changing what the Town has approved for Town Meeting regarding next year's budget, particularly the salaries. Town employees are working hard under trying times and she did not feel it was appropriate to cut what has been theoretically approved. Chair Macauley agreed. Such cuts would only hurt the people working hard to serve the Town. Mr. Hart added that some Town employees work under a union contract. Perhaps a look at salaries must be taken for a future year's budget, but to do so now is premature. Director Smith agreed with Mr. Hart. A union contract just approved rotational shifts for the Public Works Department. He felt the Town could easily operate under Treasurer Mahar's explanation of how the extended budget works.

Mr. Mooers did not want to suggest the Town do anything reactionary. It does state the Town can function under the funding levels set the previous year. Under that restriction, how does the Town provide for the raises planned for? Director Smith stated the budget for the Public Works Department he submitted, and which was recommended for approval by the Board, is what is required to operate during the 2020/2021 fiscal year.

Ms. Littlefield asked in relation to Mr. Mooers original question, can the Town do such a thing? If the funding from the previous year must be used, can the Town move forward without the Town Meeting?

Mr. Hart hoped the discussion would become a moot point, but if July 1, 2020 is reached without an approved budget, could the Town do a retroactive pay? The amount would have been budgeted for. Director Smith noted it has been done before. This fiscal year's payrates stay in place until Town Meeting, and then the increase for back pay comes retroactively. If the Board agrees with this, Director Smith will speak with the Union.

Treasurer Mahar reiterated that because the Town Meeting does not vote line item, the amount allowed to be spent for a particular length of time is merely a percentage of the previous year's budget. The money can be spent in any way and is not connected to specific line items. This way of budgeting does not preclude the Town from allowing pay raises, as long as the money in lump sum does not exceed the previous year's amount in lump sum.

Mr. Mooers clarified that he was asking about the budget moving forward, and not because of a letter received by the Town that suggested cutbacks. He wouldn't be in favor of cutting back. He felt Treasurer Mahar's explanation answered his questions. Mr. Mooers felt the issue has now been preemptively addressed, and a potential solution has been discussed. Should the current issue linger beyond July 1, 2020, a Motion can be made then on how to move forward.

No Action was taken.

**VII. Unfinished Business**

None presented

**VIII. New Business**

*A. Request to postpone the Annual Town Meeting until a date uncertain*

Manager Lunt noted there is no clear pathway as to when the Town Meeting can take place. The Town of Tremont has already approved postponement of their Town Meeting to a date uncertain. Manager Lunt did not feel either the health concerns or the public's comfort level will be such as to hold and attend a meeting in four weeks' time. The State has allowed a three-month extension of the Town's budget deadline. Manager Lunt recommended the Board vote to postpone, which will allow for the time to plan.

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding to postpone the Annual Town Meeting until a date uncertain. Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and Dudman – Aye Motion approved 5-0.

Ms. Dudman pointed out there was a vote required on secret ballot at the Town Meeting that was not included on the Agenda.

Director Smith voiced his concern over the item not being included on the agenda. Town Manager Lunt stated it should have been included.

MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval of the postponement of the secret ballot to a date uncertain, as presented.

It was confirmed that exiting SelectBoard Member Rick Mooers will be required to stay on the Board until such time as the election can take place.

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

*B. Request authorization to purchase 3 new Watchguard in car video systems to replace the current systems in our cruiser fleet at a cost not to exceed \$22,052.00 (includes costs to remove the old in car video systems as well as installation of the new systems at \$1,300.00 and the purchase of the new equipment at a cost of \$20,752.00, for a total project cost of \$22,052.00) with funds from the Police Capital Improvement Reserve account, 4040100-24405, current balance is \$106,284.00, leaving a remaining balance of \$84,332.00. Also request authorization to sign and execute necessary documents to complete this project*

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, authorization to purchase 3 new Watchguard in car video systems to replace the current systems in the cruiser fleet at a cost not to exceed \$22,052.00 (includes costs to remove the old in car video systems as well as installation of the new systems at \$1,300.00 and the purchase of the new equipment at a cost of \$20,752.00, for a total project cost of \$22,052.00) with funds from the Police Capital Improvement Reserve account, 4040100-24405, current balance is \$106,284.00, leaving a remaining balance of \$84,332.00. Also, authorization to sign and execute necessary documents to complete this project, as presented.

Ms. Littlefield asked about ordering and receiving the equipment in light of the COVID19 virus issues.

Chief Willis noted it is a sister project with the Town of Bar Harbor, which is also approving such a purchase. The supplier and installer have both assured Chief Willis that there would be no delays.

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

*C. Request authorization to purchase three solar powered (3) Shield 12 Speed Display signs with Bluetooth and TraffiCloud Traffic Suite and associated equipment, including options for speed display, traffic data collection and violator alert, from All Traffic Solutions at a total cost for three (3) of approximately \$10,500.00 including freight and \$1,500.00 contingency funds*

MOTION: Ms. Dudman moved, with Mr. Hart seconding, authorization to purchase three solar powered (3) Shield 12 Speed Display signs with Bluetooth and TraffiCloud Traffic Suite and associated equipment, including options for speed display, traffic data collection and violator alert, from All Traffic Solutions at a total cost for three (3) of approximately \$10,500.00 including freight and \$1,500.00 contingency funds, as presented.

Mr. Hart noted there has been some positive feedback from the Somesville residents. Chief Willis concurred.

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

*D. Request authorization to release and expend an amount not to exceed \$12,000.00 (on a 50-50 cost share basis using funds from the following accounts in the stated amounts):*  
- *Not-to-exceed \$6,000 from the Police Capital Reserve Account Number 4040100-24405 with a current balance of \$84,332.00 leaving a remaining balance of \$78,232.00.*

- 1 - Not-to-exceed \$6,000 from the Public Works Equipment Reserve Account Number  
2 4050100-24500 with a current balance of \$211,000 leaving a remaining balance of  
3 \$205,000.

4 MOTION: Mr. Mooers moved, with Mr. Hart seconding, authorization to release and expend an  
5 amount not to exceed \$12,000.00 (on a 50-50 cost share basis using funds from the following  
6 accounts in the stated amounts):

- 7 - Not-to-exceed \$6,000 from the Police Capital Reserve Account Number 4040100-24405  
8 with a current balance of \$84,332.00 leaving a remaining balance of \$78,232.00.

- 9 - Not-to-exceed \$6,000 from the Public Works Equipment Reserve Account Number  
10 4050100-24500 with a current balance of \$211,000 leaving a remaining balance of \$205,000, as  
11 presented.  
12

13 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
14 Dudman – Aye Motion approved 5-0.  
15

16  
17 *E. Katherine M. Conley /DBA Lighthouse Inn and Restaurant 12 Main St. Seal Harbor request*  
18 *for Liquor License Renewal*

19 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval of Katherine M. Conley  
20 /DBA Lighthouse Inn and Restaurant 12 Main St. Seal Harbor request for Liquor License  
21 Renewal, as presented.  
22

23 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
24 Dudman – Aye Motion approved 5-0.  
25

26 *F. Dobbs Productions Inc. Request to Use Public Access Channel 1301 for summer 2020 and*  
27 *winter 2021*

28 Manager Lunt noted this is a recurring request.  
29

30 MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval of Dobbs Productions Inc.  
31 Request to Use Public Access Channel 1301 for summer 2020 and winter 2021, as presented.  
32

33 Mr. Mooers wondered if the Mount Desert meetings would be broadcast at some point in the  
34 future.  
35

36 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
37 Dudman – Aye Motion approved 5-0.  
38

39 **IX. Other Business**

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

41 Ms. Littlefield reminded the Board of the Bond documentation requiring attention.  
42

43 Treasurer Mahar noted the issue has come up due to a clerical error uncovered last June. The bank  
44 has agreed to defer payment of the bond to July 1, 2019 instead of June 15. This change moves it  
45 into the correct fiscal year for which it was budgeted. Bond Counsel has written up a Resolution  
46 for the Board's approval and has approved Treasurer Mahar to sign the documentation required.  
47

48 MOTION: Ms. Dudman moved, with Mr. Hart seconding, the Resolution as presented.  
49

50 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
51 Dudman – Abstained Motion approved 4-0-1 (Dudman in Abstention).

Ms. Dudman requested the Motion, Second, and Vote be retaken.

MOTION: Mr. Mooers moved, with Mr. Hart seconding, the Resolution as presented.  
Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and  
Dudman – Abstained Motion approved 4-0-1 (Dudman in Abstention).

Ms. Littlefield extended thanks to Fire Chief Mike Bender for the weekly EOC Briefing notes. It's  
very helpful for talking with concerned citizens.

**X. Treasurer's Warrants**

*A. Approve & Sign Treasurer's Warrant AP2056 in the amount of \$149,718.64*

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, Approval and Signature of  
Treasurer's Warrant AP2056 in the amount of \$149,718.64, as presented.

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

*B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2054, AP2055,  
PR2020, and PR2021 in the amounts of \$2,176.50, \$536.00, \$106,147.53 and \$109,940.20,  
respectively*

MOTION: Mr. Mooers moved, with Mr. Hart seconding, Approval of Signed Treasurer's  
Payroll, State Fees, & PR Benefit Warrants AP2054, AP2055, PR2020, and PR2021 in the  
amounts of \$2,176.50, \$536.00, \$106,147.53 and \$109,940.20, respectively, as presented.

Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Abstained; and  
Dudman – Aye Motion approved 4-0-1 (Littlefield in Abstention)

*C. Acknowledge Treasurer's School Board AP/Payroll Warrants 20 in the amount of  
\$161,415.81*

MOTION: Mr. Mooers moved, with Mr. Hart seconding, Acknowledgement of Treasurer's  
School Board AP/Payroll Warrants 20 in the amount of \$161,415.81, as presented.

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

**XI. Adjournment**

Mr. Mooers moved, with Ms. Littlefield seconding adjournment.

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

Meeting adjourned at 4:45PM.

Respectfully Submitted,



Wendy Littlefield, Secretary