

Town of Mount Desert
SelectBoard Meeting Minutes
Regular Meeting
Tuesday, April 21, 2020, 4:00 PM

This Meeting was held via remote access.

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

Public Officials Present: Public Works Director Tony Smith, Harbormaster John Lemoine, Town Manager Durlin Lunt, Town Clerk Claire Woolfolk, Treasurer Kathy Mahar, Fire Chief Mike Bender, Firefighter Amelie Blackman

Members of the public were also in attendance.

Call to order at 4:00 p.m.

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

II. Public Hearing(s)

A. Special Amusement Permit Renewal Asti-Kim /DBA Asticou Inn

MOTION: Mr. Hart moved, with Ms. Dudman seconding, to open the Public Hearing for the Special Amusement Permit Renewal Asti-Inn/DBA Asticou Inn.

VOTE:

Chair John Macauley: Aye

Martha Dudman: Aye

Rick Mooers: Aye

Wendy Littlefield: Aye

Matt Hart: Aye

Motion approved 5-0.

Chair Macauley requested public comment. There was none.

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

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Matt Hart: Aye

Chair John Macauley: Aye

Motion approved 5-0.

The Public Hearing was closed.

III. Minutes

A. Approval of minutes from April 1, 2020 meeting

B. Approval of minutes from April 6, 2020 meeting

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, approval of the April 1, 2020 Minutes and the April 6, 2020 Minutes as presented.

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Matt Hart: Aye

Chair John Macauley: Aye

Motion approved 5-0.

IV. Appointments/Recognitions/Resignations

A. Appointment of Seasonal Dock Hands and Boat Launch Operators presented in the Harbormaster's memo dated April 13, 2020

MOTION: Ms. Littlefield moved, with Mr. Hart seconding, approval of the appointment of Seasonal Dock Hands and Boat Launch Operators presented in the Harbormaster's memo dated April 13, 2020, as presented.

Harbormaster John Lemoine verified he'd received confirmation from all the seasonal dock hands listed that they planned to return to work as soon as the current situation allows.

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Matt Hart: Aye

Chair John Macauley: Aye

Motion approved 5-0.

C. Appointment of Carrie Eason as Ballot Clerk under Title 30-A, MRSA, Section 2528 for 2020 Annual Town Meeting and as Bi-Annual Election Clerk under Title 21-A, MRSA, Section 503

MOTION: Mr. Mooers moved, with Mr. Hart seconding, appointment of Carrie Eason as Ballot Clerk under Title 30-A, MRSA, Section 2528 for 2020 Annual Town Meeting and as Bi-Annual Election Clerk under Title 21-A, MRSA, Section 503, as presented.

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Matt Hart: Aye

Chair John Macauley: Aye

Motion approved 5-0

V. Consent Agenda

A. Department Reports: Highway Department, Wastewater Department

MOTION: Mr. Mooers moved, with Mr. Hart seconding, acceptance of the Consent Agenda, as presented.

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Matt Hart: Aye

Chair John Macauley: Aye

Motion approved 5-0.

VI. Selectmen's Reports

Ms. Dudman broached the subject of the Bait Shed. During Warrant Discussions, only one fisherman was in attendance and stated he was the only one using the building. Family members of the land donors were also in attendance at that meeting. Based on sentiments heard during SelectBoard discussions, upkeep was deemed worthwhile. Insurance is necessary as long as the building is held by the Town. Ms. Dudman wondered if the proposed five-year lease for the fishermen might be too long. Perhaps other fishermen might want to use it. She suggested the Warrant Article be revised to a three-year lease.

Public Works Director Tony Smith noted there are two separate Articles for the Bait House in the Warrant; one for repairs, and one for the lease. Both the Warrant Committee and the SelectBoard recommended passage a lease length of five years. He thought a Public Hearing for such a change was necessary and wondered what the legal process would be for entertaining and approving such a change.

Ms. Dudman clarified she was bringing the issue up for discussion. If others felt it worth pursuing the Town could then get the legal advice necessary.

Town Manager Lunt was not aware whether it was possible, but it could certainly be pursued if there was interest.

Mr. Mooers felt the Warrants for the repairs and the lease went through the regular process and were approved by the Warrant Committee and the SelectBoard. He did not feel the SelectBoard should propose changes to Warrants that have been approved. Discussion of such a revision should take place on the floor of Town Meeting.

Chair Macauley felt that perhaps it should be reviewed. He agreed five years seemed excessive.

Mr. Hart felt it was reasonable to expect discussion on the issue during the Town Meeting. It would be good to have a legal opinion in preparation of that possible discussion.

Director Smith agreed to follow up by requesting a legal opinion.

1 Ms. Littlefield felt that once the Warrant was approved there was little leeway for change.
2 The Warrant is now printed. If the Town Meeting were occurring on the original date
3 intended, this discussion would be held there.

4
5 Director Smith felt that the donors of the land would likely have an opinion on the issue.

6
7 Chair Macauley felt it was still wise to know what the options are. It was requested that
8 Director Smith discuss the question with MMA.

9
10 Town Manager Durlin Lunt noted there are other Warrant Articles in which change has
11 been considered. Warrant has not been posted. Director Smith wondered how a Warrant
12 Article that has been voted on could be changed at this point.

13
14 Mr. Hart reiterated it was an issue that may very well be brought up on the floor of Town
15 Meeting. Regardless of what lease length is the better choice, he would like the Board to
16 have a legal opinion in hand should the question be asked.

17
18 Mr. Mooers asked when the Warrant would be posted, in light of the postponement to a
19 date uncertain. Town Clerk Claire Woolfolk stated that once a date is established for the
20 Town Meeting, the timeline is set into motion based on the meeting date. Per her
21 recollection, the Warrant must be posted for ten days prior to the Town Meeting. Once the
22 Warrant has been posted for seven days, no changes can be made. Clerk Woolfolk felt that
23 if the Warrant were going to be changed, another Public Hearing would most likely be
24 required.

25
26 There was no further discussion

27
28 **VII. Unfinished Business**

29 *A. Request authorization to sign Workers Compensation Safety Incentive Program*
30 *(WCSIP) acknowledgement form*

31 Manager Lunt reminded the Board that this program is taking the place of the Leaders
32 Program. Manager Lunt requested authorization to sign it on behalf of the Town.

33
34 MOTION: Mr. Hart moved, with Mr. Mooers seconding, authorizing the Town Manager
35 to sign Workers Compensation Safety Incentive Program (WCSIP) acknowledgement
36 form, as presented.

37
38 VOTE:

39 Rick Mooers: Aye

40 Wendy Littlefield: Aye

41 Martha Dudman: Aye

42 Matt Hart: Aye

43 Chair John Macauley: Aye

44 Motion approved 5-0.

45
46 *B. Requesting authorization for the purchase of the following in stock car from Darling's*
47 *Bangor Ford SUV and amending PO #20200040:(1) 2020 Ford Police Interceptor*

Utility AWD for patrol equipped as outlined in their bid package for \$36,617 with a trade in of our 2017 Ford SUV for \$5,000 and a net purchase price of \$31,617.00 to be funded through the Police Equipment-Vehicle line, #14400110-57200 which has a current balance of \$37,000

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, authorization of the purchase of the following in-stock car from Darling's Bangor Ford SUV and amending PO #20200040:(1) 2020 Ford Police Interceptor Utility AWD for patrol equipped as outlined in their bid package for \$36,617 with a trade in of our 2017 Ford SUV for \$5,000 and a net purchase price of \$31,617.00 to be funded through the Police Equipment-Vehicle line, #14400110-57200 which has a current balance of \$37,000, as presented. This change to the order has been made because the vehicle originally ordered is unavailable due to the Covid-19 virus. The virus has resulted in vehicle plants switching production to materials and supplies required due to the pandemic. While the vehicle currently available surpasses what the Police Chief intended to order, and is slightly more expensive, it is better outfitted for the lighting required by the police department, thus creating potential cost savings after purchase.

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Matt Hart: Aye

Chair John Macauley: Aye

Motion approved 5-0.

C. Consider recommendation to revise Town Meeting Warrant Article 30 to a new funding amount of \$500,000

Mr. Hart asked whether a Public Hearing would be required to discuss any potential change. Manager Lunt confirmed that there would most likely be a Public Hearing to discuss several potential proposed changes to the Warrant. Mr. Mooers felt Articles involving money can be changed on the floor of Town Meeting. Manager Lunt affirmed they could. Chair Macauley noted this was not an Article the Town would have required a Public Hearing on.

Treasurer Kathy Mahar noted the amount can be changed, but not the funding source. A new Article would be required should the funding source change. Regarding Due Process, Treasurer Mahar felt that anything could be changed on a Warrant until the time it was posted. The Warrant is still a draft at this point in time. Her feeling was that changing it now would allow residents to see and understand the proposed change, as opposed to introducing it on the floor.

MOTION: Mr. Mooers moved, with Mr. Hart seconding, approval of recommendation to revise Town Meeting Warrant Article 30 to a new funding amount of \$500,000, as presented.

1 Warrant Committee Chair Phil Lichtenstein felt amending the dollar amount would not
2 require reconvening the Warrant Committee. Amending the funding source would warrant
3 such action.

4
5 VOTE:

6 Rick Mooers: Aye

7 Wendy Littlefield: Aye

8 Martha Dudman: Aye

9 Matt Hart: Aye

10 Chair John Macauley: Aye

11 Motion approved 5-0.

12
13 *D. Consider recommendation to revise Town Meeting Warrant Article 31 from funding*
14 *source of Capital Gains Reserve Account 400-24200 to Undesignated Fund Balance*
15 *Account 100-38300*

16 It was noted this will require drafting a new Article for the Warrant. This change will
17 require approval from the Warrant Committee.

18
19 MOTION: Mr. Hart moved, with Mr. Mooers seconding, revision of Town Meeting
20 Warrant Article 31 from funding source of Capital Gains Reserve Account 400-24200 to
21 Undesignated Fund Balance Account 100-38300, as presented.

22
23 VOTE:

24 Rick Mooers: Aye

25 Wendy Littlefield: Aye

26 Martha Dudman: Aye

27 Matt Hart: Aye

28 Chair John Macauley: Aye

29 Motion approved 5-0

30
31 *E. Consider recommendation to revise Town Meeting Warrant Article 32 from funding*
32 *source of Capital Gains Reserve Account 400-24200 to Undesignated Fund Balance*
33 *Account 100-38300*

34 MOTION: Mr. Mooers moved, with Mr. Hart seconding, approval of recommendation to
35 revise Town Meeting Warrant Article 32 from funding source of Capital Gains Reserve
36 Account 400-24200 to Undesignated Fund Balance Account 100-38300, as presented.

37
38 VOTE:

39 Rick Mooers: Aye

40 Wendy Littlefield: Aye

41 Martha Dudman: Aye

42 Matt Hart: Aye

43 Chair John Macauley: Aye

44 Motion approved 5-0.

45
46 Treasurer Mahar stated another Article was required for LD1. \$100,000 was added to the
47 fund to reduce the tax commitment.

VIII. New Business

A. MDI Farmers' Market Public Space Special Event Application – Northeast Harbor Village Green; Thursdays 9am – noon from June 20 – September 11, 2020

Manager Lunt noted there will most likely be a new set of State Guidelines presented when the State begins to reopen.

Director Smith suggested including the wording to include that such an event was subject to ramifications or change based on the new Covid-19 virus rules

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval of MDI Farmers' Market Public Space Special Event Application – Northeast Harbor Village Green; Thursdays 9am – noon from June 20 – September 11, 2020, contingent upon the requirement that vendors follow any changes in guidelines prescribed by the State in an effort to curtail the Covid-19 virus, and with the understanding that the State may forbid the operation of a Farmer's Market during any or all of the span of time requested.

Mr. Mooers voiced concern that the Town was regulating the circumstances under which the Farmer's Market, and perhaps others, can conduct business. The Town may be setting precedence.

Mr. Hart felt restrictions for such an event would come from a higher authority than the Town. He did not feel the Town had to be specific regarding what is allowed. Mr. Hart felt the State will most likely address Farmer's Markets due to the fact they are widespread across the state.

Ms. Littlefield worried about voting to approve such an event without the assurance that the Town won't then be forced to create and enforce rules. Perhaps tabling the issue for a month would be a better option. Resident Mia Thompson agreed with Ms. Littlefield. The State will know more in 30 days.

Director Smith felt the Motion presented covered any changing rules the State might enforce. It must be made clear to those organizing the Farmer's Market that holding the event is contingent upon the State's rules. But the Motion will allow them to begin their planning for the season. Tabling a decision for 30 days provides very little time for event coordinators to plan.

Town Clerk Woolfolk noted that the Town notifies those who are approved for events. Any conditions spelled out by the SelectBoard are included in the notification. Clerk Woolfolk would add to the letter that the event is subject to the Covid-19 guidelines as approved by the State, and to bear in mind that gatherings like this may not be approved.

Mr. Hart felt the Town was only giving permission to use the space. Farmer's Market coordinators must abide by the rules set for them by the State. Those vendors that are part of Farmer's Markets are licensed and regulated by the State. Mr. Mooers pointed out that the Town cannot set requirements less stringent than the State's, but they can set more stringent requirements if the Town deems them necessary.

1 VOTE:

2 Rick Mooers: Aye

3 Wendy Littlefield: Aye

4 Martha Dudman: Aye

5 Matt Hart: Aye

6 Chair John Macauley: Aye

7 Motion approved 5-0.

8
9 *B. Asti-Kim Corporation /DBA Asticou Inn Request for Liquor License Renewal*

10 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of Asti-Kim
11 Corporation/DBA Asticou Inn Request for Liquor License Renewal, as presented.

12
13 VOTE:

14 Rick Mooers: Aye

15 Wendy Littlefield: Aye

16 Martha Dudman: Aye

17 Matt Hart: Aye

18 Chair John Macauley: Aye

19 Motion approved 5-0.

20
21 *C. Asti-Kim Corporation/DBA Asticou Inn Request for Special Amusement Permit*
22 *Renewal*

23 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of Asti-Kim
24 Corporation/DBA Asticou Inn Request for Special Amusement Permit Renewal, as
25 presented.

26
27 VOTE:

28 Rick Mooers: Aye

29 Wendy Littlefield: Aye

30 Martha Dudman: Aye

31 Matt Hart: Aye

32 Chair John Macauley: Aye

33 Motion approved 5-0.

34
35 *D. Journeys End Inc. d/b/a The Docksider 14 Sea St, Northeast Harbor request for Liquor*
36 *License Renewal*

37 MOTION: Mr. Mooers moved, with Mr. Hart seconding, approval of Journeys End Inc.
38 d/b/a The Docksider 14 Sea St, Northeast Harbor request for Liquor License Renewal, as
39 presented.

40
41 VOTE:

42 Rick Mooers: Aye

43 Wendy Littlefield: Aye

44 Martha Dudman: Aye

45 Matt Hart: Aye

46 Chair John Macauley: Aye

47 Motion approved 5-0.

1 E. Request approval and authorization for the Fire Chief to extend the current 2
2 firefighter, 24 hour, 7 days a week staffing schedule until May 31, 2020, as presented in
3 his memo of April 15, 2020

4 Fire Chief Mike Bender noted this was in line with the directive from the State of Maine
5 extension of the State of Emergency. The intent is to keep the firefighters safe. Chief
6 Bender will review the situation on May 15, 2020. Extending to the end of the month
7 allows for planning and scheduling, and so firefighters can plan around such a schedule.
8 Chief Bender believed the funds were available for the extension, but it would be close.
9

10 If Governor Mills ends the State of Emergency on May 15th, Chief Bender will look at the
11 situation, with the hope of ending the coverage, taking the state of the Town into account.
12 Fire personnel are aware the 24-hour coverage could end mid-May. Morale is good. On-
13 call firefighters have stepped up as well.
14

15 MOTION: Ms. Littlefield moved, with Mr. Hart seconding, approval and authorization for
16 the Fire Chief to extend the current 2-firefighter, 24-hour, 7 days a week staffing schedule
17 until May 31, 2020, as presented in his memo of April 15, 2020, as presented, and with a
18 review of the situation mid-May.
19

20 VOTE:

21 Rick Mooers: Aye

22 Wendy Littlefield: Aye

23 Martha Dudman: Aye

24 Matt Hart: Aye

25 Chair John Macauley: Aye

26 Motion approved 5-0.
27

28 F. Discuss the formation of a task force to address issues as re-opening of business occurs
29 Town Manager Lunt reported that the Town of Bar Harbor is considering such a task force.
30 Guidelines regarding business re-openings are anticipated from the State of Maine. Change
31 is anticipated. There may be issues the Town will have to help with as businesses open
32 back up. The Town should consider a task force and consider who might be appropriate
33 task force members.
34

35 Chamber of Commerce Director Micki Sumpter felt that a task force would be valuable. It
36 will provide the ability to help each other, and the ability to be on the same page as things
37 unfold proactively. The Town will still have to abide by State directives. Ms. Sumpter is
38 meeting with other island Chambers of Commerce on a weekly basis. She recommended
39 the Town create a task force that can then collaborate with other towns.
40

41 Manager Lunt suggested presenting some suggestions for task force members by the next
42 SelectBoard meeting.
43

44 Ms. Sumpter reported that Chambers of Commerce for all towns on the island have been in
45 contact. She was not aware of whether all Towns on the island were discussing or planning
46 task forces. Manager Lunt noted a League of Towns meeting was coming up at which it
47 could be discussed.

1 The types of members for a task force were discussed.

2
3 **IX. Other Business**

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

5 MD365 Director Kathy Miller pointed out that the issues surrounding Broadband access in
6 Town have been made clear during the emergency. This may be the perfect time to
7 reassess the issue. She wondered if committees were allowed to meet during this time.
8 Manager Lunt confirmed committees were allowed to meet.

9
10 Ms. Thompson asked for clarification regarding the website and Covid-19 updates;
11 particularly the one stating those arriving in Town must quarantine for 14 days. The State
12 is allowing people to go outside for physical activity. Additionally, there is an asterisk on
13 the statement on the website.

14
15 Manager Lunt agreed to check in with the person who manages the website.

16
17 It was noted that the term "Quarantine" and the term "Sheltering in Place" are two different
18 things with different requirements. Ms. Thompson asserted the Town has made their rules
19 stricter than the State. It was clarified that "Quarantine" is a State requirement. Quarantine
20 requires food and medicine delivered before one's arrival and prohibits one from leaving
21 one's home. Sheltering in place allows one to go outside one's home for exercise, or to the
22 store for necessary purchases.

23
24 Ms. Thompson asked for a definition of "arriving".

25
26 It was clarified that anyone traveling, within the country or without, and who has been
27 away from the community, must quarantine upon arrival to Town, as described previously,
28 for 14 days.

29
30 There was no Other Business.

31
32 **X. Treasurer's Warrants**

33 *A. Approve and Sign Treasurer's Warrant AP2060 in the amount of \$393,266.73*

34 MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval and signature of
35 Treasurer's Warrant AP2060 in the amount of \$393,266.73, as presented.

36
37 VOTE:

38 Rick Mooers: Aye

39 Wendy Littlefield: Aye

40 Martha Dudman: Aye

41 Matt Hart: Aye

42 Chair John Macauley: Aye

43 Motion approved 5-0.

44
45 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2058,*
46 *AP2059, and PR2022, in the amounts of \$175.00, \$729.00, and \$116,532.72,*
47 *respectively*

MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval of Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2058, AP2059, and PR2022, in the amounts of \$175.00, \$729.00, and \$116,532.72, respectively, as presented.

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Abstains

Martha Dudman: Aye

Matt Hart: Aye

Chair John Macauley: Aye

Motion approved 4-0-1 (Littlefield in Abstention).

C. Acknowledge Treasurer's School Board AP/Payroll Warrants 11 and 21 in the amounts of \$61,862.29 and \$83,087.51, respectively

MOTION: Mr. Hart moves, with Ms. Littlefield seconding, acknowledgement of Treasurer's School Board AP/Payroll Warrants 11 and 21 in the amounts of \$61,862.29 and \$83,087.51, respectively, as presented.

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Matt Hart: Aye

Chair John Macauley: Aye

Motion approved 5-0.

XI. Adjournment

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

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Matt Hart: Aye

Chair John Macauley: Aye

Motion approved 5-0.

The Meeting adjourned at 5:08PM.

Respectfully Submitted,



Wendy Littlefield, Secretary