

Town of Mount Desert
Select Board Meeting Minutes
Regular Meeting
Monday, May 18, 2020, 4:00 PM

This Meeting was held via remote access.

SelectBoard Members Present:

Chair John Macauley, Wendy Littlefield, Matt Hart, Rick Mooers, and Martha Dudman

Public Officials Present:

Public Works Director Tony Smith, Town Manager Durlin Lunt, Fire Chief Mike Bender,
Town Clerk Claire Woolfolk

Members of the public were also in attendance.

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 May 4, 2020 meeting*

MOTION: Ms. Littlefield moved, with Mr. Hart seconding, approval of the May 4, 2020
Minutes as presented.

VOTE:

Matt Hart: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Rick Mooers: Aye

Chair John Macauley: Aye

Motion approved 5-0.

III. Appointments/Recognitions/Resignations

A. *Annual Employee Appointments*

MOTION: Mr. Mooers moved, with Mr. Hart seconding, approval of the slate of Annual
Employee Appointments as presented.

VOTE:

Rick Mooers: Aye

Matt Hart: Aye

Wendy Littlefield: Aye

Martha Dudman: Aye

Chair John Macauley: Aye

Motion approved 5-0.

B. *Appointment of Kathleen Miller to the Broadband Committee*

1 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, appointment of Kathleen
2 Miller to the Broadband Committee, as presented.

3 VOTE:

4 Rick Mooers: Aye

5 Martha Dudman: Aye

6 Matt Hart: Aye

7 Wendy Littlefield: Aye

8 Chair John Macauley: Aye

9 Motion approved 5-0.

10
11 *C. Confirm appointment of George Nickerson to the Mount Desert Housing Authority*
12 *Board of Commissioners as Tenant Commissioner to complete the term of Elizabeth*
13 *Macul through November 1, 2024*

14 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, confirmation of
15 appointment of George Nickerson to the Mount Desert Housing Authority Board of
16 Commissioners as Tenant Commissioner to complete the term of Elizabeth Macul
17 through November 1, 2024, as presented.

18 VOTE:

19 Martha Dudman: Aye

20 Wendy Littlefield: Aye

21 Matt Hart: Aye

22 Rick Mooers: Aye

23 Chair John Macauley: Aye

24 Motion approved 5-0.

25
26 **IV. Consent Agenda (These items are considered routine, and therefore, may be**
27 **passed by the Selectmen in one blanket motion.**

28 *Board members may remove any item for discussion by requesting such action prior to consideration of that portion of*
29 *the agenda.)*

30 *A. Department Reports: Treasurer – Investment Trust, 3rd Quarter FY2020, and*
31 *Treasurer Permanent Trust – 3rd Quarter FY2020*

32 *B. MDOT Resident Assignment Letter dated May 7, 2020*

33 *C. Letter from Maine Historic Preservation Commission dated May 8, 2020 – Notice of*
34 *meeting*

35 *C. Hancock County Commissioners Meeting Minutes of April 7, 8, 14 and 21, 2020*

36 MOTION: Mr. Mooers moved, with Mr. Hart seconding, the Consent Agenda as
37 presented.

38 VOTE:

39 Rick Mooers: Aye

40 Matt Hart: Aye

41 Martha Dudman: Aye

42 Wendy Littlefield: Aye

43 Chair John Macauley: Aye

44 Motion approved 5-0.

45
46 **V. SelectBoard Reports**

47 There were no SelectBoard reports presented.

VI. Unfinished Business

A. Presentation by PW Director Tony Smith of an update to the state-of-the-art solid waste and recycling material recovery facility located in Hampden, Maine

Public Works Director Tony Smith reported on the status of the solid waste and recycling material recovery facility (Fiberight) in Hampden Maine. More information would be available by the June 1 SelectBoard Meeting.

The Facility is close to receiving their beneficial use permit from the DEP. They will then be able to sell in the State of Maine the pulp they create.

A \$1.5 million dollar loan being made to the Fiberight Facility from the Municipal Review Committee is being considered. This would be a bridge loan. It is unclear whether the loan will be approved. The facility is progressing, but there have been a few issues. The loan money will be used to address any issues that do come up.

Once the permit is in hand, Fiberight will be in a better position to succeed financially. The facility has been in operation for approximately a year. There have been some mechanical issues that were not anticipated. Additionally, they anticipate a lower amount of materials to process this year due to the Covid-19 virus.

There were no other questions.

No Action was taken.

B. Presentation by Town's and DOT's engineering consultant VHB of the final report for the "Route 3 (Peabody Drive) Safety Improvements Study

Director Smith reminded the Board that per 2019 Town Meeting approval, the Town retained the services of VHB Engineering and worked with the DOT to conduct a safety study on the road spanning from the intersection of Route 198 and Route 102 to Northeast Harbor, through Route 3 over to the Stanley Brook Road. A draft report was received.

Tony Grande of VHB was tasked with evaluating safety improvements along the stretch of Route 3 described. Several concept plans were presented for review.

There are four speed zones along the corridor spanning from 25mph to 40mph. It's been recommended that two of the sections be reduced. The 40mph zone has been recommended to be reduced to 35mph, and the 35mph zone has been recommended to be reduced to 25mph. The recommended 25mph zone would occur at the area of the Asticou Inn.

Any comments received during the discussion will be incorporated into the report and a final draft will be submitted to the Town by next month.

1 The report includes engineering assessments, a road safety assessment, observations and
2 potential countermeasures, and a breakdown of short-term and long-term measures that
3 can be taken.

4
5 Short-term improvements include regular tree trimming and ditch maintenance,
6 addressing drainage structure, and enhanced signage. Signage would include dynamic
7 pedestrian warning signs that light up as people move past it during peak season.

8
9 Long-term improvements include re-evaluating speed limits, widening the roads to 11-
10 foot lanes and 5-foot shoulders to safely allow for bicyclists, replacing the retaining wall,
11 considering protection from falling rocks, improving sight distance at tight curves by
12 widening the road and cutting into some of the bedrock to create more of a slope, and
13 considering future options for the path leading down to the landing. Several maps were
14 presented showing the areas for widening lanes and the sloping bedrock area.

15
16 There are areas that will vary from the prescribed 11-foot lanes/5-foot shoulders. The
17 area around the Asticou Inn is narrow, and five-foot shoulders can't be consistently
18 added. In the area where there's exposed rock, shifting the roadway to the West in order
19 to pull away from the rock wall area has been suggested. By the Harborbrook Bridge the
20 existing 11-foot lanes would be maintained with four-foot shoulders already there. The
21 four-foot shoulders require maintenance. The existing sidewalk section and curb will
22 remain. Widening the road to the North will allow for 11-foot lanes.

23
24 Photos of the roads were presented. Foliage on the sides of the roads makes signs
25 difficult to see.

26
27 Concept plans were reviewed. These include widening shoulders, converting gravel
28 shoulders to paved shoulders, and some full construction areas. All pavement area would
29 be reclaimed within the areas discussed. Some widening can be done near the Asticou
30 Inn, but not consistently. The current speed limit in that area should be reduced to
31 25mph. Through this stretch the utility poles will be on the south side of the roadway.
32 At the first tight curve, the existing width is maintained. Increased signage and lane
33 markings will help to improve safety in the area. As the road continues, the narrower,
34 three-foot shoulders will remain as well as the four-foot sidewalks there. Coming to the
35 rock wall, the passing zone in the crossing area would be eliminated. The center line
36 would be shifted to the West, which will allow for 11-foot travel lanes and five-foot
37 shoulders. This section of road would be considered for reconstruction. To reinforce the
38 pathway down to the landing, at least one retaining wall and possibly two will be required
39 on the outside of the path. From the rock wall area forward, the existing gravel shoulders
40 would be improved to paved shoulders. Areas of ledge and existing bedrock have been
41 identified along the corridor. This area currently has a 40mph zone, which is being
42 recommended to be lowered to 35mph. At the Harborbrook Bridge, the width of the
43 bridge would be maintained with approximately 11-foot lanes and four-foot shoulders.
44 The area would have to be repaved, and some stabilization is required. It was noted there
45 are utility poles that fluctuate between both sides of the road and one side of the road as
46 the road progresses. This will impact any plans for widening in the area. The road would

1 require shifting and widening near the Land and Garden Preserve trails. The Land and
2 Garden Preserve has been contacted and they are amenable to working with VHB on the
3 parking area there in relation to the road work planned. The section of road near the
4 bedrock area could benefit from some cutting and sloping of the bedrock. A pedestrian
5 crossing sign that lights up when there is a pedestrian in the road would be of benefit in
6 this area. Curbing will be maintained on the road leading to Dodge Point Road. The
7 road will be widened on one side to reach a five-foot shoulder near the rock outcropping.
8 Curbing would most likely be set up there so the rock outcropping in that area is behind
9 the curbing. There may be reconstruction required on Barr Hill Way due to the steep
10 driveway. A retaining wall may be necessary. The speed limit would change from
11 35mph to 25mph as the corridor approached Seal Harbor.
12

13 The project was originally split into three sections, each approximately a mile in length.
14 The first option uses fill and involves limited widening. Using this option all three
15 project sections together are estimated at \$5.14 million. This option excludes right of
16 way and utility relocation, permitting, engineering, mitigation, and construction
17 inspection.
18

19 A second option of the project maintains 11-foot lanes, and 5-foot shoulders wherever
20 practicable. Reclaimed sections are included. This option raises the total roadway cost to
21 \$6.1 million.
22

23 The \$5.14 million option cost includes mobilization, contingency, and other costs. The
24 \$6.1 million option cost does not include these added costs.
25

26 To include those added costs, the amount for the second option would be \$12.5 million.
27

28 The cost for reconstruction of the retaining wall down toward the landing area mentioned
29 previously is estimated at \$3.1 million. The wall reconstruction is deemed necessary due
30 to the condition of the wall.
31

32 Director Smith suggested that if the Town wants to pursue the project, the project could
33 perhaps being divided into four or five separate sections. Director Smith was certain the
34 work will require a contribution from the Town and the DOT, and perhaps asking local
35 residents to contribute could be considered.
36

37 The work is costly, but it can be done over time.
38

39 The bicyclists using the corridor report that the section of road near Thuya Gardens is one
40 of the more challenging sections to ride through.
41

42 Bicyclist Gordon Beck pointed out that the retaining wall in that area must be addressed
43 at some point. Director Smith agreed the retaining wall needs to be done. The DOT was
44 concerned by the degree of which the wall had failed. There are rocks from the wall that
45 have been displaced completely. The retaining wall must be stabilized before any other
46 work can effectively be done in that area.

1
2 Mr. Hart asked about the short-term remedies, like clearing brush and branches and
3 improved signage. He wondered about that cost.

4
5 Director Smith noted the road is a DOT road and he could not support or recommend the
6 Town paying for the short-term remedies that are the responsibility of the DOT.

7
8 Should any private donations be raised, it was unclear whether they would offset cost to
9 just the Town, or to both the Town and the DOT.

10
11 There were no further questions.

12
13 *C. Presentation of an update of the Main Street Improvements Project by Public Works*
14 *Director Tony Smith*

15 Director Smith reported that RF Jordan's is on schedule to leave the area by Friday for
16 the summer season. Concern was voiced about the sidewalks. There is a high spot near
17 The Colonel's which will be removed. Removal of the high spot will prevent water from
18 pooling near the building. A crack in the sidewalk has been reported and will be
19 addressed. Sections of sidewalk were installed in the wrong place and will be removed
20 and replaced at the contractor's cost. There have been relatively few change-orders for
21 the project; these include some extra stormdrain work and sewer services that were not
22 previously identified.

23
24 Progress is being made with Emera Maine. There has been a question on some buried
25 line work Emera Maine had promised to do which has now been resolved to Director
26 Smith's satisfaction. No poles will be set this spring. Emera Maine has now changed
27 hands and is under new ownership.

28
29 There is some trenching left to do - some of the trenching is parallel to the street and
30 some trenching crosses the street to serve buildings on the west side of the road.

31
32 The last few easements are close to being finalized for both electricity and sidewalk
33 construction.

34
35 Ms. Dudman shared several concerns she'd heard. Will the width of the sidewalks allow
36 for adequate room for large vehicles like fire trucks or garbage trucks to pass by when
37 large delivery trucks are parked in the street? Director Smith noted that trucks typically
38 park along the side of road where the Main Street Variety is. That area has adequate
39 space for parked trucks and passage of other large vehicles. Ms. Dudman asked whether
40 the sidewalk expansion joints were adequate to allow for expansion without the sidewalk
41 cracking. Director Smith stated that with the new concrete mixes, room for expansion is
42 not as critical as it has been in the past. Ms. Dudman asked about the large puddles of
43 water in front of the post office. She hoped that would be addressed before the project's
44 end. Director Smith assured her the issue would be addressed.
45

1 Discussion about 15-passenger tour buses coming through Town during the past two
2 summer seasons ensued. When those tour buses pull into the diagonal parking spaces
3 along Main Street, their length results in the ends of the bus encroaching into the travel
4 way. Director Smith agreed to mention it to Police Chief Jim Willis. If the owners of the
5 tour buses can be identified, the issue can be discussed with them.

6
7 There were no other questions.

8
9 *D. Discussion of when the Town might re-open our Public Facilities*

10 Town Manager Durlin Lunt reminded the Board that the State of Emergency due to the
11 Covid-19 virus closed down public facilities. Perhaps at the June 1 SelectBoard Meeting
12 the Town should consider removing the Town's Emergency Declaration. Doing so
13 would allow the departments controlling public facilities to move forward with plans to
14 reopen. By June 1, construction on the Administrative area of the Town Office will be
15 complete and members of the public should be able to safely access the Town Offices.

16
17 Additionally, Chief Willis and Director Smith have been to the marina to address the
18 needs of the Farmer's Market held there starting June 18. The food trucks have also been
19 addressed and are confirmed ready to move forward safely and appropriately. Manager
20 Lunt felt the Emergency Declaration should be lifted so facilities ready to safely move
21 forward may do so.

22
23 Fire Chief Mike Bender noted that removing the Emergency Declaration is up to the
24 Board. He hoped the Police and Fire Stations could be kept on lockdown through the
25 summer.

26
27 There were no further questions.

28
29 *E. Presentation of pay schedule for Election and Ballot Clerks*

30 Town Clerk Claire Woolfolk presented to the Board a two-tier pay schedule for Election
31 and Ballot Clerks; Level One being paid \$15.00/hour and Level Two being paid
32 \$20.00/hour.

33
34 Mr. Mooers lauded Clerk Woolfolk's work. The report provides the Town with a
35 defensible position should a question regarding pay ever arise.

36
37 Ms. Woolfolk noted that Ballot Clerk Sally Merchant requested an example of what the
38 pay schedule would look like for the next election. Ms. Woolfolk shared the example
39 with the Board. She pointed out the clerks who have worked the elections for over ten
40 years. Additionally, there are several clerks who have worked just an election or two.

41
42 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of pay schedule
43 for Election and Ballot Clerks, as presented.

44 VOTE:

45 Rick Mooers: Aye

46 Martha Dudman: Aye

1 Matt Hart: Aye
2 Wendy Littlefield: Aye
3 Chair John Macauley: Aye
4 Motion approved 5-0.
5

6 *F. Request authorization for the release and expenditure of \$18,300.00 from Northeast*
7 *Harbor CIP line Acct. # 6410100-24680 that has a balance of \$144,210.11 to MCM*
8 *Electric for the purchase and installation of 450' cable, outside of the normal CIP*
9 *purchasing guidelines.*

10 Harbormaster John Lemoine reminded the Board that at the last meeting he reported on
11 the malfunction that necessitated this repair. The repair was unforeseen but necessary for
12 the summer season. Harbormaster Lemoine was given approval to go ahead with the
13 work by Town Manager Lunt and the cable has been purchased. Harbormaster Lemoine
14 did not believe the Town would receive any money for the faulty cable. In fact, it may
15 not be possible to remove the cable, due to overgrowth of marine life.
16

17 MOTION: Ms. Dudman moved, with Mr. Hart seconding, authorization for the release
18 and expenditure of \$18,300.00 from Northeast Harbor CIP line Acct. # 6410100-24680
19 that has a balance of \$144,210.11 to MCM Electric for the purchase and installation of
20 450' cable, outside of the normal CIP purchasing guidelines, as presented.

21 VOTE:

22 Martha Dudman: Aye
23 Matt Hart: Aye
24 Wendy Littlefield: Aye
25 Rick Mooers: Aye
26 Chair John Macauley: Aye
27 Motion approved 5-0.
28

29 **VII. New Business**

30 *A. Discussion of climate resolution from the MDIHS Eco team*

31 Chair John Macauley clarified that the group presenting the climate resolution is the
32 Climate Emergency Action Coalition and does not represent the MDI High School.
33

34 Sustainability Committee Member Phil Lichtenstein stated that the Sustainability
35 Committee recommends adopting the Climate Resolution being presented. The
36 Sustainability Committee has been working with the Climate Emergency Action
37 Coalition to address the goals the group is trying to achieve and to present the Resolution
38 in a clear fashion. Mr. Lichtenstein felt the goals being presented are achievable, and it's
39 important that the Town recognize the fact that climate issues must be addressed.
40

41 Climate Emergency Action Coalition members Louise Chaplin, Sophie Dowling, and
42 Sarah Hekimar spoke. All three are MDI High School students. Ms. Chaplin stated the
43 declaration of a climate emergency is being demanded by the Coalition. Scientific
44 evidence of the crisis is overwhelming and must be treated as an emergency by elected
45 officials. Changing climate will affect Mount Desert Island traditions and threaten the
46 local economy. Sea level on Mount Desert Island is rising one inch every eight years and

1 that rate is accelerating. Warmer waters affect the fishing industries. Climate changes
2 create hotter summers, increased weather disasters, and increased infrastructure damage.

3
4 Sophie Dowling demanded action to protect the assets of Mount Desert Island. The
5 lobstering industry and the maritime history of the Island are under threat by climate
6 change.

7
8 Sarah Hekimar stated that everything special about Mount Desert Island is under direct
9 threat of the climate crisis. Scientific evidence is irrefutable that if action is not taken
10 immediately many of the special places on MDI will be gone.

11
12 Ms. Dowling intreated the Town to pass the proposed Climate Resolution and make it the
13 framework of the Town's response to the climate emergency. She called on the Town of
14 Mount Desert to take a lead, act locally, and advocate that all governments follow suit
15 and take action at emergency speed.

16
17 Ms. Dowling explained that if endorsed, the Resolution means the Town of Mount Desert
18 has declared a climate emergency and recognizes the need for swift action. If passed the
19 Town joins a large number of governments worldwide and across the United States. The
20 Town of Bar Harbor has already passed such a resolution.

21
22 The Resolution will commit the Town of Mount Desert to reducing greenhouse gas
23 emissions as much as, and as quickly as possible by the year 2030, and also to call upon
24 the national government to act on the climate emergency. Federal and State legislative
25 and financial support is required to eliminate greenhouse gasses as quickly as possible.

26
27 The Resolution calls for keeping the concerns of local communities central to the climate
28 planning process. This will include educating residents on the climate emergency and
29 inviting them to participate in the planning process.

30
31 Ms. Chaplin noted the Resolution does not call for Net Zero emissions by 2030. The
32 Resolution is not intended to conflict with the State of Maine's climate change goal
33 setting targets.

34
35 Ms. Hekimar stated the Town of Mount Desert is being given an opportunity to break the
36 silence around the climate emergency and to encourage other communities to declare
37 climate emergencies. This Resolution is a first step.

38
39 The Resolution instructs the Sustainability Committee to work with key stakeholders,
40 including the Climate Emergency Action Coalition, COA students, and A Climate to
41 Thrive, to create a 10-year plan to implement measures and evaluate the Town's needs.
42 Measures for implementation would be approved by the Town. The Resolution being
43 proposed is a Statement of Intent.

44
45 Mr. Mooers agreed the proposed Resolution makes a compelling case. He noted the three
46 stated goals within the Resolution for reducing greenhouses gasses:

- to become energy independent by 2030
- zero emissions
- to ensure a fair and reasonable transition for all residents.

Mr. Mooers was concerned that by agreeing to this Resolution, the Town obligates itself to significant measures such as replacing Town vehicles by 2030. In order to go forward with the Resolution and ensure it can do what it is intended to do, Mr. Mooers recommended bringing it before a Special Town Meeting for approval. If the Board is being asked to change the direction in which this Town moves over the next ten years, then Town Meeting is the appropriate place to discuss it, so residents have the opportunity to offer their opinion on it.

Ms. Chaplin hoped the Resolution could be passed now, and in working with the Sustainability Committee action steps can be better defined for presentation at a Town Meeting.

Mr. Mooers disagreed. If the Town Meeting happens first, the Coalition can get a feeling from residents regarding their desired direction and the right steps to be taken. Otherwise, the group risks hours of planning and work, only to find at Town Meeting that their efforts are not in sync with the Town's goals. Additionally, efforts to reduce greenhouse emissions by purchasing new vehicles requires budgeting and raising taxes. Voters must weigh in on such a decision. Discussing the Resolution at Town Meeting educates residents. Mr. Mooers believed the proper way to do this procedurally is to take the Resolution before a Town Meeting. He would vote in favor of a Special Town Meeting for that purpose.

Ms. Chaplin suggested passing the Resolution now, as presented, and charging the Sustainability Committee with planning the further details which would include funding. At that point perhaps a Town Meeting would be appropriate. This proposed Resolution is merely a declaration, and leniency for budget and taxes are expected. Budgeting for measures dictated by the Resolution is not appropriate at this time.

Chair Macauley felt that a Resolution does not necessarily encumber the Town. What it will do is inform and direct the Sustainability Committee which is the venue the Town uses to submit similar budget and project requests to the Town. These requests are made through Town Meeting. Mr. Hart agreed with Mr. Mooers' concerns. The issue is worth a Town-wide discussion. If not a Special Town Meeting, then perhaps the issue could be added to the Warrant for the upcoming Town Meeting.

Mr. Lichtenstein, speaking for the Sustainability Committee, supported passing the Resolution as written as a first step. Sustainability Committee Member Gordon Beck affirmed Mr. Lichtenstein's statement. Mr. Beck agreed that a Town Meeting was the proper venue for any financial issues coming out of the Resolution. The first step is to endorse the concept and let the Sustainability Committee begin the work. Ideas and a sense of budget can then be created and brought to the Town Meeting. He asserted it is

1 within the purview of the SelectBoard to pass this Resolution as the first step in a
2 process. And the Resolution in and of itself does not encumber the Town in any way.

3
4 Ms. Dudman asked if there was a precedence for the SelectBoard passing such a
5 Resolution for the Town. Manager Lunt was not sure; the question would require some
6 research. Mr. Hart suggested perhaps drafting a straw poll similar to the one the school
7 board is doing with regard to middle school consolidation could be used to gauge interest.

8
9 Ms. Dudman personally supported the Resolution. However, it is a very strong statement
10 to pass without Town input. It often happens that decisions made at a SelectBoard
11 meeting are later upsetting to residents who did not realize such an issue was being
12 decided. She would be in favor of bringing the Resolution before a Town Meeting.

13
14 Resident Donna Reece agreed that this was an issue that should go before Town Meeting.
15 It might be better received by the Town because it was brought to Town Meeting. Full
16 Town discussion may result in more buy-in from the residents.

17
18 Ms. Dowling worried about the timeline of getting an issue to Town Meeting. She
19 reiterated that the Resolution only calls for action. It does not outline the actions to be
20 taken. She preferred passing the Resolution now, and Actions outlined as a result of the
21 Resolution could be presented at Town Meeting later.

22
23 Mr. Hart believed people need the chance to discuss the Resolution. If people are given
24 the chance to learn about the issue and discuss it, the results coming from it could be
25 better in the long term.

26
27 Manager Lunt suggested redrafting the Resolution as an intent to bring before the Town
28 Meeting, with steps to accomplish the goals stated. Manager Lunt noted the towns that
29 have passed such a Resolution are Council governments and not SelectBoard
30 governments. Council-government towns have the ability to pass such a Resolution
31 through their Council. The Board may want to issue a statement of support and intent to
32 bring the issue before the Town Meeting.

33
34 Mr. Hart asked if it were possible to add the Resolution to the regular Town Meeting
35 coming up. Town Clerk Woolfolk thought such a decision was up to the SelectBoard.
36 She saw no reason why such an Article couldn't be added, however there is a timeframe
37 and deadlines that must be met. Changes must go back to the Warrant Committee at least
38 45 days prior to Town Meeting.

39
40 Public Works Director Smith felt legal counsel should be sought.

41
42 Ms. Chaplin believed it unnecessary to bring the Resolution to Town Meeting. She
43 asserted the SelectBoard could pass the Resolution without the Town Meeting. She
44 worried about the time sensitivity of the process.

45

1 Ms. Littlefield agreed the issue was an important one. However, it is important to discuss
2 the issue with residents, and to collaborate on ideas and options. Ms. Littlefield felt time
3 was needed to digest the issue, perhaps get an article in the local newspaper, and gather a
4 sense of what the community feels and believes. Ms. Littlefield hoped for the
5 opportunity to learn a little more and communicate the issue to others in Town.
6

7 Ms. Dowling asserted that any questions could be answered immediately, and the
8 Coalition could brainstorm ways to get the issue broadcast to the Town to gather a sense
9 of how residents feel. She stated the Resolution should be passed immediately. She
10 agreed it was important to educate and involve the Town.
11

12 Mr. Hart argued that buy-in from residents was important. There is not yet a firm date
13 for Town Meeting, but September has been discussed as a potential time to safely
14 conduct Town Meeting. If held in September, there will be summer residents in
15 attendance, and that might create a unique opportunity for discussion of the Resolution.
16

17 Ms. Dowling argued that she and Ms. Chaplin would not be available to speak to the
18 issue at Town Meeting. She worried about maintaining momentum on the issue. Ms.
19 Reece asked about succession and who would take over the group when Ms. Dowling
20 and Ms. Chaplin leave for college.
21

22 Ms. Chaplin noted there are younger students that can continue the work. The
23 Coalition's intent is to pass the Resolution, which then tasks the Sustainability
24 Committee to create and set goals for the Town. The Coalition would be available to
25 assist, but the work will lie with the Sustainability Committee upon passage by the Town
26 of the Resolution.
27

28 Ms. Chaplin requested the Town pass a Resolution similar to the one passed in Bar
29 Harbor, and then hold a Town Meeting if the SelectBoard feels it necessary. She
30 preferred the Town Meeting occur sooner than September.
31

32 Ms. Dudman stated that an event such as Town Meeting is currently banned from
33 occurring due to the Covid-19 emergency. A Town Meeting cannot occur until the State
34 of Maine lifts certain restrictions. Ms. Chaplin suggested a Town Meeting via Zoom.
35 She reiterated that September is too far in the future.
36

37 Manager Lunt stated that Governor Mills' order allowing for certain Municipal meetings
38 to occur virtually does not extend to Town Meeting. It is not legal to hold a Town
39 Meeting via Zoom. A Public Meeting can be held via Zoom to discuss the issue, but no
40 action can be taken.
41

42 A resident voiced her support for passing the Resolution now and starting the work. The
43 Resolution is a Resolution of intent and the only work the Town is tasked with is to
44 empower the Sustainability Committee to begin the work to create plans to bring to the
45 Town. There is a need for the work to begin and the Town needs to begin planning what
46 it will do. The plans that the Sustainability Committee comes up with are what must go

1 before Town Meeting for approval. It seems excessive to wait till September to pass
2 what she felt was a small Resolution. If discussion is deemed necessary, then perhaps the
3 issue can be put on the next SelectBoard meeting for discussion, after which, it can be
4 passed.

5
6 Ms. Chaplin agreed; perhaps having the Resolution advertised as being discussed at a
7 future SelectBoard meeting or holding a Public Hearing would provide the public with
8 the opportunity to speak on the issue.

9
10 Ms. Dudman was concerned whether the SelectBoard could legally pass such a
11 Resolution. A SelectBoard is different than a Town Council. She believed Resolutions
12 in the past have been brought to Town Meeting for passage. If the SelectBoard has the
13 legal power to pass a Resolution, then a Public Hearing on the issue might be a way to
14 move forward. Manager Lunt agreed to look into the issue. He agreed the Town
15 Meeting form of government is very different from the Town Council form of
16 government. Town Council has much broader authority to encumber their communities.

17
18 Manager Lunt offered to get a determination regarding what authority the SelectBoard
19 has to approve such a Resolution without Town Meeting and report back by the next
20 SelectBoard meeting.

21
22 Mr. Beck asked if there were a type of proposal or Resolution that can be addressed and
23 potentially passed by the SelectBoard? Perhaps a new proposal or Resolution could be
24 drafted containing the goal that something more substantive that would be created to go
25 before Town Meeting for passage.

26
27 Town Manager Lunt suggested rewriting the Resolution to omit the commitments.
28 Commitments such as reducing carbon emissions are actionable items that must be
29 approved at Town Meeting. Rewriting this as an intent to take the goals to the voters
30 would be an improvement.

31
32 Mr. Hart noted that passing this Resolution now versus later in the fall would not change
33 the fact that no actionable results from the Resolution can occur until the Town Meeting
34 occurring after this year's Town Meeting. Even if the Resolution could be passed
35 immediately, significantly more work is necessary before anything can be presented at a
36 Town Meeting for vote. From a procedural perspective, very little time is actually being
37 lost by waiting for the next Town meeting.

38
39 Mr. Beck suggested that if the Resolution was passed now, the Sustainability Committee
40 could then be charged with creating items to be voted on at Town Meeting. Passing the
41 Resolution now starts that process, and the time gained can be put to good use. Ms.
42 Dowling agreed. Procedurally, time would not be lost if the Resolution is not passed
43 tonight, but time to work on an action plan is lost by delaying. She reiterated that actual
44 steps are not being voted on in this Resolution, only intent.

45

1 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, that the item be tabled
2 until the June 1 SelectBoard Meeting and that the SelectBoard receives further guidance
3 from the Town Manager and Maine Municipal Association to ensure the SelectBoard is
4 in a position to legally pass such a Resolution, and that the issue be adequately publicized
5 in the newspaper and online to encourage public participation and ensure the public is
6 informed and provided with the chance to participate in the discussion.
7

8 Mr. Hart asked if, depending on what is learned from Manager Lunt and MMA, the
9 Board might vote on the Resolution? Mr. Mooers felt that was a possibility. Mr. Mooers
10 disagreed with the assessment that there were no actionable items within the Resolution.
11 He felt there were three, and there was a deadline of December 31, 2030 set within the
12 Resolution by which those actionable items must occur. In order to commit to such
13 actions Town approval is required. In the SelectBoard form of government the Town is
14 the legislative body, and not the SelectBoard. The Town is the body with the authority to
15 weigh in and pass such Resolutions. Perhaps with legal guidance and language change
16 that removes the actionable items and commitment dates it could become a document the
17 SelectBoard can pass at the next meeting. Without legal input confirming the
18 SelectBoard has legal authority to pass such a Resolution, it's an untenable endeavor.
19

20 Mr. Hart agreed with Mr. Mooers. He reiterated that discussing the issue at the Town
21 Meeting might prove to be a valuable opportunity. He added that a newly introduced
22 Resolution being heard at Town Meeting four months away is actually quite fast for
23 Municipal government.
24

25 Mr. Beck asked that if more information is available at the next SelectBoard Meeting,
26 would it be possible to create for review by the next meeting a proposed Warrant Article
27 for the upcoming Town Meeting that includes actionable items?
28

29 Manager Lunt felt that, assuming the Resolution as it stands is something the SelectBoard
30 cannot pass, there's no reason the Resolution presented can't be added as an Article to the
31 Town Meeting Warrant.
32

33 Chair Macauley asked for further comment. There was none.
34

35 VOTE:

36 Martha Dudman: Aye

37 Rick Mooers: Aye

38 Matt Hart: Aye

39 Wendy Littlefield: Aye

40 Chair John Macauley: Aye

41 Motion approved 5-0
42

43 Ms. Dudman voiced her appreciation to the Coalition members who have worked on and
44 presented the resolution.
45

1 Mr. Lichtenstein reiterated his belief that the Sustainability Committee is up to the tasks
2 set forth in the resolution.

3
4 *B. Request authorization to pay for repairs made to the Seal Harbor dock mooring*
5 *chains by Alvah B. Barge Service Inc. for \$10,287.00. The Seal Harbor*
6 *Mooring/Floats CIP 6410200-24600 has a balance of \$86,346.81*

7 MOTION: Ms. Littlefield moved, with Mr. Hart seconding, authorization to pay for
8 repairs made to the Seal Harbor dock mooring chains by Alvah B. Barge Service Inc. for
9 \$10,287.00. The Seal Harbor Mooring/Floats CIP 6410200-24600 has a balance of
10 \$86,346.81, as presented.

11 VOTE:

12 Wendy Littlefield: Aye

13 Matt Hart: Aye

14 Rick Mooers: Aye

15 Martha Dudman: Aye

16 Chair John Macauley: Aye

17 Motion approved 5-0.

18
19 *C. Request authorization to purchase a new Taskmaster TM8516 grinder including a new*
20 *submersible motor for \$21,817.00 from Wastewater Capital Reserve account number*
21 *4050500-24501 with a current FY-20 approximate balance of \$336,499.05. Also request*
22 *authorization for Ed Montague to execute any and all documents on behalf of the town to*
23 *make the purchase*

24 MOTION: Mr. Hart moved, with Ms. Dudman seconding, authorization to purchase a
25 new Taskmaster TM8516 grinder including a new submersible motor for \$21,817.00
26 from Wastewater Capital Reserve account number 4050500-24501 with a current FY-20
27 approximate balance of \$336,499.05. Also request authorization for Ed Montague to
28 execute any and all documents on behalf of the town to make the purchase, as presented.

29 VOTE:

30 Matt Hart: Aye

31 Martha Dudman: Aye

32 Wendy Littlefield: Aye

33 Rick Mooers: Aye

34 Chair John Macauley: Aye

35 Motion approved 5-0.

36
37 *D. Request to Authorize A Public Space Special Event Application to the Seaside UCC*
38 *for outdoor worship scheduled June 21 and 28, 2020 – Seal Harbor Village Green*

39 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of request to
40 authorize a Public Space Special Event Application to the Seaside UCC for outdoor
41 worship scheduled June 21 and 28, 2020 – Seal Harbor Village Green, as presented.

42 VOTE:

43 Wendy Littlefield: Aye

44 Matt Hart: Aye

45 Martha Dudman: Aye

46 Rick Mooers: Aye

1 Chair John Macauley: Aye
2 Motion approved 5-0.
3

4 **VIII. Other Business**

5 *A. Such other business as may be legally conducted*
6 There was no other Business.
7

8 **IX. Treasurer's Warrants**

9 *A. Approval and Signature Treasurer's Warrant AP2066 in the amount of \$562,907.21*
10 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, approval and signature of
11 Treasurer's Warrant AP2066 in the amount of \$562,907.21, as presented.
12

12 VOTE:

13 Rick Mooers: Aye
14 Martha Dudman: Aye
15 Matt Hart: Aye
16 Wendy Littlefield: Aye
17 Chair John Macauley: Aye
18 Motion approved 5-0
19

20 *B. Approve Signed Treasurer's Payroll, State Fees, and PR Benefit Warrants AP2064,*
21 *AP2065, and PR2024 in the amounts of \$73,281.16, \$1,219.94, and \$116,070.49,*
22 *Respectively*

23 MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval of signed
24 Treasurer's Payroll, State Fees, and PR Benefit Warrants AP2064, AP2065, and PR2024
25 in the amounts of \$73,281.16, \$1,219.94, and \$116,070.49, respectively, as presented.
26

26 VOTE:

27 Matt Hart: Aye
28 Martha Dudman: Aye
29 Wendy Littlefield: Abstains
30 Rick Mooers: Aye
31 Chair John Macauley: Aye
32 Motion approved 4-0-1 (Littlefield in Abstention)
33

34 *C. Acknowledge Treasurer's School Board AP/Payroll Warrants 12 and 23 in the*
35 *amounts of \$62,726.92 and \$85,991.71, respectively*

36 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, acknowledgement of
37 Treasurer's School Board AP/Payroll Warrants 12 and 23 in the amounts of \$62,726.92
38 and \$85,991.71, respectively, as presented.
39

39 VOTE:

40 Rick Moores: Aye
41 Martha Dudman: Aye
42 Wendy Littlefield: Aye
43 Matt Hart: Aye
44 Chair John Macauley: Aye
45 Motion approved 5-0.
46

X. Adjournment

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

VOTE:

Matt Hart: Aye

Wendy Littlefield: Aye

Rick Mooers: Aye

Martha Dudman: Aye

Chair John Macauley: Aye

Motion approved 5-0.

The Meeting adjourned at 5:59PM.

Respectfully Submitted,

Wendy Littlefield, Secretary