

Town of Mount Desert
Board of Selectmen
Regular Meeting
Monday, October 2, 2017
Location: Meeting Room, Town Hall, Northeast Harbor

Present were: Chairman John Macauley and Selectmen Matt Hart, Rick Mooers, Martha Dudman, and Wendy Littlefield.

Town Manager Durlin Lunt, Town Clerk Claire Woolfolk, Harbormaster John Lemoine, Public Works Director Tony Smith, Fire Chief Mike Bender, Treasurer Kathy Mahar, and Tax Assessor Kyle Avila were in attendance, as were members of the public.

I. Call to order at 6:30 p.m.

Chairman Macauley called the meeting to order at 6:30 PM.

II. Public Hearing(s)

None Scheduled

III. Minutes

A. Approval of minutes from September 18, 2017 meeting

MOTION: Selectman Dudman moved, with Selectman Hart seconding, approval of the Minutes of September 18, 2017 as presented. Motion approved 4-0-1 (Littlefield in Abstention).

IV. Appointments/Recognitions/Resignations

A. Authorize Appointment of Ninette Ferm as Warden for the November 7, 2017 State Referendum Election

MOTION: Selectman Mooers moved, with Selectman Hart seconding, appointment of Ninette Ferm as Warden for the November 7, 2017 State Referendum Election. Motion approved 5-0.

V. Consent Agenda

A. Department Reports: Treasury Report, Northeast Harbor Ambulance Service

B. State Assessment Ratio Study & Preliminary 2018 State Valuation

C. 2017 Annual Town Report: Supreme Award: 1st Place Population Group

D. Harbor Committee Minutes of September 12, 2017

E. Thank You Letter from Downeast Horizons

F. Thank You Letter from Aid Society of Otter Creek

MOTION: Selectman Hart moved, with Selectman Dudman seconding, approval of the Consent Agenda as presented.

Selectman Hart inquired about the Harbor Committee Minutes in Item D, and the discussion of the food trucks. Selectman Hart felt it was important that the various aspects of the Town were in consensus and on the same page before moving forward. Selectman Dudman noted the Economic Development Committee has discussed meeting with the Marine Management Committee. Harbormaster Lemoine reported that the Town Manager had asked that the Committee think about whether there was more appropriate

1 space for the trucks. The Committee felt the trucks were safe at their current location.
2 The location of the Farmer's Market however, was dangerous. The Committee felt it
3 would be wise to consult with a safety expert who could assess the site and offer
4 opinions. Selectman Dudman suggested the Public Works Director. It was agreed that
5 Director Smith would meet with the Board on the issue the second Board meeting in
6 November.

7
8 Chairman Macauley asked about the 2018 State Valuation. Assessor Avila noted that the
9 Town is always at 100% for State Valuation. The increase of 5% is not consistent with
10 other towns, but all increases brings each Town to 100%.

11
12 Motion to approve the Consent Agenda approved 5-0.

13
14 **VI. Selectmen's Reports**

15 There were none.

16
17 **VII. Old Business**

18 None presented

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20 **VIII. New Business**

21 *A. Seal Harbor Project Utility Connections – Review & Approval*

22 Public Works Director Smith reported that a resident wants to piggy back work requiring
23 a road opening on Route 3 on the Town. The Town must apply for the road opening with
24 the DOT to ensure the work is done properly and to DOT standards.

25
26 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, approval of
27 the proposed Seal Harbor Project Utility Connections, as presented. Motion approved 5-
28 0.

29
30 *B. Address Change Appeal – 85 Whitney Farm Rd*

31 Resident John DaCorte requested an appeal to Assessor Avila's decision to change his
32 street address, due to the inconvenience and expense an address change generates.
33 Assessor Avila stated the although a new house usually gets the new number, that area of
34 Whitney Farm Road has no room in the number sequence to assign the new home the
35 new number. The property must be in sequence to comply with the 911 system. The E-
36 911 system does not allow for hyphenated numbers or numbers with a letter. The choice
37 was to change one number on the DaCorte side of the street, or the numbers of two
38 residences on the other side. Assessor Avila based his decision on the opinion that
39 changing one number burdened fewer residents than changing two.

40
41 Discussion ensued regarding the issue. Possible solutions were brainstormed. Mr.
42 DaCorte felt one solution was to make the driveway a road, name it, and give the new
43 house a number on the new road. Assessor Avila stated the Ordinance does not allow for
44 making a driveway a road unless it serves two lots or more. Further, the house is not
45 accessing that driveway. A variety of issues were discussed, including numbering for
46 public safety, and the Land Use Zoning Ordinance. Assessor Avila suggested that
47 perhaps the Zoning Board of Appeals could hear the request, however he did not know if

1 they had the jurisdiction to make such a change. The question could be perhaps answered
2 through legal counsel.

3
4 Chairman Macauley suggested the issue be reviewed by the Planning Board. Perhaps a
5 variance could be considered.

6
7 Selectman Hart opined that due to the burden any change would create, it was important
8 to ensure that every potential solution was explored.

9
10 MOTION: Selectman Mooers moved, with Chairman Macauley seconding, to direct
11 Assessor Avila to send letters to the other owners, similar to the letter he sent the
12 DaCortes, suggesting changing 81 Whitney Farm Road to 79, changing 83 Whitney Farm
13 Road to 81, making the new house 83 Whitney Farm Road, and leaving 85 Whitney Farm
14 Road as it is.

15
16 DISCUSSION: Selectman Dudman disagreed. As unfortunate as it was that an address
17 change had to occur, she felt the Assessor was making the change based on his
18 knowledge of the law, and the Board should support his decision.

19
20 Additional suggestions included looking at the option of the driveway being made a road,
21 getting legal counsel for an opinion on the Zoning Board of Appeals hearing the question,
22 and discussing the issue with the Code Enforcement Officer.

23
24 VOTE: Motion approved 3-2 (Hart and Dudman opposed).

- 25
26 *B. Authorize the sale of the surplus equipment on behalf of the Town Departments by the*
27 *competitive bid process.*

28 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
29 authorization of the sale of surplus equipment referenced in the memo presented by
30 Public Works Director Smith on behalf of the Town Departments by competitive bid
31 process. Motion approved 5-0.

- 32
33 *D. Authorize the acceptance or rejection of bids and disposal of items that do not sell on*
34 *behalf of Town.*

35 Public Works Director Smith clarified this item was regarding Item C in New Business,
36 and would grant Director Smith the ability to reject bids and dispose of items as stated.

37
38 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
39 authorization of the acceptance or rejection of bids and disposal of items that do not sell
40 on behalf of the Town as presented. Motion approved 5-0.

- 41
42 *E. Authorization of Carryovers from FY 2016-2017 to FY 2017-2018*

43 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
44 authorization of carryovers from FY2016-2017 to FY 2017-2018, as presented for a total
45 amount of \$226,444.84. Motion approved 5-0.

IX. Other Business

Chairman Macauley reminded the Board that it was time for the Town Manager's Review. He suggested it happen in November, and agreed to come up with a timeline.

Chairman Macauley noted that the Town should prepare for the possibility of a Marijuana Moratorium. It would most likely require a Special Town Meeting. Selectman Mooers felt the timing should coincide with the State's legislation. It was noted a moratorium will allow the Planning Board to discuss issues regarding zoning. Selectman Mooers noted up to two 180-day moratoriums can be placed, however the Town is not required to use the entire time, should the issue be resolved quickly.

X. Treasurer's Warrants

A. Approve & Sign Treasurer's Warrant AP1819 in the amount of \$1,410,455.41

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, approval and signature of Treasurer's Warrant AP1819 in the amount of \$1,410,455.41, as presented. Motion approved 5-0.

C. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1817, AP1818, PR1806, and PR1807 in the amounts of \$3,066.20, \$4,693.79, \$104,020.53, and \$256.75, respectively

MOTION: Selectman Mooers moved, with Selectman Hart seconding, to approve and sign Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1817, AP1818, PR1806, and PR1807 in the amounts of \$3,066.20, \$4,693.79, \$104,020.53, and \$256.75, respectively, as presented. Motion approved 4-0-1 (Littlefield in Abstention).

D. Acknowledge Treasurer's School Board AP/Payroll Warrant(s)7 in the amount of \$71,512.05

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, acknowledgement of Treasurer's School Board AP/payroll Warrant 7 in the amount of \$71,512.05, as presented. Motion approved 4-0-1 (Macauley in Abstention).

XI. Adjournment

MOTION: Selectman Dudman moved, with Selectman Hart seconding, adjournment. Motion approved 5-0.

The meeting adjourned at 7:40 PM.

Respectfully Submitted,

Wendy Littlefield, Secretary