

Town of Mount Desert
Board of Selectmen
Regular Meeting
Monday, August 7, 2017
Location: Meeting Room, Town Hall, Northeast Harbor

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

Town Manager Durlin Lunt, Harbormaster John Lamoine, Tax Assessor Kyle Avila, and Public Works Director Tony Smith.

Members of the public were also present.

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

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

II. Public Hearings

- A. *Special Amusement Application from MOFO LLC /DBA Tan Turtle Tavern*
Chairman Macauley opened the Public Hearing.

Lengthy discussion ensued regarding extending last year's application to include outside acoustic music. The Board heard from resident Jim Wilmerding, and owner Mr. Foss. A variety of options were discussed as potential compromises.

MOTION: Selectman Mooers moved, with Selectman Dudman seconding, to close the Public Hearing. Motion approved 5-0.

- B. *Liquor License Application from MOFO LLC /DBA Tan Turtle Tavern*
Chairman Macauley opened the Public Hearing.

Mr. Foss noted this application requests that the bar can stay open after the kitchen closes. This would allow him to close the kitchen if customers aren't eating, and stay open for patrons drinking. It was noted the State Law allows the restaurant to stay open till 1:00 AM if they so choose. The Town cannot dictate hours. Music inside is allowed till 10:00 PM, per last year's application. There was no further public comment.

MOTION: Selectman Mooers moved, with Selectman Dudman seconding, to close the Public Hearing. Motion approved 5-0.

III. Post Public Hearing

- A. *Special Amusement Application from MOFO LLC /DBA Tan Turtle Tavern, action if necessary*

1 MOTION: Selectman Mooers moved, with Selectman Dudman seconding, to
2 approve the application with the same conditions as last year, plus the inclusion of
3 on-deck, acoustic music from 2:00 – 5:00 PM two days a week as part of his
4 application.

5
6 Mr. Foss hoped to have music inside in the off-season go to 11:00 PM. It was
7 unknown whether special permission for particular events would be allowed.
8

9 Mr. Foss decided he would keep his application just as it was last year.
10 Selectman Mooers amended his Motion.
11

12 MOTION: Selectman Mooers moved, with Chairman Macauley seconding, to
13 approve the Special Amusement Application from MOFO LLC /DBA Tan Turtle
14 Tavern with the same conditions as were in place last year, including interior
15 music ending at 10PM and no music on the deck. Motion approved 5-0.
16

17 *B. Liquor License Application from MOFO/LLC /DBA Tan Turtle Tavern, action if*
18 *necessary*

19 MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to
20 approve the Liquor License Application from MOFO LLC /DBA Tan Turtle
21 Tavern, as presented. Motion approved 5-0.
22

23 **IV. Minutes**

24 *Approval of Minutes from July 17, 2017 meeting*

25 MOTION: Selectman Dudman moved, with Selectman Mooers seconding, approval of
26 the Minutes as presented. Motion approved 5-0.
27

28 **V. Appointments/Recognitions/Resignations**

29 *A. Confirm Appointment of James Bubar as Boat Launch Operator @ \$18.00/hr*

30 MOTION: Selectman Hart moved, with Selectman Dudman seconding,
31 appointment of James Bubar as Boat Launch Operator @ \$18.00/hour as presented.
32 Motion approved 5-0.
33

34 *B. Confirm Appointment of Justin Kelley as Motor Equipment Operator I @*
35 *\$18.32/hour, effective on or before August 23, 2017*

36 MOTION: Selectman Hart moved, with Selectman Littlefield seconding,
37 appointment of Justin Kelley as Motor Equipment Operator I @ \$18.32/hour,
38 effective on or before August 23, 2017, as presented. Motion approved 5-0.
39

40 *C. Recognize Jennifer L. McWain's Re-Certification as a Certified Clerk of Maine*
41 *(CCM)*

42 The Board lauded Ms. McWain's accomplishment of re-certification as a Certified
43 Clerk of Maine, recognizing the hard work involved.
44

45 **VI. Consent Agenda**

46 *A. YIP Committee (Youth in Politics) Status Report*

47 *B. Thank you to Durlin E. Lunt from Ara and Hjordis Tourian*

1 C. *Hancock County Commissioners' Meeting Minutes from June 6, June 20, July 11,*
2 *July 12, and July 25, 2017*

3 D. *Public Notice of Commissioner District Caucus – election of Budget Advisory*
4 *Committee Member(s)*

5 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, the Consent
6 Agenda as presented. Motion approved 5-0.
7

8 **VII. Selectman's Reports**

9 Selectman Hart reported that he received a visit from resident Cindy Robertson who
10 voiced concern regarding the food trucks, specifically the noise. Selectman Hart
11 informed her that work was continuing to find the best solution for the issue.
12

13 Selectman Dudman reported on the Economic Development Committee's progress.
14 The contract for the final phase of Phase IA of the Northeast Harbor Village Center
15 plan was signed and the survey work has been started. The Public Works Director is
16 overseeing the work. The plan for the park is underway. There is a meeting
17 regarding the conceptual design on August 30th, with a public hearing scheduled for
18 October. Construction drawings and a firm bid price should be available in time for
19 the Warrant. The Town of Mount Desert Economic Development Corporation and
20 The Town of Mount Desert Community Development Corporation were established
21 and have now received non-profit status. The first project of the Mount Desert
22 Community Development Corporation is the promenade park, voted on at the last
23 meeting.
24

25 **VIII. Old Business**

26 A. *Authorize the Town purchase of a new packer unit from Maine Equipment at their*
27 *bid price of \$78,259.30 using funds from the CIP Refuse Truck Reserve Account*
28 *#4051500-24581 and authorize Public Works Director, Tony Smith, to execute all*
29 *necessary documents to facilitate the purchase*

30 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
31 authorization of purchase of a new packer unit from Maine Equipment at their bid
32 price of \$78,259.30 using funds from the CIP Refuse Truck Reserve Account
33 Number 4051500-24581 with a current balance of approximately \$95,248.83 taking
34 into account the purchase of the truck and chassis approved at the July 17th Board
35 Meeting, and authorize Public Works Director Smith to execute all necessary
36 documents to facilitate the purchase of the packer unit, as presented. Motion
37 approved 5-0.
38

39 B. *Authorize the Town purchase of a new 2018 MC Sierra 2500 HD four-wheel drive*
40 *double cab pickup truck with plow from Darling's Auto Mall in Ellsworth at their*
41 *bid price of \$33,227 using Funds from the Wastewater Work Truck Reserve Account*
42 *#4050500-24583 and authorize Public Works Director Tony Smith, to execute all*
43 *necessary documents to facilitate the purchase*

44 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
45 authorization of purchase of a new 2018 GMC Sierra 2500 RD four-wheel drive
46 double cab pickup truck with plow from Darling's Auto Mall in Ellsworth at their
47 bid price of \$33,227 (amended 1/2/18) using funds from our Wastewater Work
48 Truck Reserve account number 4050500-24583, and authorize Public Works

1 Director Smith to execute all necessary documents on behalf of the Town to
2 facilitate the purchase of the truck and equipment described above, as presented.
3 Motion approved 5-0.
4

- 5 C. *Authorize and execute Municipal Quitclaim Deeds for the Island Housing Trust*
6 MOTION: Selectman Mooers moved, with Selectman Hart seconding, authorization
7 and execution of the Municipal Quitclaim Deeds for the Island Housing Trust as
8 presented. Motion approved 5-0.
9

10 **IX. New Business**

- 11 A. *Resident request that EMERA shade streetlight at Spruce and Sylvan Roads,*
12 *Northeast Harbor*

13 Public Works Director Smith noted that Emera will shade the streetlight.
14

15 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
16 requesting Emera to shade the streetlight at Spruce and Sylvan Roads, Northeast
17 Harbor, as presented.
18

- 19 B. *Request by the Seal Harbor VIS to erect two-way finding signs*
20 VIS representative Alex Stevens reported that the proposed signs would be
21 cantilevered signs, providing area and historic information to visitors. There would
22 be one by the Abbey Chapel and one by the Green.
23

24 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, the
25 Seal Harbor VIS to erect the signs as presented. Motion approved 5-0.
26

- 27 C. *Authorize spending of \$3,791.71 out of the Seal Harbor, Pier CIP Account*
28 *#4010200-24600 to pay BCM Construction for the installation of a hoist on the Seal*
29 *Harbor Pier*

30 It was noted this one would replace the one moved to Seal Harbor.
31

32 MOTION: Selectman Hart moved, with Selectman Dudman seconding, authorizing
33 spending of \$3,791.71 out of the Seal Harbor, Pier CIP Account #4010200-24600 to
34 pay BCM Construction for the installation of a hoist on the Seal Harbor Pier, as
35 presented. Motion approved 5-0.
36

- 37 D. *Authorize road salt purchase for FY-18 from Harcross at a price of \$56.48 per ton*
38 *delivered*

39 MOTION: Selectman Hart moved, with Selectman Dudman seconding, authorizing
40 road salt purchase for FY-18 from Harcross at a price of \$56.48 per ton delivered, as
41 presented. Motion approved 5-0.
42

- 43 E. *Authorize propane purchase for FY-18 from Acadia Fuel at a price of \$.93 per*
44 *gallon*

45 MOTION: Selectman Mooers moved, with Selectman Hart seconding, authorizing
46 propane purchase for FY-18 from Acadia Fuel at a price of \$.93 per gallon as
47 presented. Motion approved 5-0.
48

1 F. *Authorize execution of the Sylvan Neighborhood Drainage Project agreement from*
2 *CES on behalf of the Town for the technical services and associated costs of a not to*
3 *exceed amount of \$44,000 from CIP Account #4050100-24573 Road Reserve*
4 MOTION: Selectman Dudman moved, with Selectman Littlefield seconding,
5 execution of the Sylvan Neighborhood Drainage Project agreement from CES on
6 behalf of the Town for the technical services and associated costs of a not to exceed
7 amount of \$44,000 from CIP Account #4050100-24573 Road Reserve, as presented.
8 Motion approved 5-0.
9

10 G. *Authorize to engage the services of Eaton Peabody on behalf of the Town as the*
11 *Sylvan Neighborhood Drainage Project legal counsel at a cost of \$5,000 from CIP*
12 *Account #4050100-24573 Road Reserve*
13 MOTION: Selectman Hart moved, with Selectman Mooers seconding, authorization
14 to engage the services of Eaton Peabody on behalf of the Town as the Sylvan
15 Neighborhood Drainage Project legal counsel at a cost of \$5,000 from CIP Account
16 #4050100-24573 Road Reserve, as presented. Motion approved 5-0.
17

18 H. *Approval to retain the services of Bernstein Shur, Portland ME, to represent the*
19 *Town of Mount Desert in potential litigation*
20 Town Manager Lunt noted this Motion would allow an attorney to be present during
21 a future Executive Session.
22

23 MOTION: Selectman Mooers moved, with Selectman Hart seconding, retaining the
24 services of Bernstein Shur, Portland ME, to represent the Town of Mount Desert in
25 potential litigation, as presented. Motion approved 5-0.
26

27 I. *Topics for 2017-2018 League of Towns Work Plan and Preparation for Elected*
28 *Officials Workshop*
29 Town Manager Lunt informed the Board that the League of Towns has requested the
30 Board have their top five priority subjects listed for the Workshop. If each
31 Selectman listed their top five priorities, the Board could then narrow that down to a
32 top five priorities for the Town.
33

34 J. *MMA Annual Election*
35 Town Manager Lunt recommended the Board vote the slate, and direct him to sign
36 it.
37

38 MOTION: Selectman Hart moved, with Selectman Mooers seconding, Town
39 Manager Lunt to vote the slate of candidates as presented, and direct Town Manager
40 Lunt to sign the ballot. Motion approved 5-0.
41

42 **X. Other Business**

43 A. *Such other business as may be legally conducted*
44 There was no other business.
45

46 **XI. Treasurer's Warrants**

47 A. *Approve & Sign Treasurer's Warrant AP1807 in the amount of \$1,349,667.04*

B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1804, AP1805, AP1806, and PR1802 in the amounts of \$4,805.31, \$5,504.55, \$66,492.25, and \$111,747.08 respectively

C. Acknowledge Treasurer's School Board AP/Payroll Warrants 1, 2 and 3 in the amounts of \$21,610.76, \$134,785.39, and \$55,116.94, respectively

MOTION: Selectman Mooers moved, with Selectman Dudman seconding, approval of Treasurer's Warrant AP1807 in the amount of \$1,349,667.04, and acknowledge Treasurer's School Board AP/Payroll Warrants 1, 2 and 3 in the amounts of \$21,610.76, \$134,785.39, and \$55,116.94, respectively. Motion approved 5-0.

MOTION: Selectman Mooers moved, with Selectman Dudman seconding, approval of Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1804, AP1805, AP1806, and PR1802 in the amounts of \$4,805.31, \$5,504.55, \$66,492.25, and \$111,747.08 respectively. Motion approved 4-0-1 (Littlefield in Abstention).

XI. Executive Session

None Scheduled

XI. Adjournment

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

Meeting was adjourned at 7:37 PM.

Respectfully Submitted,

Wendy Littlefield, Secretary