

Town of Mount Desert
Board of Selectmen
Regular Meeting
Monday, February 5, 2018
Location: Meeting Room, Town Hall, Northeast Harbor

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

Also present were Town Manager Durlin Lunt, Police Chief James Willis, Public Works Director Tony Smith, and Treasurer Kathi Mahar.

Members of the public were also present.

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

Chairman Macauley called the meeting to order at 6:29 PM.

II. Public Hearing(s)

None Scheduled

III. Minutes

A. Approval of Minutes from January 16, 2018 Meeting

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, approval of the January 16, 2018 Minutes as presented. Motion approved 5-0.

B. Approval of Minutes from January 23, 2018 Special BOS Meeting

MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, approval of the January 23, 2018 Minutes as presented. Motion approved 5-0.

IV. Appointments/Recognitions/Resignations

A. Resident Request for Appointment to Volunteer-Warrant Committee – Marina McGarr

MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, appointment of Marina McGarr to the Warrant Committee. Motion approved 5-0.

B. Appointment of Shawn Murphy as Acting Full-Time Patrolman to fill shift vacancies due to Officer on FMLA.

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, appointment of Shawn Murphy as Acting Full-Time Patrolman to fill shift vacancies due to Officer on FMLA at a starting hourly wage of \$24.67 without full-time benefits. Motion approved 5-0.

C. Appointment for 2018 Summer Season Help: Two positions for Packer Trucks, One position for Buildings & Grounds, and One position for Wastewater

This item was Tabled till the February 20 meeting.

D. Recommend Nathan Smallidge @ \$15.50 per hr effective on or before 5/14/2018 Ending on or before 10/12/2018 to help fill these combined positions

1 This Item was Tabled till the February 20 meeting.

- 2
3 E. *Recommend Ralph Colson Jr. @ \$16.00 per hr effective on or before 5/14/2018*
4 *ending on or before 10/12/2018 to help fill these combined positions*

5 This Item was Tabled till the February 20 meeting.

- 6
7 F. *Thank you note to Tony Smith and Durlin Lunt from Betty Tower in response to signs*
8 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
9 acknowledgement of the Thank You Note to Public Works Director Tony Smith and
10 Town Manager Durlin Lunt from Betty Tower, as presented. Motion approved 5-0.

- 11
12 G. *League of Towns – Meeting Minutes from January 23, 2018 Meeting*
13 Town Manager Lunt noted that at the next League of Towns meeting they hoped to
14 have a forum to discuss tick-borne illnesses, which was deemed a priority by the
15 League of Towns. The next League of Towns meeting would be February 27.

16
17 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding,
18 acknowledgement of the League of Towns Meeting Minutes from January 23, 2018,
19 as presented. Motion approved 5-0.
20

21 **V. Consent Agenda**

- 22 A. *Friends of Frenchman Bay requesting Municipal Officers to take an Opposing*
23 *Position on the proposed Bar Harbor Port Authority that will be voted on by Maine*
24 *Legislature as LD1400 sometime between now and April.*

25 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, to
26 discuss Item A under Selectman's Reports. Motion approved 5-0.
27

28 **VI. Selectmen's Reports**

29 *Friends of Frenchman Bay requesting Municipal Officers to take an Opposing*
30 *Position on the proposed Bar Harbor Port Authority that will be voted on by Maine*
31 *Legislature as LD1400 sometime between now and April.*

32 Chairman Macauley referenced the material presented to the Board. His feeling was
33 that the issue was not really the Town of Mount Desert's business, and LD1400
34 seems to only increase the amount of options the Town has. Chairman Macauley
35 inquired why LD1400 was introduced.
36

37 Bar Harbor Town Manager Cornell Knight and Representative Brian Hubble
38 summarized the process regarding the Bar Harbor Ferry Terminal property. The
39 State acquired the property. There was an expectation it would be operated by the
40 Maine Port Authority; however, this did not happen. The Town of Bar Harbor
41 looked into acquiring the property to ensure it stayed in public ownership and to
42 allow the Town to create a quasi-municipal Port Authority structure, which would
43 require State authorization.
44

45 Chairman Macauley asked if, in the event the legislation did not pass, would it
46 prohibit the likelihood of a ferry operation? It was noted the vote will not affect the
47 outcome of what the development could be. The Town owns it. A vote will affect
48 issues like the rules for acquiring debt, the type of insulation available for liability

1 insurance. Having a Port Authority may de-politicize the decision making and
2 stabilize operations, however nothing was sure at this point.

3
4 A Business Plan is being done. The plan is for a multi-use facility with a marina and
5 small pier for tendering cruise ships, commercial ferry service and satellite parking.
6 These improvements will add to the already high amount of borrowed debt. A Port
7 Authority taking on some of that debt might be a viable option. LD1400 gives the
8 Town the option for this possibility. The issue will go to Town vote.

9
10 It was noted the Business Plan will take until at least May.

11
12 Selectman Mooers asked whether there were any members of the Friends of
13 Frenchman's Bay present for the discussion. There were none. Mr. Mooers found it
14 strange that an organization would request the Town of Mount Desert to take a
15 position, and not be present to explain their position.

16
17 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, to take
18 no position on the Friends of Frenchman Bay's request that Municipal Officers take
19 an Opposing Position on the proposed Bar Harbor Port Authority that will be voted
20 on by Maine Legislature as LD1400 sometime between now and April. Motion
21 approved 5-0.

22
23 Selectman Dudman mentioned that during the last meeting's conversations regarding
24 the issues surrounding marijuana use and sales in the Town, it was agreed that
25 regardless of where the State stands currently, and regardless of whether the Town
26 ever passes a moratorium, the Town should have a position on the issue. She would
27 like the Town to begin the process of creating an ordinance. She felt the issue would
28 require lengthy conversation.

29
30 MOTION: Selectman Dudman moved, with Selectman Hart seconding, to send the
31 issue to the Land Use Zoning Ordinance Advisory Board for discussion.

32
33 It was felt that interested residents could attend any of the meetings focusing on the
34 issue; they would not have to join the committee formally to be a part of the
35 discussion. Chairman Macauley felt it would behoove the Town to look at what other
36 Towns are doing. Public Works Director Smith suggested that perhaps MMA will be
37 sending a template for action points that should be included in a Municipal
38 Ordinance.

39
40 Police Chief Willis noted that a second officer has recently been accepted into the
41 Drug Recognition Expert program. An officer must apply and be interviewed for this
42 particular training. He felt more trained officers would be necessary. Currently he
43 knew of no facilities to test marijuana for strength. Chief Willis explained the
44 process currently in place for determining impairment. Two officers have attended
45 discussions with officers from Colorado. Chief Willis noted the officers were
46 available to come speak to the Board any time. Selectman Dudman suggested
47 perhaps they could speak to the LUZO Advisory Board.

1 Motion approved 5-0.

2
3
4 Public Works Director Smith reported that Fiberight will not be able to accept solid
5 waste by April 1 as initially planned. Financially the Town will not be affected by
6 this delay. The MRC planned for the contingency of the facility not being
7 operational by April and an agreement had been made with Norridgewock's Waste
8 Management and PERC. There will be no additional costs incurred in this interim.
9 The new target date for Fiberight is approximately October of this year.

10
11 **VII. Old Business**

12 A. *Town Report Cover*

13 It was noted that at the last meeting, the Board agreed to choose a picture supplied by
14 Deputy Town Clerk Jennifer McWain. Upon further discussion it was suggested and
15 agreed that the cover design would be deferred to Deputy Town Clerk, Jennifer
16 McWain and that the idea of a photo contest for next year's cover would be pursued.

17
18 B. *Miscellaneous Warrant Article(s): General Review of Draft Warrant*

19 Town Manager Lunt referenced the preliminary warrant information shared with the
20 Board. In coming weeks, more information will supplement what's already there.
21 Mr. Lunt noted there could be a few additional warrant articles added.

22
23 **VIII. New Business**

24 A. *Authorization of Taser Payments – Mt. Desert/Bar Harbor Police Departments to*
25 *expend \$3,024.00 from the Police Equipment Reserve Account 4040100-24405 for*
26 *second payment in current fiscal year. Also requesting three future payments from*
27 *said account as outlined in Taser Agreement dated 2016.*

28 Chief Willis pointed out an oversight in the process that allowed a payment to go out
29 prior to the Board being notified. Approving this Authorization as presented will
30 cover all future payments.

31
32 MOTION: Selectman Dudman moved, with Selectman Hart seconding, authorization
33 to expend \$3,024.00 from the Police Equipment Reserve Account 4040100-24405 for
34 second payment in current fiscal year, and authorization of three future payments
35 from said account as the remaining three payments of \$3,024.00 annually for FY19,
36 FY20 & FY21, as outlined in Taser Agreement dated 2016. Motion approved 5-0.

37
38 B. *Requesting Authorization to purchase Dell Server – Mt. Desert/Bar Harbor Police*
39 *Departments request to expend \$4,745.00 from Communications Reserve Account*
40 *4040800-24406 to replace existing server dated 2012. CIP indicates server is due*
41 *for replacement during this fiscal year.*

42 MOTION: Selectman Littlefield moved, with Selectman Mooers seconding,
43 authorization to expend \$4,745.00 from the Communications Reserve Account
44 4040800-24406 for the purchase of a Dell Server to replace existing server purchased
45 in 2012. Motion approved 5-0.

46
47 C. *Mt. Desert/Bar Harbor Police Departments is requesting acceptance of awarded*
48 *funding and also the expenditures of the funds through Distracted Driving (\$5,713.40*

of which \$4,570.72 is federal funds and remaining \$1,142.68 is local in-kind match) and Evidence Based Impaired Driving (\$2,031.46 of which \$1,625.17 is federal funds and remaining \$406.29 is local in-kind match) Grants from the Bureau of Highway and Safety.

Police Chief Willis noted there were four grants the Department could have applied for, and they chose to apply for the Impaired Driving Grant and Distracted Driving Grant. The money received can be spent in both Towns. This funding should carry the Department through the summer season.

MOTION: Selectman Mooers moved, with Selectman Hart seconding, acceptance and expenditure of awarded funding through the Distracted Driving Grant (for \$5,713.40, \$4,570.72 of which is federal funds and remaining \$1,142.68 is local in-kind match) and the Evidence Based Impaired Driving Grant (for \$2,031.46, \$1,625.17 of which is federal funds and remaining \$406.29 is local in-kind match). Both Grants awarded to Mt. Desert/Bar Harbor Police Departments from the Bureau of Highway and Safety, as presented. Motion approved 5-0.

D. Discussion of Purchasing Policy relative to Public Works Director Tony Smith's recommendation to use a select list of bidders for the Northeast Harbor Main St. Improvements project.

Public Works Director Smith reported the Town was hoping to bid on the work this winter. In discussing the bid process with the engineer, they agreed they'd like to use a select list of contractors used in the past and proven to be acceptable. Mr. Smith noted bypassing the public bid process can be done with a Board vote.

Selectman Mooers asked why the Town couldn't publicly bid with the disclaimer that a contractor must be able to provide the credentials the Town would like. Mr. Smith felt this extra step would cause problems with maintaining the timeline. Mr. Smith had five contractors he'd like to send the bid to.

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, authorization for Public Works Director Tony Smith to use a select list of bidders for the Northeast Harbor Main St. Improvements Project, with the bid request being provided to no fewer than three (3) prospective select bidders. Motion approved 5-0.

IX. Other Business

There was no other Business

X. Treasurer's Warrants

A. Approve & Sign Treasurer's Warrant AP1846 in the amount of \$573,018.22

MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, approval of Treasurer's Warrant AP1846 in the amount of \$573,018.22, as presented. Motion approved 5-0.

B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1843, AP1844, AP1845, and PR1817 in the amounts of \$5,522.06, \$2,222.77, \$4,712.49 and \$96,012.03, respectively.

1 MOTION: Selectman Hart moved, with Selectman Dudman seconding Approval of
2 the Signed Treasurer's payroll, State fees, and PR Benefit Warrants AP1843,
3 AP1844, AP1845, and PR1817 in the amounts of \$5,522.06, \$2,222.77, \$4,712.49,
4 and \$96,012.03, respectively, as presented. Motion approved 4-0-1 (Littlefield in
5 Abstention).
6

7 C. *Acknowledge Treasurer's School Board AP/Payroll Warrants 9, 10 and 15, 16 in the*
8 *amounts of \$123,841.37, \$18,091.48 and \$173,596.46, \$72,989.32 respectively.*
9 MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, School
10 Board AP 9 and 10 in the amounts of \$123,841.37 and \$18,091.48 respectively, as
11 presented. Motion approved 5-0.
12

13 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, Payroll
14 Warrants 15 and 16 in the amounts of \$173,596.46 and \$72,989.32 respectively, as
15 presented. Motion approved 4-0-1 (Macauley in Abstention).
16

17 **XI. Adjournment**

18 Selectman Dudman moved, with Selectman Hart seconding, adjournment. Motion approved
19 5-0.
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21 The meeting was adjourned at 7:15PM.
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23

24 Respectfully Submitted,
25
26

27 Wendy Littlefield, Secretary
28
29