

**Town of Mount Desert
Board of Selectmen Meeting Minutes
Meeting Room, Town Hall
6:30 PM, June 18, 2018**

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

Also present were Treasurer Kathy Mahar, Town Manager Durlin Lunt, Harbormaster John Lemoine, 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. Minutes

A. Approval of minutes from June 4, 2018 meeting

MOTION: Selectman Hart moved, with Selectman Dudman seconding, approval of the Minutes of June 4, 2018 as presented. Motion approved 5-0.

III. Appointments/Recognitions/Resignations

A. Annual Board and Committee Appointments

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, approval of the Annual Board and Committee Appointments, as presented.

Selectman Dudman inquired whether there was a process to check in with people and make sure they wanted to remain on a Board or Committee. Town Manager Lunt felt there was no real system in place. He agreed to ensure the system was better organized.
Motion approved 5-0.

B. Appoint Colby Micalizzi as Seasonal Dock Hand at \$11.00/hour, effective June 19, 2018

MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, appointment of Colby Micalizzi as Seasonal Dock Hand at \$11.00 per hour, effective June 19, 2018, as presented. Motion approved 5-0.

C. Appoint Ethan Leonard as Seasonal Dock Hand at \$11.00/hour, effective June 19, 2018

MOTION: Selectman Hart moved, with Selectman Littlefield seconding, appointment of Ethan Leonard as Seasonal Dock Hand at \$11.00 per hour, effective June 19, 2018, as presented. Motion approved 5-0.

D. Appoint Erik Merchant as a part-time seasonal employee in the Buildings & Grounds Division at an hourly rate of \$13.50 per hour, effective June 18, 2018 and ending on or before September 7, 2018

MOTION: Selectman Mooers moved, with Selectman Dudman seconding, appointment of Erik Merchant as part-time Seasonal Employee in the Buildings and Grounds Division, at an

hourly rate of \$13.50 per hour, effective June 18, 2018 and ending on or before September 7, 2018, as presented. Motion approved 5-0.

E. Resignation of Michael McGinn as On-Call Firefighter in order to fulfill the Acting Full-Time Firefighter position

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, Resignation of Michael McGinn as On-Call Firefighter in order to fulfill the Acting Full-Time Firefighter position, as presented. Motion approved 5-0.

F. Appointment of Michael McGinn as acting full-time firefighter, effective June 29, 2018, and continuing through until August 5, 2018 at \$17.00/hour

MOTION: Selectman Moores moved, with Selectman Hart seconding, appointment of Michael McGinn as Acting Full-Time Firefighter, effective June 29, 2018, and continuing through until August 5, 2018 at \$17.00 per Hour, as presented. Motion approved 5-0.

G. Recommend the re-appointment of Christian Johnson as Part-time (on-call) Firefighter to the Mount Desert Fire Department at a starting pay of \$13.25 per hour, effective June 26, 2018.

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, Re-Appointment of Christian Johnson as Part-Time (on-call) Firefighter to the Mount Desert Fire Department at a starting pay of \$13.25 per hour, effective June 26, 2018, as presented. Motion approved 5-0.

H. Recognition of the job well done by Ben Jacobs from Jennifer Mitchell

The Board recognized the job well done by Ben Jacobs.

IV. Consent Agenda

A. Department Reports: Wastewater

B. Hancock County Commissioners Meeting Minutes May 1 and May 22, 2018

C. Notice of Proposed Routine Program Changes to the Maine Coastal Program from the Department of Marine Resources (DMR)

MOTION: Selectman Mooers moved, with Selectman Hart seconding, approval of the Consent Agenda as presented. Motion approved 5-0.

V. Selectmen's Reports

Selectman Hart reported that he was approached by a concerned citizen about the parking lot newly built at the corner of Peabody and Route 198, right before the bridge. The citizen hoped the Town would keep an eye on the situation. Cars parking along the road during peak times of year could potentially cause accidents. Public Works Director Smith suggested Police Chief Willis was the person to share the concern with.

VI. Unfinished Business

A. Request to work with First National Bank to finalize terms for a \$255,000 loan to purchase a new sweeper at their proposed interest rate of 3.10% for a five-year term at a total cost for the sweeper of \$245,925

MOTION: Selectman Mooers moved, with Selectman Dudman seconding, approval of the request to work with First National Bank to finalize terms for a \$255,000 loan to purchase a

new sweeper at their proposed interest rate of 3.10% for a five-year term at a total cost for the sweeper of \$245,925, as presented. Motion approved 5-0.

B. Request a special Town Meeting in August to seek authorization from the voters to make the purchase of a sweeper under the terms above (Item VI.A)

MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, requesting a special Town Meeting in August to seek authorization from the voters to make the purchase of a sweeper under the terms noted in Item VI.A, above, as presented.

Selectman Mooers noted that a final agreement would need to be in-hand first. Town Manager Lunt felt the date could be set now. Town Manager Lunt suggested perhaps the Meeting could be held in conjunction with a Board of Selectman Meeting.

Should the sweeper the Town has looked at in Lewiston be sold before the Town can act, it would be simply a matter of ordering one.

Resident Katrina Carter noted the cost of a Special Town Meeting. She suggested looking for other things that could be added to the agenda. Chairman Macauley noted that at this time there are no other issues requiring a Town Meeting. Any additional items to be added to a Town Meeting in August would need to be added quickly in order to meet the deadlines.

Motion approved 5-0.

C. Request to Place a Memorial at the Marina on the Northeast Harbor Village Green by the MDI Lions Club

MOTION: Selectman Littlefield moved, with Selectman Hart seconding, approval to place a Memorial at the Marina on the Northeast Harbor Village Green by the MDI Lions Club, as presented.

Harbormaster Lemoine confirmed the Marine Management Committee was in agreement with the proposal. It was noted the position of the bench would be on the small section of grass near the new power pedestals.

Motion approved 5-0.

D. Discussion regarding the application of pesticides on Town property.

Public Works Director Smith reported that he had heard from Green Thumb, the company applying the pesticides. The contents of the pesticides include calcium carbonate, ammonia, sulfur, and quartz. It is a MOFGA-approved insecticide. Selectman Littlefield reported that her research shows the "caution" signs need only stay up for approximately two hours after application. Once the application is dry, there is no threat to mammals. The EPA is not concerned regarding the contents of these applications. She learned the Town can purchase signs denoting the application is eco-friendly.

Public Works Director Smith noted the OSHA SDS sheets on the applications state the chemicals are non-toxic and non-carcinogenic. Nothing will be sprayed the day before or the day of the August movie night events.

Resident Kelly Brown stated the Town of Castine uses zero pesticides.

Selectman Littlefield reported that she called the Town of Camden, who also uses zero pesticides, but heard nothing back.

VII. New Business

A. Public Space Special Event Application – Northeast Harbor Ambulance Service Thursdays in conjunction with the Farmer’s Market. Northeast Harbor Village Green

MOTION: Selectman Hart moved, with Selectman Dudman seconding, approval of the Public Space Special Event Application; the Northeast Harbor Ambulance Service Thursdays in conjunction with the Farmer’s Market on the Northeast Harbor Village Green, as presented. Motion approved 5-0.

B. Authorization to pay for emergency repairs made to the Seal Harbor pier by BCM Construction for \$1,135.85 from the Seal Harbor docks CIP 4010200-24600 which has a balance of \$65,136.14

MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, authorization to pay for emergency repairs made to the Seal Harbor pier by BCM Construction for \$1,135.85 from the Seal Harbor docks CIP 4010200-24600 which has a balance of \$65,136.14, as presented.

Harbormaster Lemoine explained that this repair was required due to sediment washed out around the hoist during some of the large storms the area experienced last year.

Motion approved 5-0.

C. Request approval of winter rates for the Northeast Harbor Marina dockage

MOTION: Selectman Dudman moved, with Selectman Hart seconding, approval of the request of winter rates for the Northeast Harbor marina dockage to be raised as per the memo from Harbormaster Lemoine, as presented and corrected. (new approved rates below)

1. Winter monthly dockage rates:

The Harbor Committee recommends raising the monthly rate by \$25.00 for Residents and Non-Resident.

- The new monthly rates for Residents 0’-45’\$175.00 46’-65’\$215.00 Over 65’\$285.00
- The new monthly rates for Non-Residents 0’-45’\$275.00 46’-65’\$300.00 Over65’\$385.00

2. Winter Daily dockage rates:

The Marine Management Committee recommends raising the Resident rate by \$3.00 and the Non-Resident by \$6.00.

- The new daily rates for Residents 0'-45' \$15.00 Over 45' \$27.00
- The new daily rates for Non-Residents 0'-45' \$30.00 Over 45' \$54.00.

It was noted that 2015 was the last time monthly rates were raised. Daily rates have not been raised in more than ten years. Northeast Harbor is not a town that can be compared to others, due to the heavy use the harbor experiences in the winter. Harbormaster Lemoine clarified the rates would be raised to \$30.00 and \$54.00.

Motion approved 5-0.

D. Discussion regarding the two-year construction project slated for Main Street, Northeast Harbor and its impact on Main St. merchants

Resident and business owner Kelly Brown voiced concern over the two-year construction plan. She was a member of the committee. It had been her understanding that the work was a ten-year plan. She did not understand why it was rushed. She voiced concern over the downtown businesses being able to survive two years of construction. A number of other residents and businesses owners echoed Ms. Brown's concern.

Ms. Brown suggested more communication was needed regarding management of the project. She suggested delaying the work a year. She asked how the Town would assist in maintaining shoppers and promoting the businesses through the work.

Ms. Brown felt it uncomfortable speaking at Town Meeting. Ms. Brown chose not to speak at Town Meeting, and knew of others who chose not to speak at Town Meeting. She voiced dismay at the written information presented at Town Meeting that had her name on it as a member of the Committee working on the project. She had not provided permission to have her name used.

Chairman Macauley agreed that communication going forward would be key. He looked to the Revitalization Committee and the Public Works Director to bring the Merchant's Association in as often as possible to apprise them of progress and discuss the issues.

Resident and business owner Alan Joseph noted the intent of the project was to improve Main St., and promote businesses. Mr. Joseph stated the underground electrical wiring will cost \$2.6 million. He felt it was clear that power and phones can be fed from behind the street, resulting in minimal digging. Such a change would leave only the sidewalk reconstruction, and repaving. He deemed a new waterline was unnecessary as well. Other options were never explored. He felt that 6 million dollars would be spent on the road, including interest. He reported hearing two buildings would be coming down, with one big building replacing them. He felt a better approach would be to create incentives for businesses rather than spend on buried lines.

1
2 Selectman Hart noted he had attended every public hearing and warrant committee
3 meetings. These concerns never came up in discussions.
4

5 Mr. Joseph opined it was the Board's responsibility to decide the cost effectiveness of the
6 options the committees provide. Selectman Hart noted the options presented to the Board
7 are based on public input at the committee meetings.
8

9 Ms. Brown noted the option of power wired from behind Main St. was never brought up.
10 She suggested it was because perhaps the goal was commercializing Tracy Road. She
11 maintained that the goal was to create a plan for 2025. She did not understand why the
12 project moved so quickly. Ms. Brown added that the Town Meeting for approving the
13 project was the week before Christmas. Very few were in attendance due to the timing.
14

15 Public Works Director Tony Smith corrected the record to show the underground wiring
16 would cost the Town \$1.75 million and not the \$2.6 million Mr. Joseph stated. Mr. Smith
17 agreed to publish the CES email, and begin a Q&A process for any questions the Town's
18 residents had. He would try to get answers turned around within 48 hours. Director Smith
19 pointed out that some of the questions may need to be redirected to architects or entities
20 such as the Water District.
21

22 Chairman Macauley assured those in attendance that the Town was committed to making it
23 work, even if the issue has to be revisited. Selectman Hart felt there are opportunities as
24 well as challenges in the situation. Ms. Brown's email to the Board brought up the issues of
25 how to cope with the construction and how to encourage consumers during the
26 construction period. These questions have merit as well. Selectman Hart hoped a group of
27 stakeholders could be brought together to discuss the entire issue. Selectman Hart felt the
28 stakeholders could make some in-roads in the issue.
29

30 It was reiterated a second time that any change to the buying habits of those using
31 downtown Northeast Harbor could destroy the businesses. The businesses already face a
32 number of challenges.
33

34 Resident and business owner Tom Brown noted that last year was the first time in a number
35 of years his business broke even. Two years of construction is gambling with the lives of
36 these businesses. He felt infrastructure should not cost more than what businesses can
37 make in Town.
38

39 Concerns about parking at the far end of Main Street were brought up. Public Works
40 Director agreed that at times during the construction, there would be no parking. He felt
41 that he and CES could interpret the construction company's timeline to show residents what
42 would be happening at different points during the process. Director Smith noted that one-
43 way traffic would be maintained at all times. The drawings of the plans will be on the Q&A
44 site as well.
45

46 The project was approved at Town Meeting only by 27 votes. Some residents felt that if it
47 had been on a ballot, the result might have been different. Town Manager Lunt observed

1 that regardless of how an issue is voted on, there is a contingency of residents who voice
2 preference for voting on it the other way.

3
4 Mr. Joseph stated the question at the root of the issue is how to entice businesses and
5 developers to Main St. He restated that seed money and incentives to business owners
6 would help.

7
8 Resident and business owner Ben Moore reported that one of his renters threatened not to
9 renew their lease if the project passed. He asked if the power lines could be put in the same
10 area as the sewer lines. He added that the various jobs could be done piecemeal to avoid
11 lengthy periods of road construction.

12
13 Director Smith noted there was not enough room within the sewer line easement for
14 electricity lines.

15
16 A resident asked if the crosswalks on Main St. would be painted. Director Smith noted that
17 some would be painted. Some of the crosswalks have been deemed illegal. If the
18 crosswalks are painted and someone is hurt, the Town is liable.

19
20 Selectman Mooers asked why power being fed from behind Main St. was deemed not a
21 feasible option. Was it discussed and ruled out? Ms. Carter stated the possibility had never
22 been discussed. Director Smith felt it might be due to overhead easements; also the
23 possibility of development on Tracy Road could have played a part. Selectman Dudman
24 noted the three phases of the project have been discussed. There have been several
25 presentations made on the project in its entirety.

26
27 Mr. Moore inquired where the process was regarding underground wiring. Director Smith
28 reported that once the money was approved, a check for 10% of the project cost estimate
29 was supposed to be written to begin the work. Emera started looking at the project
30 approximately two weeks ago. Ms. Carter asked who should be reviewing the possibility of
31 putting the wiring above ground. She felt it couldn't hurt to ask. Selectman Hart suggested
32 it was the job of the Committees who have been meeting on the issue to bring the request
33 to Emera.

34
35 Selectman Littlefield noted she appreciated the emails that have come in on the issue.
36 Selectman Hart had a good point that the committee needs to reconvene to discuss this
37 issue. If it's a decision for the Selectmen, then Selectman Littlefield would require more
38 time to fully review the issue.

39
40 Resident Storey Litchfield felt it made sense to take a step back and re-evaluate the issue.
41 Underground lines feel like a cosmetic fix.

42
43 Chairman Macauley wondered about the water main. He asked how soon it would require
44 replacement. Director Smith noted that at the Board's request he can reach out to Emera
45 on the wiring. Selectman Dudman agreed it would be useful to have the information. If the
46 underground work is not done, she worried about the water main replacement. Selectman
47 Hart noted that the timing and cost savings of combining multiple tasks like underground
48 lines. Sidewalks will still have to be dug up and reconstructed. At some point the water

1 main will need to be replaced. Conduit for streetlights will have to be placed. Doing the
2 work piecemeal will mean digging up areas, possibly multiple times.

3
4 Mr. Joseph recalled that the reason the water mains were suggested as being done was
5 because it was easier to do everything at once. It wasn't on the Water District's agenda. He
6 stated that hooking power to the buildings will not be paid for by Emera.

7
8 Director Smith corrected Mr. Joseph's statement, noting that there will be no cost in
9 reconnecting buildings to the power.

10
11 It was repeated several more times by several business owners that recent efforts to up
12 business in the downtown area are beginning to work. Construction will destroy that
13 upward momentum. It was reiterated that timing is a big problem.

14
15 Ms. Brown restated this was originally intended as a 10-year plan.

16
17 It was repeated that not all the options were fully explored.

18
19 Selectman Littlefield noted the voters approved the bond. Did they also approve the project
20 or the timing of the project? It was confirmed the project was approved. The funding
21 would dictate the timing of the project.

22
23 Selectman Dudman recalled that the Town has been talking about revitalization for years.
24 She felt the process has been slow and thoughtful. The plan is not perfect, but it's not a bad
25 plan. Traffic will continue throughout the process, if the streets are reconstructed. Director
26 Smith concurred that the sidewalk reconstruction and storm drain replacement will require
27 some digging up of the street. Selectman Dudman felt there would probably never be a
28 time that could be considered perfect.

29
30 Ms. Brown pointed out that Main St. is only one component. Another component is the
31 Gray Cow parking lot. Ms. Brown noted this project had received its private funding. It was
32 clarified that funding for design work only at the Gray Cow parking lot was reached. No
33 funding for construction has been received. Acadia National Park has announced new
34 changes to their traffic and parking situation. Ms. Brown suggested that visitors would be
35 using villages only for parking; leaving their cars, getting onto busses and leaving the village
36 to see the park? She reiterated this was a lot of construction and change to the Town and
37 to the island. Ms. Brown felt there had never been an opportunity provided to speak with
38 the Board of Selectmen.

39
40 It was confirmed the water main goes the full length of Main St. Mr. Joseph confirmed
41 there were other projects the Water District would prioritize over the water main. There
42 were lines in worse condition than the water main. However, the storm drain work needed
43 will require digging on Main St. Public Works Director Smith clarified that the storm drain
44 work, done on its own, would take approximately two months. The other work included in
45 the project will take longer. It had been suggested that replacing the water main, while the
46 road was dug up anyway, to piggyback the work and the cost.

47
48 It was said again that the work must be done without affecting the businesses.

1
2 It was reiterated twice more that the timing was problematic.

3
4 Road construction was again noted as a problem for the businesses on Main St.

5
6 Chairman Macauley repeated that a forum for discussion was necessary.

7
8 Ms. Carter asked how the CES Q&A would be accessible to all residents. In an effort to
9 ensure the information provided is available to all. Director Smith noted the Q&A would be
10 public and on their site and visible to anyone accessing it.

11
12 Ms. Carter asked why an information handout was available at the Town Meeting. She felt
13 it was propaganda material. Selectman Hart stated he provided material meant to be
14 informational. Committee members were listed on the materials because it was a public
15 committee. Ms. Carter maintained that additional materials have never been included at a
16 Town Meeting before. Selectman Dudman disagreed; she recalled several years when
17 additional information have been provided at a Town Meeting. Ms. Brown noted that the
18 Town Clerk told her that if the material had been available during the poll voting, she would
19 have had it there to hand out to the public. Ms. Brown reiterated she didn't feel including
20 the committee members' names were appropriate.

21
22 Chairman Macauley again said that more ongoing dialogue was necessary.

23
24 Ms. Carter asked about the mediator, Jackie. Would future conversations necessitate
25 bringing her back? Would the Board of Selectmen be responsible for calling her back?
26 What is the next step?

27
28 It was agreed that the next steps were that the Community Development Committee and
29 the Planning Committee meet, and Director Smith to go back to CES with the concerns of
30 the residents.

31
32 **E. Discussion of the proposal for the Otter Creek Boat Ramp turn-around**

33 Town Manager Lunt pointed out ANP Superintendent Schneider's letter. Chairman
34 Macauley noted that there is no accessory space to allow for a turn-around for vehicles with
35 trailers. There is an 81-foot by 12-foot strip of land on the fish house lot. However, the Aid
36 Society is unwilling to exchange land on the Loop Road for a turn-around. The turn-around
37 will not happen unless something changes.

38
39 **F. Discussion of the process to select a new representative to the Acadia National Park
40 Advisory Commission**

41 Selectman Dudman reported she had been approached by an interested resident. Chairman
42 Macauley has been approached by three. Town Manager Lunt suggested potential
43 representatives write up a letter of interest so the Board can decide. Once the Town
44 Manager has received the letters, he will add the item to the next Agenda. Manager Lunt
45 noted the Town can nominate a representative. Congress appoints them.

46
47 **VIII. Other Business**

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

There was no other business.

IX. Treasurer's Warrants

A. Approve & Sign Treasurer's Warrant AP1875 in the amount of \$503,211.09

MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, approval and signature of Treasurer's Warrant AP1875 in the amount of \$503,211.09, as presented.

Motion approved 5-0.

B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1873, AP1874, and PR1827 in the amounts of \$13,558.21, \$3,879.00, and \$100,007.36, respectively

MOTION: Selectman Hart moved, with Selectman Dudman seconding, approval of Treasurer's Payroll, State Fees, and PR Benefit Warrants AP1873, P1874, and PR1827, in the amounts of \$13,558.21, \$3,879.00, and \$100,007.36, respectively, as presented.

Additionally, acknowledgement of Treasurer's School Board Payroll Warrant 14 in the amount of \$137,700.88, as presented. Motion approved 4-0-1 (Littlefield in Abstention)

C. Acknowledge Treasurer's School Board Payroll Warrants 14 and 25 in the amounts of \$137,700.88 and \$79,349.91, respectively

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, acknowledgement of Treasurer's School Board Payroll Warrant 25 in the amount of \$79,349.91, as presented. Motion approved 5-0.

X. Adjournment

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

The meeting was adjourned at 7:55 PM.

Respectfully Submitted,

Wendy Littlefield, Secretary