

**Town of Mount Desert
Board of Selectmen Meeting Minutes
Meeting Room, Town Hall
6:30 PM, August 20, 2018**

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

Also in attendance were Town Manager Durlin Lunt, Public Works Director Tony Smith, Fire Chief Mike Bender, and Town Clerk Claire Woolfolk.

Members of the public were also present.

I. Call to order at 6:00 p.m.

Chairman John Macauley called the Meeting to order at 5:56 PM.

II. Executive Session

A. Pursuant to 1 M.R.S.A. §405(6) (A) discussion of personnel issue

MOTION: Selectman Rick Mooers moved, with Selectman Matt Hart seconding, to enter into Executive Session. Motion approved 5-0. The Board entered Executive Session at 5:56PM.

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, to leave Executive Session. Motion approved 5-0. The Board left Executive Session at 6:30PM.

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, resuming the regular meeting. Motion approved 5-0. The public portion of the Meeting was resumed at 6:30PM.

III. Public Hearing(s)

A. Public comment on the proposed Warrant Article for the purchase of a Street Sweeper, and on the two Warrant Articles (Petition Article and Board of Selectmen Article) relating to the Main Street Project that the Board of Selectmen voted to include in the Warrant calling the September 10, 2018, Special Town Meeting

Street Sweeper:

Public Works Director Tony Smith reviewed the pricing. Whether a five-year purchase financed at 3.10% interest rate, or purchasing a sweeper outright, the Town will end up in the red going into the next fiscal year. He recommended increasing the amount of the annual Public Works Equipment Reserve Fund from \$89k to \$139k and reduce the Paving account amount received each year from \$420k to \$370k.

Selectman Mooers inquired how much of the Capital Improvement Funds will be used for the purchase. Director Smith noted \$204,500.00 would be used if the sweeper is purchased outright. This will leave \$27,000 in the account till the May 2019 Town Meeting. Mr. Smith did not feel comfortable with that little in the account through the winter months. Resident Katrina Carter thought there was 145,000.00 in the reserve account for a street sweeper. Director Smith noted there was currently \$248,000 in the reserve account. The amount in earlier reports was an estimate.

1
2 It was noted the Public Works Reserve Account is a pool for all equipment. This figure was also
3 noted as different from the original estimates mentioned at previous meetings.
4

5 Selectman Littlefield reminded those present that the replacement is needed due to an accident;
6 it was not a planned purchase. It was noted the original sweeper was totaled, and the insurance
7 paid out at a low rate. Director Smith foresaw no other big expenditures.
8

9 Chairman Macauley asked if the Town couldn't use some portion of the reserve account and
10 borrow less towards the purchase of a sweeper. Director Smith estimated that perhaps
11 \$50,000.00 could be used from the reserve account to offset the amount of a loan. He has not
12 reviewed the numbers. Chairman Macauley asked him to look into what he felt comfortable
13 using.
14

15 Resident Alan Joseph asked if there was end of the year surplus could it be used towards the
16 purchase of the sweeper.
17
18

19 **Main Street Project:**

20 Resident John Adams asked if at the Special Town Meeting the Main Street project is voted
21 down, what would happen then. Town Manager Lunt stated the Main Street Project was
22 approved at the last Town Meeting. It cannot be voted down. The work can be reconsidered,
23 and the Board of Selectmen can revisit the project. Chairman Macauley clarified that the Town
24 can only work on the issue of implementation. It may be found that modifications to the work
25 can be made.
26

27 Mr. Adams felt that Article Five gives the Town more latitude beyond the Petition. Manager Lunt
28 noted that Article Five asks for the Town to reconsider. It only addresses the Petition. Manager
29 Lunt reiterated the Board is charged with implementing, in general conformance of the warrant
30 article, the vote taken at the Town Meeting. Mr. Lunt reiterated the Warrant said to borrow
31 money to construct, in general conformance, and mentions the work will include the utility lines.
32 The Town is not able to go outside the general conformance stated in the Warrant. There may
33 be other things, as the project goes along, that can be modified.
34

35 Mr. Adams asked if the Kimball Road Extension could be reconsidered. Town Manager Lunt felt
36 that yes, sometimes modifications can be made as the project moves forward. The work must
37 stay within the guidelines of the warrant.
38

39 Mr. Adams asked if a Moratorium could be approved. Town Manager Lunt did not believe a
40 Moratorium could be used. It would mean stopping work approved at Town Meeting. Mr.
41 Adams stated that there is misunderstanding in the Town regarding what the project entails.
42 Mr. Lunt felt that more communication was needed to inform the public about the project. Mr.
43 Lunt reiterated that no one wants to do harm to the Town.
44

45 Resident Kelly Brown stated the Board of Selectmen has not been forthcoming about
46 communication with the residents. She was promised communication and there has been none
47 from the Board. She felt that no one's reached out to the community. This creates a lack of
48 trust. She asked about the details of the project. Has an exact number of pop-up parks been

1 determined? Are specific designs in place? Are the crosswalk locations determined? She would
2 like the final plan or concept posted for the public's review.

3
4 Public Works Director Smith noted he had a work schedule from the contractors, and he's
5 working on translating it for the public. He hopes to be able to post it soon.

6
7 Resident Willie Granston inquired whether the wording was specific to include the plans printed
8 at the back of the book. And if not, did that mean those plans could be changed?

9
10 Town Manager Lunt noted the crosswalks must meet ADA standards and go through the DOT,
11 which dictates where they can be placed.

12
13 Mr. Granston did not understand how there can be room to modify some parts of the project,
14 but not all. Manager Lunt noted it comes down to general conformance to the warrant. If there
15 were something within the project that is deemed to make no sense, then there is room to make
16 modifications. Mr. Lunt felt that once the plan was posted for public view, things would be
17 clearer.

18
19 Selectman Littlefield noted the many meetings where this issue had been discussed with the
20 public. She asked Ms. Brown what she would like to see regarding discussions, as the
21 communication at the Board Meetings does not seem to suffice. Ms. Brown stated that people
22 feel intimidated. People want to feel they're being heard, and maybe doing some problem
23 solving. Perhaps subgroups would help. Selectman Littlefield asked if she would prefer weekly
24 or every-other-week informal meetings with perhaps two Selectman and the Public Works
25 Director. Selectman Littlefield noted that people work varying schedules, and it will be difficult
26 to find times in addition to the Board meetings that work for everyone. She also cautioned that
27 the same message needs to be conveyed.

28
29 Public Works Director Smith noted that there is a professional engineering team overseeing the
30 work, and they will be the experts in the process. The Public Works Director will only be involved
31 periodically. The contractor will submit a monthly application for payment. Those are based on
32 reports from monthly meetings on what had been done. Perhaps meetings to coincide with
33 these progress reports might work. Additionally, the engineers usually do a weekly writeup of
34 the work done. It was noted there is a page online discussing the project, and the public can
35 comment there. Additionally, calls can be made to the Public Works Director.

36
37 Resident Katrina Carter noted there was a website for traffic patterns for the Route 3 project in
38 Bar Harbor. She would like to see the same type of thing for this project.

39
40 Resident Ben Moore reported that his lowbed trailer must use the Kimball Road Extension. It
41 was impossible for the vehicle to make a left turn without it. Ms. Brown noted her delivery truck
42 driver looked at the corner and reported he would not be able to make the left turn either.
43 Chairman Macauley noted this was exactly the kind of information the Town needed. The
44 section of road would be looked at with an eye to larger vehicles and equipment getting through.

45
46 Storey Litchfield stated that the discussion made it sound as though the project could be
47 changed, but the Board of Selectmen were refusing to do so. She felt the project should have
48 the business owners' best interests in mind. Chairman Macauley reiterated that there is some

1 room for change in the implementation of the project, and the Town is open to finding those
2 opportunities. However, the project, having been approved at Town Meeting, is set. Things like
3 power lines, which were mentioned specifically in the Town Meeting Warrant, cannot be
4 changed. Mr. Granston pointed out that the electrical lines are impossible to change because
5 they were in the warrant. And the plans were in the warrant. But the Kimball Road left turn may
6 not be changeable. If an issue like the Kimball Road extension can be changeable why is moving
7 the power lines underground unchangeable? If one can be changed, then all shouldn't be able to
8 change. What allows for one aspect to be changed, but not the other?
9

10 Selectman Hart pointed out that the Kimball Road Extension can be changed if the project as
11 proposed renders the road not functionable for some vehicles. Director Smith agreed. If the
12 design will not handle traffic flows, it can be changed. There may be other things that come up
13 as the project moves forward.
14

15 Resident Alan Joseph asked if a report from Emera has been received. Have the underground
16 power lines been approved. Director Smith affirmed Emera has sent their reports. Mr. Smith
17 noted neither he nor CES have received any further reports on alternate power line placement.
18

19 Further Mr. Smith noted that if the Kimball Road plans for the park render it impossible to get
20 around the corner, then that part of the project will be modified or removed completely. Mr.
21 Smith did not have specific details on exactly how it would be modified. The issue would be
22 brought to the engineers for their input. It was asked if a fire truck could make it down to
23 Kimball Road as designed. Fire Chief Bender noted that the corner in question had not been
24 discussed.
25

26 Mr. Joseph alleged that there is a moratorium set for five years after a project like this where no
27 one may open the road for new development. He said this was in direct opposition to the hope
28 of new development in Town.
29

30 Mr. Joseph discussed incentivizing businesses. He felt a full time Planning Director was
31 necessary to develop the downtown businesses and facilitate growth.
32

33 Director Smith noted that stubs for water and electrical connection will be included for all lots,
34 so a road opening is not necessary for new or upgraded buildings. Further road openings would
35 be reviewed by the Town on a case by case basis.
36

37 Mr. Joseph stated that the Town government may find it easy to simply approve a project and
38 raise the mill rate to pay for it. But how are the businesses supposed to carry the loss of
39 business? Mr. Joseph stated that construction would obstruct four springs seasons, hurting
40 businesses. Further, Mr. Joseph asked when the Summit Road project was intended to start. By
41 next fall would there be two roads in Town under construction that would last for the next two
42 to three years?
43

44 Public Works Director Smith corrected Mr. Joseph's assessment that four spring's worth of
45 construction would be ongoing for the Main St. Project. Mr. Smith reiterated that October 2018
46 to May 2019, and then October 2019 to December 2019 were the scheduled construction
47 periods for the Main St. Project. Director Smith will not make a recommendation on the Summit
48 Road project until making a determination on the Main St. project.

Resident Katrina Carter expressed concern over the Moratorium Mr. Joseph brought up. To refuse to allow construction for five years after the Main St. project ends is in direct opposition to the goal of enticing new businesses and residents. Director Smith reiterated that all lots, vacant or not, will have water and utility stubs run to behind the line of the sidewalk. Resident Phil Lichtenstein felt confident that if a business wanted to locate on Main St. the Town would not restrict access. Chairman Macauley agreed.

Resident Ben Moores asked about the stubs for water. Businesses are being required to put in four-inch water mains. The new stubs would have to be that size. Director Smith agreed, noting this was a State Fire Marshall requirement. Newly installed stubs would be the required size. It was Director Smith's understanding that the Town can choose to accept or waive the moratorium. He would look further into the issue.

Ms. Brown felt all this information should be clarified.

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

IV. Minutes

A. Approval of minutes from August 6, 2018 meeting

MOTION: Selectman Hart moved, with Selectman Dudman seconding, approval of the August 6, 2018 Minutes, as presented. Motion approved 5-0.

V. Appointments/Recognitions/Resignations

A. Acknowledge the recertification of Durlin Lunt as Certified Municipal Manager under the Maine Town, City & County Management Association

MOTION: Selectman Mooers moved, with Selectman Hart seconding, acknowledgement of recertification of Durlin Lunt as Certified Municipal Manager under the Maine Town, City & County Management Association, as presented. Motion approved 5-0.

VI. Consent Agenda *(These items are considered routine, and therefore, may be passed by the Selectmen in one blanket motion. Board members may remove any item for discussion by requesting such action prior to consideration of that portion of the agenda.)*

A. Thank you to Harbormaster and staff from motor vessel Rejoice

B. Thank you from Mount Desert Nursing Association

C. Hancock County Commissioners Meeting Minutes June 25, July 3, and July 17, 2018

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

VII. Selectmen's Reports

There were no Selectman's Reports.

VIII. Unfinished Business

A. Consider nominations for the Acadia National Park Advisory Committee

Selectman Mooers opined that the Town's responsibility was to advertise among the community. The Park Superintendent wishes the Board to forward nominations and the secretary will appoint a member. Any and all people who have applied should be forwarded

1 along for consideration. After some discussion, it was agreed the list *in toto* should be
2 forwarded for consideration. Appointments are for a three-year term.

3
4 MOTION: Selectman Mooers moved, with Selectman Hart seconding, forwarding the entire list
5 on nominees, along with their personal information as requested, for the Secretary of the
6 Interior's consideration and selection. Motion approved 5-0.

7
8 *B. Vote Board of Selectmen recommendations for September 10, 2018 Special Town Meeting*
9 *Articles 2-5*

10 **Article 2:**

11 *To see if non-voters shall be allowed, when recognized, to speak during the*
12 *September 10, 2018 Special Town Meeting.*

13
14 MOTION: Selectman Mooers moved, with Selectman Dudman seconding recommending
15 passage of Article 2, as presented. Motion approved 5-0.

16
17 **Article 3:**

18 *Shall the Town of Mount Desert be authorized to issue general obligation*
19 *bonds or notes of the Town in a principal amount not to exceed \$225,000.00*
20 *to finance the purchase of a new street sweeper in accordance with the*
21 *Town's purchasing policy, under such terms and conditions as the Board of*
22 *Selectmen, in their sole discretion, deem to be in the best interest of the*
23 *Town, and further shall the Board of Selectmen be authorized to execute all*
24 *things necessary or convenient to issue the bonds or notes of the Town,*
25 *which may be callable, and to complete the purchase?*

26
27 MOTION: Selectman Mooers moved, with Selectman Hart seconding, recommending passage of
28 Article 3, as presented. Motion approved 5-0.

29
30 **Article 4:**

31 *To see if the Town will vote to adopt the following citizen petition article*
32 *submitted on June 28, 2018: That the selectman add to and reconsider*
33 *Article 25 (Improvements to Main Street located in the village of Northeast*
34 *Harbor) under Section 2522. The reconsideration of underground power,*
35 *telephone and internet on Main Street and supply those utilities from behind*
36 *buildings with overhead poles. To consider time line of job schedule so as not*
37 *to put in danger the viability and profitability of the last existing Businesses*
38 *on Main Street and surrounding Streets. To reconsider and convey to*
39 *developers, the town voters have voted in the positive to improve Main*
40 *Street and that any development of buildings on Main Street be done first*
41 *and that the streets and sidewalks be done last so as not to damage the new*
42 *Street and side walk to further damage due to future utility and construction*
43 *work. To consider the options of incentivizing developers, established*
44 *business and future businesses to help sustain future growth of an*
45 *economical and viable Main Street.*

46
47 MOTION: Selectman Hart moved, with Selectman Dudman seconding, No Recommendation.
48 Motion approved 5-0.

Article 5:

In light of the Town's efforts in advancing the Main Street Project (including the evaluation by the Board of Selectmen after the submission of the Petition on June 28), shall the Town direct the Board of Selectmen to further reconsider the details of implementation of the Main Street Project?

MOTION: Selectman Mooers moved, with Selectman Dudman seconding, recommending passage of Article 5, as presented. Motion failed, 0-5.

IX. New Business

A. Public Space Special Event Application – Marconi/Murphy Wedding; September 15, 2018, Seal Harbor Village Green

MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, approval of Public Space Special Event Application – Marconi/Murphy Wedding; September 15, 2018, Seal Harbor Village Green, as presented, and with congratulations. Motion approved 5-0.

B. Request to Authorize A Public Space Special Event Application to the Seal Harbor Library Association for event scheduled July 27, 2019

MOTION: Selectman Dudman moved, with Selectman Hart seconding, authorization of a Public Space Special Event Application for the Seal Harbor Library Association for an event scheduled July 27, 2019, as presented. Motion approved 5-0.

C. In conformance with our purchasing policy for expenditures in the \$10,000 to \$25,000 range, consideration by the Board of Selectmen to approve Public Works Director Tony Smith's request to expend \$14,671 from the FY-19 appropriations budget to replace a culvert on the Hall Quarry Road

MOTION: Selectman Mooers moved, with Selectman Hart seconding, approval of Public Works Director Tony Smith's request to expend \$14,671 from the FY-19 appropriations budget to replace a culvert on the Hall Quarry Road, as presented. Motion approved 5-0.

D. Consider authorization to purchase a new engine from Colwell Diesel in Ellsworth at a cost of \$19,700 using funds from the Public Works Equipment Reserve Account Number 4050100-24500 with a current balance of \$248,013

Director Smith noted this engine was going into a snowplow truck.

MOTION: Selectman Mooers moved, with Selectman Hart seconding, authorization to purchase a new engine from Colwell Diesel in Ellsworth at a cost of \$19,700 using funds from the Public Works Equipment Reserve Account Number 4050100-24500, with a current balance of \$248,013.00, as presented. Motion approved 5-0.

X. Other Business

A. Such other business as may be legally conducted
There was no other business.

XI. Treasurer's Warrants

A. Approve & Sign Treasurer's Warrant AP1910 in the amount of \$374,456.38

1 MOTION: Selectman Mooers moved, with Selectman Hart seconding, approval and signature of
2 Treasurer's Warrant AP1910 in the amount of \$374,456.38, as presented. Motion approved 5-0.

3
4 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1909 and PR1903*
5 *in the amounts of \$37,851.65, and \$114,069.53 , respectively*

6 MOTION: Selectman Mooers moved, with Selectman Hart seconding, approval of signed
7 Treasurer's Payroll, State Fees, and PR Benefit Warrants AP1909 and PR1903 in the amounts of
8 \$37,851.65 and \$114,069.53, respectively, as presented. Motion approved 4-0-1 (Littlefield in
9 Abstention).

10
11 *C. Acknowledge Treasurer's School Board AP/Payroll Warrants 02 and 04 in the amounts of*
12 *\$91,822.46 and \$47,078.85, respectively*

13 MOTION: Selectman Mooers moved, with Selectman Hart seconding, acknowledgement of
14 Treasurer's School Board AP/Payroll Warrants 02 and 04 in the amounts of \$91,822.46 and
15 \$47,078.85, respectively, as presented. Motion approved 5-0.

16
17 **XII. Adjournment**

18 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, adjournment.
19 Motion approved 5-0.

20
21 The meeting was adjourned at 7:35PM.

22
23 Respectfully Submitted,

24
25
26 Wendy Littlefield