

**Town of Mount Desert
Board of Selectmen Meeting Minutes
Meeting Room, Town Hall
5:30 PM, February 4, 2019**

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

Town Manager Durlin Lunt, Town Clerk Claire Woolfolk, Public Works Director Tony Smith, Treasurer Kathy Mahar, and Police Chief Jim Willis were in attendance.

Members of the Public were also in attendance.

I. Call to order at 5:30 p.m.

Chairman John Macauley called the meeting to order at 5:30 PM.

I. Executive Session

A. Pursuant to Title 1 M.R.S. § 405(6)(E) – Consultation between the Board and its Attorney concerning the legal rights and duties of the Mount Desert Board of Selectmen, including pending or contemplated litigation, settlement offers and matters where the duties of the public body's counsel to the attorney's client pursuant to the code of professional responsibility would clearly conflict with this subchapter (1 MRS, Chapter 13, Subchapter 1) or where premature general public knowledge would clearly place the municipality or person at a substantial disadvantage

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, entering Executive Session. Motion approved 5-0.

The Board entered Executive Session at 5:30PM.

MOTION: Selectman Dudman moved, with Selectman Hart seconding, leaving Executive Session. Motion approved 5-0.

The Board left Executive Session at 6:00PM.

B. Pursuant to Title 1 M.R.S. § 405(6)(C) and 1 M.R.S. § 405(6)(E) – Consultation between the Board and its Attorney concerning the legal rights and duties of the Mount Desert Board of Selectmen, including discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development

1 MOTION: Selectman Moores moved, with Selectman Dudman seconding, entering
2 Executive Session. Motion approved 5-0.

3
4 The Board entered Executive Session at 6:00PM.

5
6 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, leaving
7 Executive Session. Motion approved 5-0.

8
9 The Board left Executive Session at 6:20PM.
10

11 **II. Minutes**

12 *A. Approval of minutes from January 22, 2019 meeting*

13 MOTION: Selectman Hart moved, with Selectman Littlefield seconding, approval of the
14 January 22, 2019 Minutes as presented. Motion approved 5-0.
15

16 **III. Appointments/Recognitions/Resignations**

17 *A. Appointment of Donna Reis to the Warrant Committee*

18 It was noted that Ms. Reis applied for both the Warrant Committee and the Harbor
19 Committee. The Harbor Committee currently has a full Committee, and a waiting list for
20 new members. Ms. Reis was put on the Harbor Committee waiting list.
21

22 MOTION: Selectman Mooers moved, with Selectman Hart seconding, approval of
23 Donna Reis to the Warrant Committee, as presented. Motion approved 5-0.
24

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

29 *A. Department Reports: Wastewater, Treasurer: Permanent Trust – 1st and 2nd Quarter*

30 *B. Planning Board Minutes from December 12, 2018*

31 *C. Thank you letter from Emmaus Homeless Shelter*

32 MOTION: Selectman Mooers moved, with Selectman Hart seconding, acceptance of the
33 Consent Agenda as presented. Motion approved 5-0.
34

35 **V. Selectmen's Reports**

36 There were no Selectman's Reports.
37

38 **VI. Unfinished Business**

39 *A. Proposed Part-time Clerical Assistant Position*

40 Treasurer Mahar referred to her memo to the Board. She noted the exorbitant hours
41 she works to try to keep up with the work load. It was noted the position would be
42 permanent part-time and shared with the CEO. The position would start at 24 hours per
43 week.

1
2 MOTION: Selectman Dudman moved, with Selectman Hart seconding, approval of
3 hiring a proposed part-time clerical assistant position as proposed. Motion approved 5-
4 0.

5
6 **VII. New Business**

7 *A. Great Harbor of Mount Desert Small Vessel Sanctuary discussion*

8 Earl Brechlin presented a resolution to the Board of Selectmen. The resolution
9 endeavors to designate the Great Harbor of Mount Desert a Small Vessel Sanctuary.
10 The waters currently designated a "no discharge zone" would be given additional
11 protection and remain free of commercial vessels offering overnight accommodations
12 and greater than 200 feet in length or carrying more than 100 passengers. Research,
13 military, municipal, state and federal vessels would be exempt from this resolution.
14 Privately owned vessels would also be exempt.

15
16 Chairman Macauley asked who regulates these waters. Mr. Brechlin noted that Maine
17 Representative Brian Hubbel was inquiring with the Maine Attorney General's office on
18 the legality of such a resolution and who has jurisdiction.

19
20 Such a resolution would alleviate different sets of rules implemented by different
21 Towns. Privately owned large boats and chartered yachts were discussed as well.

22
23 Mr. Brechlin hoped to get a vote from the Board supporting the idea.

24
25 Selectman Littlefield inquired whether the Harbor Committee had seen the resolution.
26 She would feel better hearing the Harbor Committee's recommendation before making
27 a decision.

28
29 Storey Litchfield, a member of the Harbor Committee, reported that she had seen the
30 resolution although it was not presented to the Committee. She was in favor of it. Ms.
31 Litchfield voiced concern over smaller recreational craft and children boating and ferry
32 traffic. Large ships have right of way over all smaller craft in the water.

33
34 Chairman Macauley agreed with Ms. Litchfield. He noted he would feel better having a
35 recommendation from the Harbor Committee, and he would like confirmation on who
36 has jurisdiction over the waters.

37
38 Selectman Hart worried about passing control over these waters to the State. He would
39 prefer the jurisdiction, if it belongs to the municipality, to stay with the municipality.

40
41 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, the
42 resolution as presented to the Board in concept form, and the legislation being
43 proposed by State Representative Brian Hubbel be forwarded to the Harbor Committee

1 for an opinion, and to receive a confirmation of jurisdiction of the waters. Motion
2 approved 5-0.

3
4 *B. Consideration of hiring Hedefine Engineering & Design, Inc. to evaluate a failing*
5 *section of the stone retaining wall located along the westerly side of Steamboat*
6 *Wharf Road, to prepare design documents for the reconstruction of the wall and to*
7 *solicit competitive bids for the reconstruction of the wall for the fee of \$9,800 and to*
8 *authorize Public Works Director Tony Smith to execute a contract with them for their*
9 *services on behalf of the Town*

10 Public Works Director Smith noted that two sections of wall have previously been
11 repaired. The section near the stairs now requires repair.

12
13 MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, hiring
14 Hedefine Engineering & Design, Inc. to evaluate a failing section of the stone retaining
15 wall located along the westerly side of Steamboat Wharf Road, to prepare design
16 documents for the reconstruction of the wall and to solicit competitive bids for the
17 reconstruction of the wall for the fee of \$9,800 with money to be drawn from Road
18 Reserve Account 4050100-24573 with a balance of approximately \$74,193.19 and to
19 authorize Public Works Director Tony Smith to execute a contract with them for their
20 services on behalf of the Town, as presented. Motion approved 5-0.

21
22 *C. Request authorization to purchase 2019 Ford Police Interceptor Utility AWD for*
23 *patrol equipped as outlined in the bid package from Quirk Auto Group for \$29,984.00*
24 *to be funded through the Police Equipment-Vehicle line # 14400110-57200 with a*
25 *current balance of \$37,000*

26 It was noted that the replacement is listed in the CIP, but the money is in the Police
27 Department budget.

28
29 MOTION: Selectman Hart moved, with Selectman Mooers seconding, authorization to
30 purchase 2019 Ford Police Interceptor Utility AWD for patrol equipped as outlined in the
31 bid package from Quirk Auto Group for \$29,984.00, less the trade in value of \$5,000 for
32 the 2016 Ford SUV which equals a net purchase price of \$24,984.00 to be funded
33 through the Police Equipment-Vehicle line # 14400110-57200 with a current balance of
34 \$37,000. Motion approved 5-0.

35
36 *D. Request Authorization for release and expenditure of \$491.70 from Historic*
37 *Preservation Reserve Account #4020200-24205 which has a current balance of*
38 *\$572.16 for the Digitalization of Town Records including Town Reports, Warrants,*
39 *Meeting/Election and Selectmen's Minutes*

40 MOTION: Selectman Littlefield moved, with Selectman Dudman seconding,
41 authorization for release and expenditure of \$491.70 from Project 422, Historic
42 Preservation Reserve Account 4020200-24205-422, which has a current balance of
43 \$572.16 for the Digitalization of Town Records including Town Reports, Warrants,
44 Meeting/Election and Selectmen's Minutes, as presented. Motion approved 5-0.

VIII. Other Business

A. Such other business as may be legally conducted

There was no other business.

IX. Treasurer's Warrants

A. Approve & Sign Treasurer's Warrant AP1946 in the amount of \$193,980.56

MOTION: Selectman Hart moved, with Selectman Dudman seconding, approval and Signature of Treasurer's Warrant AP1946 in the amount of \$193,980.56, as presented. Motion approved 5-0.

B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1944, AP1945, and PR1915 in the amounts of \$4,743.59, \$834.00, and \$99,206.60, respectively

MOTION: Selectman Dudman moved, with Selectman Hart seconding, approval of signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1944, AP1945, and PR1915 in the amounts of \$4,743.59, \$834.00, and \$99,206.60, respectively, as presented. Motion approved 4-0-1 (Littlefield in Abstention).

C. Acknowledge Treasurer's School Board AP/Payroll Warrant 16 in the amount of \$81,284.12

MOTION: Selectman Littlefield moved, with Selectman Hart seconding, acknowledgement of Treasurer's School Board AP/Payroll Warrant 16 in the amount of \$81,284.12, as presented. Motion approved 4-0-1 (Macauley in Abstention).

X. Adjournment

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

Meeting was adjourned at 6:53PM.

Respectfully Submitted,



Wendy Littlefield, Secretary