

**Town of Mount Desert  
Board of Selectmen Special Warrant Review Meeting Minutes  
Meeting Room, Town Hall  
4:00 PM, February 25, 2019**

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

Present were Town Manager Durlin Lunt, Town Clerk Claire Woolfolk, and Public Works Director Tony Smith, Treasurer Kathi Mahar, and Fire Chief Mike Bender.

**I. Call to order at 4:00 p.m.**

Chairman Macauley called the meeting to order at 4:02 PM.

**II. Unfinished Business**

*A. Review and Votes on Warrant Articles for May 6 and 7, 2019 Annual Town Meeting*

**Article 3.** To see if non-voters shall be allowed, when recognized, to speak during the 2019 Annual Town Meeting.

MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to recommend passage. Motion approved 4-0.

**Article 4.** To see if the Inhabitants of the Town of Mount Desert will vote to approve an expenditure of \$500.00 from the Animal Welfare Reserve Account #4040700-24204 to Acadia Veterinary Hospital as a donation for the benefit of the Town of Mount Desert Feral Cat Program.

MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend passage. Motion approved 4-0.

**Article 5.** Shall an ordinance dated May 7, 2019 and entitled "Town of Mount Desert Alewife Ordinance" be enacted? The ordinance reads, in its entirety, "Regulations for the taking of alewives and blue back herring shall be as follows: For the year July 1, 2019 through June 30, 2020 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert."

MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend passage. Motion approved 4-0.

**Article 6.** Shall an ordinance dated May 7, 2019 and entitled "Town of Mount Desert Single Use Carryout Bag Ordinance" be enacted?

MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend passage. Motion approved 4-0.

1       **Article 7.**                Shall an ordinance dated May 7, 2019 and entitled "Town of  
2        Mount Desert Polystyrene Ordinance" be enacted?

3        MOTION: Selectman Littlefield moved, with Selectman Hart seconding, to recommend  
4        passage. Motion approved 4-0.

5       **Article 13.**                To see if the Inhabitants of the Town of Mount Desert will vote to  
6        authorize the Board of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654),  
7        Unconditional Gifts (MRSA 30-A §5655), equipment, proceeds from sale of fire  
8        equipment or funds on behalf of the Municipal Fire Department. It is understood that  
9        any funds received will be placed in the Fire Equipment Reserve Fund.

10       MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, to  
11       recommend passage. Motion approved 4-0.

12      **Article 14.**                To see if the inhabitants of the Town of Mount Desert will vote to  
13       authorize the Board of Selectmen to enter into a boundary line agreement with Isaac  
14       Holdings, LLC in order to clarify minor uncertainties as to the exact boundary between  
15       property owned by the Town of Mount Desert and property owned by Isaac Holdings,  
16       LLC abutting Old Firehouse Lane. Reference is made to Tax Map 24, Lot 105 and Tax  
17       Map 24, Lot 99.

18       Article 14 was tabled for further review.

19      **Article 15.**                To see if the Town of Mount Desert (the Town) will vote to enter  
20       into a contract (the Contract) (a copy of which is included herein in **Appendix XX**), for a  
21       term of five (5) years beginning July 1, 2019 and ending June 30, 2024, with Eastern  
22       Maine Recycling, (EMR), a Maine corporation which owns and operates a municipal solid  
23       waste transfer station, licensed by the State of Maine Department of Environmental  
24       Protection (DEP), in the Town of Southwest Harbor, Hancock County, Maine, that  
25       provides for the services typically associated with and including, but not necessarily  
26       limited to, the acceptance, storage, handling, processing, marketing and/or  
27       transportation of municipal solid waste, non-hazardous solid waste, recyclable items,  
28       compostable organic waste, wood wastes, construction and demolition debris, bulky  
29       waste, scrap metal, tires, green wood, and inert fill; and such other services as are  
30       described in the Contract, and further to authorize the Board of Selectmen, or its  
31       designee, to execute any and all contracts and documents and do any and all things  
32       necessary or convenient to enter into this Contract with EMR on behalf of the Town.

33       MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, to  
34       recommend passage. Motion approved 4-0.

35      **Article 16.**                To see if the Town of Mount Desert (the Town) will vote to enter  
36       into a contract (the Contract), in a form substantially similar to the draft contract, a copy  
37       of which is included herein in Appendix XX, for a term of five (5) years beginning July 1,  
38       2019, with Eastern Maine Recycling, (EMR), a Maine corporation which owns and  
39       operates a municipal solid waste transfer station, licensed by the State of Maine  
40       Department of Environmental Protection (DEP), in the Town of Southwest Harbor,

Hancock County, Maine, that provides for the services typically associated with and including, but not necessarily limited to, the acceptance, storage, handling, processing, marketing and/or transportation of municipal solid waste, non-hazardous solid waste, recyclable items, compostable organic waste, wood wastes, construction and demolition debris, bulky waste, scrap metal, tires, green wood, and inert fill; and such other services as are described in the draft Contract, and further to authorize the Board of Selectmen, or its designee, to negotiate the remaining terms of the Contract in a manner consistent with the terms of this article and of the draft included in Appendix XX, and to negotiate and execute any and all contracts and documents and do any and all things necessary or convenient to enter into this Contract with EMR on behalf of the Town.

MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, to recommend passage. Motion approved 4-0.

**Article 17.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the Ticket Booth operators for a term of one (1) year beginning July 1, 2019 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

MOTION: Selectman Hart moved, with Selectman Dudman seconding, to recommend passage. Motion approved 4-0.

**Article 18.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen, to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the Mount Desert Chamber of Commerce for a term of one (1) year beginning July 1, 2019 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, to recommend passage. Motion approved 4-0.

**Article 19.** To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen, to negotiate and enter into an agreement with the Neighborhood House Club, Inc. for management and maintenance of the municipal swimming pool, under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, to recommend passage. Motion approved 3-0-1 (Hart abstained).

**Article 20.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to accept and expend on behalf of the Town additional state, federal and other funds (including unconditional gifts of money) received during the fiscal year 2019-2020 for Town purposes, provided that such additional funds do not require expenditure of local funds not previously appropriated.

MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend passage. Motion approved 4-0.

1       **Article 21.**               To see if the Inhabitants of the Town of Mount Desert will vote to  
2       approve July 1, each year, as the date on which all taxes shall be due and payable  
3       providing that all unpaid taxes on September 1, of each year, shall be charged interest at  
4       an annual rate of 9.0% (percent) per year. (*Tax Club members are exempt within the*  
5       *terms and conditions of the Town's Tax Club Agreement.*)

6       MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to recommend  
7       passage. Motion approved 4-0.

8       **Article 22.**               To see if the Inhabitants of the Town of Mount Desert will vote to  
9       authorize the Tax Collector to enter into a standard "tax club" agreement with taxpayers  
10      whereby: (1) the taxpayer agrees to pay specified monthly payments to the Town based  
11      on the taxpayer's estimated and actual tax obligation for current year property taxes  
12      (real estate and/or personal); (2) the Town agrees to waive interest on timely payments;  
13      (3) the Town authorizes the Tax Collector to accept payment of taxes prior to  
14      commitment of taxes; (4) the agreement automatically terminates if two consecutive  
15      payments are missed and the taxpayer thereupon becomes subject to the same due  
16      date and interest rate as other, nonparticipating taxpayers; (5) only taxpayers who are  
17      paid in full on their property tax obligations may participate; and (6) interested  
18      taxpayers shall apply annually for participation by the date shown on the application,  
19      date and application format to be determined by the Tax Collector.

20      MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend  
21      passage. Motion approved 4-0.

22      It was noted that item (5) in the article was changed for clarification purposes which had  
23      read "*only taxpayers who are current...*", now reads "*only taxpayers who are paid in full*  
24      *on their property tax obligations...*".

25      **Article 23.**               To see if the Inhabitants of the Town of Mount Desert will vote to  
26      authorize the Tax Collector to accept pre-payment of property taxes, with no interest to  
27      be paid on same.

28      MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to recommend  
29      passage. Motion approved 4-0.

30      **Article 24.**               To see if the Inhabitants of the Town of Mount Desert will vote to  
31      set the interest rate to be paid by the Town for abated taxes that have been paid at the  
32      rate of 5.0% (percent) per year.

33      MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, to  
34      recommend passage. Motion approved 4-0.  
35

36      **Article 25.**               To see if the inhabitants of the Town of Mount Desert will vote to  
37      authorize expenditures to pay any tax abatements granted by the Assessor, Board of  
38      Assessment Review, or Board of Selectmen together with any interest due thereon from  
39      the Town, during the fiscal year beginning July 1, 2019, in an aggregate amount not to

1 exceed the property tax commitment overlay.

2 MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to recommend  
3 passage. Motion approved 4-0.

4 Selectman Dudman asked for an explanation of the overlay from Treasurer Mahar.

5 **Article 26.** To see if the Inhabitants of the Town of Mount Desert will vote to  
6 authorize the Board of Selectmen to dispose by public bid of Town-owned property,  
7 other than real property, with a value of ten thousand dollars (\$10,000.00) or less under  
8 such terms and conditions as it deems advisable.

9 MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend  
10 passage. Motion approved 4-0.

11 **Article 27.** To see if the Inhabitants of the Town of Mount Desert will vote to  
12 authorize the Board of Selectmen to sell at public auction or by advertised sealed bid,  
13 and to convey titles obtained under tax deeds and under deeds of conveyance to the  
14 Inhabitants of the Town any land and/or buildings, including trailers, in lieu of payment  
15 of taxes except that the Selectmen have the power to authorize redemption. Municipal  
16 Officers shall use the special sale process required by 36 M.R.S. § 943-C for qualifying  
17 homestead property if they choose to sell it to anyone other than the former owner(s).

18 MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend  
19 passage. Motion approved 4-0.

20 It was noted that the last sentence was added per state mandate: *Municipal Officers*  
21 *shall use the special sale process required by 36 M.R.S. § 943-C for qualifying homestead*  
22 *property if they choose to sell it to anyone other than the former owner(s).*

23 **Article 28.** To see if the Inhabitants of the Town of Mount Desert will vote to  
24 authorize the Board of Selectmen to contract for services, in amounts not to exceed  
25 appropriation for same, under such terms and conditions as it deems advisable.

26 MOTION: Selectman Littlefield moved, with Selectman Hart seconding, to recommend  
27 passage. Motion approved 4-0.

28 **Article 29.** Shall the Town of Mount Desert (the Town) be authorized to  
29 appropriate an amount not to exceed \$125,000.00 from the Capital Gains Reserve  
30 Account, #400-24202 to finance professional, technical and construction services  
31 associated with improvements to up to eighty-five (85) lineal feet of a granite block  
32 retaining wall located along the westerly side of Steamboat Wharf Road adjacent to the  
33 Seal Harbor Yacht Club in the Village of Seal Harbor (as shown on the site plan located in  
34 **Appendix ??? Site Map**), said stone wall serving to support the roadway in that area  
35 therefore being a critical component of the overall integrity of the roadway allowing for  
36 routine everyday traffic and emergency vehicular traffic, with said improvements  
37 including, but not necessarily being limited to, removing and resetting the stones on a  
38 stable foundation, filling the spaces and voids that have formed behind the wall with  
39 free-draining soil materials and constructing proper drainage behind the wall to reduce  
40 the effects of water flow and freeze-thaw cycles behind the wall and further, shall the

Board of Selectmen or its designee be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project?

MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to recommend passage. Motion approved 4-0.

Chairman Macauley asked Director Smith for clarification on what section of the wall this article addresses.

**Article 30.** Shall the Town of Mount Desert (the Town) be authorized to appropriate an amount not to exceed \$360,000.00 from the Capital Gains Reserve Account, #400-24202, to finance professional, technical and construction services associated with improvements to up to twenty-eight (28) pedestrian crosswalks located throughout the Town (as shown on the site plan located in **Appendix ??? Site Map**) with said improvements intended to bring the crosswalks into general compliance with the appropriate regulatory guidelines and requirements, including but not limited to the Maine Department of Transportation's publication "Maine DOT Guidelines on Crosswalks" and the Americans with Disabilities Act requirements for crosswalks, with said improvements to include, but not necessarily be limited to, improving access, safety, effectiveness and appurtenances required to complete the improvements, and further, shall the Board of Selectmen or its designee be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project?

MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend passage.

After discussion on funding options, the motion was withdrawn and Article 30 was tabled for further review.

**Article 31.** Shall the Town of Mount Desert (the Town) be authorized to appropriate an amount not to exceed \$160,000.00 from the Capital Gains Reserve Account, #400-24202, to finance professional, technical and construction services associated with improvements to the single story, wood framed structure referred to as the "Bait House" located on Dodge Point Road in the Village of Seal Harbor (as shown on the site plan located in **Appendix ??? Site Map**), with said improvements to include, but not necessarily be limited to, bringing the building to current code standards, with specific improvements to include, but not necessarily be limited to, upgrading the handrails, exterior decking and exterior stairs, the wooden post and wooden column foundation, the carrying beams, doors, windows and electric power supply and further, shall the Board of Selectmen or its designee be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project?

Article 31 was tabled for further review.

**Article 34.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and/or appropriate as Revenue through Excise Taxes, Service Fees and

miscellaneous sources for the 2019-2020 Town Budget.

MOTION: Selectman Littlefield moved, with Selectman Hart seconding, to recommend \$1,188,110.00. Motion approved 4-0.

**Article 35.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 200 through 221 General Government – Governing Body (Board of Selectmen), Municipal Management, Town Clerk, Registrar, Elections, Planning Board, Finance, Treasurer, Tax Collector, Assessment, Code Enforcement, Unallocated Funds, Human Resources, and Technology for the 2019-2020 Town Budget.

<b>Gov. Body (Bd of Selectmen): \$34,315.00</b>	<b>Town Management: \$363,084.00</b>
<b>Town Clerk: \$118,808.00</b>	<b>Registrar: \$1,819.00</b>
<b>Elections: \$4,941.00</b>	<b>Planning Board: \$48,321.00</b>
<b>Finance: \$91,946.00</b>	<b>Treasurer: \$139,961.00</b>
<b>Tax Collector: \$8,689.00</b>	<b>Assessment: \$117,551.00</b>
<b>Code Enforcement: \$167,355.00</b>	<b>Unallocated: \$115,250.00</b>
<b>Human Resources: \$5,000.00</b>	<b>Technology: \$232,090.00</b>

MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to recommend \$1,449,130.00. Motion approved 4-0.

Chairman Macauley asked Director Smith for clarification on what specific section of the wall will be addressed.

**Article 36.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 300 General Assistance Support for the 2019-2020 Town Budget.

MOTION: Selectman Hart moved, with Selectman Littlefield seconding, to recommend \$5,000.00. Motion approved 4-0.

**Article 37.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 350 Rural Wastewater Support for the 2019-2020 Town Budget.

MOTION: Selectman Littlefield moved, with Selectman Hart seconding, to recommend \$192,450.00. Motion approved 4-0.

**Article 38.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 406 Street Lights for the 2019-2020 Town Budget.

MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, to recommend \$25,750.00. Motion approved 4-0.

**Article 39.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 401 and 408 Public Safety – Police and Communications (Dispatch) for the 2019-2020 Town Budget.

**Police: \$838,057.00**

**Communications: \$376,039.00**

**Shellfish: \$00.00**

**Animal Control: \$00.00**

MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, to recommend \$1,214,096.00. Motion approved 4-0.

**Article 40.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 403,404, and 409 Public Safety – Fire Department, Hydrants, and Emergency Management for the 2019-2020 Town Budget.

**Fire: \$604,461.00 Hydrants: \$273,500.00 Emergency Management: \$1,000.00**

MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, to recommend \$878,961.00. Motion approved 4-0.

**Article 41.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 501, 515, 520 and 525 Public Works - Roads, Waste Management, Buildings & Grounds, and Parks & Cemeteries, and 530 Environmental Sustainability for the 2019-2020 Town Budget.

**Roads: \$1,746,147.00**

**Buildings/Grounds: \$226,763.00**

**Parks/Cemeteries: \$46,092.00**

**Waste Management: \$590,628.00**

**Environmental Sustainability: \$21,500.00**

MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, to recommend \$2,631,130.00. Motion approved 4-0.

**Article 42.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 505 and 506 Sewers (Wastewater Treatment) for the 2019-2020 Town Budget.

**Sewer Capital: \$ 0.00**

**Sewer Operation: \$630,948.00**

**Wastewater Treatment**

**Northeast Harbor Plant: \$140,750.00**

**Somesville Plant: \$58,000.00**

**Seal Harbor Plant: \$104,958.00**

**Otter Creek Pmp Station: \$30,000.00**

MOTION: Selectman Littlefield moved, with Selectman Hart seconding, to recommend \$964,656.00. Motion approved 3-0-1 (Littlefield abstained).

**Article 43.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 605 Recreation (Public Pool ~Utilities & Maintenance) for the 2019-2020 Town Budget.

MOTION: Selectman Littlefield moved, with Selectman Dudman seconding, to recommend \$5,900.00. Motion approved 3-0-1 (Hart abstained).

**Article 44.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 701 Economic/Community Development for the 2019-2020 Town Budget.

MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend \$44,000.00. Motion approved 3-1.

**Article 45.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 801 Debt Service for the 2019-2020 Town Budget.

MOTION: Selectman Littlefield moved, with Selectman Hart seconding, to recommend \$1,882,596.00. Motion approved 4-0.

**Article 46.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 851 Libraries, Village Improvement Societies, Recreation, and Public/Social Service Agencies for the 2019-2020 Town Budget.

**Libraries:** \$33,500.00

**Village Improvement Societies:** \$60,500.00

**Recreation:** \$89,750.00

**Public/Social Service Agencies:** \$156,978.00

Article 46 was tabled for further review.

**Article 47.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 991 Capital Improvement Plan transfers for the 2019-2020 Town Budget.

MOTION: Selectman Littlefield moved, with Selectman Hart seconding, to recommend \$573,102.00. Motion approved 4-0.

**Article 49.** To see if the Inhabitants of the Town of Mount Desert will vote to ratify the Board of Selectmen's approval of the Marina Proprietary Fund budget.

**Revenue: \$708,555.00**

**Expense: \$708,555.00**

MOTION: Selectman Dudman moved, with Selectman Hart seconding, to recommend ratification. Motion approved 4-0.

### **III. Other Business**

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

There was no other business.

### **IV. Adjournment**

MOTION: Selectman Dudman moved, with Selectman Hart seconding adjournment. Motion approved 4-0.

The meeting adjourned at 4:50 PM.

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2 Respectfully Submitted,

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Wendy Littlefield, Secretary