



Town of Mount Desert
Board of Selectmen
Results – NEH Project Citizen Petition Consideration

Regular Meeting
Monday, August 6, 2018

**Location: Kelley Auditorium, Mount Desert Elementary School
8 Joy Road, Northeast Harbor**

I. Call to order at 5:00 p.m.

II. Executive Session

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

Regular Meeting at 6:30pm

I. Further consider the citizen petition submitted to the Town on June 28, 2018

- a. *Consideration of Reports in response to the several requests of the Board of Selectmen on July 16, 2018 in its review of the Petition (5-0 Vote to accept)*
- b.
 - i. *Consideration of Resolution of Board of Selectmen (5-0 Vote to Accept)*
 - ii. *Consideration of Resolution of Board of Selectmen Summary (5-0 Vote to accept)*
- c. *Consideration of Warrant for possible Special Town Meeting and report of Town Manger and Town Attorney on Schedule Considerations (5-0 Vote to accept)*
- d. *Consideration of a Public Hearing Notice on the proposed Warrant Article for the purchase of a Street Sweeper, and such other Warrant Articles as the Board of Selectmen may include on the Warrant (5-0 Vote to accept revised notice)*

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XI. Adjournment

The next regularly scheduled meeting is at 6:30 p.m., Monday, August 20, 2018 in the Meeting Room, Town Hall, Northeast Harbor

Public Hearing on Warrant Articles 3, 4, and 5

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**RESOLUTION OF THE
TOWN OF MOUNT DESERT BOARD OF SELECTMEN**

**Evaluation of Petition regarding Implementation of the Main Street Project
Approved by the Voters at the May 8, 2018 Annual Town Meeting**

WHEREAS, the Village Center of Northeast Harbor of the Town of Mount Desert needs public infrastructure improvements along Main Street including stormwater, water, electric, and telecommunication utilities, as well as street and sidewalk improvements; and

WHEREAS, the removal and burying of overhead utility wires would enhance the Main Street corridor, would protect those wires from storm damage, and would enhance the ability to conduct fire suppression operations in the Village Center of Northeast Harbor, as the Town's ladder trucks cannot currently be used on segments of Main Street due to hazards present from overhead wires; and

WHEREAS, on May 8, 2018, the voters of the Town of Mount Desert approved Article 25, the Main Street infrastructure improvements project ("the Project"), and there was no timely reconsideration request at Town Meeting; and

WHEREAS, the Town has secured a favorable contract price for the Project and a favorable interest rate to finance the public infrastructure improvements; and

WHEREAS, any further significant delay beyond September 14, 2018 endangers the favorable price and favorable interest rate for the Main Street Project; and

WHEREAS, on June 28, 2018, a petition ("the Petition") was submitted to the Town requesting the Board of Selectmen (the "Board") to reconsider implementation aspects of the Main Street Project involving (A) utility locations; (B) job schedule timeline; (C) requiring future development to occur before improvements to Main Street; and (D) incentives for existing and future businesses for an economical and viable Main Street; and

WHEREAS, the Board is without authority, and the Petition does not ask the Board, to override the positive voter approval of the Project or the financing of the Project and given that Article 25 was approved and there was no timely motion for reconsideration of the approval of Article 25 at the May 8, 2018 Town Meeting; and

WHEREAS, the June 28, 2018 Petition is not clear but suggests consideration and reconsideration by the Board of specific implementation elements associated with the Project; and

WHEREAS, the Board can only consider the implementation details of the terms of Article 25, and has done so over the course of three Board meetings and so the requests in the Petition have already been addressed and may now be moot.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MOUNT DESERT BOARD OF SELECTMEN:

After due consideration at its two July 2018 regular meetings and then upon further consideration after receiving reports addressing the elements of the Petition at its August 6, 2018 meeting, the Board of Selectmen hereby reaffirms the implementation of the Project as approved in Article 25 at the May 8, 2018 Town meeting, with the following clarifications and assurances:

A. Utilities. Because the needs to improve infrastructure on Main Street is a clear and present need and because an alternate routing of utilities will not address a core purpose of the Main Street Project infrastructure improvements (including undergrounding of utilities) per the written reports of CES, Richardson, and the Town Staff that (a) buried wires are more durable, (b) overhead wires impede use of the Town's ladder truck on Main Street, and (c) undergrounding of overhead utilities facilitates redevelopment to support a thriving Main Street, the Board affirms that positive vote at the May 8, 2018 Town Meeting vote that utility lines should be placed underground in Main Street as specified in the language of Article 25.

B. Main Street Project Construction Schedule. After a report of the Public Works Director and further consideration of the Petition, the Board will direct that construction activities will occur between October 15, 2018 and May 24, 2019 and will resume if necessary October 15, 2019 and be completed by December 6, 2019, with (1) no construction activities occurring during the interim business season, and (2) a base course of pavement placed just prior to May 24, 2019 to allow for traffic and pedestrian use along Main Street.



C. Utilities in Place to Incentivize New Development. The Board affirms that, after a review of the original and recent reports as to how infrastructure improvements will facilitate the redevelopment of Main Street and the design of the Project calls for the installation of all utilities so they are available to future new development through the use of utility stubs, no disruptive or intrusive street or side walk work on Main Street will be required later to install utilities.



D. Village Center Development Incentives and Ongoing Efforts. In conjunction with the reports submitted by the Town Manager concerning the ongoing economic development efforts and next steps, the Board reaffirms the Town's past and ongoing efforts of the Town's Economic Development Committee, including its efforts to incentivize viable and sustainable economic development for Main Street and the overall Town of Mount Desert. The Board responds to this element of the Petition by noting that existing efforts can and will be further enhanced to assure inclusion of all relevant and constructive ideas and participants.

The Board will separately decide on August 6, 2018 whether to call a Special Town Meeting on the proposed Petition article and any other warrant articles that may be necessary and timely for Town Meeting to decide, together with its recommendations on the articles, the schedule and the opportunities for public discussion concerning those articles.

Dated this 6th day of August, 2018, in Mount Desert, Maine.

MOUNT DESERT BOARD OF SELECTMEN



This is a true and attested copy of a resolve adopted by vote of the Board of Selectmen of Mount Desert, Maine at a regular meeting held on August 6, 2018 at 6:30 p.m.

A true copy, attest: _____

*Town Clerk
Mount Desert, Maine*

**SUMMARY OF THE AUGUST 6, 2018 RESOLUTION OF THE
MOUNT DESERT BOARD OF SELECTMEN**

On May 8, 2018, the Voters of the Town of Mount Desert approved Article 25, the Main Street public infrastructure improvements project ("the Project"), as well as the financing for the project.

The major goals of the Project include: (1) to improve the infrastructure serving the Village Center; (2) ensure the sustainability and quality of necessary utilities and transportation systems in the Village Center of Northeast Harbor; (2) to support existing businesses, residents, and properties; and (3) to further incentivize business and economic development activities in the Village Center. The May 8, 2018 vote also requires removal and burying of all overhead utility wires. Burying utility wires protects those wire utilities and also enhances the ability to conduct fire suppression operations, as currently ladder trucks cannot be used anywhere on Main Street due to the hazards of the overhead lines.

On June 28, 2018, a petition ("the Petition") was submitted to the Town requesting the Board of Selectmen ("the Board") to reconsider implementation aspects of the Project, including: (A) utility locations; (B) job schedule timeline; (C) future development on Main Street; and (D) incentives for existing and future businesses on Main Street.

The Petition is challenging for the Board to act on for many reasons, including: (1) the Board lacks authority to override approval by Town Meeting of Article 25, and the Board can only tweak the implementation of the schedule and nonessential terms of Article 25; (2) the Petition is not clear on what specific actions are sought, and, in any event, the Board is without power or authority to amend or rewrite the Petition; and (3) fundamentally, there is financial risk to the Town because, as a result of and after the May 8, 2018 approval vote, the Town was able to secured a favorable price to advance the Project and a favorable interest rate to finance the Project. Any significant delay to the Project endangers both the favorable price and interest rate.

After careful study and evaluation, the Board has resolved to reaffirm the implementation of the Project with the following clarifications and assurances:

A. Utilities. As required by the positive vote at Town Meeting and the plain language of Article 25, and because burying wires protect wire utilities and overhead wires currently impede use of the Town's ladder truck on Main Street, the Board reaffirms the Town's vote to underground utility lines on Main Street. Final Town approval must be finalized by September 14, 2018 to preserve the Project finances, construction price, and favorable interest rate.

B. Main Street Project Construction Schedule. The Board will direct that (1) core construction activities will occur between October 15, 2018 and May 24, 2019 and will resume if necessary October 15, 2019 and be completed by December 6, 2019 to clean up and landscape Main Street; (2) no construction activities will occurring during the interim extended summer business season; and (3) a base course of pavement will be placed prior to May 24, 2019 to allow for traffic and pedestrian use along Main Street.

C. Utilities in Place to Incentivize New Development. The Board affirms that the Main Street Project will install all utilities so they are available when future development desires to connect (e.g., through the use of project utility stubs), so street/side walk work will not be required later.

D. Main Street Economic Development Incentives. In conjunction with the Project, the Board of Selectmen reaffirms the Town's past and ongoing economic development efforts, including its efforts to incentivize viable and sustainable economic development for Main Street and the overall Town of Mount Desert.

**Town of Mount Desert
Notice of Public Hearing**

Notice is hereby given that the Town of Mount Desert Board of Selectmen will hold a public hearing at its regular meeting beginning 6:30 p.m., Monday, August 20, 2018, in the Meeting Room, Town Hall, 21 Sea Street, Northeast Harbor, to hear 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 has voted to include in the Warrant (copy attached) calling the September 10, 2018, Special Town Meeting for the Street Sweeper. Copies of the Warrant will be available at the Town Office and on the Town's website www.mtidesert.org. Members of the public are invited to attend and make comment at the August 20, 2018, Meeting.

TOWN OF MOUNT DESERT
SPECIAL OPEN FLOOR TOWN MEETING WARRANT

Hancock County §

State of Maine

To: James K. Willis, Jr., a Constable in the Town of Mount Desert
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Greeting:

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Mount Desert, qualified by law to vote in Town affairs, to assemble in the **Kelley Auditorium of the Mount Desert Elementary School, 8 Joy Road, Northeast Harbor, Maine** in said Town, on **September 10, 2018 at seven o'clock** in the evening, then and there to act on Article 1; and immediately thereafter to act on Articles numbered 2 through 5; all of said Articles being set out below to wit:

Article 1. To elect a Moderator, by written ballot, to preside at the meeting.

Article 2. To see if non-voters shall be allowed, when recognized, to speak during the September 10, 2018 Special Town Meeting.

Article 3. Shall the Town of Mount Desert be authorized to issue general obligation bonds or notes of the Town in a principal amount not to exceed \$225,000.00 to finance the purchase of a new street sweeper in accordance with the Town's purchasing policy, under such terms and conditions as the Board of Selectmen, in their sole discretion, deem to be in the best interest of the Town, and further shall the Board of Selectmen be authorized to execute all things necessary or convenient to issue the bonds or notes of the Town, which may be callable, and to complete the purchase?

Board of Selectmen recommends passage
Warrant Committee recommends

FINANCIAL STATEMENT - TOWN OF MOUNT DESERT

1. Total Town Indebtedness

A.	Bonds outstanding and unpaid:	\$20,642,236.63
B.	Bonds authorized and unissued:	\$ 0.00
C.	Bonds to be issued under this Town Meeting Article	<u>\$ 225,000.00</u>
	TOTAL	\$20,867,236.63

2. Costs

At an estimated interest rate of 3.1% for a term of 5 years, the estimated costs of this bond issue will be:

Principal	\$ 225,000.00
Interest	<u>\$ 18,442.00</u>
Total Debt Service	\$ 243,442.00

3. Validity

The validity of the bonds is not affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Kathryn A. Mahan

Article 4 (Petition Article). To see if the Town will vote to adopt the following citizen petition article submitted on June 28, 2018:

That the selectman add to and reconsider Article 25 (Improvements to Main Street located in the village of Northeast Harbor) under Section 2522.

The reconsideration of underground power, telephone and internet on Main Street and supply those utilities from behind buildings with overhead poles.

To consider time line of job schedule so as not to put in danger the viability and profitability of the last existing Businesses on Main Street and surrounding Streets.

To reconsider and convey to developers, the town voters have voted in the positive to improve Main Street and that any development of buildings on Main Street be done first and that the streets and sidewalks be done last so as not to damage the new Street and side walk to further damage due to future utility and construction work.

To consider the options of incentivizing developers, established business and future businesses to help sustain future growth of an economical and viable Main Street.

Board of Selectmen recommends
Warrant Committee recommends

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?

Board of Selectmen recommends
Warrant Committee recommends

End of Warrant Articles

Given under our hands at Mount Desert this 6th day of August 2018, a majority of the Selectmen of the Town of Mount Desert:



John B. Macauley, Chairman



Matthew J. Hart, Vice Chair



Wendy H. Littlefield, Secretary



Martha T. Dudman



James F. Mooers

Attest: A true copy of the Warrant.

Claire Woolfolk, Town Clerk
Town of Mount Desert