

Town of Mount Desert
Board of Selectmen
Agenda

Special Budget and Ordinance Review Meeting
Monday, February 10, 2020
Location: Meeting Room, Town Hall, Northeast Harbor

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

II. Minutes

A. Approval of minutes from February 6, 2020 meeting

III. New Business

A. MDES Budget Review

B. Consideration of retaining Hedefine Engineering and Design, Inc. to provide professional technical services for the development of two concept plans and associated costs related to potential renovations of the Northeast Harbor fire station and ambulance space due to an anticipated future need of transitioning current fire department full-time staffing to 24/7 full-time staffing and authorize the Fire Chief use of up to \$18,000 from Fire Station Building Reserve, account #4040300-24470, with a current unencumbered balance of \$ 75,987.38 to pay for these services

C. Possible Warrant Article to deed property to the Otter Creek Cemetery Association

D. Draft Warrant Review:

a. Land Use Zoning Ordinance Amendments (documentation to be provided at the meeting),

b. Special Amusement Ordinance

c. Municipal Partnership Initiative Project No. 3 (Rte. 198) articles

d. Bait House Lease article

E. No Frills Rate Lock for 2020-2021 at \$1.999/gal

IV. Public Hearing(s)

A. May 4 & 5, 2020 Annual Town Meeting Proposed Warrant Articles for Appropriation of Funds, Ordinance Amendments, and Ordinances – Date correction of Public Hearing to March 2, 2020

V. Other Business

A. Such other business as may be legally conducted

VI. Adjournment

The next regularly scheduled meeting is at 6:30 p.m., Tuesday, February 18, 2020 in the Meeting Room, Town Hall, Northeast Harbor

MINUTES

**Town of Mount Desert
SelectBoard Meeting Minutes
Meeting Room, Town Hall
6:30 PM, February 3, 2020**

Board Members present: Chair John Macauley, Rick Mooers, Matt Hart, Martha Dudman, Wendy Littlefield

Town Manager Durlin Lunt, Tax Assessor Kyle Avila, Harbormaster John Lemoine, Town Clerk Claire Woolfolk, Public Works Director Tony Smith, Treasurer Kathy Mahar, Fire Chief Mike Bender.

Members of the Public were also in attendance.

I. Call to order at 6:30 p.m.

Chair Macauley called the meeting to order at 6:28 PM.

I. Minutes

A. Approval of minutes from January 21, 2020 meeting

MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval of the January 21, 2020 Minutes as presented. Motion approved 4-0-1 (Littlefield in Abstention).

II. Appointments/Recognitions/Resignations

A. Recognition of Claire Woolfolk's award for Re-Certified Clerk of Maine from the Maine Town & City Clerks' Association

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, recognition of Claire Woolfolk's award for Re-Certified Clerk of Maine from the Maine Town & City Clerks' Association, as presented.

Ms. Woolfolk's accomplishments were extoled.

Motion approved 5-0.

III. 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. Department Reports: Public Works Highway

B. Interim Valuation Adjustments

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

IV. Selectmen's Reports

No Selectmen's Reports were presented.

1 **V. Unfinished Business**

2 There was no Unfinished Business.

3
4 **VI. New Business**

5 *A. Request approval to spend \$7,865.00 to upgrade cameras to HD wireless and 1 DVR*
6 *to HD to handle the new cameras from CIP line Northeast Harbor Equipment*
7 *Reserve # 6410100-24687 which has a balance of \$10,524.80.*

8 MOTION: Ms. Littlefield moved, with Mr. Hart seconding, approval to spend \$7,865.00
9 to upgrade cameras to HD wireless and 1 DVR to HD to handle the new cameras from
10 CIP line Northeast Harbor Equipment Reserve # 6410100-24687 which has a balance of
11 \$10,524.80, as presented.

12
13 Harbormaster John Lemoine reported the DVR would be located on the dock in a locked
14 box. Transmission will be received at the Harbormaster's Office. The system will start
15 with nine cameras and can be expanded to up to 16 cameras.

16
17 Motion approved 5-0.

18
19 *B. Authorize the purchase of a new loader engine to replace the one destroyed by an*
20 *engine fire from Beaugard Equipment Inc., the vendor we lease/purchased our*
21 *loader from originally, at a cost of approximately \$32,000, installed and,*
22 *furthermore, authorize Public Works Director Tony Smith to use funds from the*
23 *Public Works Equipment Reserve Account Number 4050100-24500 with a current*
24 *unencumbered balance of approximately \$166,382 to pay for the new engine*

25 MOTION: Mr. Mooers moved, with Mr. Hart seconding, authorization of the purchase
26 of a new loader engine to replace the one destroyed by an engine fire from Beaugard
27 Equipment Inc., the vendor the Town leased/purchased the loader from originally, at a
28 cost of approximately \$32,000, installed and, furthermore, authorization of Public Works
29 Director Tony Smith to use funds from the Public Works Equipment Reserve Account
30 Number 4050100-24500 with a current unencumbered balance of approximately
31 \$166,382 to pay for the new engine, as presented. Motion approved 5-0.

32
33 Public Works Director Tony Smith reported the Town will receive nothing from the
34 insurance company for the damaged engine, other than the insurance company's payment
35 for the interim rental. Beaugard Equipment, Inc. will install the engine.

36
37 *C. Consideration of including an article in the May 2020 town meeting warrant for FY-*
38 *21 asking the voters to approve the sum of \$65,000 for professional technical services*
39 *related to the Indian Point Road paved shoulder improvements*

40 MOTION: Mr. Hart moved, with Ms. Dudman seconding, inclusion of an article in the
41 May 2020 town meeting warrant for FY-21 asking the voters to approve the sum of
42 \$65,000 for professional technical services related to the Indian Point Road paved
43 shoulder improvements, as presented.

44

1 Director Smith explained the work will cover 4700 feet from the Pretty Marsh Road to
2 the Gray Farm Road. Design and Bidding will be covered in the cost. The intent is to
3 include an extra four-foot shoulder for safe pedestrian travel.
4

5 Motion approved 5-0.
6

7 *D. Discussion of a support model for the service group donation requests*

8 Town Manager Lunt's estimation was that the third-party requests will be down this year.
9 Last year, approximately \$400,000 was requested via third party.
10

11 Mr. Lunt estimated this amount is probably high in comparison to some other towns.
12

13 Mr. Mooers noted that 12 years ago the Town was being asked for approximately \$225k
14 to \$250k. He encouraged the Board to consider defined support structures, and
15 benchmarks for third-party requests and come up with rules that remove the arbitrary
16 nature of the giving. Such a plan would not be for use this year but for future
17 implementation.
18

19 Ms. Dudman agreed.
20

21 Measurements such as the type of organization making a request, what the money being
22 requested will be used on, information on the requesting group's other fundraising
23 efforts, and the requirement of progress reports after receipt of the money were
24 considered. The possibility of approving an amount less than that requested was also
25 mentioned.
26

27 Mr. Mooers suggested creating a work group with a deadline, comprised of SelectBoard
28 members, Warrant Committee members, 3rd party requesters and the community, and set
29 an agreed-upon date for presenting their suggestions to the SelectBoard.
30

31 Warrant Committee Member Katrina Carter suggested letting the third-party requesters
32 know these discussions are taking place.
33

34 Town Clerk Claire Woolfolk reported that notice of the request process is sent out at the
35 beginning of the year to all third-party groups who have applied within the past three to
36 four years.
37

38 *E. Discussion of Outdoor Lighting Ordinance amendments*

39 Sustainability Committee member Phil Lichtenstein explained that during the work the
40 Sustainability Committee has done with regard to streetlights, it became apparent that the
41 Town needs a better outdoor lighting ordinance. The Ordinance needs to be more clearly
42 spelled out, and also understandable - something citizens can abide by, and something the
43 CEO can enforce. The Sustainability Committee is creating a list of specifics the CEO
44 can look for to make enforcement easier. Grandfathering also needs to be addressed.
45

1 Currently there are issues with invasive lighting at the Northeast Harbor waterfront, the
2 Somesville Fire Department, and the Bartlett Narrows harbor lights. These changes
3 would be an amendment to the lighting ordinance already in place and not a new
4 ordinance.

5
6 Manager Lunt noted changes would have to go to the Planning Board for review. A draft
7 of the proposed changes has been sent to CEO Keene who sent them to Noel Musson for
8 review. Theoretically there is still time to create a final draft and put it on the Warrant.
9 Town Clerk Woolfolk pointed out that there is a deadline in March for Public Hearing.

10
11 *F. Revenue Budget Review*

12 Town Manager Lunt noted changes due to the State giving more for revenue sharing, and
13 veteran's exemptions. Motor vehicle registration has increased slightly. Department
14 Heads have been consulted. Information on transfer from surplus will not be available
15 until after the audit is complete. This is a review of just the non-property tax revenues.

16
17 Chair Macauley asked about the increase in the receipts from Acadia National Park for
18 use of the Otter Creek sewer. Manager Lunt noted the formula used increases annually,
19 albeit slowly. The amount is formula driven and agreed upon between the Town and
20 Acadia National Park.

21
22 *G. DRAFT Warrant*

23 The Board reviewed the Draft Warrant. Manager Lunt noted some Warrant Articles were
24 ready for formal review. The budget numbers are in and probably won't change from the
25 estimates.

26
27 **VII. Other Business**

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

29 Ms. Littlefield reported that four property owners approached her with questions regarding
30 a letter Tax Assessor Kyle Avila sent. Assessor Avila was very helpful in providing clear
31 explanations for their questions. Ms. Littlefield appreciated Assessor Avila's efforts.

32
33 Fire Chief Bender inquired about Draft Article 20 regarding a Fire Department purchase.
34 Town Clerk Woolfolk explained it was a placeholder for any potential need the Fire
35 Department might want included in the Warrant.

36
37 **VIII. Treasurer's Warrants**

38 *A. Approve & Sign Treasurer's Warrant AP2044 in the amount of \$192,382.94*

39 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval and signature on
40 Treasurer's Warrant AP2044 in the amount of \$192,382.94, as presented. Motion
41 approved 5-0.

42
43 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2043 and
44 PR2016 in the amounts of \$4,753.56 and \$107,438.12, respectively*

45 *C. Acknowledge Treasurer's School Board Payroll Warrants 16 in the amount of
46 \$150,959.80*

1 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, approval of signed
2 Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2043 and PR2016 in the
3 amounts of \$4,753.56 and \$107,438.12, respectively and acknowledgement of
4 Treasurer's School Board Payroll Warrants 16 in the amount of \$150,959.80, as
5 presented. Motion approved 4-0-1 (Littlefield in Abstention).
6

7 **IX. Adjournment**

8 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, adjournment. Motion
9 approved 5-0.

10
11 The meeting adjourned at 7:11PM.

12
13
14 Respectfully Submitted,

15
16
17
18 Wendy Littlefield, Secretary
19

NEW BUSINESS

		18-19			20-21			2/6/2020		
	Actual Receipts	Current Budget	Anticipated Receipts	Proposed Budget	Difference \$	% Difference				
0000-2230-510600	Technology Coordinator	34,785	34,785	36,131	1,346	3.87%				
0000-2230-520100	Benefits - Techn. Integrator	1,570	1,590	1,615	45	2.87%			3.87% 60% Time	
0000-2230-520000	Benefits - Techn. Coord.	2,661	2,661	2,764	103	3.87%				
0000-2230-521100	BC/BS - Techn. Integrator	2,000	2,000	2,000	-	0.00%			based on 10% rate incr - 82% S1000 Share	
0000-2230-521600	BC/BS - Techn. Coord.	10,727	9,752	10,727	-	0.00%			based on 10% rate incr - 82% S1000 Share	
0000-2230-543200	Deductible Coverage	960	960	960	-	0.00%				
0000-2230-543200	Contr. Svcs.:Equip. Repair	1,500	1,500	1,500	-	0.00%				
0000-2230-558000	Staff Travel	300	300	300	-	0.00%				
0000-2230-560000	Supplies	5,000	5,000	5,000	-	0.00%			copier/print supplies	
0000-2230-565000	Computer Software	2,750	2,750	3,750	1,000	36.36%			STEAM Licenses	
0000-2230-565002	Softw/Site Licenses - AOS91	12,000	13,000	15,000	3,000	25.00%				
0000-2230-573400	Technology Equipment	24,000	24,000	25,000	1,000	4.17%			Tchr laptops,student computer leases	
0000-2230-581000	Dues / Fees / Conferences	200	200	200	-	0.00%				
	Total Technology	126,433	126,831	133,727	7,294					
	Article 54 Student & Staff Support			\$ 445,050						
System Administration										
Office of Superintendent										
0000-2320-534100	Assessment: Administration	77,196	77,196	74,398	(2,798)	-3.62%			Decr. In % paid fr 12.36% to 12.17%	
	Total Office of Supt.	77,196	77,196	74,398	(2,798)	-3.62%				
System Administration										
School Committee										
0000-2310-515000	Salaries: School Committee	2,200	2,200	2,200	-	0.00%				
0000-2310-520000	Soc. Sec. / Medicare	168	168	168	-	0.00%				
0000-2310-534000	Prof. Svcs.: Legal & Audit	8,000	12,000	15,000	7,000	87.50%				
0000-2310-581000	Dues / Fees / Conferences	1,000	1,200	1,200	200	20.00%				
	Total School Committee	11,368	15,568	18,568	7,200	63.34%				
	Article 55 System Administration			\$ 92,966						
MOUNT DESERT SCHOOL DEPARTMENT										
Office of Principal										
0000-2410-510400	Salaries: Principal	92,924	92,924	99,520	6,596	7.10%				
0000-2410-511800	Salaries: Secretaries	68,929	72,000	72,002	3,073	4.46%				
0000-2410-520400	Benefits - Principal	6,050	5,213	5,415	(635)	-10.50%				
0000-2410-520800	Benefits - Secretaries	12,166	12,708	12,708	542	4.46%			Soc Sec/Medicare (7.65%) & PLD for some (10% for 19-20)	
0000-2410-521400	BC/BS - Principal	21,760	19,782	21,760	-	0.00%			based on 10% rate incr - 82% S1000 Share	
0000-2410-521401	BC/BS - Secretaries	35,798	30,000	43,520	7,722	21.57%			based on 10% rate incr - 82% S1000 Share	
0000-2410-544450	Deductible Coverage	4,800	4,000	4,800	-	0.00%				
0000-2410-544450	Copier Lease	5,282	5,282	7,753	2,471	46.78%				
0000-2410-554000	Advertising	2,000	4,000	4,000	2,000	100.00%				
0000-2410-558000	Staff Travel	2,000	2,000	2,000	-	0.00%			Natl Middle Level Conference Expenses	
0000-2410-560000	Office Supplies / Postage	4,200	4,200	4,200	-	0.00%				
0000-2410-573000	Replace/Purchase Equipment	440	500	500	500	0.00%				
0000-2410-581000	Dues / Fees / Conferences	863	1,500	1,500	-	0.00%			Natl Middle Level Conference Registration	
0000-2410-589000	Miscellaneous/ Bank Svc.Fees	5,880	4,000	5,000	1,000	25.00%				
	Total Office of Principal	228,647	261,909	284,678	22,769	8.69%				

		18-19		19-20		19-20		20-21		2/6/2020	
		Actual	Receipts	Current	Anticipated	Proposed	Receipts	Budget	Proposed	Difference	%
		Expend.		Budget	Expend.	Budget			Budget	\$	Difference
Transportation and Buses											
School Administration											
Article 56											
Student Transportation											
0000-2700-511800	Salaries: Bus Drivers		72,351	72,275	73,000	72,264	73,000	72,264	(11)		-0.02%
0000-2700-520800	Benefits - Bus Drivers		4,996	5,530	6,585	7,628	6,585	7,628	2,098		37.94%
0000-2700-521800	BC/BS: Bus Drivers		25,898	36,692	37,000	44,638	37,000	44,638	7,946		21.66%
	Deductible Coverage		-	3,200	3,200	3,200	3,200	3,200	-		0.00%
0000-2700-534000	Physicals & Drug Testing		481	800	800	800	800	800	-		0.00%
0000-2700-543000	Contr. Svcs.: Bus Repairs		1,873	5,000	5,000	5,000	5,000	5,000	-		0.00%
0000-2700-552000	Insurance: Bus		2,243	3,500	2,535	3,500	2,535	3,500	-		0.00%
000-2700-55800	Staff Travel		-	200	200	200	200	200	-		0.00%
0000-2700-560000	Supplies		18,353	16,000	16,000	16,000	16,000	16,000	-		0.00%
0000-2700-562600	Fuel		17,268	20,000	20,000	20,000	20,000	20,000	-		0.00%
0000-2700-573000	Replace/Purch. Of Equipment		-	250	250	250	250	250	-		0.00%
0000-2700-573600	Purchase of School Bus/Reserv		30,000	30,000	30,000	30,000	30,000	30,000	-		0.00%
0000-2700-581000	Dues/ Fees/ Conference		-	150	150	150	150	150	-		0.00%
0000-2700-589000	Miscellaneous		-	-	-	-	-	-	-		#DIV/0!
0000-2750-551400	Transp. Purchased fr Private		-	-	-	-	-	-	-		#DIV/0!
	Total Transportation		173,463	193,597	194,720	203,630	194,720	203,630	10,033		5.18%
Article 57											
Transportation & Buses											
MOUNT DESERT SCHOOL DEPARTMENT											
19-20											
18-19	Actual	19-20	Current	19-20	Anticipated	20-21	Proposed	20-21	Proposed	Difference	%
	Expend.		Budget		Expend.		Budget		Budget		Difference
Facilities Maintenance											
Operation & Maint. Of Plant											
0000-2600-511800	Salaries: Custodians	135,784	184,450	160,000	160,000	166,075	160,000	166,075	(18,375)		-9.96%
0000-2600-520800	Soc. Sec./ Medicare / Retire.	20,241	23,400	17,343	17,343	17,994	17,343	17,994	(5,406)		-23.10%
0000-2600-521800	Blue Cross / Blue Shield	54,302	61,568	39,718	39,718	43,690	39,718	43,690	(17,878)		-29.04%
	Deductible Coverage		5,600	4,000	4,000	4,000	4,000	4,000	(1,600)		-28.57%
0000-2600-541000	Utility Svcs.: Sewer / Water	9,052	9,052	9,052	9,052	9,052	9,052	9,052	-		0.00%
0000-2600-542000	Purch Prop Svcs: Cleaning	7,218	-	-	-	-	-	-	-		#DIV/0!
0000-2600-552000	Insurance: Building/Equip.	10,051	11,000	11,526	11,526	12,000	11,526	12,000	1,000		9.09%
0000-2600-553200	Telephone	5,699	5,500	5,500	5,500	5,500	5,500	5,500	-		0.00%
0000-2600-558000	Staff Travel	353	300	300	300	300	300	300	-		0.00%
0000-2600-560000	Supplies	14,121	19,000	19,000	19,000	19,000	19,000	19,000	-		0.00%
0000-2600-562200	Electricity	36,671	45,000	45,000	45,000	45,000	45,000	45,000	-		0.00%
0000-2600-562400	Heating Oil	35,881	43,000	43,000	43,000	45,000	43,000	45,000	2,000		4.65%
0000-2600-573000	Replace/Purchase Equipment	170	4,000	4,000	4,000	4,000	4,000	4,000	-		0.00%
0000-2600-581000	Dues / Fees / Conf.	125	150	150	150	150	150	150	-		0.00%
0000-2600-589005	Miscellaneous	-	-	-	-	-	-	-	-		#DIV/0!
0000-2600-590000	Contingency (Operating)	-	6,000	6,000	6,000	6,000	6,000	6,000	-		0.00%
0000-2620-543000	Repair & Maint. : Building	44,143	38,000	38,000	38,000	38,000	38,000	38,000	-		0.00%
0000-2630-543000	Repair & Maint.: : Grounds	10,778	15,000	15,000	15,000	15,000	15,000	15,000	-		0.00%
0000-2630-543000	Repair & Maint.: Equip. Repair	1,321	5,000	5,000	5,000	5,000	5,000	5,000	-		0.00%
	Total Oper. & Maint.	385,909	476,020	422,589	422,589	435,761	422,589	435,761	(40,259)		-8.46%

		18-19	19-20	19-20	20-21	2/6/2020	
		Actual Receipts	Current Budget	Anticipated Receipts	Proposed Budget	\$ Difference	% Difference
Facilities Maintenance							
Capital Outlay							
0000-2690-545002	Land & Improvements	2,811	-	-	-	-	#DIV/0!
0000-2690-545001	Buildings	12,166	44,636	46,050	-	(44,636)	-100.00%
0000-2690-591000	Buildings (Transf to Reserve)	22,000	22,000	22,000	22,000	-	0.00%
0000-2690-573000	Equipment	-	-	-	-	-	#DIV/0!
	Total Capital Outlay	36,977	66,636	68,050	22,000	(44,636)	-66.98%
	Article 58				\$ 457,761		
Debt Service							
Debt Service							
0000-5100-583200	Interest	50,930	35,369	35,369	19,632	(15,737)	-44.49%
0000-5100-583100	Principal	297,500	297,500	297,500	297,500	-	0.00%
	Total Debt Service	348,430	332,869	332,869	317,132	(15,737)	-4.73%
	Article 59				\$ 317,132		
All Other Expenditures							
Food Services							
0000-3100-591000	Food Services Transfer	68,000	72,000	72,000	72,000	-	0.00%
	Total Food Services	68,000	72,000	72,000	72,000	-	0.00%
	Article 60				\$ 72,000		
	Grand Totals:	4,096,972	4,501,987	4,331,090	4,502,159	172	0.00%
	Article 64				\$ 4,502,159		
Total Salaries & Benefits 2020-21			\$ 3,184,447		\$ 3,199,266		
% of Budget			70.73%		71.06%		
Additional Items:							
	Stipends				\$ 1,000	\$ 1,000	
	Ice Machine				\$ -	\$ -	
	Cafeteria Safety Updates				\$ -	\$ -	
	Grounds Maintenance				\$ 33,000	\$ 33,000	
	Pre-K Program				\$ 180,532	\$ 180,532	
	Total Addtl Items				\$ 214,532	\$ 214,532	4.77%
	Grand Total w Addtl Items:				\$ 4,716,691	\$ 214,704	4.77%
	6/30/20 Proj Bal.						
Reserves:	Maintenance	\$ 194,236					
	Bus	\$ 27,265					
	Special Education	\$ 83,433					

See Addtl Items
proj. balance as of June 30, 2020 \$194,236

Interest decreases each yr/Bonds resold - Interest lower
payment number 18/20 (11/1/2022 last payment)

Fund Balance 6/30/19 = \$ -4,894K

Total Budget Incr

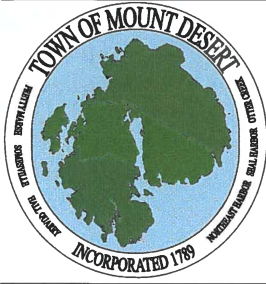
Included in Cost Center:
Other Instruction

Item to be paid for in 2019-20

Item to be paid for in 2019-20

Facilities Maintenance

Regular Instruction



Town of Mount Desert

Michael Bender, Fire Chief
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5111

Fax 207-276-5732

Web Address www.mtdesert.org

firechief@mtdesert.org

Memo

To: Durlin Lunt, Town Manager

From: Mike Bender, Fire Chief

CC: Tony Smith, Public Works Director, Basil Mahaney, Crew Chief, NEH Ambulance

Date: February 6, 2020

Re: Request for Release of Reserve Funds

I would like to request from the Board of Selectman authorization to release an amount not to exceed \$18,000.00 from account #4040300-24470(Fire Station Building Reserve), and authorization to use such funds for the purpose of retaining Hedefine Engineering & Design, Inc. to provide professional technical services to develop two feasibility options for expansion of the current fire station in Northeast Harbor. The purpose of the fire station and ambulance expansion is to provide space for staff living quarters, including bunk rooms, a meeting room/day room, kitchen facilities, meeting space, a maintenance shop, additional truck bay and other needs to be identified during design that allows the expansion to be in conformance with all Local, State and Federal requirements. The expansion is preparation for the fire department's expected transition to a 24 hour, 7 days a week staffing model. The ambulance is presently on a 24-7 work schedule, relying on limited quarters to do so. The current unencumbered balance of the Fire Station Building Reserve account is \$75,987.38.

As referenced in my "Personal Analysis" to the Board dated November 11, 2019 and presented at the November 18, 2019 meeting, resolving current and anticipated staff shortages within the fire department will most likely require the hiring of additional full time staff to provide 24/7 coverage. As we discussed at that meeting, current facilities prohibit the addition of full-time staff, and it was understood that the Board wished to be presented with some options that would allow the hiring of additional full-time firefighters. Since that meeting, we have been working with Hedefine Engineering & Design, Inc. to provide a proposal for the feasibility options described above. Based on this work, we anticipate requesting the BOS approve an article be included in the May 2020 warrant to allow us to go to the May 2020 town meeting with a request for funding to include survey, design services thru bidding services. We can then put the project out to bid for funding at the May 2021 town meeting or at a later date, depending on our estimate of staffing and space needs.

Thank you.

George Davis
President Otter Creek Cemetery Association
4 Walls Street
Otter Creek, Maine 04660
207 801 2771

Mr. Durlin Lunt, Jr.
Town Manager
P.O. Box 248
Northeast Harbor, ME 04662

February 3, 2020

Dear Durlin,

A land swap between Acadia National Park and the Otter Creek Cemetery Association was completed in 1999. Included in this swap was lot 015-003. Currently, Otter Creek Cemetery Association is listed in the town tax maps as the owner of this property. I am enclosing the page from the towns tax maps that state the property is owned by the Otter Creek Cemetery Association. Restrictive covenants applicable to this parcel are recorded in the Hancock County Registry of Deeds, Book 1492, Page 662. The Association would like to have the property intended for the Otter Creek Cemetery Association to be deeded to the Otter Creek Cemetery Association. We understand that this involves being included on the annual warrant. What must we do to get this request included on the warrant?

Sincerely,

George Davis,
President, Otter Creek Cemetery Association

RECEIVED

FEB 05 2020

THE TOWN OF

**RESTRICTIVE COVENANTS APPLICABLE TO OTTER CREEK,
TRACT 13-169, ACADIA NATIONAL PARK**

The purpose of these restrictions is to preserve the scenic character of the property identified as Tract 13-169, Acadia National Park. The following covenants shall run with and bind the land in perpetuity:

A. The property shall be used exclusively for cemetery-related purposes, and/or conservation-related purposes. No recreational, residential, commercial, industrial, logging or mining activities shall be permitted on the property. Selective cutting of trees and other plants, as necessary for cemetery use, in accordance with good forestry practices, shall be permitted. Removal of vegetation considered to be a fire hazard shall be permitted.

B. No mechanized recreational uses shall be permitted.

C. There shall be no storage or dumping of any toxic or hazardous waste materials on the property and there shall be no storage or dumping of any other products or refuse on the property.

It is understood and agreed that the imposition of the covenants and restrictions set forth herein is in no way intended to nullify, supercede, or amend any zoning ordinances or covenants of a more restrictive nature which have heretofore been placed upon said land.

Exhibit "B" - Otter Creek

OTTER CREEK

Location OTTER CREEK

Mblu 032 / / 015/003 /

Acct# 2458

Owner OTTER CREEK CEMETERY ASSOC

Assessment \$138,900

PID 1187

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$0	\$138,900	\$138,900

Parcel Addresses

Additional Addresses
No Additional Addresses available for this parcel

Owner of Record

Owner OTTER CREEK CEMETERY ASSOC

Co-Owner

Sale Price \$0

Certificate

Book & Page 1492/0653

Sale Date

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
OTTER CREEK CEMETERY ASSOC	\$0		1492/0653	

Building Information

Extra Features

Extra Features
No Data for Extra Features

Parcel Information

Use Code 930V
Description Cemetery
Deeded Acres 7.23

Land

Land Use

Use Code 930V
Description Cemetery
Zone VR2

Land Line Valuation

Size (Acres) 7.23
Assessed Value \$138,900

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$0	\$138,900	\$138,900
2018	\$0	\$138,900	\$138,900
2017	\$0	\$138,900	\$138,900

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MEMORANDUM

To: Board of Selectmen
From: Noel Musson, The Musson Group
RE: 2020 LUZO and Ordinance Amendments
Date: February 5, 2020
Cc: Kim Keene, Durlin Lunt

Below is a list of the proposed ordinance amendments that have been identified for the 2020 Annual Town Meeting. I will be present at the Selectmen's meeting on February 10 to discuss these in more detail. The Planning Board will be discussing these amendments at a Public Hearing on February 12.

1. **Sale of Food and Merchandise Ordinance** – This amendment allows licenses for mobile food vendors in the Shoreland Commercial District to be valid for 3 years. Annual renewal is still required. The amendment also changes the timing of application submission deadlines.
2. **Rooming Houses** - This amendment will allow rooming houses, as defined, only in the Village Commercial District.
3. **CEO Appeals** - This amendment changes the Land Use Ordinance and Board of Appeals Ordinance to make enforcement decisions by the CEO non-appealable to the Board of Appeals, leaving it in the enforcement legal framework and consistent with recent case law.
4. **Village Residential 3 Zoning District** - This amendment creates a new land use district – Village Residential 3 - which is focused on the hotel/motel use. It also changes the designation of Map 20, Lot 20 from Shoreland Residential 2 to Village Residential 3. This area has historically been used as a hotel.
5. **Giant Slide Stream Relocation** - This Article changes the position of a stream channel near Giant Slide Road to more accurately reflect where it is located on the face of the earth.
6. **Lighting (TENT)** - This amendment modifies the lighting standards per recommendations from the Sustainability Committee.
7. **Gross Leasable Floor Area** - This amendment will add the definition of Gross Leasable Area to the Sewer Ordinance and remove the reference to the Land Use Ordinance.

Town Clerk

From: Dwight M. Lanpher, P.E. <d.lanpher@lanpherassociates.com>
Sent: Thursday, January 30, 2020 12:30 PM
To: Philip Lichtenstein; Dennis Shubert
Cc: Gordon Beck; Warren Smith; Kathy Miller; Ellen Kappes; Jesse Hartson; Sydney Roberts Rockefeller; John Macauley; Town Clerk; Durlin Lunt; Tony Smith; Jennifer M. Buchanan
Subject: Re: Sustainability Committee Minutes January 23rd Meeting /Draft copy of Outdoor Lighting Ordinance
Attachments: MD Lighting Ordinance.doc; MD Lighting Ordinance.docx

Hi Phil,

Attached is the revised ordinance with discussed changes.

Coding:

gray: existing text to remain

Bold: existing from original code to remain.

strikethrough: text to be deleted.

black: New text

2.3. I made substantial corrections to "Light Trespass" to address issues discussed with lights not being directly visible from adjacent properties. That's virtually impossible to do so I've tried to come up with a realistic solution. The first and second sentences defines the intent and the FC level and last sentence makes it enforceable. I welcome others to simplify this wordy paragraph.

3.2 Added light scatter.

Deleted the old Section 2 because no body is putting in new HPS fixtures. The sustainability committee should not be advocating HPS because of the lower efficiency. This is recommended best practice, after all.

4. CCT. Added a definition. Sorry, this is the least technical explanation I could come up with.

Defined Dark Sky friendly.

Non-Specular reflector. Added because I referenced it in 2.3

5. Added the final paragraph as encouragment ment to those wanting to do something.

---Dwight

On 1/28/20 6:22 AM, "Dennis Shubert" <dennis.shubert@gmail.com> wrote:

Dwight, thank you for the detailed and educational explanation. My concern about elevation changes carries over to your discussion of pole height. The SWH parking lot might have been better served by shorter poles. How short is a question of practicality. We have all been in parking lots where very low full cut off lighting is provided and it is difficult to find your car.

I very much like your approach to this issue as outlined in the proposed ordinance. One of the purposes of my prior email was to propose that violating grandfathered fixtures be cited in such a way that residents voluntarily make changes.

Thank you for lighting the way.

On Tue, Jan 28, 2020 at 12:57 AM Dwight M. Lanpher, P.E. <d.lanpher@lanpherassociates.com> wrote:

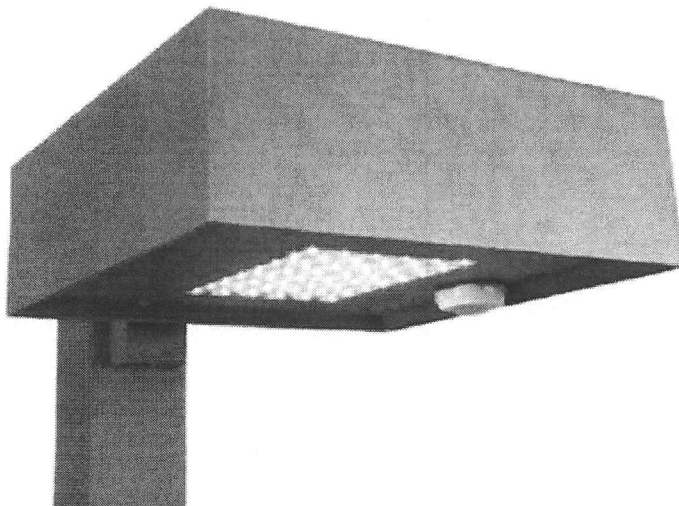
Hi Dennis,

I don't see anything in the original code or my changes that references anything about a change in elevation. Perhaps it was a spoken example like the ones at the end of this email.

The original part of Mt. Desert's code that said **"The light sources in flood and spot lights shall not be directly visible from adjacent properties."** is the most difficult part of this code. In fact it's impossible to achieve in some situations and I was trying to address that in a realistic way. Example:

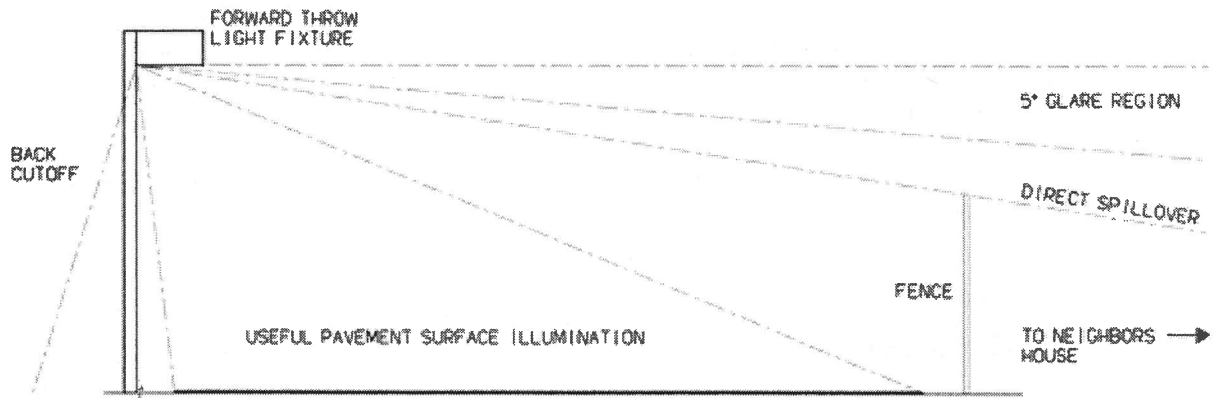
I was asked by one of the parties to inspect the installation at the new Southwest Harbor parking lot lighting that has recently been in the news.. Unlike Mt. Desert's new Cree Wavemax™ diffused streetlights, these SW Harbor parking lot lights had LED fixtures with exposed individual LED's (the array of bumps in the picture below). To provide uniform lighting across wide areas of the parking lot, the output of these LED's are designed to direct light outwards at a significant angle above the ground. The manufacturer can aim each LED to direct its light output outwards to help produce uniform lighting over large areas.

[Old High Intensity Discharge arc lamps produce a hot spot directly under the fixture (Nadir dump) because the reflector is unable to direct the light from a large enveloped lamp outwards in the same manner.] Hence, LED's create a new set of problems.

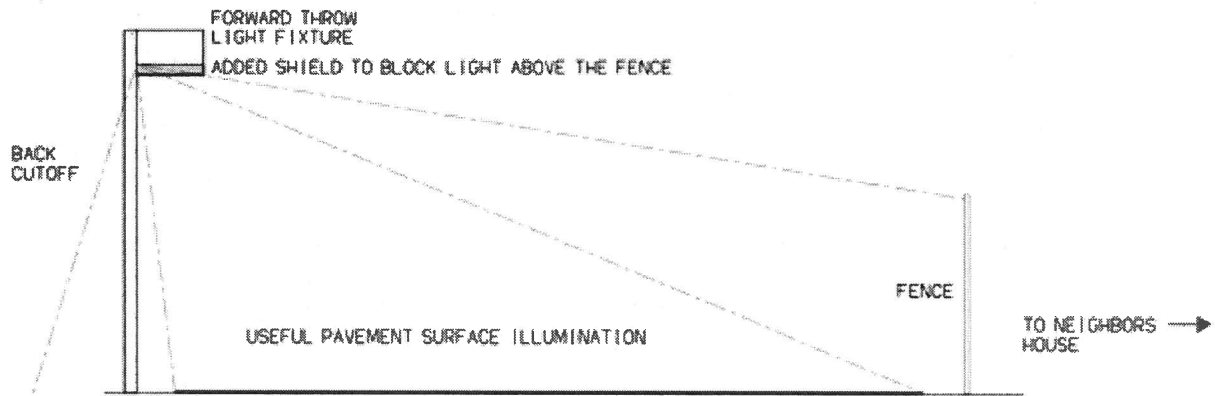


These unshielded, and non-diffused, light sources were creating significant glare because of the small, intense light sources were shining directly into a neighbor's window. A clear Metal Halide or High Pressure Sodium internal lamp could have a similar problem if their arc tubes were directly visible. That is one of the reasons for round diffusers or drop dish lenses on the older street lighting fixtures. It spreads a <1" intense arc source image over the larger diffuser area of 10" diameter or larger reducing the apparent brightness.

The selected fixtures at SW Harbor did meet their ordinance's minimal lighting level requirement at the property line. However, their ordinance also says that the "light shall not be directly visible". My suggested solution for their problem was to install shielding on the fixtures to cutoff any light that could spill over the perimeter fence.



EXISTING UNSHIELDED LIGHT



SHIELDED LIGHT

NOT TO SCALE

Unfortunately not all installation are surrounded by a fence that can provide absolute cutoff from the neighbors. Had the fence not been there, the shielding would have needed to be even deeper cutting off even more light and substantially reducing the efficiency of the fixture.

In Mt. Desert, what I was trying to do in the code was to reduce the glare from a directly visible "Internal" light source but not completely eliminate visibility.

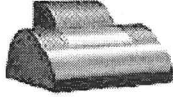
I changed MD's code to read: The internal light sources in flood and spot lights shall not be directly visible from adjacent properties. I was trying to say that an unshielded or undiffused "Internal" light sources should not be directly visible because of the high intensity and potential for glare. (I now see that the intent of "Internal" is not clear and that I need to work further on that wording.) Critical to that, I added under **Light trespass**. All light shall be installed so as to minimally illuminate adjacent properties (<0.1 FC (Foot-Candle)). That allows a very small amount of light at the border of the property line. However, it does not make the light source invisible, just less intense. I need to make it clear that unshielded or non-diffused LEDs are not acceptable.

Perhaps I said something in the meeting about elevation. I'll give the ultimate example: The sun in the summer, when high in the sky, produces light levels of several thousand foot candles and everyone knows that looking at the intensely bright disk of the sun is blinding. But, because the sun is shining down at a very high angle in the sky, the glare is usually not a problem through a window. However, in the winter with a much lower angle, even though it is attenuated by more atmosphere, the glare can be overwhelming through a window, especially in the early morning or late afternoon when the sun is shining almost horizontally.

At the intersections of interstate highways, 100' poles are sometimes used with deep regressed shoebox style fixtures so that the 1000W lamps are not easily visible while driving towards the fixtures. They produce a cone of light directed mostly downwards towards the ground and no

horizontal light. Horizontal light up to 90° is allowed in full cutoff fixtures. The higher the fixture, the wider the cone. Full cutoff lighting guarantees that we don't shine light directly towards the sky, but it doesn't necessarily guarantee that it is glare free on the ground.

At the Somesville Fire Station, we want to get the fixtures as high on the building as possible so that we're not looking directly at the fixtures.



Here is the Kim Wall Director which is full cutoff and a forward throw fixture. I used some of these with motion sensors at the Northeast Harbor Wastewater Plant.

Light visible at angles above 80° or 85° is considered to be in a glare region because it's within our vertical peripheral vision. In older aluminized parabolic fixtures (egg crate style) the cutoff was designed to be at about 75° to 80° to control this glare region. That way you were not blinded when walking down a corridor. Aluminized reflector, circular downlights have a similar cutoff. There are many in the reading rooms of the Northeast Harbor Library.

At least when you are within about 20' or 30' away from the building and close to the fixtures, if they are up high they would be out of the glare region. Unfortunately, that is not the gable end of the building so the mounting height is limited.

Did I answer the question?

---Dwight

On 1/27/20, 7:21 AM, "Dennis Shubert" <dennis.shubert@gmail.com> wrote:

Thank you for continuing the work.

A couple of comments:

Not sure how change in elevation would impact the requirement that flood light elements not be directly visible from adjacent properties. For example, I have driveway floods that are positioned about 35 feet above a neighbors deck. Fortunately the lights do point mostly away and foliage protects my neighbor in the summer.

Perhaps some language that allows the Town to provide a courtesy notice to folks with grandfathered troublesome light fixtures. The notice simply serves to explain the issue and suggest possible remedies. I expect that many people would change their lighting to comply if practical.

Again, Many thanks.

On Sun, Jan 26, 2020 at 12:59 PM Philip Lichtenstein <hbrporpoise@gmail.com> wrote:

RE: Minutes Sustainability Committee /
January 23, 2020 / DRAFT copy Outdoor
Lighting Ordinance

January 26, 2020

Good afternoon,
Please see the attached Minutes from January 23rd Sustainability Committee meeting. I have also attached a copy of Draft of the updates to the Outdoor Lighting Ordinance. Dwight Lanpher should have the final draft with corrections this week, to be able to submit Ordinance to BOS to add to the LUZO articles for the Warrant.

Warmest regards,
Phil Lichtenstein

Philip Lichtenstein
364 Sound Drive
Mount Desert, ME 04660
hbrporpoise@gmail.com
207-266-1046 Cell

207-276-8121 Home

-- Celebrating 35 years providing engineering
for New England and the Maritime Provinces --

Dwight M. Lanpher, E.E., P.E., President

Lanpher Associates, Inc.

design & consulting engineers
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Email: d.lanpher@lanpherassociates.com

Member: IEEE, IES, IDA, NFPA, USITT
Maine P.E. No. 5387
Massachusetts P.E. No. 45629
Vermont P.E. No. 7783

6A.6 Lighting - Outdoor

1. **Purpose.** To establish minimum requirements for outdoor lighting that enhance visibility and public safety by preventing uncontrolled intrusion into adjacent properties and the natural environment. Voluntary best practices are recommended to promote energy conservation and preserve the Town's night sky, which is an important part of the Town's character.
2. **Requirements**
 1. **Full cutoff.** All lights greater than *1800 lumens (~~a 100-watt incandescent light produces 1800 lumens~~) shall be shielded to direct all light towards the ground.
 2. **Correlated Color Temperature.** LED fixtures shall have a CCT of 3000K or lower. (Up to 3100K shall be allowed for manufacturing tolerance.)
[Note: The Town's 2019 Street Lighting replacements have a CCT of 2700K.]
 3. **Light trespass.** All light shall be ~~directed away from~~ installed so as to minimally illuminate adjacent properties (<0.1Foot-Candle or <1 LUX). Light from fixtures may be visible beyond the property line but brightness must be significantly attenuated to non-distracting levels by the use of shields, diffusers, indirect non-specular reflectors or other special optical designs. The images of lamps, arc tubes and LED dies shall not be directly visible.
~~The light sources in flood and spot lights shall not be directly visible from adjacent properties. High Intensity light sources shall not be directly visible to motorists on public roads.~~
 4. **Excessive Lighting** may not be used to direct attention away from existing business and community lighting.
 1. The lighting of structural canopies such as gas station canopies shall not be used to attract attention to the business. Areas under structural canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illumination) shall be no greater than 5:1 with an average illumination level of not more than 30 foot-candles.
 2. Light fixtures located on structural canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.
3. **Recommended Best Practices:**
 1. **Motion sensors.** Use motion sensors to control flood and spotlights.
 2. **LED lights.** Use 2700K correlated color temperature LED lights for better color rendering, higher efficacy and lower maintenance than HID fixtures.
[Note: LED sources with a 2700K correlated color temperature scatter less light in the sky and have better full color rendering than 3000K and much better than 4000K & 5000K LED sources.]
 2. ~~**HPS lights.** Use high pressure sodium (HPS) lights to minimize skyglow where color recognition is not needed.~~

3. **Non-security parking lights.** Turn off non-security parking lot lights after business hours to save energy and protect the night sky.
4. **Minimum amount of lighting.** Provide the minimum amount of light needed to achieve safe uniform lighting with lights that consume the lowest amount of power possible.
5. **Shield or flush mount lights.** Fully shield or horizontally flush mount all lights.
6. **Signs and flags.** Illuminate signs and flags from above and shield all sports lighting.
7. **Guidelines for professional design.** Request that professionals follow Illuminating Engineering Society guidelines for intensity and uniformity and not to exceed the minimum recommended values and International Dark Sky Association and American Medical Association recommendations for full cutoff and <3000K color temperature for IDA Approved Dark Sky Friendly fixtures.

4. Definitions

CCT (Correlated Color Temperature). Simplified: approximately the color source appearance of a black body radiator heated to a specific temperature. CCT is a single number derived from a two dimensional chromaticity diagram. Example: heat a nail with a torch to 1000K (1340F°) and it will glow cherry red.

Dark Sky Friendly: Full cutoff, no light above the horizontal. For LED light sources, <3000K CCT.

FC (Foot-Candles) and LUX: Units of illumination. One FC is equivalent to 1 lumen per square foot and 1 LUX equals 1 lumen per square meter. 1 FC = 10.764 LUX. Footcandles or LUX can be measured with foot-candle or LUX meters.

HID Fixtures: High Intensity Discharge fixtures contain an arc lamp. In order of high to low efficiency: LPS -Low Pressure Sodium, (pale yellow), HPS - High Pressure Sodium (golden orange), Metal Halide (greenish white), and Mercury Vapor (purple-white, obsolete).

LED Lighting: A solid state light source that emits light from a semi-conductor, light emitting diode junction (die) when voltage and current are applied. [Note: Current LED's utilize a high efficiency blue LED (>10,000K) in combination with phosphors that absorb blue spectra and re-radiate light energy into the green-yellow-red portions of the visible spectrum.]

~~Lumen: Approximately the amount of light measured one foot from a candle. 1 lumen is approximately 1 foot candle.~~

Lumen: a unit of source light. A 1,000 lumen floodlight source may uniformly illuminate a 1,000 square feet area to a level of up to 1 foot-candle. Lumens are measured by laboratory instruments integrating the total luminous flux output from a lamp or fixture.

*A 100 watt incandescent, 26 watt CFL (compact fluorescent) and 17 watt LED lamp produces up to 1800 lumens. (See manufacturer's lamp packaging for the lamp's published lumen output)

Non-Specular Reflector: A painted white surface would be a typical non-specular reflector. Aluminized reflectors with a mirror like surface are specular reflectors.

5. **Grandfathering.** These requirements apply only to new construction and lighting installations and renovations involving more than 50% of the existing lighting.

For smaller projects, the replacement of a few select fixtures will not affect the grandfathered status of the remaining units. Upgrading any fixtures with Dark Sky Friendly units is highly encouraged.

Sanitary Sewer Ordinance Revisions

Article XX Shall an ordinance dated May 5, 2020 and entitled “Amendments to the Town of Mount Desert Sewer Ordinance” be enacted as follows?

Explanatory Note: These amendment will (1) add clarification to the calculation of gross leasable area and change one word from singular to singular for clarity and will (2) change who is responsible for approving the connection of a private building sewer to another private building sewer and (3) revise the circumstances and conditions under which the connection described in Number (2) is considered.

Kim Keene Revisions:

Andy: The number of this definition is not correct – it is not 1.03.7. These and other problems related to numbering and formatting will be addressed by admin when preparing the final warrant. The three (3) items from Kim for you to look over are highlighted in yellow below

1.03.7 Gross Leasable Area – The total floor area for which the tenant pays rent and that is designed for the tenant’s occupancy and exclusive uses, including any basements and mezzanines. The area of tenant occupancy is measured from the inside wall or building partition wall to the inside of the opposing wall.

Article 13 - DESIGN FLOWS FOR FACILITIES

The design flows for facilities shall be based on the resultant daily flows of wastewater as determined from the following table:

Type of Facility	GPD Design Flow
SINGLE FAMILY RESIDENTIAL	
Each one or Two Bedroom Unit	180/unit
Each Additional Bedroom	90/Bedroom
MULTIPLE FAMILY RESIDENTIAL	
Boarding Houses (incl. meals)	50/bedroom
Rooming Houses (without meals)	40/bedroom
Transient Accommodations with:	
Shared bathrooms	60/bedroom
Private bathrooms	100/bedroom
Mobile Home Parks	235/site
Multifamily Homes (except retirement homes):	
1 bedroom unit	120/unit
2 bedroom unit	180/unit
3 bedroom unit	270/unit
Multifamily Homes (retirement homes limited to persons older than 50 yrs.)	
Each 1-2 bedroom unit	120/unit

COMMERCIAL ESTABLISHMENTS	
Beauty Salon (E)	10/customer
Bus Service Areas (E)	
Factories & Plants (e)	
With showers	15/person
Without showers	25/person
Laundry, self-service	600/washer
Offices (E)	15/person
Restaurants:	
Eat in with conventional utensils (B)	30/15 sq. ft.
Eat in with disposable utensils (B)	15/15 sq. ft.
24 hour operation (B)	50/15 sq. ft.
Take-out only (C)	8/15 sq. ft.
Retail (D)	6/100 sq. ft.
Service Station (F)	125/vehicle
Tavern (B)	20/15sq.ft.
Tennis, Racquetball Courts	300/court
Visitor Center	6/visitor/day
INSTITUTIONAL	
Assembly Halls, Public Buildings	5/seat
Churches	5/seat
Hospitals	150/bed
Institutions: (other than hospitals)	100/bed
Nursing Homes	1.76/sq. ft.
Schools (Boarding)	100/bed
Schools (Day) (E)	75/bed
Elementary	7/student +15/employee
Junior High	9/student +15/employee
SEASONAL COMMERCIAL	
Camps: (E)	
Day (no meal served)	10/person
Day (only lunch served)	15/person
Resort (limited plumbing)	50/bed
Fairgrounds, Parks and Picnic Areas (w/ bath, showers, & Toilets) (E)	10/person
Swimming Pools & Bathhouses (E)	10/person
Campgrounds:	
No sewer hookups	50/site
With sewer hookups	75/site

- A. For facilities that constitute a composite of one or more of the following types of facilities, the design flow shall be calculated by adding the design flow for each type of facility that comprise the entire facility.
- B. Sq. Ft. refers to the square feet of the dining area as defined by this ordinance.
- C. Sq. ft. refers to square feet of serving area.
- D. Sq. ft. refers to square feet of gross leasable area as defined by the Mount Desert Land Use Ordinance in this ordinance.

- E. Estimated maximum occupancy per day, as shown on Land Use Ordinance permit, application or site plan.
- F. Per vehicle that can be fueled simultaneously.

GPD means Gallons per Day. TS note: "means" was changed from singular to plural

Tony Smith Revisions:

- 4.04 A separate and independent building sewer shall be provided for every principal building/structure as defined in Paragraph 15 of the Mount Desert Land Use Zoning Ordinance.

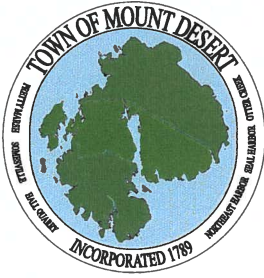
Waivers related to the requirement described above may be requested in writing from the Public Works Director or designee, hereafter referred to as the "Authorized Individual" for purposes related to Section 4.04 of this ordinance. Final determination of the granting of a waiver will be solely at the discretion of the Authorized Individual.

Circumstances to be considered by the Authorized Individual when considering an application for a waiver include but will not necessarily be limited to: (A) Ease of access of the proposed building sewer to the public sewer main. (B) Connection of the new building sewer to the public sewer will require crossing the public way, or other property, requiring excavation of said public way, or other property, thereby adversely affecting said public way, or other property. (C) In the opinion of the Authorized Individual, the practicality of, and ability to, connect the proposed building sewer to the public sewer main. (D) If a building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

The Authorized Individual may choose to attach conditions to a waiver if one is granted. In the event a waiver is granted, all other portions of the Sewer Ordinance still apply.

At a minimum, required conditions for granting a waiver may include, but not necessarily be limited to: (A) The Applicant has proven in writing to the satisfaction of the Authorized Individual that the existing building sewer is adequate to accommodate the proposed additional discharge. (B) The Applicant has proven in writing to the satisfaction of the Authorized Individual that they have right, title, or interest to use the existing building sewer. (C) The owner(s) of the existing private sewer shall register the connection of the new private building sewer to their existing private sewer with the Hancock County Registry of Deeds within 60 (sixty) calendar days of said connection being made. (D) Documentation of the filing of the connection with the Registry shall be provided to the Authorized Individual

and include a copy of the actual registry filing document. (D) The Applicant agrees in writing to assume all liability for the installation and maintenance of their proposed building sewer and for restoring public areas disturbed by the construction of the proposed building sewer to preconstruction condition. (E) All costs associated with (A) through (D) above shall be borne by others and not the Town.



Town of Mount Desert

Claire Woolfolk, Town Clerk
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5531 Fax 207-276-3232
E-mail townclerk@mtdesert.org Web Address www.mtdesert.org

MEMO

DATE: February 6, 2020

TO: Town Manager Durlin Lunt and Board of Selectmen

FROM: Claire Woolfolk, Town Clerk

RE: Fees for Special Amusement Permits

Special Amusement Permits (SAP) are currently \$50.00 for both new and renewals; I would like to increase this to \$100.00. This would require a change to the Special Amusement Permit Ordinance at the May 5, 2020 Annual Town Meeting.

Section 2.A.4. The fee for a Special Amusement Permit shall be ~~fifty dollars (\$50)~~ one hundred dollars (\$100) to cover administrative costs.

All Special Amusement Permits require a public hearing at a Board of Selectmen meeting and run concurrently with the liquor license. Public hearings require notice in a general circulation newspaper. First time applications require a mailing to abutters.

Fees have not changed since 2005 and the cost of an ad in the paper is generally \$80+.

Thank you for your consideration.

**TOWN OF MOUNT DESERT
SPECIAL AMUSEMENT PERMIT ORDINANCE
ENACTED MARCH 2, 2004
Amended March 8, 2005
Amended May 5, 2020**

1. Title, Purpose and Definitions

A. Title

This Ordinance shall be known and may be cited as the "Special Amusement Permit Ordinance of the Town of Mount Desert."

B. Purpose

The purpose of this Ordinance is to control, as required by Title 28-A §1054 MRSA, the issuance of Special Permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor or malt liquor or wine for on-premises consumption in the Town of Mount Desert.

C. Definitions

1. Entertainment. For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.
2. Licensee. For purposes of this Ordinance, the term "Licensee" means the holder of a license for on-premises consumption of liquor, malt liquor or wine issued pursuant to the provisions of Title 28-A, MRSA, Liguors, as amended; or any person, individual, partnership, firm, association, corporation or other legal entity acting as agent or employee of any holder of such license.

2. General Permit

A. Permit Required

1. No Licensee for the sale of liquor, malt liquor or wine to be consumed on a licensed premises situated in the Town of Mount Desert, shall permit on the licensed premises the following:
 - a. Any music, except radio or other mechanical device,
 - b. Any dancing, or
 - c. Entertainment of any sort;

unless the Licensee shall have first obtained from the Board of Selectmen of Mount Desert, a Special Amusement Permit approved in accordance with this Ordinance and signed by at least a majority of the members of said Board.

2. Applications for all Special Amusement Permits shall be made in writing to the said Board of Selectmen and shall include the following:
 - a. The name of the applicant, if an individual. If the applicant is a corporation, partnership, Limited Liability Company or other legal entity, the application shall include the names and addresses of the entity's principal officers, together with the names and state of residence of all principals. For this purpose, any person or entity owning or controlling a ten percent (10%) or greater ownership interest in the applicant, directly or indirectly, shall be deemed a principal of the applicant.
 - b. The applicant's residence address, if an individual; or principal office address if a corporation, partnership, limited liability corporation, or other legal entity;
 - c. The name of the business to be conducted;
 - d. The applicant's business address, if an individual;
 - e. The nature of the applicant's business;
 - f. The location of the licensed premises;
 - g. All places of residence of the applicant during the past 5 years, if an individual;
 - h. Whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, a description of those circumstances specifically;
 - i. Whether the applicant, including all partners or corporate officers, has ever been convicted of a felony or liquor law violation in any jurisdiction, and, if so, a description of those specific circumstances;
 - j. Copies of all alcohol licenses currently held by the applicant for the premises concerned or, if a liquor license application is pending, a copy of the application; and
 - k. Any additional information as may be needed by the Board of Selectmen in the issuing of the permit including but not limited to a copy of the applicant's current liquor license.
3. No permit shall be issued under this Ordinance, unless the premises to be used for the purposes fully complies with all Ordinances, articles, bylaws, or rules and regulations of the Town of Mount Desert.
4. The fee for a Special Amusement Permit shall be fifty one hundred dollars (\$50100) to cover administrative costs.
5. Within 30 days of the date the request for a Special Amusement Permit is received, the Board of Selectmen shall, prior to granting a permit and after reasonable notice to the Town and the applicant, hold a public hearing. The testimony of the applicant and that of any interested members of the public shall be taken. For a new permit, reasonable notice shall mean notification to the abutting landowners as well as notice in a newspaper of general circulation at

least 7 days prior to the Hearing. For renewals, the newspaper notification is considered reasonable ~ unless there have been complaints.

6. The Board of Selectmen shall grant a Permit unless it finds that issuance of the Permit will be detrimental to the public health, safety or welfare, or would violate Town ordinances, or rules and regulations, articles, or bylaws.
 7. A Permit shall be valid only for the license year of the applicant's existing liquor license.
- B. The application for a Special Amusement Permit shall set forth the type of music and entertainment intended by the applicant to be permitted on the licensed premises and whether the entertainment will include dancing.
- C. Classes of Permits. Special Amusement Permits granted by the Board of Selectmen shall be limited to the following classes:
- Class A — Single Instrumentalist without mechanical amplification;
 - Class B — Single Instrumentalist and Vocalist without mechanical amplification;
 - Class C — One or more vocalists and/or instrumentalist without mechanical amplification;
 - Class D — Any one of the above with mechanical amplification;
 - Class E — Dancing with any of the above or accompanied by music produced by radio or other mechanical device;

and any Permit granted shall be for one of the above noted classes. A Licensee shall not permit on the Licensee's premises, any music, dancing or entertainment which exceeds that permitted by the Class of his Permit, during the period for which his Permit is valid as otherwise determined by this Ordinance.

- D. During the period for which the license is valid, the Licensee may reapply for a new Special Amusement Permit, if he elects to permit dancing, music or entertainment that exceeds that permitted by the current permit. Said reapplication shall be governed by all the provisions of this Ordinance with respect to applications for a Special Amusement Permit in general including the payment of the permit fee of Fifty Dollars (\$50.00).
- E. Inspections
1. The Board of Selectmen shall require an initial inspection of the premises and Licensee for overall ability to comply with the provisions of this Ordinance and for the purpose of imposing conditions on any Permit issued.
 2. Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a Special Amusement Permit are provided for or required by Ordinance or State law, or are reasonably necessary to secure compliance with any Ordinance provision or State Law, it shall be the duty of the Licensee, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town of Mount Desert authorized to make the inspection at any reasonable time that admission is requested.

3. In addition to any other penalty, which may be provided, the Board of Selectmen may revoke the Special Amusement Permit of any Licensee in the Town who refuses to permit any such officer, official or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official or employee while in the performance of his duty. Provided, that no license or Special Amusement Permit shall be revoked unless written demand for the inspection or sample is made upon the Licensee or person in charge of the premises, at the time it is sought to make the inspection.

G. Permit Procedures

1. Any Licensee requesting a Special Amusement Permit from the Board of Selectmen shall be notified in writing of its decision no later than fifteen (15) days from the date the application was heard.
2. In the event that a Licensee is denied a permit, the Licensee shall be provided with the reasons for the denial in writing.
3. The Licensee may not reapply for a permit within thirty (30) days after denial of an application, except with the consent of the Board of Selectmen. The reasons for denial must be corrected before reapplication.

H. Suspension or Revocation of a Permit

1. The Board of Selectmen may, after a public hearing preceded by notice to interested parties, suspend, or revoke any Special Amusement Permits which have been issued under this Ordinance on the grounds that the music, dancing or entertainment so permitted constitutes a detriment to the public health, safety or welfare, or violates any Town ordinances, articles, bylaws, or rules and regulations.

I. Rules and Regulations

1. The Board of Selectmen are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of Special Amusement Permits and placing other limitations on these activities required - to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.
2. Rules and regulations which may be adopted under this Ordinance include, but are not limited to, the following:
 - a. To require Licensee to have doors and windows closed at a particular time.
 - b. To require police officer attendance if necessary.
 - c. To require the Local Fire Inspector to inspect the premises prior to the issuance of a license.

J. Appeal Procedures

1. Any Licensee who has requested a Permit and has been denied, or whose Permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Mount Desert Zoning Board of Appeals as defined in Title 30A Section 2691, MRSA, as amended.
2. The Zoning Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare; or that the denial, revocation or suspension was arbitrary or capricious or was not based by a preponderance of the evidence, on a violation of any Ordinance, article, bylaw, or rule or regulation of the Town.

3. Admission

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a Special Amusement Permit may charge admission in the designated areas approved by the Town.

4. Penalty, Separability

A. Penalty

1. Whoever violates any of the provisions of the Ordinance shall be deemed guilty of a civil violation and upon conviction thereof, shall be penalized by a fine of not more than \$500 for the first offense and \$1000 for subsequent offenses.
2. Any violation of this Ordinance or any provision thereof, shall be deemed a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

B. Separability

The invalidity of any provision of this ordinance shall not invalidate any other part.

5. Period of Ordinance

This Ordinance shall remain in effect for a period of fifteen (15) years from the effective date, or the date of the latest amendment thereafter.



Town of Mount Desert

21 Sea Street, P.O. Box 248

Northeast Harbor, ME 04662-0248

Telephone 207-276-5743 Fax 207-276-5742

www.mtidesert.org director@mtidesert.org

MEMO

To: Town Meeting 2020 File
From: Tony Smith, Public Works Director
Re: Draft Town-MDOT "Municipal Partnership Initiative Project Number 3"
Date: February 6, 2020

These proposed articles conform to the prior two MPI project's Town Meeting request for approval and funding process.

Article 1 Shall the Town of Mount Desert be authorized to enter into an agreement with the Maine Department of Transportation (the Agreement), a copy of which is included herein in Appendix **ABC** (the Agreement), in conformance with their Municipal Partnership Initiative program, for technical and construction services related to improvements of State Route 198 beginning approximately at its intersection with State Route 233 (Eagle Lake Road) and proceeding approximately 0.153 miles (810-feet) southerly along State Route 198 ending at or near a point in State Route 198 that is at its intersection with the southerly entrance to the Butler Road, said beginning and ending points shown on the attached project site map included herein in Appendix **DEF** (Site Map); with construction of said improvements to begin on or after September 7, 2021 and ending for a seasonal shutdown on or before November 21, 2021 and resuming, if necessary, on or after March 28, 2022 to be ready for final completion on or before May 25, 2022 and in accordance with the Agreement including, but not necessarily being limited to, reclaiming (grinding and leaving in place) the existing pavement, grading and compacting these materials, construction of new base and surface pavement layers on the reclaimed materials, construction of four-foot (4') wide extended shoulders on each side of the road, drainage improvements and other typical roadway improvements associated with projects of this kind, and further shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to enter into this agreement with the Maine Department of Transportation? **See Appendix **ABC** The Agreement (warrant pg. ##) and Appendix **DEF** Site Map (warrant pg. ##).**

Board of Selectmen recommends
Warrant Committee recommends

Fiscal Policy

Article 2 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 \$295,000.00 (two-hundred and ninety-five thousand dollars) to fund the Town's 50%-50% cost share for construction of roadway improvements to Route 198 in accordance with the agreement with the Maine Department of Transportation described in Article 1 above; and further shall the Board of Selectmen be authorized to execute any and all contracts and documents and do any and all things necessary or convenient to issue the bonds or notes of the Town, which may be callable, and to accomplish the project?



Town of Mount Desert

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FINANCIAL STATEMENT - TOWN OF MOUNT DESERT

1. Total Town Indebtedness

A.	Bonds outstanding and unpaid:	\$
B.	Bonds authorized and unissued:	\$
C.	Bonds to be issued under this Town Meeting Article	\$
	TOTAL	\$

2. Costs

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

Principal	\$ 295,000.00
Interest	\$
Total Debt Service	\$

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.

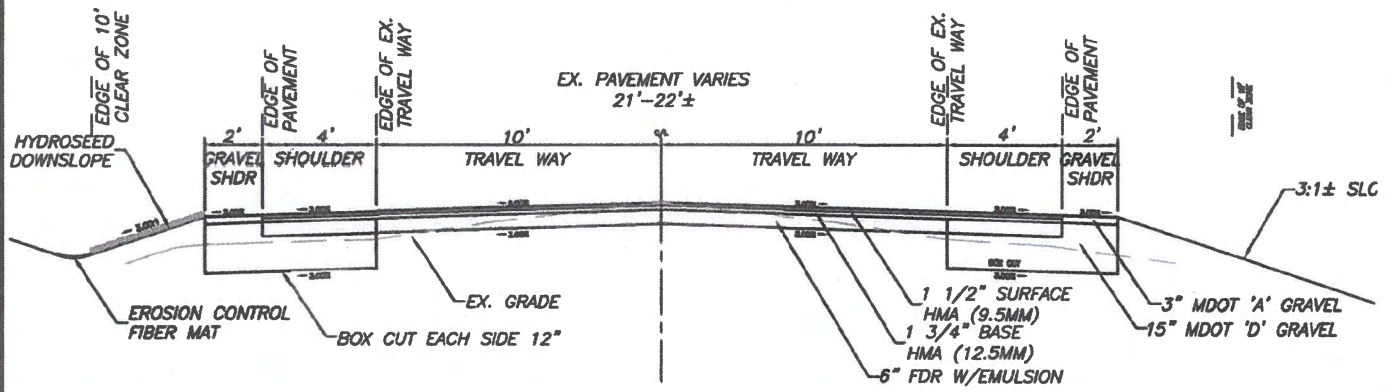
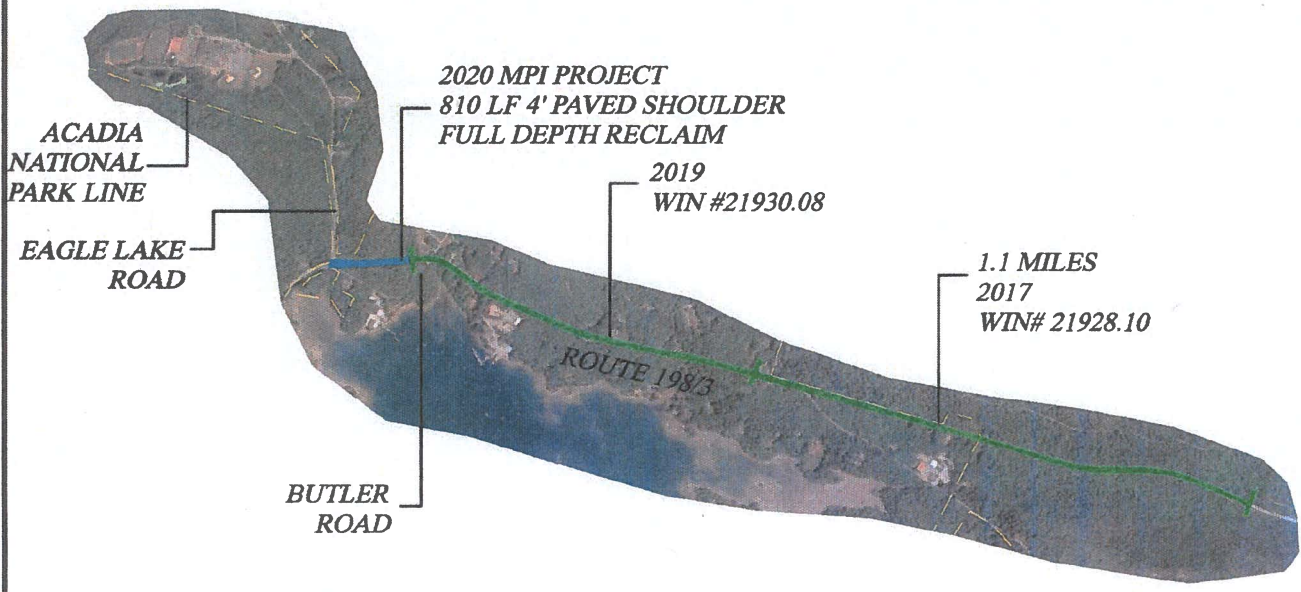
Kathryn A. Mahan

Treasurer, Town of Mount Desert, Maine

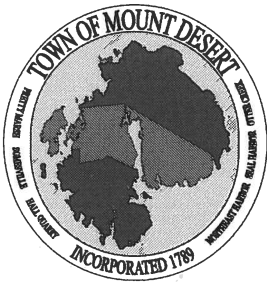
Board of Selectmen recommends
Warrant Committee recommends

Article 3 Shall the Town of Mount Desert be authorized to allocate any unspent funds originally appropriated in connection with the 2017-2018 and the 2018-2019 State Route 198 Maine Department of Transportation's Municipal Partnership Initiative projects approved at the May 2017 and May 2018 Town Meeting's to the work described in **Article 1** and **Article 2**, above?

Board of Selectmen recommends
Warrant Committee recommends



NORMAL CROWN TYPICAL SECTION
N.T.S.



Town of Mount Desert

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Northeast Harbor, ME 04662-0248

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MEMO

To: Town Meeting 2020
From: Tony Smith, Public Works Director
Re: Draft Bait House Lease Agreement
Date: February 4, 2020

Article To see if the inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to lease the so-called "Bait House" located at 26 Dodge Point Road in the Village of Seal Harbor found on Tax Map 1 Lot 15 of the Town of Mount Deseret's tax maps, to the Seal Harbor Fisherman's Association for a term of five (5) years, said term beginning on July 1, 2020 and ending on June 30, 2023, under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town and in general conformance with the lease agreement found on page ABC of Appendix DEF of this Warrant.

Board of Selectmen recommends
Warrant Committee recommends

LEASE AGREEMENT

Whereas the Seal Harbor Fisherman's Association (Lessee) is desirous of a lease of space for bait storage.

Whereas the Town of Mount Desert (Lessor) is the owner of a parcel of land and a building located on the east side of the Dodge Point Road also known as the Seal Harbor Bait House; and,

Whereas the voters of the Town have authorized the Board of Selectmen to enter into a lease agreement for said property,

NOW THEREFORE BE IT RESOLVED that the undersigned enter into an agreement for the lease of land and building subject to the conditions listed below:

1. This lease shall be for a period of five years commencing July 1, 2020.
2. Lessee agrees to maintain the premises in a clean and attractive manner. No outside storage of any kind shall be allowed. Tenant shall yield up the demised premises to the Lessors at the expiration or earlier termination of this Lease in good order and repair, in the same condition in which they were originally constructed or subsequently remodeled, as provided in this Lease, reasonable wear and tear only excepted.
3. That the building shall be used solely for storage of bait. All putrefied or unusable bait shall be removed and properly disposed of by the Association at its expense.
4. The physical improvements to the structure shall be the shared responsibility of the Lessor and Lessee, for which the Lessor has established a reserve. No improvements shall be made to the structure without notice having been given to the Lessor.
5. That the Lessee will maintain a liability insurance policy in the amount of \$300,000 with the Town of Mount Desert named as an additional insured the lessee agrees to indemnify and save harmless the Lessor from any claims arising from the activities of the Lessee or the Lessee's agents, contractors, employees, or invitees; and the Lessee will provide a certificate of Insurance, as specified, during the entire term of the agreement.
6. Tenant shall not assign this lease or sublease the demised premises.

7. In consideration of routine maintenance of the structure by the Lessee, rent is set at \$1.00 per year.
8. Nothing in this lease is intended to supercede any other ordinance of the Town.
9. The lease may be canceled on 30 days advance written notice to the Lessee; if the Board of Selectmen, as representatives of the Lessor, determine that the site is not being maintained in a clean and orderly fashion or that the required insurance has not been maintained or that the Lessee has breached any other covenant herein.
10. No consent or waiver, express or implied, by the Lessors, to or of any breach of any covenant, condition or duty of Lessee, shall be construed as a consent or waiver to or of any other breach of the same or any, other condition, covenant or duty.
11. Miscellaneous: (A) All of the terms and provisions of this Lease shall be binding upon and shall inure to the benefit of the heir, executors, administrators, successors, and assignees of the respective parties hereto; (B) If any term or provision of this Lease or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this lease shall be valid and enforced to the fullest extent permitted by law; (C) Lessee shall not do or suffer anything to be done whereby the land of which the premises are a part may be encumbered by any mechanic's liens, and shall whenever and as often as any mechanic's lien is filed against the said land purporting to be for labor or material furnished or to be furnished to the Lessee, discharge the same record within ten (10) days after the date of filing. Notice is hereby given that the Lessors shall not be liable for any labor or materials furnished or to be furnished to the Lessee upon credit, and that no Mechanic's or other lien for any such labor or materials shall attach to or effect the interest of the Lessors in and to the land of which the demised premises are a part.

LEASE AGREEMENT
Seal Harbor Fisherman's Association

Witness

For the Town of Mount Desert

(Selectmen)

Town Clerk

From: Durlin Lunt
Sent: Thursday, February 6, 2020 9:45 AM
To: Town Clerk
Subject: FW: oil futures

From: Bill Birdsall [mailto:bbirdsall@nofrillsoil.com]
Sent: Wednesday, February 5, 2020 3:48 PM
To: Durlin Lunt
Subject: oil futures

Dear Mr. Lunt,

Thank you for taking the time to talk with me today. As you requested here is the following information for heating oil 2020-2021.

The oil market had a very hard dip late last week and early this week because of the Corona Virus fears on the world market, as of the 2 past days oil has started to rebound and has moved up almost \$.10 cents. Currently we have heating oil that we could sell to the town of Mt. Desert. for the 2020-2021 heating season at a price of \$1.999.

I can hold this price till Wednesday 2-12-20 please let me know if the town would like this product because I have other towns interested

Please let me know if you have any questions and feel free to call me on my cell phone 207-266-6200 from 6:00 am to 7:30 Pm

Thank You,

--

Bill Birdsall

No Frills Oil Co.

(207) 422-3581 or 1-800-537-6645

Check us out on the web at www.nofrillsoil.com and follow us on facebook and twitter.

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PUBLIC HEARINGS

**Town of Mount Desert
PUBLIC HEARINGS LEGAL NOTICE
March 2, 2020**

Notice is hereby given that the Town of Mount Desert Board of Selectmen will hold a public hearing at its regular meeting beginning 4:00 p.m., Monday, March 2, 2020 in the Meeting Room, Town Hall, 21 Sea Street, Northeast Harbor, to hear public comment on proposed Warrant Articles regarding appropriation of funds, ordinances, and ordinance amendments for the May 4 & 5, 2020 Annual Town Meeting. Members of the public are invited to attend and make comment.

Ad placed in paper for Public Hearing on February 10, 2020 in error. Public hearing moved to March 2, 2020