

Town of Mount Desert  
Board of Selectmen  
**Regular Meeting**  
**Monday, May 21, 2018**  
**Location: Meeting Room, Town Hall, Northeast Harbor**

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

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

Members of the public were also present.

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

Chairman Macauley called the meeting to order at 6:00 PM.

**II. Executive Session**

A. *Pursuant to 1 MRSA § 405(6) (A) to review request from employee for leave without pay*

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

The Board entered Executive session.

B. *Post Executive Session – Action if needed on request from employee for leave without pay*

MOTION: Selectman Mooers moved, with Selectman Hart seconding, to leave Executive Session. Motion approved 5-0. The Board left Executive Session at 6:17PM.

MOTION: Selectman Dudman moved, with Selectman Hart seconding, approving an employee request for leave without pay. Motion approved 5-0.

**III. Public Hearing(s)**

A. *Special Amusement Permit Renewal Asti-Kim/DBA Asticou Inn*

Chairman Macauley opened the public hearing. There were no comments from the Public.

MOTION: Selectman Mooers moved, with Selectman Dudman seconding, to close the Public Hearing. Motion approved 5-0. The Public Hearing was closed.

B. *Post Public Hearing: Special Amusement Permit Renewal Application Approval – Asti-Kim/DBA Asticou Inn*

MOTION: Selectman Dudman moved, with Selectman Hart seconding, approval of the Special Amusement Permit Renewal Application for Asti-Kim/DBA Asticou Inn. Motion approved 5-0.

1 **IV. Minutes**

2 A. *Approval of Minutes from May 8, 2018 meeting*

3 MOTION: Selectman Hart moved, with Selectman Dudman seconding, approval of the  
4 Minutes from May 8, 2018, as presented. Motion approved 5-0.  
5

6 **V. Appointments/Recognitions/Resignations**

7 A. *Annual Employee Appointments*

8 MOTION: Selectman Dudman moved, with Selectman Hart seconding, approval of the  
9 Annual Employee Appointments, as presented. Motion approved 5-0.  
10

11 B. *Confirm Appointment of Ninette Ferm as Warden for the June 12, 2018 State*  
12 *Referendum Election*

13 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, confirmation of  
14 appointment of Ninette Ferm as Warden for the June 12, 2018 State Referendum Election, as  
15 presented. Motion approved 5-0.  
16

17 C. *Appoint Ryan Bender as Seasonal Dock Hand at \$11.00/Hour, effective May 22,*  
18 *2018*

19 MOTION: Selectman Mooers moved, with Selectman Hart seconding, appointment of Ryan  
20 Bender as Seasonal Dock Hand at \$11.00 per hour, effective May 22, 2018, as presented.  
21 Motion approved 5-0.  
22

23 D. *Recommendation for Appointment as Seasonal Dock Hand at the Northeast Harbor*  
24 *Marina: Eilon Zboray at \$11.00 per Hour, effective June 1, 2018 to October 1, 2018.*

25 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, appointment of  
26 Eilon Zboray as Seasonal Dock Hand at the Northeast Harbor Marina, at \$11.00 per hour,  
27 effective June 1, 2018 to October 1, 2018, as presented. Motion approved 5-0.  
28

29 E. *Resignation of Christian Johnson as On-Call firefighter in order to fulfill the Acting*  
30 *Full-Time Firefighter position*

31 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, acceptance of  
32 the Resignation of Christian Johnson as On-Call Firefighter in order to fulfill the Acting Full-  
33 Time Firefighter position, as presented. Motion approved 5-0.  
34

35 F. *Appointment of Christian Johnson as Acting Full-Time Firefighter, effective May 24,*  
36 *2018, and continuing through until June 25, 2018 at \$17.00 per hour*

37 MOTION: Selectman Hart moved, with Selectman Littlefield seconding, appointment of  
38 Christian Johnson as Acting Full-Time Firefighter, effective May 24, 2018, and continuing  
39 through until June 25, 2018 at \$17.00 per hour, as presented. Motion approved 5-0.  
40

41 G. *Recommendation for appointment of Part Time (on-call) Firefighter in the Mount*  
42 *Desert Fire Department: Andrew Jewett starting pay \$13.25 per hour, effective May*  
43 *22, 2018*

44 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, appointment of  
45 Andrew Jewett as Part-Time (on-call) Firefighter, effective May 22, 2018 at \$13.25 per hour,  
46 as presented. Motion approved 5-0.  
47  
48

1 **VI. Consent Agenda**

- 2 A. *Department Reports: WWTP: March-April 2018 Report, Treasurer: Investment*  
3 *Trust (YTD as of March 31, 2018)*  
4 B. *Board of Selectman Meeting Schedule 2018-2019*  
5 C. *Holiday Schedule 2018-2019*  
6 D. *Mount Desert Island Regional School System – Resolution to Protect the Health,*  
7 *Safety and Security of Students, Teachers, Staff and Community Members*  
8 E. *HCPC Annual Meeting: May 22, 2018*

9 MOTION: Selectman Mooers moved, with Selectman Hart seconding, approval of the  
10 Consent Agenda as presented.  
11

12 Selectman Littlefield asked what the School System Resolution obliges the Town to act on.  
13 Selectman Mooers felt it was a non-binding resolution offering support only.  
14

15 Motion approved 5-0.  
16

17 **VII. Selectman's Reports**

18 There were no Selectman's Reports.  
19

20 **VIII. Unfinished Business**

- 21 A. *Authorize the issuance of a General Obligation Bond of the Town in a principal*  
22 *amount not to exceed \$5,108,485.00 at an interest rate of 3.42% and for a term of*  
23 *twenty years to finance projects approved at Annual Town Meeting*

24 MOTION: Selectman Dudman moved, with Selectman Hart seconding, authorizing issuance  
25 of a General Obligation Bond of the Town in a principal amount not to exceed \$5,108,485.00  
26 at an interest rate of 3.42% and for a term of twenty years to finance projects approved at  
27 Annual Town Meeting, as presented. Motion approved 5-0.  
28

- 29 B. *Execution of the bond document for the \$5,108,485.00 General Obligation Bond*  
30 *issued by Bar Harbor Bank & Trust Company effective May 31, 2018.*

31 It was noted this was the bond for the Northeast Harbor revitalization project. Selectman  
32 Hart pointed out that the interest rate was now lower than when included in the original  
33 Warrant documents.  
34

35 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, execution of the  
36 bond document for the \$5,108,485.00 General Obligation Bond issued by Bar Harbor Bank  
37 & Trust Company effective May 31, 2018, as presented. Motion approved 4-0-1 (Dudman in  
38 Abstention).  
39

- 40 C. *Consideration of award of crosswalk-related work to CES, Inc. as described in a*  
41 *memo from PWD Tony Smith to Town Manager Durlin Lunt, Jr. dated May 18, 2018*  
42 *and authorize PWD Tony Smith to execute agreements for their services on behalf of*  
43 *the Town.*

44 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, award of  
45 crosswalk-related work to CES, Inc. as described in a memo from PWD Tony Smith to Town  
46 Manager Durlin Lunt, Jr. dated May 18, 2018 and authorization of PWD Tony Smith to  
47 execute agreements for their services on behalf of the Town, as presented. Motion approved  
48 5-0.

1 The memo described the work and funds approved at the May 2018 town meeting (articles 39  
2 and 40) as:

- 3  
4 • Article 39 was for an amount not to exceed \$90,000 to be drawn from the Capital  
5 Gains Reserve Account, #400-24202, to finance professional technical and  
6 construction services associated with improvements to up to seven (7) pedestrian  
7 crosswalks. Of the \$90,000, \$5,000 was for project bidding services. The balance of  
8 \$85,000 is for construction and construction related engineering services once the bid  
9 process is complete.
- 10 • Article 40 was for an amount not to exceed \$38,000 to be drawn from the Capital  
11 Gains Reserve Account, #400-24202, to finance 1) the professional evaluation of the  
12 Town's remaining crosswalks relative to factors including, but not necessarily limited  
13 to, accessibility, safety, location and effectiveness, and 2) to make recommendations  
14 for improvements to the crosswalks, and 3) to prepare designs of the recommended  
15 improvements to the crosswalks and 4) to prepare construction documents and to  
16 solicit competitive bids for the recommended improvements.

17  
18 The memo further recommended that the Town work with CES, Inc. on the crosswalk work  
19 described above using funds from the accounts also described above and that Director Smith  
20 be authorized to execute two separate agreements with them for the work and the not to  
21 exceed costs of \$5,000 for Article 39 and \$38,000 for Article 40 described above.

22  
23 *D. Review of the Sylvan Road Neighborhood Drainage Improvements Project costs of*  
24 *\$637,051.00 and consideration of recommendations and requests based on these*  
25 *project costs described in the memo from PWD Tony Smith to Town Manager Durlin*  
26 *Lunt, Jr. dated May 18, 2018.*

27 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, approval of the  
28 Sylvan Road Neighborhood Drainage Improvements Project costs of \$637,051.00 and  
29 consideration of recommendations and requests based on these project costs described in the  
30 memo from PWD Tony Smith to Town Manager Durlin Lunt, Jr. dated May 18, 2018, as  
31 presented. Motion approved 5-0.

32  
33 The memo outlined the following recommendations and requests by Director Smith:

- 34  
35 1. All funds described below will be drawn from a bond to be obtained by the town as  
36 authorized by the May 2018 town meeting.
- 37 2. Construction of the project be awarded to Harold MacQuinn, Inc. for the amount of  
38 \$372,051 plus the additional work at a cost of \$115,000 for a total construction cost  
39 of \$487,051 and that I be authorized to expend these funds and to execute the project  
40 agreement with them.
- 41 3. I be authorized to expend project funds in the amount of \$75,000 as shown above for  
42 costs associated with professional technical services for Construction Administration  
43 and Inspection services and to execute any and all documents with CES, Inc. as our  
44 consultant for the project to provide said services required to achieve the intent of the  
45 project.
- 46 4. As has been our past practice on town construction projects, based on my judgement  
47 on a case-by-case basis, I be authorized to expend project funds in the amount of  
48 \$75,000 as shown above for costs associated with unforeseen conditions identified

1 during construction of the project that must be addressed to achieve the intent of the  
2 project.

3  
4 *E. Review of the Northeast Harbor Village Center Improvements Project costs of*  
5 *\$3,963,900.00 and consideration of the recommendations and requests based on*  
6 *these project costs described in the memo from PWD Tony Smith to Town Manager*  
7 *Durlin Lunt, Jr. dated May 18, 2018.*

8 MOTION: Selectman Mooers moved, with Selectman Hart seconding, approval of the  
9 Northeast Harbor Village Center Improvements Project costs of \$3,963,900.00 and  
10 consideration of the recommendations and requests based on these project costs described in  
11 the memo from PWD Tony Smith to Town Manager Durlin Lunt, Jr. dated May 18, 2018, as  
12 presented. Motion approved 5-0.

13  
14 The memo outlined the following recommendations and requests by Director Smith:

- 15  
16 1. All funds described below will be drawn from a bond to be obtained by the town as  
17 authorized by the May 2018 town meeting.  
18 2. Construction of the project be awarded to RF Jordan and Sons, Inc. of Ellsworth,  
19 Maine for the amount of \$2,193,900 and that I be authorized to expend these funds  
20 and to execute the project agreement with them.  
21 3. I be authorized to expend project funds in the amount of \$975,000 as shown above  
22 for costs associated with burying the electric, telephone and cable wires by the utility  
23 companies of Emera, Consolidated Communications and Spectrum, respectively, and  
24 to execute any and all documents with these utility companies required to achieve the  
25 intent of the project.  
26 4. I be authorized to expend project funds in the amount of \$320,000 as shown above  
27 for costs associated with professional technical services for Construction  
28 Administration and Inspection services and to execute any and all documents with  
29 CES, Inc. as our lead consultant for the project with two subconsultants being  
30 Richardson Associates for architecture and Hewett & Whitney for electrical  
31 engineering to provide said services required to achieve the intent of the project.  
32 5. As has been our past practice on town construction projects, based on my judgement  
33 on a case-by-case basis, I be authorized to expend project funds not to exceed the  
34 amount of \$474,585 as shown above for costs associated with unforeseen conditions  
35 identified during construction of the project that must be addressed to achieve the  
36 intent of the project.

37  
38 *F. Consideration of award of Summit Road design to CES, Inc. as described in a memo*  
39 *from PWD Tony Smith to Town Manager Durlin Lunt, Jr. dated May 18, 2018 and to*  
40 *authorize PWD Tony Smith to execute an agreement for their services on behalf of*  
41 *the Town.*

42 MOTION: Selectman Littlefield moved, with Selectman Hart seconding, awarding of  
43 Summit Road design to CES, Inc. as described in a memo from PWD Tony Smith to Town  
44 Manager Durlin Lunt, Jr. dated May 18, 2018 and to authorized PWD Tony Smith to execute  
45 an agreement for their services on behalf of the Town, as presented. Motion approved 5-0.

46  
47 The memo recommended that the Town award the design work to CES, Inc. for the amount  
48 of \$40,000 to be drawn from the Capital Gains Reserve Account, #400-24202 for the services

described as the evaluation and design of improvements to a portion of Summit Road in Northeast Harbor located between Main Street and its intersection with Church Road. Improvements to be considered include, but are not necessarily limited to, the traveled way, sanitary sewer lines, storm water management and sidewalks.

G. *Request authorization to PWD Tony Smith to execute a second Municipal Partnership Initiative (MPI) agreement with DOT. This MPI agreement will start where the current one stops on Route 198 and end at or near its intersection with Route 233/Eagle Lake Road.*

It was noted this section of proposed roadwork would occur next year, following the same timeframe this year's roadwork followed.

MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, authorizing PWD Tony Smith to execute a second Municipal Partnership Initiative (MPI) agreement with DOT. This MPI will start where the current one stops on Route 198 and end at or near its intersection with Route 233/Eagle Lake Road, as presented. Motion approved 5-0.

#### **IX. New Business**

A. *Consider the closing of Sargeant Drive during the annual Northeast Harbor Road Race and Fun Walk on Saturday, August 25, 2018*

It was noted the race is done every year. Each end of the road is closed for approximately an hour and a half and there is police coverage. Golf carts and other necessary traffic are able to travel through.

MOTION: Selectman Dudman moved, with Selectman Hart seconding, approval to close Sargeant Drive during the annual Northeast Harbor Road Race and Fun Walk on Saturday, August 25, 2018, as presented. Motion approved 5-0.

B. *Public Space Special Event Application – Mount Desert Chamber of Commerce Summer Artisan Market – July 23, 2018, Northeast Harbor Village Green*

MOTION: Selectman Dudman moved, with Selectman Littlefield seconding, approval of the Public Space Special Event Application for the Mount Desert Chamber of Commerce Summer Artisan Market on July 23, 2018, at the Northeast Harbor Village Green as presented. Motion approved 5-0.

C. *Public Space Special Event Application – Mount Desert Chamber of Commerce Movie Nights – Thursdays, August 2018, Northeast Harbor Village Green*

MOTION: Selectman Littlefield moved, with Selectman Hart seconding, approval of the Public Space Special Event Application for the Mount Desert Chamber of Commerce Movie Nights on Thursdays, August 2018, at the Northeast Harbor Village Green, as presented.

It was noted that the movie nights will only be held in August, and not in July, as in previous years.

Motion approved 5-0.

D. *Elmer Beal Jr./DBA Burning Tree Restaurant Request for Liquor License Renewal*

1 MOTION: Selectman Hart moved, with Selectman Littlefield seconding, approval of liquor  
2 license renewal for Elmer Beal Jr./DBA Burning Tree Restaurant, as presented. Motion  
3 approved 5-0.  
4

5 *E. Update on Acadia National Park Transportation Plan from Kevin Schneider, ANP*  
6 *Superintendent*

7 Acadia National Park Superintendent provided newsletters and a draft transportation plan to  
8 the Board. He gave a summary of the work being done.  
9

10 Transportation issues often stem from too many cars for the space available. The plan being  
11 created has been developed with feedback from the public. There have been public meetings  
12 to address the issue.  
13

14 There are several potential alternatives, and no final decision has been made. Mr. Schneider  
15 shared some popular potential solutions:

- 16 - Visitors would purchase reservations for such popular spots as Cadillac Mountain, Ocean  
17 Drive, and Jordan Pond House parking lot. Reservations would be required at a certain  
18 times of year, and for certain times of day.
- 19 - Island Explorer busses, taxis, pedestrians and bicyclists would be able to continue to  
20 access these sites freely. People without reservations would be able to use these forms of  
21 transportation to access the areas.
- 22 - Expansion of parking at the Hulls Cove Visitors Center creating a Park and Ride location  
23 to improve accessibility.
- 24 - Build up the Gateway Center in Trenton for commuters and single-day visitors to the  
25 Park.
- 26 - Limiting oversized vehicles
- 27 - Eliminating right-lane parking on Ocean Drive.
- 28 - Enlarging parking areas at Acadia Mountain and Eagle Lake.  
29

30 Any changes will be made as adaptable as possible.  
31

32 Mr. Schneider noted a Visitor Center is still planned for the Gateway Center. This Center  
33 might be developed through inter-agency partnerships.  
34

35 Chairman Macauley inquired whether access to the fish house in Otter Creek would be  
36 allowed. Mr. Schneider assured the Board that the Park would continue to provide access to  
37 inholdings.  
38

39 Discussion ensued regarding reservation access. It was noted that anyone with a reservation  
40 would be allowed in, regardless of how long they chose to stay. It was not yet decided how  
41 park passes would be distributed or how they would look. The mechanics of the process  
42 have not been fully planned out at this point. Even then, minor changes may be necessary.  
43

44 Town Manager Lunt noted that people use the Island Explorer busses and never go into the  
45 park. Mr. Schneider agreed. Currently Island Explorer busses do not ask to see Park passes  
46 and they are not required.  
47

1 F. *Request a transfer of \$6,000 from Community Development Line 1770100-54540*  
2 *Community Development Consultant Other to Community Development Line*  
3 *1770100-54970 Community Consultant Director*

4 MOTION: Selectman Dudman moved, with Selectman Hart seconding, to approve transfer  
5 of \$6,000 from Community Development Line 1770100-5450 Community Development  
6 Consultant Other to Community Development Line 1770100-54970 Community Consultant  
7 Director, as presented.  
8

9 Town Manager Lunt felt that the Consultant Agreement caps spending at \$30,000.00,  
10 pending a vote from the Board of Selectmen. Mr. Lunt anticipates more money will be  
11 necessary for this line item. The transfer will not exceed the Development budget.  
12

13 Selectman Mooers inquired whether the Board had the authority to move these funds. The  
14 initial funding was voted on at Town Meeting. Town Manager Lunt agreed to look into the  
15 question.  
16

17 Selectmen Dudman and Hart rescinded their Motion and Second.  
18

19 MOTION: Selectman Dudman moved, with Selectman Mooers seconding, to table the item.  
20 Motion approved 5-0.  
21

22 **X. Other Business**

23 Public Works Director Smith reported on the Route 198 paving. The work should be done  
24 before the first week in June.  
25

26 Public Works Director hoped to get the planned work done on the Farmer's Market area now,  
27 rather than wait a year. The Board concurred. It was felt the Memorial Day tent could be  
28 placed in the usual spot, despite the Farmer's Market work. Mr. Smith agreed to visit the site  
29 with Selectman Hart.  
30

31 **XI. Treasurer's Warrants**

32 A. *Approve & Sign Treasurer's Warrant AP1869 in the amount of \$387,818.79*

33 MOTION: Selectman Mooers moved, with Selectman Littlefield seconding, approval and  
34 signature of Treasurer's Warrant AP1869 in the amount of \$387,818.79, as presented.  
35 Motion approved 5-0.  
36

37 B. *Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP1867,*  
38 *AP1868, and PR1825 in the amounts of \$5,819.45, \$2,078.25, and \$94,937.36,*  
39 *respectively*

40 MOTION: Selectman Mooers moved, with Selectman Hart seconding, approval of signed  
41 Treasurers Payroll, State Fees and PR Benefit Warrants AP1867, AP1868, and PR1825 in the  
42 amounts of \$5,819.45, \$2,087.25, and \$94,937.36, respectively, as presented. Motion  
43 approved 4-0-1 (Littlefield in Abstention)  
44

45 C. *Acknowledge Treasurer's School Board Payroll Warrant PR22 in the amount of*  
46 *\$71,961.93*



1 MOTION: Selectman Hart moved, with Selectman Mooers seconding, acknowledgement of  
2 Treasurer's School Board Payroll Warrant PR22 in the amount of \$71,961.93, as presented.  
3 Motion approved 5-0.  
4  
5

6 **XII. Adjournment**

7 MOTION: Selectman Mooers moved, with Selectman Hart seconding, adjournment. Motion  
8 approved 5-0.  
9

10 The meeting was adjourned at 7:05 PM.  
11  
12

13 Respectfully Submitted,  
14  
15

16 Wendy Littlefield, Secretary  
17  
18