

Town of Mount Desert
Board of Selectmen
Minutes
June 6, 2022

Board Members Present: Chair John Macauley, Rick Mooers, Geoff Wood, Wendy Littlefield

Board Member Martha Dudman was not in attendance.

Town Officials Present: Assessor Kyle Avila, Town Manager Durlin Lunt, Finance Director Jake Wright, Public Works Director Tony Smith, CEO Kimberly Keene, Harbormaster John Lemoine, Police Chief Jim Willis, Town Clerk Claire Woolfolk, Police Captain Dave Kerns

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 6:30PM.

II. Public Hearing(s)

A. Dawnland, LLC d/b/a Jordan Pond House 2928 Park Loop Rd, Seal Harbor request for Liquor License

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, to open the Public Hearing. Motion approved 4-0.

The Public Hearing was opened.

There were no comments from the Public.

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, to close the Public Hearing.

Motion approved 4-0.

The Public Hearing was closed.

III. Post Public Hearing

A. Action if necessary

No Action was taken.

IV. Minutes

A. Approval of minutes from May 16, 2022 meeting

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, approval of the May 16, 2022 Minutes as presented.

1 Motion approved 4-0.

2
3 *B. Approval of minutes from May 26, 2022 meeting*

4 MOTION: Mr. Mooers moved, with Mr. Wood seconding, approval of the May 26, 2022
5 Minutes as presented.

6 Motion approved 4-0.

7
8 **V. Appointments/Recognitions/Resignations**

9 *A. Annual Board and Committee Appointments*

10 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval of the slate of
11 Annual Board and Committee Appointments as presented.

12 Motion approved 4-0.

13
14 *B. Appointment of Carrie Eason as Warden for the June 6, 2022 State Primary and
15 Special Election and amending the rate of pay for the Warden to \$20.00/hour*

16 MOTION: Mr. Wood moved, with Ms. Littlefield seconding, appointment of Carrie
17 Eason as Warden for the June 6, 2022 State Primary and Special Election and amending
18 the rate of pay for the Warden to \$20.00/hour, as presented.

19 Motion approved 4-0.

20
21 **VI. Consent Agenda** *(These items are considered routine, and therefore, may be passed by*
22 *the Selectmen in one blanket motion. Board members may remove any item for*
23 *discussion by requesting such action prior to consideration of that portion of the*
24 *agenda.)*

25 *A. Summary of the reason for the postponement of the Beech Hill Cross Road culvert*
26 *replacement project from 2022 to 2023*

27 *B. Maine Department of Labor penalty abatement letter: Inspection #1576840*

28 *C. Maine Department of Transportation Region 4 ADA Improvements; State Project*
29 *Number: 24807.00 to reconstruct various curb ramp openings to meet current ADA*
30 *requirements located on Rt. 102*

31 *D. Standard monthly bypass notice for June 2022 for MRC Members Municipal solid*
32 *waste going to PERC due to Coastal Resources of Maine being closed*

33 Mr. Wood requested that in the future the Board be made aware of news such as Item
34 VI.A prior to its publication in the newspaper.

35
36 Public Works Director Smith explained he learned of the delay the day of the Planning
37 Board meeting at which it was discussed. The press learned of the delay at that meeting.
38 This is the first Selectboard meeting at which to share the information. Director Smith
39 would continue to disseminate updates through the Town Manager's office.

40
41 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, acceptance of the
42 Consent Agenda.

43 Motion approved 4-0.

44
45

1 **VII. Selectmen's Reports**

2 Discussion of the Main Street Sidewalks ensued.

3
4 The Board voted to clear the sidewalks at a previous meeting. Since that time a number
5 of chairs and tables have been placed on the sidewalk, as well as benches, planters, and
6 sandwich boards. The rules for what is allowed or not allowed on the sidewalks should
7 be consistent for all businesses.

8
9 Mr. Mooers wondered if this might be a land use issue. Perhaps the Land Use Zoning
10 Ordinance should be referred to.

11
12 Mr. Wood recalled Board voted to suspend a temporary permission given to conduct
13 business and provide service on the sidewalks. A review of what is allowed on the
14 sidewalk is likely a good idea, but Mr. Wood did not feel a review of the suspension was
15 necessary.

16
17 Colonel's Restaurant Stephanie Reece reported that there is furniture for sale on the
18 sidewalks, as well as flowerpots. Other restaurants on Main Street are providing full
19 service to customers sitting at tables on the sidewalk. She requested clarification of what
20 "providing service" means. Her business does not wait on customers on the sidewalk.
21 Ms. Reece seeks a universal rule regarding what type of business can and can't occur on
22 the sidewalk. She inquired whether benches on the sidewalk would be allowed.

23
24 Mr. Wood agreed the rules need to apply to all businesses.

25
26 CEO Keene reported that the Town has no outdoor display ordinance. There is a Sale of
27 Food and Merchandise Ordinance. CEO Keene read portions of the Sale of Food and
28 Merchandise Ordinance:

29
30 *"...to regulate businesses in Mount Desert which offer food and/or merchandise*
31 *for sale to persons using public property, public streets, sidewalks and other*
32 *public ways within Mount Desert, so as to prevent, to the extent possible, the*
33 *congestion of pedestrian and/or vehicular traffic on said ways; and so as to*
34 *keep said ways as clean as possible and free of discarded food, merchandise,*
35 *wrappings, bags, packages and other items of litter."*

36
37 Section 3 reads:

38 *"With the exceptions noted in Article IV below, any person or persons*
39 *conducting or causing to be conducted any business within the Town of Mount*
40 *Desert, which offers for sale either at retail or wholesale items of food or*
41 *merchandise shall conform to the standards outlined below:*

42
43 *1. All sales must be conducted within a structure permanently attached to the*
44 *land on which it is located.*

1 2. *In the case of food sales, an area and/or means of consuming food on the*
2 *premises must be provided.”*

3
4 Article IV, Exceptions reads:
5 *“The provision of this Ordinance shall not apply to sales conducted by*
6 *eleemosynary, educational and philanthropic organizations with the written*
7 *permission of the Board of Selectmen of Mount Desert...”*

8
9 It was CEO Keene’s opinion that furniture on the sidewalk is generally intended for
10 resting if it doesn’t interfere with sidewalk traffic. Allowing furniture for such use is up
11 to the Selectboard. If the Selectboard decides the sidewalks must be clear of all items,
12 they can direct the CEO to send letters to the businesses, referencing the ordinance.

13
14 Mr. Wood did not believe a restaurant should be serving customers on the sidewalk and
15 then clearing tables after customers have eaten and left. A customer ordering takeout
16 who then sits on a bench to eat is a different subject to be considered. The restaurant
17 owner has no interest invested in the food once it’s been purchased and the customer has
18 left the premises.

19
20 Ms. Littlefield posed the situation of a customer buying coffee at a shop, then sitting at a
21 bench in front of Ms. Reece’s store to drink their coffee. Ms. Reece asserted such
22 behavior occurs regularly.

23
24 Ms. Littlefield asked whether the ordinance allows merchandise displayed for sale on the
25 sidewalk? CEO Keene believed such a thing could be allowed by the Board. The
26 question is whether the sale process is considered to begin on the sidewalk with
27 customers viewing the merchandise. Mr. Mooers believed such a thing would be an
28 expansion of the footprint of the retail business.

29
30 Resident John Adams suggested the Town provide benches for the sidewalks instead of
31 leaving it to businesses.

32
33 Town Manager Lunt suggested that anything clearly not allowed under the ordinance
34 should be stopped. Otherwise, a policy should be drafted regarding what is and is not
35 allowed on the sidewalk. Drafting a policy allows for the Board’s review and the public
36 hearing process.

37
38 Ms. Reece requested being allowed to put her benches out as others have done. Resident
39 Katrina Carter believed allowing benches on the sidewalk harms no one.

40
41 Ms. Reece noted that before the pandemic, she placed Adirondack chairs and tables on
42 the sidewalk. Mr. Wood proposed that items that were on the sidewalk prior to the
43 pandemic should not be a problem now. The only thing that changed during the
44 pandemic was temporarily allowing business owners to conduct business on the

1 sidewalks. For now, those conducting business on the sidewalks need to be informed that
2 they must stop. In the meantime, discussion regarding a policy should begin.

3
4 Manager Lunt suggested getting pictures of what is currently on the sidewalks for
5 reference for future policy discussions.

6
7 It was noted that per the ordinance, display of merchandise on the sidewalk could not
8 necessarily be construed as sales on the sidewalk.

9
10 CEO Keene agreed to write letters to the restaurants with tables and chairs on the
11 sidewalk.

12
13 Ms. Littlefield believed that Ms. Reece should be allowed to place on the sidewalk the
14 chairs she had prior to the pandemic.

15
16 Manager Lunt noted the pop-up parks would be in place by next summer.

17
18 Mr. Mooers moved discussion of Item VII.

19
20 **VIII. Unfinished Business**

21 *A. Request selectmen signatures on letter to Congressional delegation to contact the*
22 *Secretary of the Interior review the Causeway bisecting Otter Creek Harbor due to*
23 *concerns about poor tidal flushing*

24 MOTION: Ms. Littlefield moved, with Mr. Wood seconding, tabling Item VIII.A until
25 such time as Board Member Martha Dudman is in attendance.

26 Motion approved 4-0.

27
28 *B. Discussion of Main Street, Northeast Harbor sidewalk usage*

29 This item was discussed as Agenda Item VII.

30
31 **IX. New Business**

32 *A. Liquor License Renewal – Dawnland, LLC d/b/a Jordan Pond House 2928 Park Loop*
33 *Rd, Seal Harbor*

34 MOTION: Ms. Littlefield moved, with Mr. Wood seconding, approval of Liquor License
35 Renewal – Dawnland, LLC d/b/a Jordan Pond House 2928 Park Loop Rd, Seal Harbor,
36 as presented.

37 Motion approved 4-0.

38
39 *B. Request authorization to pay for the construction and installation of a Seal Harbor*
40 *Pier ladder by Alvah B. Barge Service Inc. for \$3,289.00; the Seal Harbor Docks CIP*
41 *6410200-24600 has a balance of \$86,346.81*

42 MOTION: Mr. Wood moved, with Mr. Mooers seconding, authorization to pay for the
43 construction and installation of a Seal Harbor Pier ladder by Alvah B. Barge Service Inc.
44 for \$3,289.00; the Seal Harbor Docks CIP 6410200-24600 has a balance of \$86,346.81,
45 as presented.

1 Motion approved 4-0.
2

3 *C. Request approval of Marina Winter Dockage Rates*

4 MOTION: Mr. Wood moved, with Ms. Littlefield seconding, approval of Marina Winter
5 Dockage Rates, as presented.

6 Motion approved 4-0.
7

8 *D. Consider increase of pay rate for Ethan Leonard to \$17.00 per hour*

9 MOTION: Ms. Littlefield moved, with Mr. Wood seconding, approval of increase of pay
10 rate for Ethan Leonard to \$17.00 per hour, as presented.

11 Motion approved 4-0.
12

13 *E. Authorize Police Chief James Willis to sign agreement with Property.com for*
14 *disposition of unclaimed found property and evidence*

15 Chief Willis reported that property and evidence for both towns is run through a system.
16 Disposal of items people never retrieve is a problem. This service will come several
17 times a year and sells items online, taking a percent of the proceeds and sending the rest
18 to the Towns.

19
20 MOTION: Ms. Littlefield moved, with Mr. Wood seconding, authorization of Police
21 Chief James Willis to sign agreement with Property.com for disposition of unclaimed
22 found property and evidence, as presented.

23 Motion approved 4-0.
24

25 *F. Discussion of police dispatch staffing*

26 Chief Willis reported the Police Department is unable to fill all available dispatch
27 positions. Because of this, dispatch consolidation is becoming necessary. Consolidation
28 would allow for Mount Desert calls to be forwarded to Bar Harbor. Cameras and phones
29 can be installed in Mount Desert for those needing assistance. The time a dispatcher
30 would not be in the Mount Desert station would be the 11PM to 7AM shift.
31

32 There are three dependable Mount Desert dispatchers. Consolidating will allow them to
33 work from Bar Harbor. The Mount Desert police department will remain open with the
34 light on and the ability to call Bar Harbor dispatch for service. Chief Willis noted there
35 will eventually be firefighters in the building full time.
36

37 Chief Willis recommended that if the Town agrees to such a change, it would be best to
38 continue the change for consistency's sake. Mr. Mooers asked if there would be an
39 ongoing effort to staff that missing shift should such a change take place. Chief Willis
40 felt it was the Town's decision to make.
41

42 Ms. Littlefield pointed out that there is, theoretically, an officer on duty in the nearby
43 vicinity. Chief Willis agreed. Patrol coverage will remain unchanged. At times an
44 officer might be in the station.
45

1 Chief Willis suggested he come back at the end of the season with a report. Another
 2 option would be to contract with RCC. He did not recommend such an option. Mr.
 3 Wood suggested a report from Chief Willis at the first meeting in October.
 4

5 MOTION: Mr. Wood moved, with Ms. Littlefield seconding, authorizing Chief Willis to
 6 move forward with the agreement as presented to staff the overnight dispatch with Bar
 7 Harbor and suspend the hiring search until October 1, 2022, at which point the issue can
 8 be revisited.

9 Motion approved 4-0.

10
 11 *G. Authorize entering into an account agreement with Bar Harbor Bank & Trust to open*
 12 *a new bank account to house capital projects bond proceeds with Jake Wright and*
 13 *Durlin Lunt as signers on the account.*

14 MOTION: Mr. Wood moved, with Mr. Mooers seconding, entering into an account
 15 agreement with Bar Harbor Bank & Trust to open a new bank account to house capital
 16 projects bond proceeds with Jake Wright and Durlin Lunt as signers on the account, as
 17 presented.

18 Motion approved 4-0.

19
 20 *H. Authorize Jake Wright and Durlin Lunt to conduct business on behalf of the Town*
 21 *with Bar Harbor Trust Services*

22 MOTION: Mr. Wood moved, with Mr. Mooers seconding, authorizing Jake Wright and
 23 Durlin Lunt to conduct business on behalf of the Town with Bar Harbor Trust Services,
 24 as presented.

25 Motion approved 4-0.

26
 27 **X. Other Business**

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

29 There was no Other Business.
 30

31 **XI. Treasurer's Warrants**

32 *A. Approve & Sign Treasurer's Warrant as shown below:*

Town Invoices	AP#2271	06/07/2022	\$192,311.30
Total			\$192,311.30

33 MOTION: Mr. Wood moved, with Ms. Littlefield seconding, approval and signature of
 34 Treasurer's Warrant as shown above.

35 Motion approved 4-0.
 36

37 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants as shown*
 38 *below:*

State Fees & PR Benefits	AP#2267	05/18/2022	\$13,658.04
	AP#2269	05/25/2022	\$86,182.84
Town Payroll	PR#2228	05/27/2022	\$130,023.98
Total			\$229,864.86

1 MOTION: Mr. Wood moved, with Mr. Mooers seconding, approval of Signed Treasurer's
2 Payroll, State Fees, & PR Benefit Warrants as shown above.
3 Motion approved 3-0-1 (Littlefield in Abstention).
4

5 *C. Acknowledge Treasurer's School Board AP/Payroll Warrants as shown below:*

School Invoices	#15	06/01/2022	\$76,069.36
	#24	05/27/2022	\$176,136.18
Total			\$252,205.54

6 MOTION: Mr. Mooers moved, with Mr. Wood seconding, acknowledgement of Treasurer's
7 School Board AP/Payroll Warrants as shown above.
8 Motion approved 4-0.
9

Grand Total			\$674,381.70
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10

11 **XII. Adjournment**

12 MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, to adjourn.
13 Motion approved 4-0.

14

15 The Meeting adjourned at 7:18PM.

16

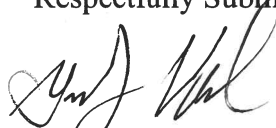
17 Respectfully Submitted,

18

19

20

21



Geoff Wood