

Town of Mount Desert  
Board of Selectmen  
Meeting Minutes  
June 21, 2022

Selectboard Members Present: Chair John Macauley, Rick Mooers, Martha Dudman, Geoff Wood, Wendy Littlefield

Town Officials Present: Town Clerk Claire Woolfolk, Finance Director Jake Wright, Tax Assessor Kyle Avila, Town Manager Durlin Lunt, CEO Kimberly Keene, Public Works Director Tony Smith

Members of the public were also present.

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

Chair Macauley called the meeting to order.

**II. Minutes**

*A. Approval of minutes from June 6, 2022 meeting*

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, approval of the Minutes of June 6, 2022 as presented.

Motion approved 4-0-1 (Dudman in Abstention).

**III. Appointments/Recognitions/Resignations**

None presented

**IV. 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. Treasurer's Report: 2022 Quarter 1 Cash Position Report, unaudited*

*B. Notification and successful resolution of a Letter of Warning from the DEP in reference to a sanitary sewer overflow (SSO) that occurred on April 19th, 2022 at the Gilpatrick Cove pump station on Shore Road in Northeast Harbor*

*C. Chamber of Commerce 2022 Agreement (Term July 1, 2022--June 30, 2023)*

*D. Neighborhood House 2022 Agreement (Term July 1, 2022--June 30, 2023)*

*E. Ticket Booth Sales 2022 Agreements (Term July 1, 2022--June 30, 2023)*

*F. Selectmen Meeting Schedule 2022-2023*

*G. Holiday Schedule 2022-2023*

*H. Hancock County Commissioners Special Meeting Minutes of May 17, 2022*

*I. Bypass Notice – Municipal Waste (Residential), Coastal Resources of Maine; June 9, 2022*

*J. MRC – Update on Facility Sale*

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, acceptance of the Consent Agenda, as presented.

Motion approved 5-0.

**V. Selectmen's Reports**

None presented.

**VI. Unfinished Business**

*A. Discussion of Main Street, Northeast Harbor sidewalk usage*  
Town Manager Lunt thanked CEO Keene for her work.

CEO Keene reported on a request for 4 benches and 2 umbrellas to be placed in front of the new MDI365/College of the Atlantic (COA) building on Main St. Additionally, a restaurant on Main St., was sent an email requesting they remove their tables. The tables are now gone.

With regard to the request from the COA building, benches would be acceptable if they were set up against the building. Umbrellas are not acceptable. Perhaps they would consider an awning as a reasonable alternative.

Mr. Wood felt the width of the sidewalk should not be relevant to the issue of items on the sidewalk. Benches or planters up against buildings, that are not used for conducting business are acceptable.

CEO Keene noted that the sidewalk across the street is narrower. There are some benches in front of a business on that side, but pedestrians are still able to pass. Regarding items for sale on the sidewalk, CEO Keene noted the Ordinance states sales must take place inside the building. The Board must determine if merchandise on the sidewalk is considered part of the sales process. Otherwise, a business should not be singled out for what they have on the sidewalk, provided the placement abides by the rules set.

Public Works Director Smith stated that ADA rules require a minimum of 32 inches, plus curb space be maintained and kept clear for pedestrian traffic.

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

The Board agreed to sign the letter.

*C. Annual Board and Committee Appointment, amended*

Clerk Woolfolk noted there were some inaccurate dates and a few people were inadvertently omitted from the previously approved Board and Committee Appointments. She presented a revised slate for approval. The slate includes only those up for reappointment.

MOTION: Mr. Wood moved, with Mr. Mooers seconding, acceptance of the slate of Annual Board and Committee Appointments, as amended.  
Motion approved 5-0.

D. *Authorize allocation of ARPA funds to cover employer-side payroll costs in the amount of \$10,574.85 associated with premium payments in the amounts of \$57,381.35 and \$1,998.93 authorized on 4/4/22 and 4/19/22, respectively*

MOTION: Mr. Mooers moved, with Mr. Wood seconding, authorization of the ARPA funds to cover employer-side payroll costs in the amount of \$10,574.85 associated with premium payments in the amounts of \$57,381.35 and \$1,998.93 authorized on 4/4/22 and 4/19/22, respectively, as presented.

Motion approved 4-0-1 (Littlefield in Abstention).

## VII. **New Business**

A. *Public Space Special Event Application – Qigong Class for Seniors - Suminsby Park; Mondays, June and July, 2022 9am – 10pm; Susan Sassaman*

Clerk Woolfolk reported that Ms. Sassaman is aware of an event on July 11 in Suminsby Park.

Instructor Susan Sassaman reported that 20 people was the highest potential participants. The number of attendees will likely be lower much of the time.

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of Public Space Special Event Application – Qigong Class for Seniors - Suminsby Park; Mondays, June and July, 2022 9am – 10pm; Susan Sassaman, as presented.

Motion approved 5-0.

B. *Public Space Special Event Application – Wedding Vow Exchange – Seal Harbor Village Green; September 4, 2022 2:30 – 5:30pm; Christopher Strout*

Mr. Wood inquired about the proposed attendance of 100 guests. It was noted that parking can be difficult for those attending, but events with this many guests have been held there before. The event is scheduled for Sunday of the Labor Day Weekend.

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, approval of Public Space Special Event Application – Wedding Vow Exchange – Seal Harbor Village Green; September 4, 2022 2:30 – 5:30pm; Christopher Strout, as presented.

Motion approved 5-0.

C. *Dobbs Productions Inc. Request to Use Public Access Channel 1301 for summer 2022 and winter 2023*

MOTION: Mr. Wood moved, with Mr. Mooers seconding, approval of Dobbs Productions Inc. Request to Use Public Access Channel 1301 for summer 2022 and winter 2023, as presented.

Motion approved 5-0.

D. *As described in Public Works Director Tony Smiths June 16, 2022 memo to Town Manager Durlin Lunt, consideration of purchasing our estimated need of 1,700 tons of road salt for FY-23 from New England Salt at a price of \$75.00 per ton*

It was noted the price is up by 50% from previous years.

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval for purchasing an estimated need of 1,700 tons of road salt for FY-23 from New England Salt at a price of \$75.00 per ton described in Public Works Director Tony Smiths June 16, 2022 memo to Town Manager Durlin Lunt, as presented.

Motion approved 5-0.

*E. Consideration of Public Works Director Tony Smith's request for Selectboard authorization to solicit competitive bids for the purchase of a new model year 2024 dump/plow truck, dump body and associated plow equipment for the Highways Division of the Public Works Department as described in his June 16, 2022 memo to Town Manager Durlin Lunt*

It was confirmed this was consistent with the CIP. There are no electric options for this piece of equipment.

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of Public Works Director Tony Smith's request for Selectboard authorization to solicit competitive bids for the purchase of a new model year 2024 dump/plow truck, dump body and associated plow equipment for the Highways Division of the Public Works Department as described in his June 16, 2022 memo to Town Manager Durlin Lunt, as presented.

Motion approved 5-0.

*F. Authorize pay increase for Heidi Smallidge from \$13.50 to \$15.00 an hour to be effective 7/1/22*

MOTION: Ms. Dudman moved, with Mr. Wood seconding, authorization of pay increase for Heidi Smallidge from \$13.50 to \$15.00 an hour to be effective 7/1/22, as presented.

Motion approved 5-0.

*G. Review and consider adopting expense reimbursement policy*

The reimbursement policy would apply to employees and elected officials on official Town business. Finance Director Wright reported that Town vehicles are used for travel when deemed appropriate and applicable. Those using a Town vehicle for travel are not reimbursed for mileage.

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, adoption of the expense reimbursement policy, as presented.

Motion approved 5-0.

*H. Authorize the allocation of \$57.19 from the expendable income balance of the Frank F. Stanley Trust to the Mount Desert Elementary School departmental budget to offset costs associated with the care, maintenance, and improvement of the infield of the Frank F. Stanley Athletic Field*

MOTION: Mr. Wood moved, with Mr. Mooers seconding, authorization of the allocation of \$57.19 from the expendable income balance of the Frank F. Stanley Trust to the Mount Desert Elementary School departmental budget to offset costs associated with

the care, maintenance, and improvement of the infield of the Frank F. Stanley Athletic Field, as presented.  
Motion approved 5-0.

*I. Authorize transfer of \$2,000,000 from the Town's First National Bank Money Market Account to the Town's operating account to ensure adequate cashflow*

Director Wright noted this was a recommendation from the Investment Committee. The operating account will be with Bar Harbor Bank and Trust.

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, authorization of transfer of \$2,000,000 from the Town's First National Bank Money Market Account to the Town's operating account to ensure adequate cashflow, as presented.  
Motion approved 4-0-1 (Dudman in Abstention).

*J. Accept and authorize CRP grant funds received for the installation of 2 charging stations*

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, acceptance and authorization of CRP grant funds received for the installation of 2 charging stations, as presented.  
Motion approved 5-0.

*K. Accept and authorize CRP grant funds received for the engagement of ACTT in our Climate Ambassadors Program*

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, acceptance and authorization of CRP grant funds received for the engagement of ACTT in our Climate Ambassadors Program, as presented.  
Motion approved 5-0.

*L. Vote to authorize the expenditure of funds (approx. \$2,000) for the ICLEI collaborative membership shared with Tremont and Bar Harbor, which will allow access to a software platform for gathering, curating and analyzing municipal carbon output data*

There is a line item in the Public Works budget for sustainability that can be used as a funding source for these funds.

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, authorization of the expenditure of funds (approx. \$2,000) for the ICLEI collaborative membership shared with Tremont and Bar Harbor, which will allow access to a software platform for gathering, curating and analyzing municipal carbon output data, as presented.  
Motion approved 5-0.

*M. Vote to authorize the Climate Action Task Force to pursue the NEH Elementary School as a possibility for our next energy audit*

Mr. Wood reported he's been in touch and the school has confirmed the audit can happen upon approval. The table is set and ready for the meal, so to speak.

Director Smith noted it has not been decided who will conduct the energy audit.

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, to authorize the Climate Action Task Force to pursue the NEH Elementary School as a possibility for our next energy audit, as presented.

Motion approved 5-0.

**VIII. Other Business** (*Addendum items may be considered at the Selectboard's discretion via majority vote to do so under Other Business or out of order.*)

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

ANP Advisory Commission Representative Kendell Davis reported that the Advisory Commission would like the Town and Acadia National Park to work on reconciliation prior to coming to the next commission meeting, on the issues of the lot size at Otter Cove for the public landing, and the public water for the fish house on the outer cove. The commission urges the Town and Park to come together to reconcile on these two matters before returning.

Engineering of the site, including a layout of what is anticipated for needs versus development, and a complete engineering study survey of the site, as well what might be obtained for additional property would be seen by the Park as a good-faith effort toward moving forward.

Mr. Davis agreed that Manager Lunt should set up some meetings toward this end. Additionally, Town officials like CEO Keene and Director Smith were mentioned as people the Park would like to have involved.

Director Smith believed discussion of public water should include the Water District. Mr. Davis noted that public regulation of the water supply is not as easily advanced as the possibility of expansion of the public town landing. Regulation requires the Water District to acquire the complete line and infrastructure that Acadia is currently maintaining. It would require an easement through the park to the fish house. He felt it an unlikely venture.

Director Smith argued that the issues of land expansion and public water are exclusive of each other. Director Smith reiterated the Water District should be part of the discussions.

With regard to a survey for the landing, some of that work was done when the pier was built. Director Smith can reach out to the engineering firm that did the design work and see what further work is necessary.

Mr. Davis reported that the Park would like a survey that includes the surrounding area, and they'd like to know what specific work the Town requires to complete the task of additional parking and accessibility at the landing, as well as the cost. The Park would feel more secure knowing the goal is attainable. Director Smith clarified that the width is dictated by the 15-foot easement. To create parking would be extremely expensive. It would involve review of ordinances and regulations.

Chair Macauley directed Director Smith to follow up with the engineer.

Chair Macauley asked what the quid pro quo for such a task would be. Mr. Davis reported the Park wants property that could be used in a land swap; the Aid Society's Fish House, or whole ownership of the lot with the easement on it on the outer cove. Neither is Town-owned. It would require the Aid Society to be willing to engage in a land swap. Mr. Davis added that there are always other properties the Park might be interested in; if something else were to come up that was on their acquisition list, it would be considered.

Chair Macauley hoped to avoid past discussions of the same lots considered and the same impasse. Mr. Davis believed coming together was a good first step.

Director Smith felt turn-around space for loading and offloading boats and parking for a small number of cars was what people were looking for. Mr. Davis argued that along with such things come issues such as vagrancy, drinking, loitering, and law enforcement. He's heard from community members that have questioned such use.

Ms. Dudman pointed out that any such changes must be approved at Town Meeting.

Director Smith encouraged Selectboard members to look at the site to get a full understanding of what is being discussed.

The Board thanked Mr. Davis for his report.

MD365 Director Kathy Miller noted she'd prepared a memo from the Broadband Committee regarding a proposal from Casco Bay Advisors to take the Town to the next level of talk with Spectrum. She requested discussion of the report be added to a future agenda. Casco Bay Advisors has completed the Board-approved project of conducting a house-by-house inventory of cable, fiber, and DSL use. The Town now has a picture of what exists and where there are gaps. The next step is to discuss with Consolidated the possibility of fiber to premises and what that would look like. It will likely take a public-private partnership. Such action can't take place before the new fiscal year. It was agreed to get the item on the next agenda.

## IX. Treasurer's Warrants

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

Town Invoices	AP#2275	06/22/2022	\$388,222.56
	AP#2301	07/01/2022	\$720,483.70
<b>Total</b>			<b>\$1,108,706.26</b>

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

Motion approved 5-0

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

State Fees & PR Benefits	AP#2270	06/02/2022	\$5,933.18
	AP#2273	06/08/2022	\$56,163.84
	AP#2274	06/15/2022	\$4,820.54
Town Payroll	PR#2229	06/10/2022	\$132,942.36
<b>Total</b>			<b>\$199,859.92</b>

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

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

School Payroll	#25	06/10/2022	\$122,442.52
<b>Total</b>			<b>\$122,442.52</b>

MOTION: Ms. Dudman moved, with Mr. Wood seconding, acknowledgement of Treasurer's School Board AP/Payroll Warrants as shown above.  
 Motion approved 5-0.

<b>Grand Total</b>			<b>\$1,431,008.70</b>
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**X. Adjournment**

MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, to adjourn the meeting.  
 Motion approved 5-0.

The Meeting was adjourned at 7:15PM.

Respectfully submitted,



Geoff Wood