

Town of Mount Desert  
Board of Selectmen  
Meeting Minutes  
August 15, 2022

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

Selectboard Member Geoff Wood was not in attendance.

Town Officials Present: Town Manager Durlin Lunt, Town Clerk Claire Woolfolk, Tax Assessor Kyle Avila, Finance Director Jake Wright, Fire Chief Mike Bender, Police Captain Dave Kerns, Public Works Director Tony Smith, Harbormaster John Lemoine

Members of the public were also present.

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

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

**II. Minutes**

*A. Approval of minutes from August 1, 2022 meeting*

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of the August 1 2022 Minutes as presented.

Motion approved 3-0-1 (Littlefield in Abstention).

**III. Appointments/Recognitions/Resignations**

None presented.

**IV. Consent Agenda**

*A. Department Reports: Wastewater*

*B. Route 198 Somesville School Zone Speed Feedback Package*

*C. Thank you letters: Eagle's Nest Clubhouse, Island Connections, Island Housing Trust, Lifelight Foundation, Mount Desert Nursing Association, and WIC Program*

*D. MDI Hospital & Mount Desert Medical Center Partnership to Provide Year-Round Healthcare Services in Northeast Harbor*

*E. Municipal Solid Waste will continue to bypass residential and municipal waste to Juniper Ridge Landfill in Oldtown from August 1, 2022 until August 7, 2022 due to a recent fire at PERC, the damage from which is still being assessed and repaired and due to Coastal Resources of Maine inability to process incoming waste due to suspension of operations as the result of contractual issues with key counterparties*

*F. A change in municipal solid waste bypass location from the Juniper Ridge landfill to PERC due to PERC being operational once again following repair of damages they incurred from a fire they experienced in July 2022*

*G. Hancock County Commissioners Special Meeting Minutes of July 19, 2022*

- H. *Hancock County Commissioners Caucus Warrant: Election of one member of the public or municipal officer to serve a three-year term on the budget advisory committee*
- I. *MRC Receives MTI Grant and an Update from Revere Capital Advisors, MRC's partner in reopening the Hampden solid waste processing facility*
- J. *Judge Approves Sale of the Hampden solid waste handling facility to the MRC*
- K. *The MRC is now the owner of the Hampden solid waste processing facility following the Court's approval of the sale the week of August 1, 2022 and execution of the required paperwork to officially own the plant*

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

Public Works Director Smith noted Item B of the Consent Agenda was an update from the DOT on when the materials pertinent to the Route 198 Somesville School Zone Speed could be picked up. The DigSafe process was explained.

Motion approved 4-0.

#### **V. Selectmen's Reports**

Ms. Dudman inquired about whether the Water Company is testing for PFAS in the system. Town Manager Lunt reported that the Water Company tests the water on a regular basis. He was confident that such a finding would be reported to the Town.

#### **VI. Unfinished Business**

##### *A. Garden Club of Mount Desert Marina Landscaping plan*

Garden Club members Ellie Andrews and Anne Judd presented the landscaping plan. The Garden Club was approached by the Town to create such a plan as a vision to be used for those occasions when a request for a memorial installation is made. This plan can be used to guide the types of memorial installations made in a way that fits with a cohesive look. The work done so far was budgeted and paid for by the Garden Club. The project includes shade trees and low maintenance, drought-resistant native plantings along the perimeter of the area. Stone and benches will be installed. A drip irrigation system can be modified to assist with watering until the trees are established. The watering system can be extended to any new planting beds. The project is intended to be a gradual process. The Garden Club has some funds to begin the project, and perhaps other groups might be willing to partner on the expense.

The Harbor Committee has not had the chance to see or discuss the project as a group; they would like the opportunity to do so prior to any approval being given on the project. The Harbor is concerned about open space for events. They likely would not be able to discuss the plan until October.

Ms. Andrews noted the pathway down the middle of the green space is proposed to be moved, creating a larger open space area. Director Smith noted the pathway was placed where pedestrian traffic was walking. He suggested it could be replaced with a softer material like stone dust.

Ms. Littlefield suggested including the Farmer's Market coordinators in discussions as well.

Director Smith shared that compaction is occurring on the marina green. It might be wise to have an engineer look at the situation. Mr. Mooers noted the green area is dredged land. It might be worth taking core samples throughout the area. Director Smith agreed. Problem areas can be stabilized.

The tree currently in the greenspace will likely be replaced. Harbor Committee Member James Bright felt that if the trees grow tall enough to block the view, nearby residents will be upset.

It was agreed to revisit discussion once the Harbor Committee's had a chance to review and comment.

*B. Consideration of purchasing a new dump body, hopper sander and plow equipment from Viking Cives and have them install it on our new 2024 International cab and chassis at their bid price of \$109,909.00.*

MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, purchasing a new dump body, hopper sander and plow equipment from Viking Cives and have them install it on the new 2024 International cab and chassis at their bid price of \$109,909.00, as presented.

Motion approved 4-0.

*C. Consideration of using funds from the Public Works Equipment Reserve account number 4050100-24500 with a current unencumbered balance of \$328,121.21 leaving \$218,212.21 in the account if we are authorized to make this purchase from this account.*

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, using funds from the Public Works Equipment Reserve account number 4050100-24500 with a current unencumbered balance of \$328,121.21 leaving \$218,212.21 in the account if authorized to make this purchase from the account, as presented.

Motion approved 4-0.

*D. Authorize Public Works Director Tony Smith to execute any and all documents to facilitate the purchase of the new dump body, hopper sander and plow equipment from Viking Cives.*

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, authorizing Public Works Director Tony Smith to execute any and all documents to facilitate the purchase of the new dump body, hopper sander and plow equipment from Viking Cives, as presented.

Motion approved 4-0.

## **VII. New Business**

*A. Public Space Special Event Application – Coast Guard Picnic – Northeast Harbor Village Green; Thursday, August 31, 2022 9am-1pm; Jarrod Kushla*

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of Public Space Special Event Application – Coast Guard Picnic – Northeast Harbor Village Green; Thursday, August 31, 2022 9am-1pm; Jarrod Kushla, as presented.  
Motion approved 4-0.

*B. Consideration of Community Skating Rink*

Manager Lunt referred to memos sent to the Board. He's been in touch with the Town's insurer regarding liability. Things to consider include:

- Safety signage, and perhaps requiring waivers
- Posted hours
- Checking rink conditions daily
- Prohibiting hockey
- Considering revamping the posts on the court that are permanently in place
- Maintenance and setup would have to be planned
- The Town would have to determine snow removal priorities during a snow event

The Town does not require waivers for pool use. Using the tennis court area as a rink would mean any water would not be deep and would likely not need a daily ice condition check. There may be other venues in Town to consider for an ice rink. The Neighborhood House did not believe they could take on ice rink management at this time, but resident Erika Wibby Mitchell agreed to revisit the question with them. She noted there is a list of people willing to help with maintenance. She's been in touch with a company creating impervious membranes for rinks. This would help protect the courts. Nevertheless, this may hasten the need for court resurfacing.

Director Smith suggested other exits for snow removal.

MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, to accept the concept of a community skating rink, support the efforts being made, and assist with addressing issues as they arise.  
Motion approved 4-0.

*C. Request approval of the purchase and trade-in of a Police Department Cruiser for a net price of \$28,070.00 to be funded through the Police Equipment Vehicle line, #14400110-57200 which has a current balance of \$45,000*

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, approval of the purchase and trade-in of a Police Department Cruiser for a net price of \$28,070.00 to be funded through the Police Equipment Vehicle line, #14400110-57200 which has a current balance of \$45,000.00, as presented.  
Motion approved 4-0.

*D. Request authorization to award the construction of (2) 60' aluminum ramps for the North and Public Dock entrances to Chalmers Enterprises LLC for \$71,500.00 from the Northeast Harbor CIP #6410100-24680 with a balance of \$99,671.34*

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, authorization to award the construction of two 60' aluminum ramps for the North and Public Dock

entrances to Chalmers Enterprises LLC for \$71,500.00 from the Northeast Harbor CIP #6410100-24680 with a balance of \$99,671.34, as presented.  
Motion approved 4-0.

- E. *Authorize Harbormaster John Lemoine to execute any and all documents to facilitate the contract for the construction of (2) 60' aluminum ramps for the North and Public Dock entrances*

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, authorizing Harbormaster John Lemoine to execute any and all documents to facilitate the contract for the construction of two 60' aluminum ramps for the North and Public Dock entrances, as presented.  
Motion approved 4-0.

- F. *Office closure for Clerk's Networking Day, September 15, 2022*

Manager Lunt noted this was a Clerk's event. Other services at the Town Office would be able to occur.

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, approval of office closure for Clerk's Networking Day, September 15, 2022, as presented, and with congratulations to Clerk Jennifer Buchanan on her lifetime certification.  
Motion approved 4-0.

- G. *Consideration of authorizing Town Manager, Durlin Lunt, to negotiate and enter into a lease agreement with the Mount Desert Island High School of the 80-kW generator described in memo from Public Works Director, Tony Smith and Finance Director Jake Wright dated August 11, 2022, for a lease term ending on May 31, 2023, in exchange for \$1 in consideration. Said lease agreement will not include a purchase option but will otherwise contain such terms and conditions as the Town Manager deems appropriate*

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, authorizing Town Manager, Durlin Lunt, to negotiate and enter into a lease agreement with the Mount Desert Island High School of the 80-kW generator described in memo from Public Works Director, Tony Smith and Finance Director Jake Wright dated August 11, 2022, for a lease term ending on May 31, 2023, in exchange for \$1 in consideration. Said lease agreement will not include a purchase option but will otherwise contain such terms and conditions as the Town Manager deems appropriate, as presented.

Ms. Dudman inquired about the \$1 amount for the year's lease agreement. The school charges the Town for their service. She voiced concern that Town would not be receiving fair value in exchange for leasing the generator and inquired as to what the generator would lease for in the open market.

Director Smith agreed to check on the cost of a lease. He estimated the generator's worth at approximately \$10,000 - \$15,000. The Town has approximately \$6,000.00 invested in various modifications for the generator. The cost of a new generator is currently estimated at \$55,000 to \$75,000. The School's Board of Trustees have authorized up to \$60,000.00 for the purchase of a new generator.

Finance Director Wright explained that the generator is over 20 years old and fully depreciated. Because the Town is estimating market value of the generator at over \$10,000, it's unclear whether the Board has the authority to authorize disposal, making selling it impossible at this time. The Town can do a market-based lease, but many variables would need to be settled, such as a discount rate, lease term, and implied market value. The nominal lease agreement represented the most efficient means of resolving the immediate problem facing the High School, of which the Town has a vested interest in resolution. The nominal lease term proposed allows for longer-term solutions to be discussed and acted upon in the future.

Additionally, a lease of this type keeps the school's budgeted costs from rising, which ultimately affects the Town. Selling to the school could result in increasing the school budget. Director Smith noted there are many steps involved to the process, including purchasing equipment and digging a trench. It would be beneficial to get an approval now, so the process can start.

Motion approved 3-1 (Dudman opposed).

- H. *Consideration of retaining the services of MCM Electric to furnish and install a new utility pole to Versant standards on Gilpatrick Lane and to install a new LED streetlight provided to them by us on the pole at a lump sum cost of \$2,700.00.*

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, retaining the services of MCM Electric to furnish and install a new utility pole to Versant standards on Gilpatrick Lane and to install a new LED streetlight provided to them by the Town at a lump sum cost of \$2,700.00, as presented.

Motion approved 4-0.

- I. *Consideration of authorizing the use of remaining bond funds from the 2017-2018 LED project Account Number 3000035-57710 with a current balance of \$34,956.92 to pay for the pole and streetlight work leaving a bond balance of \$32,256.92 if this purchase is made as described.*

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, authorizing the use of remaining bond funds from the 2017-2018 LED project Account Number 3000035-57710 with a current balance of \$34,956.92 to pay for the pole and streetlight work leaving a bond balance of \$32,256.92 if this purchase is made as described, as presented.

Motion approved 4-0.

- J. *Authorize Public Works Director Tony Smith to execute any and all documents to facilitate the pole and streetlight installation as needed, including but not necessarily limited to, Versant and MCM Electric.*

MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, authorizing Public Works Director Tony Smith to execute any and all documents to facilitate the pole and streetlight installation as needed, including but not necessarily limited to, Versant and MCM Electric as presented.

Motion approved 4-0.

- K. Consideration to authorize the Fire Chief to sign and execute a Professional Services Agreement with the Jackson Laboratory that provides one off-duty Mount Desert Fire Department. staff member for an outside detail on August 25, 2022, under the terms and conditions outlined in the Agreement

Chief Bender explained the Jackson Laboratory will pay the Town for the service. It will cost the Town nothing.

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, authorizing the Fire Chief to sign and execute a Professional Services Agreement with the Jackson Laboratory that provides one off-duty Mount Desert Fire Department. staff member for an outside detail on August 25, 2022, under the terms and conditions outlined in the Agreement, as presented.  
 Motion approved 4-0.

**VIII. Other Business**

- A. Such other business as may be legally conducted  
 None presented.

**IX. Treasurer's Warrants**

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

Town Invoices	AP#2312	08/16/22	\$533,939.66
<b>Total</b>			<b>\$533,939.66</b>

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval and signature of the Treasurer's Warrant as shown above.  
 Motion approved 4-0.

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

State Fees & PR Benefits	AP#2310	08/03/22	\$24,597.20
	AP#2311	08/10/22	\$41,777.65
Town Payroll	PR#2303	08/05/22	\$157,131.24
<b>Total</b>			<b>\$223,506.09</b>

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, approval of signed Treasurer's Payroll, State Fees, and PR Benefit Warrants as shown above.  
 Motion approved 3-0-1 (Littlefield in abstention).

- C. Acknowledge Treasurer's Town Voided Disbursements & School Board AP/Payroll Warrants as shown below:

School Payroll	PR#3	08/05/22	\$71,433.44
School Invoices	AP#2	08/10/22	\$76,500.12
Voided Disbursements	V#2301	08/02/22	(\$3,000.00)
<b>Total</b>			<b>\$144,933.56</b>

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, acknowledgement of Treasurer's Town Voided Disbursements and School Board AP/Payroll Warrants as shown above.

Motion approved 4-0.

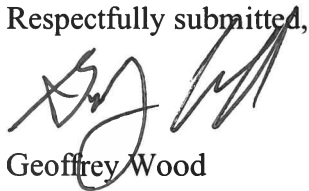
<b>Grand Total</b>			<b>\$902,379.31</b>
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**X. Adjournment**

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

The Meeting adjourned at 7:20PM.

Respectfully submitted,



Geoffrey Wood