

Town of Mount Desert
Board of Selectmen Meeting Minutes
October 17, 2022

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

Town Officials Present: Town Manager Durlin Lunt, Tax Assessor Kyle Avila, Public Works Director Tony Smith, Town Clerk Claire Woolfolk, Finance Director Jake Wright, Fire Chief Mike Bender

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

Chair Macauley called the Meeting to order at 6:30PM.

Chair Macauley introduced State Representative Lynne Williams and State Senator Nicole Grohoski.

Senator Grohoski presented and read to Town Manager Durlin Lunt and those in attendance an official Sentiment from the State Senate and House of Representatives. The Sentiment congratulated Manager Lunt and lauded his accomplishments in receiving the 2022 Manager of the Year Award from the Maine Town, City and County Management Association.

II. Minutes

A. Approval of minutes from October 3, 2022 meeting

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, approval of the October 3, 2022 Minutes as presented.

Motion approved 5-0.

III. Appointments/Recognitions/Resignations

A. Appointment of Carrie Eason as Warden for the November 8, 2022 State Election

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, appointment of Carrie Eason as Warden for the November 8, 2022 State Election, as presented and with thanks.

Motion approved 5-0.

B. Consideration of appointing Public Works Director Tony Smith to a part-time position with the Town to work for the Public Works Department, and others if requested to, as described in his October 13, 2022 memo to Town Manager Durlin Lunt in a non-eligible for benefits status and at a pay rate of \$55 per hour

Ms. Littlefield asked for more information. Manager Lunt confirmed Director Smith's support would be given when requested from the Wastewater Superintendent and the Highway Superintendent. The memo was drawn up in consultation with the superintendents. Manager Lunt recommended approval. Mr. Wood asked for

confirmation that this involved work only up to 15 hours per week. Manager Lunt noted he could approve more than 15 hours per week, not to exceed 40.

The search for a new Public Works Director was underway.

MOTION: Mr. Wood moved, with Ms. Dudman seconding, appointing Public Works Director Tony Smith to a part-time position with the Town to work for the Public Works Department, and others if requested to, as described in his October 13, 2022 memo to Town Manager Durlin Lunt in a non-eligible for benefits status and at a pay rate of \$55 per hour, as presented.
Motion approved 5-0.

C. Resignation of Samuel Shaw from the Village Center Planning Committee

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, acceptance of resignation of Samuel Shaw from the Village Center Planning Committee, with thanks.
Motion approved 5-0.

IV. Consent Agenda

- A. Utility Location Permit Application: In the village of Seal Harbor on Steamboat Wharf Road, beginning at a point approximately 100 feet south from Town pier entrance and extending in a southerly direction for a distance of 150 feet proposed water main extension, connection to sewer main, underground electrical construction 5' cover over water and sewer unless insulated, 3 feet cover electric.*
- B. Town of Mount Desert Community Development Meeting Minutes of September 23, 2022*
- C. Hancock County Commissioners Meeting Minutes of September 20, 2022*
- D. The report with the results of the "Municipal Garage Campus Energy Audit" dated August 31, 2022, prepared for the Town by RLC Engineering of Falmouth, Maine*
- E. Acadia Disposal District FY2022 Audit*
- F. The MRC hosted a virtual Town Hall on 10-12-22 to discuss the Fundamental Matters process, provided an update on the proposed partnership transaction with Revere Capital, and gave Members an opportunity for questions and comments*
- G. The Municipal Review Committee's (MRC) memo to MRC Members titled "Recapitalization of Hampden Facility: Notice of Fundamental Matters or Changes per MRC Bylaws" and the associated resolution titled "Board Resolution to Authorize Recapitalization and Restructuring of the Hampden Facility"*
- H. A continuance of bypassing MRC members trash to Juniper Ridge Landfill in Oldtown from October 17th until October 23rd due to PERC still processing its waste volume on the tipping floor to get it to where they can operate safely*

Town Manager Lunt suggested Item A be pulled out and voted on separately. Item VI.B addresses whether the Board wants to continue to allow the Town Manager to sign for permits of this type.

Public Works Director Smith noted that the Town Manager used to sign off on utility poles only. Utility Location Permits were usually presented to the Public Works Director who reviewed and presented them to the Board. Manager Lunt explained that during the covid meeting restrictions, the board authorized the Town Manager to sign off on these permits

because meetings became sporadic at that time. Manager Lunt reiterated that Item VI.B will address whether the Board wants to continue this way or change the policy. Director Smith felt it should return to the previous process of submittal made to the Public Works Director. This would allow the Director to meet with the applicant and review the application in the field.

Mr. Mooers pointed out that the permit on the agenda was signed by the Town Manager the week prior. It was reiterated that discussion would be held regarding whether to change the policy back in Item VI.B.

It was agreed to vote the Consent Agenda without a separate vote on Item A.

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

Ms. Dudman reported that the Community Development Corporation Minutes lists her as a voting member. She is not. She would talk to the group to clarify with them.

Mr. Mooers inquired about Item D of the Consent Agenda. He asked if the entire Municipal Garage operation was on Town sewer. Director Smith stated the garage is on a septic system.

Motion approved 5-0.

V. Selectmen's Reports

Ms. Dudman reported receiving a complaint about downtown parking. She was told employees are parking on Main Street in front of their workplace, blocking Main Street for others' use. Additionally, the two-hour parking limit is not being enforced.

Ms. Littlefield reported receiving several complaints about parking at the fleet this summer. Despite the No Parking signs in place, cars are parked there on a daily basis. It was suggested that issuing traffic tickets in the area might help alleviate the problem.

Mr. Wood reported that traffic in Somesville during the marathon was southbound only for several hours. He hoped signs could be used to indicate that kind of traffic pattern change in the future.

VI. Unfinished Business

A. Third Party Request policy and procedure

Mr. Mooers reported on the policy and procedure draft. The policy committee identified three requesting groups that perhaps belonged outside of the third-party request process. Those groups are Neighborhood House, Island Explorer, and the libraries. These groups request a substantial amount each year, and it might be better to include them as General Services line items in the administrative budget. They could appear before the Board as Department Heads do.

Other aspects of the policy so far include:

- The Town Office will no longer send follow up reminders to groups that received applications.
- This year applications would be mailed out to those who received funds last year, with a clear message stating that this is the last year the application will be mailed. The application can be downloaded from the website moving forward.
- Funding will be prioritized based on specific criteria. This will allow the Town to fund at different levels based on stated priorities.
- Those requesting funds must attend one of the meetings to present their request.
- Asking for funds is no guarantee that funds will be received.

Ms. Dudman noted the request amount has grown in past years. The committee discussed the possibility of setting an overall cap on the amount the Town is able to distribute. If the requests exceed a set amount, then the Town can decide either to deny some requests, or to fund all requests at a lower amount.

Mr. Wood suggested changing the term “residents of Mount Desert” to “Town of Mount Desert”. There are some third-party requesters that may be confused by the term “residents of Mount Desert”. Clerk Woolfolk agreed to make those changes.

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, to approve the Third Party Request policy and procedure as presented and amended.
Motion approved 5-0.

B. Authorize Town Manager Durlin Lunt to continue to execute utility location and pole permits on behalf of the selectboard

Town Manager Lunt suggested the Board amend the request to just “pole permits”. Utility location permits can then be done by the Public Works Director or their designee.

Ms. Dudman recalled previous discussions regarding poles in Town. Allowing both utility location and pole permits to come before the Board via Public Works would give residents the opportunity to learn about the work planned. Mr. Mooers mentioned the trench proposed for Steamboat Wharf Road, and whether neighbors are aware of what is planned. He’d like to see such applications come before the Board for approval before they’re signed. With regard to poles, Versant knows where the poles are needed, and the Town provides approval when they are within the Town’s Right of Way.

Director Smith explained poles are typically signed off on by the Town Manager. They are usually replaced when one becomes an issue. Location permits for burying utilities are his concern. Currently the Town Manager is authorized to do both.

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, to authorize Town Manager Durlin Lunt to continue to execute pole permits on behalf of the Selectboard.
Motion approved 5-0.

C. *Public Work's Director Tony Smith's written summary of Versant Powers invoice for the Northeast Harbor Main Street Improvement project relative to our project budget*
Director Smith noted the invoice received from Versant is \$300,000 to \$400,000 more than was quoted. He shared the invoice with the Board, pointing out that there is no description or explanation for the cost increase. Director Smith instructed Engineer Haley Ward to let Versant know he will not authorize such a payment without justification for the cost increase. He reported that Haley Ward asked during the project for cost updates from Versant.

Changes to the project include poles on Main Street that were required to be moved around a new building. Additionally, lines were run on Sea Street to get lines to and across the Gray Cow parking lot to the Seacoast Mission building. Director Smith hoped that perhaps the Seacoast Mission work was incorrectly billed to the Town of Mount Desert. As of the end of last week, Haley Ward has not heard from Versant.

MOTION: Mr. Wood moved, with Ms. Littlefield seconding, acknowledgement of Public Work's Director Tony Smith's written summary of Versant Powers invoice for the Northeast Harbor Main Street Improvement project relative to our project budget. Motion approved 5-0.

VII. **New Business**

A. *Consideration of authorizing the use of \$23,800 from the Wastewater Capital Reserve Account #4050500-24501 with a current balance of approximately \$103,347 and, \$25,000 from the FY-23 appropriations budget line Sewer Inspection Services #1550552-54530 for a total amount of \$48,800 to fund the third year of Vortex Company's five-year plan to video inspect the Town's sanitary sewer collection system*

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, authorizing the use of \$23,800 from the Wastewater Capital Reserve Account #4050500-24501 with a current balance of approximately \$103,347 and, \$25,000 from the FY-23 appropriations budget line Sewer Inspection Services #1550552-54530 for a total amount of \$48,800 to fund the third year of Vortex Company's five-year plan to video inspect the Town's sanitary sewer collection system, as presented.

Mr. Wood inquired about the payment schedule. Will there be funds available to cover the final stage and has the work provided any useful information.

Director Smith reported the amount is requested each fiscal year as part of the budget. Good information is being received. The work was strongly suggested by the DEP and the Town's insurance company.

Motion approved 5-0.

B. *Authorize soliciting quotes/bids from financial institutions for potential investment vehicles including, but not limited to, treasury notes and certificates of deposit for consideration by the Investment Committee for possible reallocation recommendation(s)*

MOTION: Mr. Wood moved, with Ms. Dudman seconding, authorization of soliciting quotes/bids from financial institutions for potential investment vehicles including, but not limited to, treasury notes and certificates of deposit for consideration by the Investment Committee for possible reallocation recommendation(s), as presented.

Finance Director Jake Wright explained that rates are going up, which could impact the Town's allocation of funds not currently needed at the moment. Director Wright hopes to solicit different financial institutions to determine what other offers are available for Finance Committee review. Should an offer prove beneficial to the Town, it would be brought back to the Board for review.

Motion approved 5-0.

C. Consideration of entering into an Employee Lease Agreement with the Town of Bar Harbor to provide a leased employee, specifically Bar Harbor's Deputy Fire Chief, to Mount Desert to assist in managing Mount Desert Fire's EMS Division

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, entering into an Employee Lease Agreement with the Town of Bar Harbor to provide a leased employee, specifically Bar Harbor's Deputy Fire Chief, to Mount Desert to assist in managing Mount Desert Fire's EMS Division, as presented.

Fire Chief Mike Bender reported that a job description and an employee lease agreement have been drafted. The position will be largely in charge of EMS.

Motion approved 5-0.

D. Authorize Town Manager Durlin Lunt to execute any and all documents to facilitate the Employee Lease Agreement for a shared Deputy Fire Chief between the Town of Bar Harbor and the Town of Mount Desert

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, authorizing Town Manager Durlin Lunt to execute any and all documents to facilitate the Employee Lease Agreement for a shared Deputy Fire Chief between the Town of Bar Harbor and the Town of Mount Desert, as presented.

Motion approved 5-0.

E. Consideration of retaining the services of GF Johnson & Associates as described in their proposal to the Town dated October 12, 2022 to provide professional services for the preparation of a feasibility study at a cost of \$15,800 of putting a turnaround at the Otter Creek Landing and, authorizing Public Works Director Tony Smith to execute an agreement with GF Johnson & Associates on behalf of the Town to provide these services

MOTION: Ms. Littlefield moved, with Mr. Mooers seconding, retaining the services of GF Johnson & Associates as described in their proposal to the Town dated October 12, 2022 to provide professional services for the preparation of a feasibility study at a cost of \$15,800 of putting a turnaround at the Otter Creek Landing and, authorizing Public Works Director Tony Smith to execute an agreement with GF Johnson & Associates on behalf of the Town to provide these services, as presented.

Ms. Dudman asked about the support of this project by Otter Creek residents. Chair Macauley noted the residents are not unanimously in favor of the project. Many would like a landing there. Engineering is necessary to do any work in that area. The potential for a kayak launch pad there is not unanimously supported by area residents.

Mr. Mooers noted the issue has been discussed for years. The Park is not inclined to do any infrastructure work there. An engineering study to determine what can be done there is likely worth the funding. If a study reveals that it's not feasible, the Town will be free from further consideration of the issue.

Motion approved 5-0.

VIII. Other Business

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

Manager Lunt reported that at the last meeting the Board requested an update on the status of short-term rental work the LUZO Advisory Committee is working on. Noel Musson was present to provide an update.

Mr. Musson reported that the LUZO Advisory Committee has drafted a licensing ordinance. The Committee is still working on finalizing the ordinance. The structure of the Licensing Ordinance will provide options for the Town. Points the Ordinance addresses include:

- Collecting accurate data to understand what the extent of short-term rentals in Town is.
- Where short-term rentals are in Town and what neighborhoods they are in.
- Land use implications of these rentals.
- Whether there are regulatory land-use tools that should be considered.
- What to do if short-term rentals are out of balance with where the community is.
- How is a short-term rental defined?
- What is the term of a short-term rental license? Where does that year start?
- What happens if there is ownership change?
- How will a licensing ordinance be administered? How is it enforced?
- Life safety issues like smoke detectors and fire extinguishers.
- Creating a framework for collecting information.
- Creating a fee structure and determining where fees received will be dedicated.

The general approach at this point is to keep the structure simple; a flexible structure, easy for residents to use.

Senator Grohoski reported that a commission has been authorized at the state level to consider the impact on short-term rentals and the effect on zoning. The goal is a report by November or December, and a determination on any legislative action that might be useful. The meetings are on the website. She was sure Bar Harbor's policy has been discussed.

Mr. Mooers reported that poles have been installed for the safety signs proposed for the road in front of the Community School.

IX. Treasurer's Warrants

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

Town Invoices	AP#2325	10/18/22	\$507,405.04
Total			\$507,405.04

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#2323	10/05/2022	\$9,150.55
	AP#2324	10/13/2022	\$60,130.18
Town Payroll	PR#2308	10/14/2022	\$144,964.36
Total			\$214,245.09

MOTION: Ms. Dudman moved, with Mr. Wood 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 Town Voided Disbursements & School Board AP/Payroll Warrants as shown below:

School Invoices	AP#4	10/05/2022	\$343,734.63
School Payroll	PR#8	10/14/2022	\$85,073.24
Voided Disbursements			
Total			\$428,807.87

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


Grand Total			\$1,150,458.00
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X. Adjournment

MOTION: Ms. Dudman moved, with Mr. Wood seconding, to adjourn.
 Motion approved 5-0.

The Meeting adjourned at 7:25PM.

Respectfully submitted,



Geoffrey Wood