

Town of Mount Desert  
Board of Selectmen Minutes  
December 5, 2022

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

**Town Officials Present:** Town Manager Durlin Lunt, Assessor Kyle Avila, Town Clerk Claire Woolfolk, Highway Superintendent Ben Jacobs, Wastewater Superintendent Ed Montague, Finance Director Jake Wright, Fire Chief Mike Bender, Police Captain Dave Kerns

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

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

**II. Executive Session I**

*A. Pursuant to 1 M RSA § 405(6)(A) Personnel Matters*

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, to enter into Executive Session.

Motion approved 5-0.

The Board entered into Executive Session at 6:00PM.

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, to leave Executive Session.

Motion approved 5-0.

The Board left Executive Session at 6:31PM.

**III. Minutes**

*A. Approval of Minutes from November 21, 2022 meeting*

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of the November 21, 2022 Minutes as presented.

Motion approved 5-0.

**IV. Appointments/Recognitions/Resignations**

None presented.

**V. Consent Agenda**

*A. Withdrawal of the South Shore Cove Association's appeal*

*B. Municipal solid waste will continue to bypass the Hampden processing facility from November 28, 2022 to December 4, 2022, inclusive, due to its inability to process incoming waste due to the suspension of operations as the result of contractual issues with key counterparties. The bypass MSW has been going to PERC but PERC will bypass waste to the Juniper Ridge Landfill in Old Town as they attempt to fill staffing voids and to complete maintenance*

1 C. *The Municipal Review Committee (MRC) held another virtual Special Board of*  
2 *Directors Meeting on Tuesday, November 29 to discuss the ongoing negotiations with*  
3 *Revere Capital Advisors LLC*

4 D. *MRC update on the closing of the partnership with the investment group led by*  
5 *Revere Capital Advisors*

6 E. *MRC's announcement of their annual meeting on December 14, 2022*

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

9 Motion approved 5-0.

10  
11 **VI. Selectmen's Reports**

12 Ms. Dudman proposed that the 2023 Annual Town Meeting be held at the Neighborhood House  
13 instead of the school. It's a comfortable, more friendly atmosphere, and holds 230 people. The  
14 Neighborhood House serves food at Town Meeting, and doing it at their own facility would be  
15 easier on them.

16  
17 The Neighborhood House Hall is available on the date of the Town Meeting.

18  
19 It was suggested to book the Hall now. It can always be cancelled if necessary.

20  
21  
22 Ms. Dudman suggested having a Town-employee-wide holiday party during next year's holiday  
23 season. It's a nice gesture and a good way to bring people together. It was suggested there may  
24 be contingency funds that could be used.

25  
26 **VII. Unfinished Business**

27 *A. Consideration of a rowing dock at Ponds End*

28 Resident Charlie Wray, representing Downeast Rowing and Paddling Education, requested the  
29 Town consider replacing the dock at Pond's End in Somesville with a rowing dock that would  
30 allow for easier boarding of the rowing sculls the group uses.

31  
32 The current dock is a 60'x40' 240sf wood frame, using Styrofoam as billets with a 12-inch span  
33 from the deck to the water. A rowing dock would be the same size with only 4.5 – 5 inches of  
34 freeboard. This allows for easier access into rowing sculls that sit low on the water. Mr. Wray  
35 believed a lower dock would be easier for most boat access. The proposed new dock can hold  
36 many people steadily and can be made of wood and colored a shade of brown or gray and they  
37 are durable.

38  
39 Downeast Rowing and Paddling Education is willing to raise the funds necessary for the  
40 purchase and either donate the dock to the town or allow the Town to use the funds to buy the  
41 dock directly.

42  
43 The area is in Resource Protection. CEO Keene informed the group that the dock must be the  
44 same size as the current dock for permitting reasons.

45

1 Pond's End is busy. The rowing group rows from dawn to 8am, when pond use is light. The  
2 group tends to avoid heavy use times. Neighbors have had no complaints regarding the group's  
3 use.

4  
5 Mr. Wray confirmed power boats can use this type of dock. The dock can be equipped with  
6 either rails or tie-downs. Highway Superintendent Ben Jacobs asked about the height of the  
7 dock. Mr. Wray noted the difference in height would be about six inches; dock users can step  
8 into their boat.

9  
10 Mr. Wood worried about boats making contact with the dock. Mr. Wray has seen reasonably  
11 sized boats tied to the dock. Larger boats don't usually stay tied to the dock long. Bumpers can  
12 be used to protect the boat.

13  
14 Superintendent Jacobs asked about construction materials. Mr. Wray noted they are typically  
15 made of extruded plastic; however, a wooden dock can be made. Mr. Wray felt this would be  
16 similar to the existing dock with a ramp. Mr. Wood reported the boat launch area often has  
17 canoes and kayaks that are not supposed to be there. The dock would likely have to remain in its  
18 current location. Is there a way to mitigate between the two uses? Mr. Wray reiterated that it  
19 was his experience that rowers and those going fishing use the area in the morning. Kayakers  
20 and canoers use the area later in the day. Mr. Wood believed that in the busy summer months,  
21 overlap is likely.

22  
23 Downeast Rowing and Paddling Education member Marcy Berkley thought the signs at Pond's  
24 End were sufficient. Canoers and kayakers tend to stay to one side to avoid the boats. Ms.  
25 Berkley has not seen problems between the groups. Others at the meeting reported there have  
26 been problems. Ms. Berkley added that newer paddlers will find a lower dock easier to use. The  
27 group works with new paddlers.

28  
29 Mr. Wood suggested signage directing smaller craft to a specific side of the dock.

30  
31 Pictures of docks were shared to show their aesthetic. Mr. Wray noted the manufacturer can  
32 build a dock to any specification. The dock proposed is intended to replace the current dock.

33  
34 Mr. Mooers noted that the only change proposed is the height of the dock. The size remains the  
35 same, and the specifics of who is using the dock and when will remain essentially the same. Ms.  
36 Littlefield concurred. She suggested extra signage might help.

37  
38 Mr. Wood suggested padding of some sort for the dock to protect boats using the dock.

39  
40 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, the Selectboard endorse the  
41 Downeast Rowing and Paddling Education group move forward with their presentation to the  
42 Planning Board.

43 Motion approved 5-0.

44  
45 *B. Nomination for the Acadia National Park Advisory Commission; Kendall Davis's*  
46 *current term expires April 25, 2023*

47 Manager Lunt confirmed that Mr. Davis would like to serve another term.

1  
2 MOTION: Ms. Littlefield moved with Ms. Dudman seconding, the Board nominate Kendall  
3 Davis for the Acadia National Park Advisory Commission for another term, as presented and  
4 with thanks.

5  
6 Manager Lunt noted the Board can only nominate. Final selection is made by the Department of  
7 the Interior.

8  
9 Motion approved 5-0.

10  
11 *C. Consideration of Consultant Tony Smith's request for additional funding in the*  
12 *amount of \$87,205 for Construction Contract Administration and Inspection services*  
13 *being provided by our project engineer Haley Ward for the Main Street improvements*  
14 *project identified as project 3000039 and as described in his December 1, 2022*  
15 *memo to Town Manager Durlin Lunt with said funds being taken from the savings in*  
16 *costs between the original design approved at the May 2018 town meeting and the*  
17 *one presently under construction resulting from the September 2018 special town*  
18 *meeting with a current balance of \$540,189 which, if authorized, will leave a*  
19 *remaining balance of \$452,984 in the savings*

20 MOTION: Ms. Dudman moved, with Mr. Wood seconding, approval of additional funding in  
21 the amount of \$87,205 for Construction Contract Administration and Inspection services being  
22 provided by project engineer Haley Ward for the Main Street improvements project identified as  
23 project 3000039 and as described in the December 1, 2022 memo to Town Manager Durlin Lunt  
24 with said funds being taken from the savings in costs between the original design approved at the  
25 May 2018 town meeting and the one presently under construction resulting from the September  
26 2018 special town meeting with a current balance of \$540,189 which, if authorized, will leave a  
27 remaining balance of \$452,984, as presented.

28 Motion approved 5-0.

29  
30 **VIII. New Business**

31 *A. Consideration of authorizing Fire Chief Mike Bender to retain the services of ABM*  
32 *Mechanical, Inc. to furnish and install a new duplex boiler at the Mount Desert Fire*  
33 *Station #2(Seal Harbor) at a cost not to exceed \$23,575.00 with said funds to be used*  
34 *from the Fire Stations Building Reserve Account Number 4040300-24470 with a*  
35 *current balance of \$130,234.39, leaving a balance of \$106,659.39 if approved*

36 MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, authorizing Fire Chief Mike  
37 Bender to retain the services of ABM Mechanical, Inc. to furnish and install a new duplex boiler  
38 at the Mount Desert Fire Station #2(Seal Harbor) at a cost not to exceed \$23,575.00 with said  
39 funds to be used from the Fire Stations Building Reserve Account Number 4040300-24470 with  
40 a current balance of \$130,234.39, leaving a balance of \$106,659.39 if approved as presented.

41 Motion approved 5-0.

42  
43 *B. Consideration of authorizing Fire Chief Mike Bender to purchase and have installed*  
44 *a Bauer Verticus Breathing Air Compressor from Fire Tech & Safety of New*  
45 *England, Inc. at a cost not to exceed \$60,375.00 in association with the Mount Desert*  
46 *Fire Station #1(Northeast Harbor) building project*

1 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, authorizing Fire Chief Mike  
2 Bender to purchase and have installed a Bauer Verticus Breathing Air Compressor from Fire  
3 Tech & Safety of New England, Inc. at a cost not to exceed \$60,375.00 in association with the  
4 Mount Desert Fire Station #1(Northeast Harbor) building project as presented.

5  
6 It was confirmed the unit will take the place of an SCBA truck or van. Chief Bender reported  
7 there are not enough personnel to run a portable unit. The compressor can be kept at the station.  
8 Other fire departments do it this way as well.

9  
10 Mr. Wood asked if using the Bauer brand was to keep the equipment consistent. He presumed  
11 moving all equipment to a new brand would be expensive. Chief Bender agreed a purchase such  
12 as this would normally go out to bid, unless there's a compelling reason not to. Per his memo to  
13 the Board, they'd like to go with the Bauer because they recently replaced a fill station with a  
14 Bauer. The two pieces of equipment must match up. The equipment will be housed in the  
15 Northeast Harbor fire station.

16  
17 Motion approved 5-0.

18  
19 *C. Consideration of authorizing Fire Chief Mike Bender to purchase a Groves Ready*  
20 *Rack firefighter gear storage system from Industrial Protection Services, LLC at a*  
21 *cost not to exceed \$8,161.00 in association with the Mount Desert Fire Station*  
22 *#1(Northeast Harbor) building project*

23 MOTION: Mr. Wood moved, with Ms. Littlefield seconding, authorizing Fire Chief Mike  
24 Bender to purchase a Groves Ready Rack firefighter gear storage system from Industrial  
25 Protection Services, LLC at a cost not to exceed \$8,161.00 in association with the Mount Desert  
26 Fire Station #1(Northeast Harbor) building project as presented.

27 Motion approved 5-0.

28  
29 Chief Bender explained that the purchases presented for consideration are being made now to  
30 avoid 2023 price increases.

31  
32 *D. Consideration of authorizing Fire Chief Mike Bender to purchase and have installed*  
33 *assorted strength and cardio fitness equipment from Gronk Fitness Equipment at a*  
34 *cost not to exceed \$23,000.00 in association with the Mount Desert Fire Station*  
35 *#1(Northeast Harbor) building project*

36 MOTION: Mr. Mooers moved, with Mr. Wood seconding, authorizing Fire Chief Mike Bender  
37 to purchase and have installed assorted strength and cardio fitness equipment from Gronk Fitness  
38 Equipment at a cost not to exceed \$23,000.00 in association with the Mount Desert Fire Station  
39 #1(Northeast Harbor) building project as presented.

40 Motion approved 5-0.

41  
42 *E. Permission to apply for small municipality retrofits program through Efficiency*  
43 *Maine*

44 Manager Lunt explained the Town would like to get some heat pumps for the marina visitor's  
45 center and the harbormaster's building. The Town can apply for up to \$2,800.00 for the project.  
46 The next step would be to get a survey of the building to determine the need. This request is for  
47 permission for the Town to apply.

1  
2 MOTION: Ms. Littlefield moved, with Mr. Wood seconding, granting Manager Lunt permission  
3 to apply for small municipality retrofits program through Efficiency Maine as presented.  
4 Motion approved 5-0.

5  
6 *F. Conflict of interest of boards and committees' legal opinion*

7 Manager Lunt reminded the Board that he was directed to procure a legal opinion on the issue of  
8 Conflicts of Interest, specifically whether someone with a conflict of interest should serve on a  
9 board or committee. Manager Lunt received the opinion that there was no reason such a person  
10 could not serve, however a better job should be done disclosing biases or conflicts of interest.

11  
12 Manager Lunt recommended creating a Code of Ethics for Boards and Committees. Training of  
13 board and committee members should also occur. Many towns have these measures in place.  
14 Mr. Wood suggested these measures be an annual procedure for members to sign off on after  
15 completion.

16  
17 MOTION: Ms. Littlefield moved, with Mr. Wood seconding, to direct Town Manager Lunt to  
18 explore the possibility of creating a Code of Ethics Policy and Process for the Town to move  
19 forward with, for the Town's Boards and Committees.  
20 Motion approved 5-0.

21  
22 Ms. Dudman recommended that all Boards and Committees have a Chairman and regular  
23 Minutes that can be shared with the public. Additionally the public should know that such  
24 meetings are public, and the public can attend any Board and Committee meeting either via  
25 Zoom or in person, and those meetings are listed on the Town's website.

26  
27 Mr. Lichtenstein noted that when he chairs meetings with a Zoom component, he asks those  
28 online to identify themselves. He wondered if this was an acceptable practice. Manager Lunt  
29 did not feel there was anything wrong with the practice.

30  
31 Mr. Wood knew both running a meeting and handling the Zoom aspect of a meeting could be  
32 difficult.

33  
34 *G. Review of the General Fund and Marina Capital Improvement Plans (CIP) proposed*  
35 *funding for Fiscal Year 2023-2024*

36 Manager Lunt noted that, in response to comments last year regarding making the document  
37 easier to read and understand, Finance Director Wright has made some changes to the format.

38  
39 Director Wright explained the changes made to the document:

- 40 - A bottom-line analysis will be added for Town Meeting. This will provide the public  
41 with a general overview, without omitting the details should they be interested in a more  
42 in-depth review.  
43 - Department Heads will be given options for estimating the value of future asset  
44 purchases. The changes proposed will allow for better tracking of bonding for  
45 replacement of assets that are outside of the CIP process.  
46 - In accordance with the Climate Action Plan, interest has grown in investing in renewable  
47 assets. Cost has been prohibitive for planning. Changes proposed will allow Department

1 Heads to plan for renewable assets, and it will provide a way for the Town to determine if  
 2 such a purchase is actionable. The amount of money renewable equipment saves the  
 3 Town over time would be a secondary analysis.

- 4 - Several stagnant reserve accounts have been found. Director Wright proposes to redirect
- 5 those funds to other accounts.
- 6 - Another change proposed is to broaden the telephone reserve account to include a project
- 7 within the Police Department virtual desktop project.

8  
 9 Director Wright warned there's been an increase in cost overall.

10  
 11 Manager Lunt explained the changes are an attempt to increase transparency in the budget. The  
 12 Warrant Committee will get a similar presentation.

13  
 14 Mr. Wood asked about renewable equipment and at what level a purchase for renewable  
 15 equipment becomes actionable. Director Wright explained that the point at which such  
 16 equipment is deemed actionable is a political decision. The Town will have to look at the market  
 17 and review the differences in pricing. The other piece is the secondary benefit of associated  
 18 savings through using renewable equipment. This is a complex piece to add to the formula for  
 19 determining when renewable equipment becomes actionable.

20  
 21 Mr. Mooers appreciated Director Wright's efforts in uncovering stagnant CIP accounts that can  
 22 now be redirected. It shows the CIP is a living document that changes. He appreciated Director  
 23 Wright's diligence.

24  
 25 **IX. Other Business**

26 There was no Other Business.

27  
 28 **X. Treasurer's Warrants**

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

Town Invoices	AP#2336	12/06/2022	\$426,882.16
<b>Total</b>			<b>\$426,882.16</b>

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

32 Motion approved 5-0.

33  
 34 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants as shown*  
 35 *below:*

State Fees & PR Benefits	AP#2334	11/23/2022	\$83,332.37
	AP#2335	12/01/2022	\$2,136.52
Town Payroll	PR#2312	11/23/2022	\$161,456.11
<b>Total</b>			<b>\$246,925.00</b>

36 MOTION: Ms. Dudman moved, with Mr. Wood seconding, signature of Treasurer's Payroll,  
 37 State Fees, & PR Benefit Warrants as shown above.

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

39

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

School Invoices			
School Payroll	PR#11	11/25/2022	\$175,032.53
Voided Disbursements			
<b>Total</b>			<b>\$175,032.53</b>

3 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, acknowledgement of Treasurer's  
4 Town Voided Disbursements & School Board AP/Payroll Warrants as shown above.  
5 Motion approved 5-0.  
6

<b>Grand Total</b>			<b>\$848,839.69</b>
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7  
8 **XI. Adjournment**

9 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, to adjourn.  
10 Motion approved 5-0.

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12 The Meeting was adjourned at 7:56PM.

13  
14  
15 Respectfully Submitted,

16 

17  
18  
19 Secretary Geoffrey Wood