

Town of Mount Desert
Board of Selectmen
Minutes of December 19, 2022

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

Member Wendy Littlefield was not in attendance.

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

Members of the Public were also present.

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

Chair Macauley called the meeting to order at 6:30.

II. Minutes

None presented.

III. Appointments/Recognitions/Resignations

A. Consider the nomination of Brian L. Henkel to be Director of Public Works effective January 17, 2023

Manager Lunt reported that Mr. Henkel is a member of the community, a volunteer on numerous Boards and Committees, and has a bachelor's degree in Civil Engineering. He is experienced in public management.

MOTION: Ms. Dudman moved, with Mr. Wood seconding, the nomination of Brian L. Henkel to be Director of Public Works effective January 17, 2023, as presented.

Mr. Wood noted that Mr. Henkel is currently the Chair of the School Board and Vice Chair of the AOS Board, both of which make up a percentage of the Town's budget. This creates some overlap with the Town. Additionally, Public Works is a big job. He asked Mr. Henkel to speak to balancing these things.

Mr. Henkel reported that opinions the town received from legal counsel found no inherent conflicts that would prohibit Mr. Henkel from filling the position. Mr. Henkel's primary position and responsibility will be as Public Works Director. He hoped to stay with the School Board, but if a conflict becomes apparent, he will step down. He hoped to be given the chance to try to balance the two first. Mr. Wood clarified that he had no worry about Mr. Henkel's qualifications. Mr. Henkel intends to be clear with Manager Lunt on what is occurring with the school. He would be sure to recuse himself at the School Board level from any issue that could be perceived as a conflict.

Motion approved 4-0.

1
2 *B. Confirm appointment of Claire Woolfolk as Registrar of Voters effective January 1,*
3 *2023 through December 31, 2024*

4 MOTION: Mr. Mooers moved, with Mr. Wood seconding, appointment of Claire
5 Woolfolk as Registrar of Voters effective January 1, 2023 through December 31, 2024 as
6 presented.

7 Motion approved 4-0.

8
9 *C. Appointment of BOS member as liaison to the LUZO Committee*

10 Ms. Woolfolk reported that former Board Member Matt Hart was the Board liaison to the
11 LUZO Committee. When he left the Selectboard, a replacement was not named.

12
13 MOTION: Mr. Wood moved, with Ms. Dudman seconding, appointment of BOS
14 Member Rick Mooers as liaison to the LUZO committee.

15 Motion approved 4-0.

16
17 **IV. Consent Agenda**

18 *A. Renewal of Limited Purpose Aquaculture License for 2023, LPA License requesting*
19 *renewal: KZIM118*

20 *B. Hancock County Commissioners Special Meeting Minutes from November 15, 2022*

21 *C. Bypassing notice to Juniper Ridge Landfill in Oldtown instead of going to PERC from*
22 *Monday, December 5th, until December 18th. PERC has a hotspot on the tipping*
23 *floor they need to get to and extinguish, and they are also still filling staffing voids*

24 *D. Municipal solid waste bypass notice from the MRC due to overloaded tipping floor at*
25 *PERC*

26 *E. Annual meeting, work tasks and partnership progress updates*

27 *F. Thank you letter from State Senator Nicole Grohoski*

28 MOTION: Mr. Mooers moved, with Mr. Wood seconding, acceptance of the Consent
29 Agenda as presented.

30
31 Chair Macauley asked about Item A and which aquaculture license it refers to.

32 Harbormaster Lemoine noted a link in the email connects to the license. Harbormaster
33 Lemoine reviewed all license renewals included in the link. They are small sites used for
34 testing, placed out of the way, and shouldn't be an obstruction to others. The licenses
35 referenced include one in Otter Creek, and one in the Mill Pond area.

36
37 Motion approved 4-0.

38
39 **V. Selectmen's Reports**

40 Chair Macauley reported that a Community Resiliency grant came in. The Town will
41 begin work on the next steps. The goals are to hire someone part time for database work,
42 and to hire someone to site possible solar farm locations.

43
44 Sustainability Committee Chair Phil Lichtenstein noted the part-time position is
45 approximately 8 hours a week. Mr. Lichtenstein reported that with regard to the solar
46 farms, after the first of the year the Town is eligible for a 30% tax credit on any farm that

1 can be created. Siting solar farms will likely not mean a single large area; it may include
2 several small areas, or possibly leasing solar farm space outside of Town.

3
4 **VI. Unfinished Business**

5 *A. Consider amendments to sections 6.7.2, 6.11, and 7.3 of the non-union personnel*
6 *policy to accomplish FY24 implementation of a percentage-based longevity policy*
7 *with amendments to section 6.7.2 being effective upon implementation of the*
8 *percentage-based longevity system described in 6.11.*

9 Finance Director Wright reported that in terms of percentage, longevity pay can be a
10 moving target. Some of it will show up in the budget. A broad estimate puts the change
11 at about 8%, including the 3% CPI adjustment.

12
13 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, approval of the
14 amendments to sections 6.7.2, 6.11, and 7.3 of the non-union personnel policy to
15 accomplish FY24 implementation of a percentage-based longevity policy with
16 amendments to section 6.7.2 being effective upon implementation of the percentage-
17 based longevity system described in 6.11, as presented.

18 Motion approved 4-0.

19
20 *B. Governance policies for Marina Skating Rink and acceptance of related contributions*
21 Manager Lunt reported that policy guidelines were received from the Town's insurance
22 company. The policy created based on the guidelines should cover the Town under the
23 Maine Trust Claims Act to the extent possible. The policy describes a person
24 maintaining the rink and keeping it in safe condition. The Town will contract with Peter
25 Bronson for this work. Money will come through the Community Development
26 Corporation.

27
28 MOTION: Ms. Dudman moved, with Mr. Wood seconding, approval of governance
29 policies for Marina Skating Rink and acceptance of related contributions as presented.

30
31 Mr. Wood worried about the possible liability of collecting skates and making them
32 available. Manager Lunt noted the policy guidelines were based on the assumption the
33 Town would not provide skates. Doing so could be problematic.

34
35 A Harbor Committee member protested that the Harbor Committee has not seen what's
36 being planned. She believed there was conversation about building a shed. The Harbor
37 Committee wants to have a voice in the discussions of potential building additions. Ms.
38 Dudman believed anything proposed to be built would have to go through the Harbor
39 Committee before coming to the Selectboard.

40
41 Motion approved 4-0.

42
43 Durlin will meet up with Mr. Bronson later this week to talk further.

44
45 *C. Consideration of amending the 9/7/2021 authorization to accept contributions from*
46 *NEHAS towards technical services associated with the design and bidding of*
47 *improvements to the Somesville Fire Station from \$21,440 to \$30,000*

1 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, amending the 9/7/2021
2 authorization to accept contributions from NEHAS towards technical services associated
3 with the design and bidding of improvements to the Somesville Fire Station from \$21,440
4 to \$30,000 as presented.

5 Motion approved 4-0.

6
7 *D. Consideration of authorizing Highway Superintendent Ben Jacobs to solicit*
8 *competitive bids for the replacement of deteriorated windows in the town office as*
9 *described in his December 14, 2022, memo to Town Manager Durlin Lunt, Jr.*

10 MOTION: Mr. Wood moved, with Mr. Mooers seconding, authorizing Highway
11 Superintendent Ben Jacobs to solicit competitive bids for the replacement of deteriorated
12 windows in the town office as described in his December 14, 2022, memo to Town
13 Manager Durlin Lunt, Jr. as presented.

14 Motion approved 4-0.

15
16 Superintendent Jacobs reported there were 23 windows to replace. Many are original to
17 the building. Superintendent Jacobs would discuss timing with contractors. He hoped
18 the project would go quickly and the contractors would find no problems during the
19 replacement.

20
21 **VII. New Business**

22 *A. Consideration of authorizing Highway Superintendent Ben Jacobs to solicit*
23 *competitive bids for a new 4x4 diesel powered backhoe for the Highways Division of*
24 *the Public Works Department as described in his December 9, 2022, memo to Town*
25 *Manager Durlin Lunt, Jr.*

26 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, authorizing Highway
27 Superintendent Ben Jacobs to solicit competitive bids for a new 4x4 diesel powered
28 backhoe for the Highway Division of the Public Works Department as described in his
29 December 9, 2022, memo to Town Manager Durlin Lunt, Jr. as presented.

30
31 Superintendent Jacobs reported the backhoe is nearly eight years old. The purchase is
32 consistent with the CIP. Replacement after 10 years has been shortened to eight due to
33 the cost increases associated with keeping such equipment functional after seven years.
34 Superintendent Jacobs estimated receiving between \$30,000 and \$40,000 for the trade-in.

35
36 Motion approved 4-0.

37
38 *B. Consideration of accepting conditional gifts in the form of monetary donations to the*
39 *Mount Desert Fire Department in memory of Norris Reddish. Said donations will be*
40 *used only for firefighter training costs as requested by the Reddish family*

41 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, accepting conditional gifts
42 in the form of monetary donations to the Mount Desert Fire Department in memory of
43 Norris Reddish. Said donations will be used only for firefighter training costs as
44 requested by the Reddish family as presented.

45
46 Finance Director Wright has established a gift revenue account within the Fire
47 Department budget. The funding will be used specifically for firefighter training as

1 requested. Director Wright will report on it once established. The Town accounts for
2 restricted funds regularly; this account will not be a problem to maintain.

3
4 Motion approved 4-0.

5
6 *C. Modify 8/15/22 authorization for use of LED streetlight project bond funds to install*
7 *a new LED streetlight on Gilpatrick Lane from \$2,700 to \$3,686.01 to account for*
8 *additional necessary costs incurred to accomplish the project.*

9 MOTION: Mr. Mooers moved, with Mr. Wood seconding, authorizing use of the LED
10 streetlight project bond funds to install a new LED streetlight on Gilpatrick Lane from
11 \$2,700 to \$3,686.01 to account for additional necessary costs incurred to accomplish the
12 project as presented.

13 Motion approved 4-0.

14
15 Manager Lunt reported a streetlight out on Tracy Road.

16
17 *D. Authorize additional principal payments and acknowledge internal source transfers*
18 *of remaining balances of various capital projects as described in memo from Jake*
19 *Wright, Finance Director*

20 MOTION: Mr. Mooers moved, with Mr. Wood seconding, authorizing additional
21 principal payments and acknowledge internal source transfers of remaining balances of
22 various capital projects as described in memo from Jake Wright, Finance Director.

23
24 Director Wright explained that during the 2022 audit review process, it was found that
25 several completed projects had remaining funds. Director Wright is requesting Board
26 authorization to use the remaining funds to pay down the associated debt service. This is
27 in line with past practice and best practices.

28
29 MOTION: Ms. Dudman moved, with Mr. Wood seconding, authorizing additional
30 principal payments and acknowledge internal source transfers of remaining balances of
31 various capital projects as described in memo from Jake Wright, Finance Director.

32 Motion approved 4-0.

33
34 *E. Request approval of \$160,000 to be used from Wastewater Bond Reserve account*
35 *4050500-24203 to subsidize the 10/1/23 principal payment on the MMBB CWSRF*
36 *Loan 2003FFRS and, by extension, reduce necessary Fiscal Year 2024*
37 *appropriations as described in memo from Jake Wright, Finance Director*

38 MOTION: Mr. Wood moved, with Ms. Dudman seconding, approval of \$160,000 to be
39 used from Wastewater Bond Reserve account 4050500-24203 to subsidize the 10/1/23
40 principal payment on the MMBB CWSRF Loan 2003FFRS and, by extension, reduce
41 necessary Fiscal Year 2024 appropriations as described in memo from Jake Wright,
42 Finance Director.

43
44 It was noted the same thing was done the previous year.

45
46 Motion approved 4-0.

47

1 *F. Authorize The Office of the Treasurer to enter into an agreement with The Thomas*
2 *Agency for delinquent collections of EMS receivables and authorize that uncollected*
3 *EMS receivables be sent to collections after 90 days*

4 MOTION: Mr. Mooers moved, with Mr. Wood seconding, authorization of The Office
5 of the Treasurer to enter into an agreement with The Thomas Agency for delinquent
6 collections of EMS receivables and authorize that uncollected EMS receivables be sent to
7 collections after 90 days, as presented.

8
9 Finance Director Wright reported the Town has not handled these funds for long and the
10 uncollectible rate is still unknown. The majority of charges will be in the form of
11 payments and insurance adjustments. The balance is what the Town will send to
12 collections after 90 days. After a full year of operation the Town will have a better idea
13 of the volume. Director Wright intends to include reporting on these numbers in the
14 Finance-related Consent Agenda items normally shared. The Town of Bar Harbor has
15 been contracted as Mount Desert's billing agent. This policy mimics Bar Harbor's policy
16 so it doesn't add administrative inefficiencies.

17
18 Eventually the Town will likely have to consider a policy for those payments that remain
19 uncollectible. The Town of Bar Harbor uses a period of one or two years after which the
20 Town writes off uncollectible balances. Ambulance services range from \$700 to \$750,
21 with insurance covering a portion. Director Wright estimated post-insurance collection
22 amounts are in the \$300 - \$400 range. The fee for collections is approximately 30% of
23 the post-insurance cost. This appears to be reasonable in comparison to others.

24
25 Motion approved 4-0.

26
27 *G. Consider request of \$28,800.00 to be released from the Police Equipment Reserve*
28 *Account #4040100-24405 (balance \$99,774.06), for permission to expend those funds*
29 *for the five payments as described in the December 13, 2022, memo to Town*
30 *Manager Durlin Lunt, Jr. and Taser quote, and for authorization to sign the Taser*
31 *purchase agreement, with terms as outlined in the quote.*

32 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, approval of \$28,800.00 to
33 be released from the Police Equipment Reserve Account #4040100-24405 (balance
34 \$99,774.06), for permission to expend those funds for the five payments as described in
35 the December 13, 2022, memo to Town Manager Durlin Lunt, Jr. and Taser quote, and
36 for authorization to sign the Taser purchase agreement, with terms as outlined in the
37 quote as presented.

38 Motion approved 4-0.

39
40 Captain Kerns confirmed there is only one company to purchase from. The current tasers
41 are nearly five years old. The new tasers will be on a new platform with rechargeable
42 batteries and lifetime cartridges. The price quote attached expires on December 15th.

43
44 *H. Request approval of Harbor Committee's rate increases effective January 1, 2023 as*
45 *outlined in Harbormaster John Lemoine's memo to Town Manager Durlin Lunt Jr.*
46 *dated December 14, 2022: increase the Non-Resident Commercial Fish/Aquaculture*

1 *rates by 10% from \$500.00 to \$550.00; increase the Commercial Float Operator fee*
2 *by 10% from \$600.00 to \$660.00 and the Per Passenger fee from \$.25 to \$.28*

3 MOTION: Mr. Wood moved, with Mr. Mooers seconding, approval of the Harbor
4 Committee's rate increases effective January 1, 2023 as outlined in Harbormaster John
5 Lemoine's memo to Town Manager Durlin Lunt Jr. dated December 14, 2022: increase
6 the Non-Resident Commercial Fish/Aquaculture rates by 10% from \$500.00 to \$550.00;
7 increase the Commercial Float Operator fee by 10% from \$600.00 to \$660.00 and the Per
8 Passenger fee from \$.25 to \$.28 as presented.
9 Motion approved 4-0.

10
11 *I. Budget Schedule Review*

12 Clerk Woolfolk presented a draft budget schedule that coordinates the various Board and
13 Committee meetings. The schedule is similar to past years; the question remains whether
14 the Selectboard wants to split the third-party requests into two nights.

15
16 After some discussion it was confirmed to hold two meetings for third-party requests, the
17 dates for those meetings being the 21st and 22nd of February 2023.

18
19 Mr. Lichtenstein asked about the meeting process in light of the discussion on ethics at
20 the last Selectboard meeting. He wondered if the Board and Warrant Committee would
21 have to vote each third-party request individually, so Board and Committee members can
22 recuse themselves if necessary.

23
24 Mr. Mooers suggested having the moderator point out all separate agencies and where
25 their requested amounts can be found within the budget and then ask for amendments to
26 be presented at that time. He felt there was little value in reading each one and voting
27 each one separately. With regard to whether Warrant Committee members should be
28 recusing themselves on particular requests during the discussion meetings should
29 someone have a conflict, Mr. Mooers felt that would be in the Warrant Committee's
30 purview to manage in a way to makes sense to them.

31
32 Chair Macauley believed Town Attorney Hamilton explained that even if a finding is not
33 being made, members should disclose if they have a conflict of interest. Mr. Wood
34 suggested those with conflicts can abstain.

35
36 Ms. Dudman pointed out that Selectboard members abstain when they have an interest in
37 a third-party request. She felt the same would apply to the Warrant Committee members.

38
39 MOTION: Mr. Mooers moved, with Mr. Wood seconding, acknowledgement of the
40 Budget Schedule Review as presented.
41 Motion approved 4-0.

42
43 *J. Review of General Government and Debt Budgets for FY 23-24*

44 A review of the General Government and Debt Budgets for FY 23-24 was made by the
45 Board.
46

1 Manager Lunt noted the salary lines included in the budget are made with the assumption
2 that the longevity policy is approved.

3
4 Mr. Wood pointed out several line-item changes. Director Wright explained that many of
5 the changes were adjustments the various departments have made while analyzing future
6 needs.

7
8 Ms. Dudman asked about equipment line item 52720 – “Recruitment”. She wondered if
9 more might be necessary. Manager Lunt explained that recruitment practices have
10 changed, and the Town has now hired an HR Director. These should work to lower the
11 costs necessary for recruitment. Director Wright knew the Fire Department may continue
12 to do some hiring. They have a hiring line item within the Fire Department budget.

13
14 Director Wright pointed out that on the revenue side, last year 25k was estimated for
15 operating account interest. If rates stay similar to recent negotiations, that number will
16 show improvement and reduce the tax burden. This is a result of the steps the Town’s
17 taken to capitalize on the changing rate environments.

18
19 Ms. Dudman wondered about the impact of the senior tax on property tax freeze. She
20 believed a number of people have signed up. Director Wright believed it would have
21 little effect. The State promised to reimburse the difference. The Town has a sufficient
22 operating reserve set up. There should be no issues with cashflow.

23
24 Assessor Avila estimated a 3% increase in the budget. That means a \$25,000 liability for
25 the stabilized amount the State will reimburse.

26
27 Chair Macauley suggested adding a column to the budget noting when a bond retires.
28 Two bonds will be maturing in FY 24; the sum of those payments will balance out
29 increases being seen this year. Fluctuations in the debt budget are normal. A potential
30 way to offset the fluctuations would be to create a CIP-style reserve account for debt
31 service payments. These types of accounts can minimize the impact of debt service to
32 taxpayers.

33
34 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, acknowledgement of the
35 General Government and Debt Budgets for FY 23-24 as presented.
36 Motion approved 4-0.

37
38 **VIII. Other Business**

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

40 Rick congratulated Lincoln Millstein on his recent award.

41
42 **IX. Treasurer’s Warrants**

43 *A. Approve & Sign Treasurer’s Warrant as shown below:*

Town Invoices	AP#2339	12/20/2022	\$634,017.44
Total			\$634,017.44

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

1 Motion approved 4-0.

2
3 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants as shown*
4 *below:*

State Fees & PR Benefits	AP#2337	12/08/2022	\$43,569.57
	AP#2338	12/14/2022	\$777.20
Town Payroll	PR#2313	12/09/2022	\$179,984.64
Total			\$224,331.41

5 MOTION: Ms. Dudman moved, with Mr. Wood seconding, approval of signed Treasurer's
6 Payroll, State Fees, and PR Benefit Warrants as shown above.
7 Motion approved 4-0.

8
9 *C. Acknowledge Treasurer's Town Voided Disbursements & School Board AP/Payroll*
10 *Warrants as shown below:*

School Invoices	AP#6	12/07/2022	\$57,814.37
School Payroll	PR#12	12/09/2022	\$89,827.90
Voided Disbursements	V#2304	12/14/2022	\$(73.93)
Total			\$147,568.34

11 MOTION: Ms. Dudman moved, with Mr. Wood seconding, acknowledgement of Treasurer's
12 Town Voided Disbursement and School Board AP/Payroll Warrants as shown above.
13 Motion approved 4-0.

Grand Total			\$1,005,917.19
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15
16 **X. Adjournment**

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

19
20 The Meeting adjourned at 7:34PM.

21
22
23
24 Respectfully Submitted,

25
26 

27
28 Geoffrey Wood