

**ANNUAL TOWN MEETING MINUTES  
TOWN OF MOUNT DESERT**

**May 6 & 7, 2013**

**Somesville Fire House  
1157 Main Street, Somesville, Maine**

**And**

**Kelley Auditorium, Mount Desert Elementary School  
8 Joy Road, Northeast Harbor, Maine**

Town Clerk Joelle D. Nolan called the meeting to order at forty-five minutes past seven o'clock in the forenoon, May 6, 2013. Printed copies of the Warrant and Town Report were made available.

**Article 1.** To elect a Moderator by written ballot.

Town Clerk Nolan called for nominations of moderator. By motion and second William Ferm was nominated to serve as Moderator. A written vote was conducted, four votes were cast for Mr. Ferm and he was duly declared Moderator. Town Clerk Nolan swore in Mr. Ferm as Moderator. Moderator Ferm appointed and swore in Joelle Nolan as Deputy Moderator.

Moderator Ferm declared the polls open at eight o'clock in the forenoon. Voting on Article 2 took place until eight o'clock in the evening, at which time Moderator Ferm declared the polls closed. Votes cast were counted, and Moderator Ferm announced the results at thirty-five minutes after eight o'clock in the evening.

At forty minutes after eight o'clock in the evening it was moved and seconded to recess and reconvene the meeting at 6:00 p.m., Tuesday, May 7, 2013. A vote was called and the motion passed.

Moderator Ferm reconvened the meeting at 6:03 p.m., Tuesday, May 7, 2013 in the Kelley Auditorium, Mount Desert Elementary School. He then reminded the voters to be sure they had picked up a colored card when they registered as these cards would be used to identify voters for purposes of hand counts. Moderator Ferm also welcomed those present to visit the food table which is a fund raiser for the 8<sup>th</sup> grade; and he, along with everyone else present, extended a warm thank-you to the Jazz Band for its brilliant performance. Moderator Ferm then announced the results of the Candidate Election held May 6, 2013:

**Article 2.** To elect two members to the Board of Selectmen for a term of three years, two members to the Mount Desert Elementary School Board for a term of three years, and one trustee to the Mount Desert Island Regional School District Trustees for a term of three years.

For **Selectman**, two members for a term of three years each:

Christopher P. Buczko	# votes:	<u>44</u>	
James F. Mooers	# votes:	<u>88</u>	ELECTED
Thomas G. Richardson	# votes:	<u>99</u>	ELECTED

For **School Board**, two members for a term of three years each:

John M. Brown	# votes:	<u>108</u>	ELECTED
Marilyn R. Moore	# votes:	<u>100</u>	ELECTED

For **School District Trustee**, one member for a term of three years:

There were no declared candidates; however, there were six write-in candidates as follows:

Christopher P. Buczko, E. F. Butler III, Laura Hendricks, Cindy Johnson, George Peckham, and Michael Shattow.

Moderator Fern explained the legal process requires that all six write-in candidates be contacted and asked if he/she is willing to serve; if the answer is no, he/she needs to withdraw in writing. If all six candidates withdraw, the Board of Selectmen appoints someone to fill the position until the next annual town meeting election; if more than one person wants the position, a run-off election is held; if only one person is willing to serve, he wins the position. Town Clerk Nolan is in the process of working with the write-in candidates to determine how to proceed. Results will be announced at a future date.

**Article 3.** To see if non-voters shall be allowed, when recognized, to speak during the 2013 Annual Town Meeting.

The Warrant Committee moved and seconded to pass Article 3.  
A voice vote was called on the main motion and Article 3 passed.

**Article 4.** To see if the Inhabitants of the Town of Mount Desert will vote to approve an expenditure of \$500.00 from the Animal Welfare Account to Acadia Veterinary Hospital as a donation for the benefit of the Town of Mount Desert Feral Cat Program.

The Warrant Committee moved and seconded to pass Article 4.  
A voice vote was called on the main motion and Article 4 passed.

**Article 5.** Shall an ordinance entitled "Town of Mount Desert Alewife Ordinance" be enacted? The ordinance reads, in its entirety, "Regulations for the taking of alewives and blue back herring shall be as follows: For the year July 1, 2013 through June 30, 2014 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert."

The Warrant Committee moved and seconded to pass Article 5.

A voice vote was called on the main motion and Article 5 passed.

**Article 6.** Shall the following amendment to the Town of Mount Desert Public Right-of-Way Opening Ordinance be enacted? Title is amended to read "Town of Mount Desert Public Right-of-Way ~~Opening~~ Ordinance"

The Warrant Committee moved and seconded to pass Article 6.  
A voice vote was called on the main motion and Article 6 passed.

**Article 7.** Shall the following amendment to the Town of Mount Desert Public Right-of-Way [Opening] Ordinance be enacted? Section I. GENERAL INFORMATION A. Purpose is amended to read "This Ordinance has been enacted by the Town of Mount Desert to regulate the use of public rights-of-way in the interest of public safety and convenience, and to protect public infrastructure. It is applicable under the terms of a Right of Way Opening Permit issued for an intended use; it is also applicable in the absence of Right of Way Opening Permit regardless if one is required or not for an intended use

The Warrant Committee moved and seconded to pass Article 7.  
A voice vote was called on the main motion and Article 7 passed.

**Article 8.** Shall the following amendment to the Town of Mount Desert Right-of-Way [Opening] Ordinance be enacted? Section VI. TECHNICAL SPECIFICATIONS 8. If the repair is made using handwork: a) Two 1.5 inch (1.5") layers of 9.5mm coarse hot mix for a total thickness of three-inches (3"). E.g. the mix must be placed in two layers.

The Warrant Committee moved and seconded to pass Article 8.  
A voice vote was called on the main motion and Article 8 passed.

**Article 9.** Shall an ordinance entitled "May 6 & 7, 2013 Amendments to the Town of Mount Desert Shellfish Conservation Ordinance" be enacted? See Appendix A

The Warrant Committee moved and seconded to pass Article 9.  
A voice vote was called on the main motion and Article 9 passed.

**Article 10.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654), Unconditional Gifts (MRSA 30-A §5655), equipment, proceeds from sale of fire equipment or funds on behalf of the Municipal Fire Department. It is understood that any funds received will be placed in the Fire

Equipment Reserve Fund.

The Warrant Committee moved and seconded to pass Article 10.  
A voice vote was called on the main motion and Article 10 passed.

**Article 11.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to lease the so-called "training room" at the Seal Harbor Fire Station to the Lurvey Wright American Legion Post No. 103 for a term of one (1) year under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

The Warrant Committee moved and seconded to pass Article 11.  
A voice vote was called on the main motion and Article 11 passed.

**Article 12.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the authorized Ticket Booth operators for a term of one (1) year under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

The Warrant Committee moved and seconded to pass Article 12.  
A voice vote was called on the main motion and Article 12 passed.

**Article 13.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen, to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the Mount Desert Chamber of Commerce for a term of one (1) year under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

The Warrant Committee moved and seconded to pass Article 13.  
A voice vote was called on the main motion and Article 13 passed.

**Article 14.** To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen, to negotiate and enter into an agreement with the Neighborhood House Club, Inc. for management and maintenance of the municipal swimming pool, under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

The Warrant Committee moved and seconded to pass Article 14.  
A voice vote was called on the main motion and Article 14 passed.

**Article 15.** To see if the Inhabitants of the Town of Mount Desert (henceforth referred to as "Town") will authorize the Board of Selectmen to enter into an easement agreement and easement deed with the Mount Desert Island historical Society (henceforth referred to as "Society") under such terms and conditions as the Board of Selectmen, in their sole discretion, deem to be in the best interest of the Town for work to correct dangerous road/surface drainage conditions at beginning of Oak Hill Road affecting Society property located in Somesville shown on Tax Map 21 Lot 007 at the intersection of State Route 102 and the Oak Hill Road, said work being the construction by the Town of a drainage pipe having a point of beginning in the Oak Hill Road then proceeding across and ending on Society property and, in compensation for this easement agreement being accepted and granted by the Society, the Town will construct a sanitary sewer connection from the public sewer main located in the Oak Hill Road to an area adjacent to the Society's building at no cost to the Society.

The Warrant Committee moved and seconded to pass Article 15.  
A voice vote was called on the main motion and Article 15 passed.

**Article 16.** Shall the Town of Mount Desert appropriate and authorize the Municipal Officers of the Town to borrow not more than \$4,955,950.00 to finance the comprehensive refit and upgrade of the Northeast Harbor Wastewater Treatment Plant and equipment located at 18 Sinclair Road, Northeast Harbor, Maine (the "Project"); to accept, appropriate and expend state, federal and other grant funds if any are available for the Project; and further authorize the Municipal Officers to issue bonds and/or notes of the Town, which may be callable, execute any and all contracts and documents and do any and all things necessary or convenient to borrow the necessary funds and accomplish the Project.

**FINANCIAL STATEMENT - TOWN OF MOUNT DESERT**

**1. Total Town Indebtedness**

A.	Bonds outstanding and unpaid:	\$13,392,254.00
B.	Bonds authorized and unissued:	\$ 0.00
C.	Bonds to be issued under this Town Meeting Article	\$ 4,955,950.00
	TOTAL	\$18,348,204.00

**2. Costs**

At an estimated interest rate of .36% for a term of 20 years, the estimated costs of this bond issue will be:

Principal	\$4,955,950.00
Interest	\$ 152,546.00
Costs	\$ 404,103.00
Total Debt Service	\$5,512,599.00

**3. Validity**

The validity of the bonds is not affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

  
Treasurer, Town of Mount Desert, Maine

The Warrant Committee moved and seconded to pass Article 16.

A voice vote was called on the main motion; it was the opinion of the Moderator that the votes in favor outnumbered those against and Article 16 passed.

**Article 17.** Shall the Town of Mount Desert appropriate and authorize the Municipal Officers of the Town to borrow not more than \$2,352,115.00 to finance the demolition of the Municipal Garage and construction and equipping of a new garage located at 307 Sargeant Drive, Northeast Harbor, Maine (the "Project"); and further authorize the Municipal Officers to issue bonds and/or notes of the Town, which may be callable, execute any and all contracts and documents and do any and all things necessary or convenient to borrow the necessary funds and accomplish the Project.

**FINANCIAL STATEMENT - TOWN OF MOUNT DESERT**

**1. Total Town Indebtedness**

A.	Bonds outstanding and unpaid:	\$13,392,254.00
B.	Bonds authorized and unissued:	\$ 0.00
C.	Bonds to be issued under this Town Meeting Article	\$ 2,352,115.00
	TOTAL	\$15,744,369.00

**2. Costs**

At an estimated interest rate of 2.93% for a term of 15 years, the estimated costs of this bond issue will be:

Principal	\$2,352,115.00
Interest	\$ 516,877.00
Total Debt Service	\$2,868,992.00

**3. Validity**

The validity of the bonds is not affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

*Kathryn A. Mahar*  
Treasurer, Town of Mount Desert, Maine

The Warrant Committee moved and seconded to pass Article 17.  
A voice vote was called on the main motion; it was the opinion of the Moderator that the votes in favor outnumbered those against and Article 17 passed.

**Article 18.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to accept and expend on behalf of the Town additional state, federal and other funds (including unconditional gifts of money) received during the fiscal year 2013 - 2014 for Town purposes, provided that such additional funds do not require expenditure of local funds not previously appropriated.

The Warrant Committee moved and seconded to pass Article 18.  
A voice vote was called on the main motion and Article 18 passed.

**Article 19.** To see if the Inhabitants of the Town of Mount Desert will vote to approve July 1, each year, as the date on which all taxes shall be due and payable providing that all unpaid taxes on September 1 of each year shall be charged interest at an annual rate of 7% (percent) per year. (*Tax Club members are exempt within the terms and conditions of the Town's Tax Club Agreement.*)

The Warrant Committee moved and seconded to pass Article 19.  
A voice vote was called on the main motion and Article 19 passed.

**Article 20.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax Collector to enter into a standard "tax club" agreement with taxpayers whereby: (1) the taxpayer agrees to pay specified monthly payments to the Town based on the taxpayer's estimated and actual tax obligation for current year property taxes; (2) the Town agrees to waive interest on timely payments; (3) the Town authorizes the Tax Collector to accept payment of taxes prior to commitment of taxes; (4) the agreement automatically terminates if two consecutive payments are missed and the taxpayer thereupon becomes subject to the same due date and interest rate as other, nonparticipating taxpayers; (5) only taxpayers who are current on their property tax obligations may participate; and (6) interested taxpayers must sign up for participation by the date shown on the application, to be determined by the Tax Collector.

The Warrant Committee moved and seconded to pass Article 20.  
A voice vote was called on the main motion and Article 20 passed.

**Article 21.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax Collector to accept pre-payment of property taxes, with no interest to be paid on same.

The Warrant Committee moved and seconded to pass Article 21.  
A voice vote was called on the main motion and Article 21 passed.

**Article 22.** To see if the Inhabitants of the Town of Mount Desert will vote to set the interest rate to be paid by the Town for abated taxes that have been paid at the rate of 3% (three percent) per year.

The Warrant Committee moved and seconded to pass Article 22.  
A voice vote was called on the main motion and Article 22 passed.

**Article 23.** To see what sum the Inhabitants of the Town of Mount Desert will vote to



raise and/or appropriate to pay overpayment of taxes (due to abatement) and applicable interest granted during this fiscal year.

The Warrant Committee moved and seconded to recommend appropriation for abatement expenses from overlay.

A voice vote was called on the main motion; it was the opinion of the Moderator that the votes in favor outnumbered those against and Article 23 passed.

**Article 24.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to dispose by public bid of Town-owned property, other than real property, with a value of ten thousand dollars (\$10,000) or less under such terms and conditions as it deems advisable.

The Warrant Committee moved and seconded to pass Article 24.  
A voice vote was called on the main motion and Article 24 passed.

**Article 25.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to sell at public auction or by advertised sealed bid, and to convey titles obtained under tax deeds and under deeds of conveyance to the Inhabitants of the Town any land and/or buildings, including trailers, in lieu of payment of taxes except that the Selectmen have the power to authorize redemption.

The Warrant Committee moved and seconded to pass Article 25.  
A voice vote was called on the main motion and Article 25 passed.

**Article 26.** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to contract for services, in amounts not to exceed appropriation for same, under such terms and conditions as it deems advisable.

The Warrant Committee moved and seconded to pass Article 26.  
A voice vote was called on the main motion and Article 26 passed.

**Article 27.** To see if the Inhabitants of the Town of Mount Desert will vote to establish the annual compensation for Selectmen services at \$3,000.00 per Selectman.

The Warrant Committee moved and seconded to pass Article 27.  
A voice vote was called on the main motion and Article 27 passed.

**Article 28.** To see if the Inhabitants of the Town of Mount Desert will vote to transfer three hundred thousand dollars (\$300,000.00) from Surplus for the 2013 - 2014 Town Budget to

be used to reduce taxes.

The Warrant Committee moved and seconded to pass Article 28.  
A voice vote was called on the main motion and Article 28 passed.

**Article 29.** To see if the Inhabitants of the Town of Mount Desert will vote to transfer three hundred thousand dollars (\$300,000.00) from the Capital Gains Reserve account for the 2013 – 2014 Town Budget to be used to reduce taxes.

The Warrant Committee moved and seconded to pass Article 29.  
A voice vote was called on the main motion and Article 29 passed.

**Article 30.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and/or appropriate as Revenue through Excise Taxes, Service Fees and miscellaneous sources for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 30 at \$1,061,585.00.  
A voice vote was called on the main motion and Article 30 passed at \$1,061,585.00.

**Article 31.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 102 General Government – Governing Body, Municipal Management, Town Clerk, Finance/Treasury, Assessment, Code Enforcement, Human Resources, and Unallocated Funds for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 31 at \$1,061,075.00.  
A voice vote was called on the main motion and Article 31 passed at \$1,061,075.00.

**Article 32.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 103 Health & Welfare – General Assistance for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 32 at \$6,000.00.  
A voice vote was called on the main motion and Article 32 passed at \$6,000.00.

**Article 33.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 104 Public Safety – Police and Communications for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 33 at \$1,057,342.00.  
A voice vote was called on the main motion; it was the opinion of the Moderator that the votes in favor outnumbered those against and Article 33 passed at \$1,057,342.00.

**Article 34.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 104 Public Safety – Fire, Emergency Management, and Hydrants for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 34 at \$884,569.00.  
A voice vote was called on the main motion and Article 34 passed at \$884,569.00.

**Article 35.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 105 Public Works - Roads, Waste Management, Parks & Cemeteries and Buildings & Grounds, for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 35 at \$2,473,404.00.  
A voice vote was called on the main motion and Article 35 passed at \$2,473,404.00.

**Article 36.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 105 Public Works Sewer Capital and Sewers for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 36 at \$876,879.00.  
A voice vote was called on the main motion and Article 36 passed at \$876,879.00.

**Article 37.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 106 Culture - Recreation/Libraries for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 37 at \$171,650.00.  
A voice vote was called on the main motion and Article 37 passed at \$171,650.00.

**Article 38.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for an Economic Development Director/Consultant in an amount not to

exceed \$25,000, such funds to be matched by the Summer Residents Association, to establish Department 107 E/D Consultant for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 38 at \$25,000.00.  
A hand count was conducted on the main motion and Article 38 passed at \$25,000.00  
YES 86 NO 7

**Article 39.** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 108 Debt - Debt for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 39 at \$1,406,977.00.  
A voice vote was called on the main motion and Article 39 passed at \$1,406,977.00.

**Article 40.** To see what sum the Inhabitants of the Town of Mount Desert will vote to appropriate for Department 109 All Other – Public Agencies and Rural Waste Water Support Program for the 2013 - 2014 Town Budget.

The Warrant Committee moved and seconded to pass Article 40 at \$240,744.00.  
A voice vote was called on the main motion and Article 40 passed at \$240,744.00.

**Article 41.** To see if the Inhabitants of the Town of Mount Desert will vote to raise and appropriate from the Undesignated Fund Balance an amount not to exceed \$25,000.00 for the design and construction of wayfinding signs within the Town of Mount Desert.

The Warrant Committee moved and seconded to pass Article 41 at \$25,000.00.  
A voice vote was called on the main motion and Article 41 passed at \$25,000.00.

**Article 42.** To see if the Inhabitants of the Town of Mount Desert will vote to increase the property tax levy limit of \$ established for the Town of Mount Desert by State law in the event that the Municipal Budget approved under the previous articles will result in a tax commitment that is greater than the property tax levy limit.

**Explanation:** *The State Legislature passed a new “tax reform” law known as LD#1. This bill created a maximum municipal tax levy based upon this year’s tax, plus an allowance for inflation and the Town’s tax base growth due to new construction. However, LD#1 allows Mount Desert voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. The only requirement is that a secret vote must be taken by written ballot.*

The Warrant Committee moved and seconded to pass Article 42 at \$6,542,055.00.  
It was moved and seconded to amend the article to add “for the year 2013 – 2014”.

A voice vote was called and the amendment passed.  
A voice vote was called on the main motion.  
It was the opinion of the Moderator that those voting in favor outnumbered those against.  
It was determined that by law a secret ballot vote must be taken.  
A secret ballot vote was conducted and Article 42 passed at \$6,542,055.00 for the year 2013 – 2014.

YES 67 NO 0

Drawing for a rain barrel was won by Dick Crawford.  
Drawing for a composter won by Katie Bell.  
Drawing for a composter won by Story Litchfield.

**Article 43.** To see if the Inhabitants of the Town of Mount Desert will vote to ratify the Board of Selectmen’s approval of the Marina Enterprise Fund budget.

The Warrant Committee moved and seconded to pass Article 43.  
A voice vote was called on the main motion and Article 43 passed.

Moderator Fern welcomed back Superintendent Howard Colter who gave an overview of the school budget amendment requests which comprised of State revenue cuts, health insurance increase of 13%, and the potential need for an additional teacher. MDES Principal Scott McFarland spoke to the necessity of the additional funds.

**Article 44.** To see what sum the School Board will be authorized to expend for Regular Instruction for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 44 at \$1,216,651.00.  
The School Board moved and seconded to amend Article 44 to \$1,265,087.00.  
A voice vote was called on the amendment to Article 44 and the motion passed.  
A voice vote was called on the main motion and Article 44 passed at \$1,265,087.00

**Article 45.** To see what sum the School Board will be authorized to expend for Special Education for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 45 at \$605,055.00  
The School Board moved and seconded to amend 45 to \$569,855.  
A voice vote was called on the amendment to Article 45 and the motion passed.  
A voice vote was called on the main motion and Article 45 passed at \$569,855.00

**Article 46.** To see what sum the School Board will be authorized to expend for Career

and Technical Education for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 46 at \$ -0-  
A voice vote was called and Article 46 passed at \$0.00

**Article 47.** To see what sum the School Board will be authorized to expend for Other Instruction for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 47 at \$51,682.00  
A voice vote was called and Article 47 passed at \$51,682.00.

**Article 48.** To see what sum the School Board will be authorized to expend for Student & Staff Support for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 48 at \$318,913.00  
The School Board moved and seconded to amend Article 48 to \$320,216.00.  
A voice vote was called on the amendment to Article 48 and the motion passed.  
A voice vote was called on the main motion and Article 48 passed at \$320,216.00.

**Article 49.** To see what sum the School Board will be authorized to expend for System Administration for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 49 at \$60,118.00.  
A voice vote was called and Article 49 passed at \$60,118.00.

**Article 50.** To see what sum the School Board will be authorized to expend for School Administration for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 50 at \$217,750.00  
The School Board moved and seconded to amend Article 50 to \$219,075.00.  
A voice vote was called on the amendment to Article 50 and the motion passed.  
A voice vote was called on the main motion and Article 50 passed at \$219,075.00.

**Article 51.** To see what sum the School Board will be authorized to expend for Transportation & Buses for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 51 at \$130,607.00

A voice vote was called and Article 51 passed at \$130,607.00.

**Article 52.** To see what sum the School Board will be authorized to expend for Facilities Maintenance for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 52 at \$397,771.00  
The School Board moved and seconded to amend Article 52 to \$398,866.00.  
A voice vote was called on the amendment to Article 52 and the motion passed.  
A voice vote was called on the main motion and Article 52 passed at \$398,866.00.

**Article 53.** To see what sum the School Board will be authorized to expend for Debt Service and Other Commitments for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 53 at \$422,775.00  
A voice vote was called and Article 53 passed at \$422,775.00

**Article 54.** To see what sum the School Board will be authorized to expend for All Other Expenditures for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

The Warrant Committee moved and seconded to pass Article 54 at \$46,000.00  
A voice vote was called and Article 54 passed at \$46,000.00

**Article 55.** To see what sum the voters of the Town of Mount Desert will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$1,735,906.00) and to see what sum the voters of the Town of Mount Desert will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2013 to June 30, 2014.

The Warrant Committee moved and seconded to pass Article 55 at \$1,649,539.00.  
A hand count was conducted and Article 55 passed at \$1,649,539.00

YES 65 NO 0

**Article 56.** To see what sum the voters of the Town of Mount Desert will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state-funded portions of school

construction projects and minor capital projects in addition to the funds appropriated as the local share of the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 12 for the period July 1, 2013 to June 30, 2014.

The Warrant Committee moved and seconded to pass Article 56 at \$422,775.00  
A hand count was conducted and Article 56 passed at \$422,775.00

YES 63 NO 0

**Article 57.** To see what sum the voters of the Town of Mount Desert will raise and appropriate in additional local funds for school purposes (Recommend: \$1,253,965.00) for the period July 1, 2013 to June 30, 2014, which exceeds the State's Essential Programs and Services allocation model by (Recommend: \$1,218,202.00) as required to fund the budget recommended by the School Board.

The Warrant Committee moved and seconded to raise and appropriate \$1,253,965.00 for additional local funds for school purposes and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$1,218,202.00: the State funding model underestimates the actual costs to fully fund the 2013 - 2014 budget.

The School Board moved and seconded to amend Article 57 to raise and appropriate \$1,284,558 for additional local funds for school purposes and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$1,248,794.00: the State funding model underestimates the actual costs to fully fund the 2013 - 2014 budget.  
A voice vote was called on the motion to amend and the motion passed.  
A written ballot was conducted on the main motion and Article 57 passed with

YES 54 NO 1

**Article 58.** To see what sum the voters of the Town of Mount Desert will authorize the School Board to expend for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the Town's contribution to the total cost of funding the public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, Section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

The Warrant Committee moved and seconded to pass Article 58 at \$3,467,322.00  
The School Board moved and seconded to amend Article 58 to \$3,484,281.00  
A voice vote was called on the motion to amend and the motion passed.  
A hand count was conducted on the main motion and Article 58 passed with

YES 62 NO 0



**Article 59.** In addition to the amount in Articles 44 through 58 shall the School Board be authorized to expend such other sums as may be received from state or federal grants or programs or other sources during the fiscal year 2013 – 2014 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated? (Current Year Totals: \$110,356.00)

The Warrant Committee moved and seconded to pass Article 59.  
A voice vote was called on the main motion and Article 59 passed.

Moderator Ferm recognized the Town staff, Joelle, Jennifer, Margaret, and Claire, whose professionalism enabled these meetings to run so smoothly; he thanked the Warrant Committee for all their time and effort; and he extended a thank you to everybody who participated and especially for being here.

Everyone joined in to thank Moderator Ferm for a job well done.

At 9:06 p.m., the Warrant Committee moved and seconded to adjourn the meeting.  
A voice vote was called on the main motion and with a resounding yes the motion passed.

## Appendices

An underline indicates an addition and a ~~strike through~~ indicates a deletion.

### Appendix A (Article 9)

#### SHELLFISH CONSERVATION ORDINANCE TOWN OF MOUNT DESERT

Enacted March 8, 2000, Annual Town Meeting  
Amended March 3, 2003 Annual Town Meeting  
Amended March 7, 2007 Annual Town Meeting  
Amended May 3, 2011 Annual Town Meeting

#### 1. AUTHORITY

This ordinance is enacted in accordance with 12 M.R.S.A. Section 6671.

#### 2. PURPOSE

To establish a Shellfish Conservation Program for the Town of Mount Desert which will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- A. Licensing.
- B. Limiting the number of shellfish harvesters.
- C. Restricting the time and area where digging is permitted.
- D. Limiting the minimum size of clams taken.
- E. Limiting the amount of clams taken daily by a harvester.

#### 3. SHELLFISH CONSERVATION COMMITTEE

The Shellfish Conservation Program for the Town of Mount Desert will be administered by the Shellfish Conservation Committee consisting of a minimum of five (5) members to be appointed by the selectmen of the town for terms of two (2) years.

The committee's responsibilities include:

- A. Establishing annually in conjunction with the Department of Marine Resources (DMR) the shellfish licenses to be issued.
- B. Submitting to the Board of Selectmen proposals for the expenditure of funds for the purpose of shellfish conservation.
- C. Keeping this ordinance under review and making recommendations for its amendments.
- D. Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas.
- E. Recommending conservation closures and openings to the Board of Selectmen in conjunction with the Department of Marine Resources Area Biologist.
- E. Submitting an annual report to the Town of Mount Desert and the Department of Marine Resources covering above topics and all other committee activities.

G. Committee members shall make every effort to regularly attend Committee meetings. Any Committee member who misses more than two consecutive unexcused absences shall lose their seat on the Committee.

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H. The Committee is authorized to approve the number of shellfish licenses to be issued, approve license fees, open and close the flats, set times when digging is allowed, set permitted quantities that may be harvested, and to take such actions as authorized by the Board of Selectmen, and subject to the Department of Marine Resources approval.

#### 4. DEFINITIONS

**A. Resident** The term "resident" refers to a person who has been domiciled in this municipality for at least three months prior to the time his claim of such residence is made.

**B. Nonresident** The term "nonresident" means anyone not qualified as a resident under this ordinance.

**C. Shellfish, Clams and Intertidal Shellfish Resources** When used in the context of this ordinance the words "shellfish", "clams", and "intertidal shellfish resources" mean soft shell clams (*Mya arenaria*).

**D. Municipality** Refers to the Town of Mount Desert, Maine.

E. Annual License Allocation Procedure Plan A plan written by the Committee that shall outline in detail how licenses are to be allocated on an annual basis and shall establish priority status for the allocation of licenses.

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F. Conservation Time Those measures and activities approved by the Committee for the purposes of resource enhancement and the support of this ordinance.

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#### 5. LICENSING

A Municipal shellfish-digging license is required for all persons age sixteen (16) and over. It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this ordinance. The Town Clerk shall issue Resident and Nonresident Recreational and Commercial licenses.

##### A. Designation, Scope and Qualifications

**1. Resident Recreational License** The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself or his family.

**2. Nonresident Recreational license** The license is available to any person not a resident of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself or his family.

**3. Resident Commercial License** The license is available to residents and real estate taxpayers of this municipality. ~~Amount to dig and take, and area to dig, is to be determined by the Shellfish Conservation Committee each year prior to March 4<sup>th</sup>.~~

**4. Nonresident Commercial License** The license is available to any person not a resident of this municipality. ~~Amount to dig and take, and area to~~

~~dig, is to be determined by the Shellfish Conservation Committee each year prior to March 4<sup>th</sup>.~~

**5. License must be signed** The license must be signed to make it valid.

**B. Application Procedure** Any person may apply to the Town Clerk for the licenses required by this ordinance on forms provided by the municipality. Notice of available commercial and recreational licenses shall be published in a newspaper with general circulation not less than ten (10) days prior to the period of issuance and shall be posted in the municipal office until the period expires. Applications for commercial licenses must be received at the Town Office as required by the Allocation Plan. No Shellfish licenses may be reserved and licenses cannot be transferred.

**1. Contents of the Application** The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature, and whatever information the municipality may require.

**2. Misrepresentation** Any person who gives false information on a license application will cause said license to become invalid and void.

**C. License Allocation Procedures** License sales procedures shall be determined by the Committee and submitted to the Department of Marine Resources for their approval at least thirty (30) days prior to the licenses going on sale. Notice of the number of licenses to be issued and the procedure for application shall be defined by an Annual License Allocation Plan.

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1. The Town Clerk shall issue licenses to those residents and non-residents who have met the requirements of obtaining a commercial license. The Town Clerk shall issue licenses allocated starting July 1 or the next business day. A lottery for commercial licenses will be held according to the Allocation plan.

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2. Conservation time must be completed prior to the issuance of a municipal commercial shellfish *renewal* licenses in accordance with the Annual License Allocation Plan.

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3. Any license holder convicted of any violation of this ordinance shall forfeit seniority. Those who have held a commercial license uninterrupted from the first year of availability within this Ordinance shall maintain seniority.

Details explaining how licenses are issued are described in the Annual License Allocation Plan.

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**D. Fees** The fees for the license must accompany in full the application for the respective license. The Town Clerk shall pay all fees received to the Town Treasurer. All fees shall be determined by the Shellfish Conservation Committee each year prior to ~~March 4<sup>th</sup>~~ May 1. Fees received for shellfish licensing shall be used by the town for shellfish management, conservation and enforcement.

**E. Limitation of Diggers** Clam resources vary in size and distribution from year to year and over the limited soft shell clam producing areas of the town. It is essential that the town carefully husband its resources. Following the annual review of the town's clam resources, its size distribution, abundance, and the wardens' reports, as required by Section 3, the Shellfish Conservation Committee in consultation with the DMR Area

Biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.

1. Prior to ~~March 1<sup>st</sup>~~ May 1<sup>st</sup> the committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.
2. After receiving approval of proposed license allocations from the Commissioner of Marine Resources the Town Clerk shall file said approval in the Town Office.
- ~~3. Notice of licenses to be issued and procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which municipal officers consider effective in reaching persons affected, not less than ten (10) days prior to the period of issuance, (the first business day in October annually), and shall be posted in the municipal office until the period concludes.~~
3. No digging will be allowed ½ hour before sunrise and 1/2 hour after sunset, except from November 1 to March 1 digging is allowed until 6:00 p.m.-
4. The number of licenses issued shall be determined by the Shellfish Conservation Committee each year prior to March-May 1<sup>st</sup>.

**EF.** **License Expiration Date** Each license issued under authority of this ordinance is valid for a term of one year, expiring June 30 of each year. ~~to be determined by the Shellfish Conservation Committee each year prior to March 1<sup>st</sup>.~~

**FG.** **Suspension** Any shellfish licensee having two convictions for a violation of this ordinance shall have his license automatically suspended for a period of thirty (30) days.

**GH.** **Suspension cont'd** Any shellfish licensee having three convictions in a twelve-month period for a violation of this ordinance shall have his shellfish license automatically suspended for a period of one year.

1. A licensee whose shellfish license has been suspended pursuant to this ordinance may reapply for a license only after the suspension period has expired.
2. The suspension shall be effective from the date of mailing of a notice of suspension by the Town Clerk to the licensee.
3. Any licensee whose shellfish license has been automatically suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written request for a hearing with the Town Clerk within thirty (30) days following the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Board of Selectmen by filing a written request for appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Conservation Committee.

## 6. OPENING AND CLOSING FLATS

The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the DMR Area Biologist that the status of shellfish

resource and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers may call a public hearing, and shall send a copy of the notice to the Department of Marine Resources.

The decision of the Municipal Officers made after the hearing shall be based on findings of fact.

## **7. MINIMUM LEGAL SIZE OF SOFT SHELL CLAMS**

It is unlawful for any person to possess soft shell clams within the Town of Mount Desert, County of Hancock which are less than two (2) inches in the longest diameter except as provided by subsection B of this section.

### **A. Definitions**

**1. Lot** The word "lot" as used in this ordinance means the total number of soft-shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitutes a separate lot.

**2. Possess** For the purpose of this section, "possess" means dig, take, harvest, ship, transport, hold, buy, and sell retail and wholesale soft shell clam shell stock.

**B. Tolerance** Any person may possess soft-shell clams that are less than two (2) inches if they comprise less than 10% of any lot. The tolerance shall be determined by numerical count of not less than one (1) peck nor more than four (4) pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one (1) peck.

**C. Penalty** Whoever violates any provision of this section shall be punished as provided by 12 M.R.S.A. § 6681.

## **8. PENALTY**

A person who violates this ordinance shall be punished as provided by 12 M.R.S.A. § 6671, as amended (10).

## **9. EFFECTIVE DATE**

This ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality provided a certified copy of the ordinance is filed with the Commissioner within twenty (20) days of its adoption.

## **10. PERIOD OF THE ORDINANCE**

This ordinance shall remain in effect for a period of fifteen (15) years from the effective date.

## **11. SEPARABILITY**

If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portion of this ordinance.

## **12. REPEAL**

Any ordinance regulating the harvest or conservation of shellfish in the town and any provisions of any other town ordinance, which is inconsistent with this ordinance, is hereby repealed.

Duly recorded,

\_\_\_\_\_  
Joelle D. Nolan, Town Clerk  
Town of Mount Desert

Attest: A true copy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date