

**Town of Mount Desert
Selectboard Minutes
February 6, 2023**

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

Board Member Wendy Littlefield was not in attendance.

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

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

Chair Macauley called the meeting to order at 6:28PM.

II. Minutes

A. Approval of minutes from January 17, 2023 meeting

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of the January 17, 2023 Minutes as presented.

Motion approved 4-0.

III. Appointments/Recognitions/Resignations

A. Consider the appointment of Jason Irwin to the Investment Committee

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, appointment of Jason Irwin to the Investment Committee as presented.

Motion approved 4-0.

B. Consider the appointment of Allen Kimmerly to the LUZO Committee

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, appointment of Allen Kimmerly to the LUZO Committee as presented.

Motion approved 4-0.

C. Consider the appointment of Joseph Renault to the LUZO Committee

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, appointment of Joseph Renault to the LUZO Committee as presented.

Motion approved 4-0.

D. Accept resignation of Christie Anastasia as alternate Planning Board member

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, acceptance of the resignation of Christie Anastasia as alternate Planning Board member as presented and with regret.

Motion approved 4-0.

IV. Consent Agenda

A. Treasurer's Report: 4th Quarter 2022 (Oct-Dec) analysis of cash, cash equivalents, investments, reserves, and trust funds

B. Memo from Finance Director, Jake Wright, regarding modifications to the FY24 CIP proposed funding resulting from no long pursuing the "virtual desktop" project

- 1 C. Universal waste collection totals from the annual HHW and UW held 9-22
- 2 D. Hancock County Commissioners Meeting Minutes from January 4, 2023
- 3 E. Acadia National Park Advisory Commission Meeting Minutes from September 12,
- 4 2022

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

7 Motion approved 4-0.

8
9 **V. Selectboard Reports**

10 Mr. Mooers reported that several coastal Maine communities have made donations to the Maine
11 Lobstermen's Association Legal Defense Fund. He suggested the Town of Mount Desert
12 consider doing the same.

13
14 Others agreed. The deadline for 3rd party requests has passed. Funds could come from the
15 Selectboard's contingency fund if the association is unable to make a 3rd party request. Manager
16 Lunt confirmed there were contingency funds available.

17
18 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to authorize a donation of
19 \$1,000.00 to go to the Maine Lobstermen's Association Legal Defense Fund from the
20 Selectboard Contingency Fund.

21 Motion approved 4-0.

22
23 Ms. Dudman suggested sending a letter of support along with the donation.

24
25
26 Ms. Dudman asked for an update on the streetlight situation. The neighborhood residents report
27 there's been no change. Manager Lunt promised to check in with the Police. It was Manager
28 Lunt's understanding that the light would be moved.

29
30
31 Chair Macauley hoped the traditional Warrant Committee dinner could be brought back.
32 Warrant Committee Chair Phil Lichtenstein confirmed there is money in the budget for a dinner.

33
34
35 Mr. Wood asked for an update about the weekly rental ordinance being drafted. Ms. Dudman
36 noted there is a February 21 LUZO meeting to discuss it.

37
38
39 Chair Macauley recently learned there is no generator at the marina to keep engine blocks
40 heated. Harbormaster Lamoine was not in attendance. Manager Lunt agreed to look into it.

41
42 **VI. Unfinished Business**

43 A. Seal Harbor Library Memorandum of Understanding presentation and review
44 Seal Harbor Library Director Wendy Livingston was not in attendance.

45
46 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to table the item until Ms.
47 Livingston's arrival.

48 Motion approved 4-0.

1
2 Ms. Livingston later arrived. The Seal Harbor Library is the smallest library in Town. In the
3 fall, winter, and spring the library is open on Saturdays with a paid librarian. In the summer the
4 library is manned by volunteers and open 5 to 6 days a week. The library provides access to wi-
5 fi, archives, some summer programming, and they have a book club. Their request is \$4,000.00,
6 as it is every year. The library's operating budget is \$13,000.00, coming mostly from donations
7 and the summer book sale. The Town's funding helps to pay for the librarian.
8

9 *B. Discussion of Landscape Architect's Plan for Benches*

10 There was some discussion regarding whether granite benches or durable artificial wood benches
11 were preferred. Ms. Dudman recalled the consensus being an artificial wood bench similar to
12 what was at the harbor already. Memorial plaques could be affixed to the backs of the benches.
13 Mr. Mooers recalled discussion about the benches being all the same design to create a uniform
14 look. It was agreed that green artificial wood benches similar to what is at the marina be used.
15 Resident Katrina Carter believed there were various types of benches at the harbor. She
16 suggested a further look to ensure uniformity. Public Works Director Henkel agreed to look into
17 the marina bench designs.
18

19 Ms. Dudman did not believe the marina plan has been approved. Manager Lunt believed the
20 Harbor Committee wanted to discuss some concerns.
21

22 Harbor Committee member Storey Litchfield reported the Harbor Committee is waiting to see a
23 revised landscaping plan from the architect. There are a number of items in the plan they felt
24 were not appropriate to the marina. The initial landscape plan was funded by the Garden Club.
25 Board members recalled the Garden Club stating they would not fund design revisions to the
26 plan, though the Town could revise the plans as they saw fit. The Town is still in receipt of the
27 original plans. Mr. Mooers recalled the landscape plan did not include bench design.
28

29 Ms. Dudman voiced concern that the issue appeared to have stalled. Perhaps the Harbor
30 Committee could bring their concerns to the Board and further steps could be determined.
31 Manager Lunt felt the landscape plan and the question of the benches were two separate issues.
32 Ms. Dudman believed it logical to have a dedicated bench design for the marina, but there should
33 be agreement on other locations in town where benches would be appropriate. Mr. Wood noted
34 that the initial request that started the discussion was for a bench at Pond's End. That location
35 has not been looked at. The Board discussed creating a list of where benches or other memorial
36 fixtures would be acceptable, and a menu of what types of memorial donations would be
37 appropriate.
38

39 Chair Macauley agreed the Pond's End site needs to be considered. As for the marina,
40 landscaping has become confused with the bench issue. He suggested:

- 41 - Review the Pond's End area.
- 42 - Create a bench plan.
- 43 - Review the landscape design options presented for the marina and work towards a plan
44 that will satisfy everyone.
- 45 - Mr. Wood recommended creating a list of Town areas appropriate for bench placement.
46

47 Manager Lunt suggested further discussion at the next meeting.
48

1 C. *Revised Code of Conduct Policy*

2 Manager Lunt reported the changes to the Code of Conduct Policy were made as requested and
3 the policy was ready for review.

4
5 Mr. Wood pointed out that the policy makes no mention of Board and Committee members
6 having to sign off on the policy annually. Manager Lunt did not believe such a requirement was
7 necessary. He believed the Selectboard could determine when signatures were required, but
8 scheduling didn't need to be embedded in the document.

9
10 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, acceptance of the Revised Code of
11 Conduct Policy.

12 Motion approved 4-0.

13
14 D. *Conflict for Third Party Funding Requests second meeting on February 22nd; need to move
15 to February 23rd*

16 The scheduled February 22 Third Party Funding Request meeting conflicts with a Planning
17 Board Meeting. Discussion ensued regarding another date.

18
19 It was agreed to reschedule the meeting for Monday, February 27 at 6:30PM.

20
21 E. *Discussion of capital gains reserve account and certain projects as described in memo from
22 Jake Wright, Finance Director, dated February 2nd, 2023*

23 Finance Director Wright explained it was wise to pull back when the market is uncertain. There
24 are other funding sources to look into for some projects, small bonds being the most likely.
25 There needs to be more review. Nothing has been finalized.

26
27 F. *Review of bids received to repair approximately two hundred lineal feet of erosion to the
28 Seal Harbor beach shoreline*

29 It was recommended to hold off on this project at this time.

30
31 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to Table Item VI.F.

32 Motion approved 4-0.

33
34 G. *Consider acceptance of bids received to repair approximately two hundred lineal feet of
35 erosion to the Seal Harbor beach shoreline*

36 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to reject the bids received.

37 Motion approved 4-0.

38
39 **VII. New Business**

40 A. *Consider waiving collection of EMS accounts receivable in the amount of \$300 in response
41 to request from patient*

42 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, waiving collection of EMS
43 accounts receivable in the amount of \$300 in response to request from patient as presented.

44
45 Chair Macauley noted the recommendation was not to waive collection.

46
47 Bar Harbor Assistant Fire Chief John Lennon believed the person was confused regarding the
48 ownership of the Ambulance Service.

1
2 Motion Rejected, 0-4.

3
4 *B. Consider writing off uncollectable accounts receivable in the amount of \$2,279.50 created*
5 *by three EMS runs prior to the effective date of MDFD's Medicare billing certification*

6 MOTION: Mr. Wood moved, with Ms. Dudman seconding, writing off uncollectable accounts
7 receivable in the amount of \$2,279.50 created by three EMS runs prior to the effective date of
8 MDFD's Medicare billing certification as presented.

9 Motion approved 4-0.

10
11 *C. Overview of Public Works-related proposed May 2023 town meeting warrant articles*
12 Public Works Director Henkel reported on the Warrant Articles for review.

- 13
14 1. **To accept ownership of Patterson Hill Road, a private road located in Somesville off**
15 **State Route 102 that serves the Patterson Hill Subdivision, and make it public.**

16 And

- 17 2. **To accept ownership of the Patterson Hill Subdivision private sanitary sewer system**
18 **and make it public.**

19 Director Henkel explained that accepting Patterson Hill Road as a public road requires several
20 conditions be met prior to acceptance, the biggest one being clarity regarding ownership.
21 Acceptance of the private sewer system also requires some conditions to be met. The acceptance
22 process could take as much as two years. The Warrant Article can be voted on at Town Meeting
23 contingent upon conditions being met. This subdivision includes its own wastewater pump
24 station.

- 25
26 3. **Based on residents comments, maintenance history, safety concerns, and current**
27 **conditions, to make sidewalk improvements**

28 Mr. Wood inquired about the sidewalks on the easterly side of Route 102 in Somesville. He
29 hoped the Town could be proactive and make the area uniform. It was noted the sidewalks on
30 the easterly side of Route 102 were removed from planned work because residents in the area
31 objected to it. Those residents have since changed their minds.

32
33 Proper crosswalk placement needs sidewalk on both sides of the street for pedestrian safety.

- 34
35 4. **To vote to ratify the overdraft that occurred in Public Works in Waste Management**
36 **in the amount of approximately \$48,000.**

37 And

- 38 5. **To vote to ratify the overdraft that occurred in Public Works in Buildings &**
39 **Grounds in the amount of approximately \$18,000.**

40 Director Henkel noted Items 4 and 5 will be made one warrant, with the two items delineated
41 within the warrant.

- 42
43 6. **Consideration of funding concept engineering work related to locating a sand/salt**
44 **building on the same map and lot that the highway garage is located on at Sargeant**
45 **Drive.**

46 This will consist of funding a feasibility study and concept plan of a sand/salt shed and determine
47 whether one can be sited at the highway garage property.

48

1 7. **To approve the necessary funding for renovations to the two (2) existing Town**
2 **owned tennis and pickleball courts.**

3 This will fund the tennis/pickleball courts, which are in need of restoration.
4

5 8. **To approve the necessary funding for renovations to the 1) parking lot in Seal**
6 **Harbor located westerly of the driveway to the Seal Harbor wastewater treatment**
7 **plant and accessed from Route 3 and, for the parking lots at the 2) lower level of the**
8 **town office outside the police and fire departments and 3) the lot that the Town**
9 **leases to Cranberry Isles.**

10 Proposed renovations will include the parking lots leased to Cranberry Isles residents and the
11 parking area near the Seal Harbor treatment plant.
12

13 Work at the Seal Harbor parking lot will include paving the dirt lot and installing EV chargers.
14 Director Henkel will be meeting with Mr. Lichtenstein to assess the electricity needs in
15 preparation for the EV charger installation. Mr. Lichtenstein reported that the grant money
16 received will pay for the charging units.
17

18 9. **9. To consider the sale of the emergency standby generator that the Town is leasing**
19 **to the Mount Desert Island Regional School System presently in use at the MDI**
20 **High School.**

21 The standby generator is proposed to be sold to the high school.
22

23 10. **10. In conformance with Maine DOT requirements, to approve funding for the**
24 **relocation of the Town sanitary sewer presently attached to the Babson Creek**
25 **bridge scheduled to be replaced with the possibility of construction commencing in**
26 **the spring of FY-24.**

27 The DOT estimates construction at the Babson Creek bridge could last a year. Repairs will
28 hopefully occur in 2024. The wastewater pump station there will need to be moved onto the
29 DOT's temporary bridge structure as construction occurs, and then onto the new bridge once it's
30 in place. Director Henkel has not yet received details from the DOT about the move's logistics.
31 There is the risk for additional cost to keep the system there functioning appropriately.
32

33 Ms. Dudman noted her attendance at a presentation about the bridge. At that time the DOT
34 noted it was in disrepair. She inquired about the bridge's condition. Director Henkel agreed it
35 was in need of replacement.
36

37 Mr. Mooers asked about the new speed limit poles recently erected in response to the needs of
38 The Community School. Director Henkel believed the one closest to the traffic light will have to
39 be relocated. He wasn't sure about the other.
40

41 11. **Consider approving a funding source other than capital gains, which were approved**
42 **for use at the 2022 town meeting, associated with costs for engineering and**
43 **construction to make drainage improvements to the Beech Hill Cross Road in the**
44 **general area where Denning's Brook crosses under the Road. Funding requested is**
45 **\$360,000 to be supplemented by the remaining DEP StreamSmart grant balance of**
46 **\$115,000 for a total cost of \$475,000. The original grant funding was \$125,000,**
47 **\$10,000 of which was used towards project design costs.**
48

1 **12. Consider approving a funding source other than capital gains, which were approved**
2 **for use at the 2022 town meeting, associated with costs for engineering and**
3 **construction to make repairs to the Seal Harbor beach erosion. The erosion was**
4 **caused by a strong storm surge that occurred during the winter of 2020-21. The**
5 **2022 town meeting approved funding if \$220,000. Based on the high bid of two we**
6 **received in the amount of approximately \$246,000, the May 2023 article is**
7 **anticipated to request \$250,000.**

8 Director Henkel noted these items were discussed earlier in the meeting.

9
10 *D. Proposed FY24 Revenue Budget review*

11 Manager Lunt reported the revenue is \$156,000.00 above last year's estimate. The Town will be
12 able to compensate for the lack of a capital gains contribution. It was noted the column labeled
13 "request" is a projected estimate.

14
15 Finance Director Wright agreed the Town is moving to fixed, more conservative sources in the
16 face of uncertain rates. This has affected some of the estimates previously made.

17
18 *E. Special Meeting February 13 for Ordinance Articles and Review of MDES budget,*
19 *and Draft Warrant Review*

20 There is both an AOS meeting and a Climate Task Force meeting on February 13. It was
21 confirmed the AOS meeting would not conflict, and the Climate Task Force meeting could be
22 moved.

23
24 **VIII. Other Business**

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

26 Mr. Wood noticed there was no report from the MRC on the Consent Agenda. He wondered
27 why, given the amount of news in the press about the situation. It felt as if the situation were
28 back to square one. Other Board members concurred.

29
30 MRC representative Tony Smith disagreed. He reported the exclusivity contract ended, but there
31 were a number of other interested parties reaching out. A number of state entities are involved.
32 Additionally, Revere Capital lost their exclusivity but that did not mean they were no longer a
33 part of the equation.

34
35 Chair Macauley suggested the Town might want to start considering plans for upping recycling
36 and reducing the waste residents are putting on the curb. Ms. Dudman suggested the
37 Sustainability Committee might be a good group to work on the issue. Mr. Lichtenstein reported
38 the current system is zero-sort, with pickup once a week in the winter, twice in the summer.
39 Other possibilities can be looked at. Perhaps the Town could consider reaching out to Agri-Cycle
40 and start collecting compost. To make changes the Town will have to make some choices
41 regarding their potential relationship with the Hampden facility if it comes online.

42
43 Chair Macauley felt it wise to start looking at options, and the Sustainability Committee might be
44 a good place to start. Mr. Lichtenstein agreed to add the issue to the next Sustainability
45 Committee agenda.

46
47 Mr. Smith cautioned that the Town is now paying more than twice for recycling than for
48 garbage. Organics, such as those Agri-Cycle would be interested in are required to go to the

1 facility from member towns. Organics are the basis for the production of biogas. Mr. Smith
 2 stated the Acadia Disposal District would be discussing the subject of recycling.

3
 4 Chair Macauley suggested Mr. Smith come to a Sustainability Committee meeting to discuss the
 5 issue.

6
 7 **IX. Treasurer's Warrants**

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

Town Invoices	AP#2351	2/7/2023	\$670,089.22
Total			\$670,089.22

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

12
 13 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants as shown*
 14 *below:*

State Fees & PR Benefits	AP#2348	1/19/2023	\$5,106.62
	AP#2349	1/25/2023	\$819.50
	AP#2350	2/1/2023	\$91,099.72
Town Payroll	PR#2317	1/20/2023	\$137,787.68
	PR#2318	2/3/2023	\$154,881.93
	PR#2319	2/3/2023	\$403.52
Total			\$390,098.97

15 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of signed Treasurer's
 16 Payroll, State Fees, & PR Benefit Warrants as shown above.
 17 Motion approved 4-0.

18
 19 *C. Acknowledge Treasurer's Town Voided Disbursements & School Board AP/Payroll*
 20 *Warrants as shown below:*

School Invoices	AP#8	2/1/2023	\$197,732.17
School Payroll	PR#15	1/20/2023	\$205,607.92
	PR#16	2/3/2023	\$94,805.39
Voided Disbursements	V#2308	2/2/2023	\$(257.73)
Total			\$497,887.75

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

Grand Total			\$1,558,075.94
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 26 **X. Adjournment**

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

29
 30 The Meeting adjourned at 7:35PM

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7

Respectfully Submitted,



Geoffrey Wood