

**Town of Mount Desert
Selectboard Minutes
Monday, March 20, 2023**

Board Members Present: Chair John Macauley, Wendy Littlefield, Martha Dudman, Geoffrey Wood

Selectboard member Rick Mooers was not in attendance.

Town Officials Present: Town Manager Durlin Lunt, Fire Chief Mike Bender, Finance Director Jake Wright, Town Clerk Claire Woolfolk, Public Works Director Brian Henkle

Members of the public were also present.

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

Public please hold comments until the Selectboard Chairman opens the agenda items for public comment. When addressing the Board, state your FULL NAME (both in person and on Zoom). It is suggested that you enter your full name as your ID on Zoom.

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

II. Minutes

A. Approval of minutes from February 27, 2023 meeting

MOTION: Ms. Dudman moved, with Mr. Wood seconding, approval of the February 27, 2023 Minutes as presented.

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

III. Appointments/Recognitions/Resignations

None presented.

IV. Consent Agenda *(These items are considered routine, and therefore, may be passed by the Selectmen in one blanket motion. Board members may remove any item for discussion by requesting such action prior to consideration of that portion of the agenda.)*

None presented.

V. Selectboard's Reports

None presented.

VI. Unfinished Business

A. Discussion of Short-term Rental Ordinance (Noel Musson)

Consultant Noel Musson noted additional items the Board must consider for the ordinance prior to Town Meeting, including a fee structure and a system for administering the ordinance. The LUZO Committee is working on the application, and a one-page informational summary of the ordinance.

Several fee structures from other communities were provided as examples. Mr. Musson advised keeping the fee structure simple. Mr. Wood believed the fee should be kept low at this point. Ms. Dudman agreed.

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Town Clerk Woolfolk asked to whom phone calls and questions should be directed. Ms. Littlefield worried the ordinance would result in a sizable amount of paperwork and administrative time. Town administrative staff already have full workloads.

Resident Tracy Aberman believed other Towns have created new positions to administer their ordinance. She suggested as an alternative the Town could target for-business renters by requiring anyone renting three or more properties to get a business license with the Town. Ms. Aberman was concerned about the personal information the application would require of residents.

Resident Katrina Carter was not in favor of the ordinance. She questioned whether the Town could prevent someone from using their property in such a way. There are significantly fewer seasonal renters now than there were in 2001. She suggested the ordinance could likely push some renters underground.

Resident Jennifer McLean argued that the Town had no right to regulate short-term rentals. The Town can implement new rules going forward but cannot limit historical use. She cautioned there would likely be legal fallout from the ordinance.

Ms. Littlefield opposed approving an ordinance without a clear idea of the problem it was intended to solve. Ms. Dudman believed the problem was unregulated commercial businesses in Town and no ordinance to quantify or ensure quality of rentals. There must be some oversight for businesses operating in Town.

Ms. Aberman pointed out that the Town could simply ask renters. The information is available. It's unfair to assume what people can afford, or the quality of the people renting homes. Renters are already paying additional insurance and rental site fees. She felt the ordinance was redundant and the Town appeared to be blaming those renting their property for problems they have not caused.

Resident Scott Gerutis agreed with Ms. Aberman. Additionally, he voiced support of the workforce housing subdivision presented at a recent Planning Board meeting. He believed the problem was the increasing number of houses used for only short periods of time, and not short-term rental.

Ms. McLean noted the 2009 Comprehensive Plan discusses affordable housing. Housing issues in Mount Desert predate AirBNB and VRBO. She suggested a better option might be tax cuts or other incentives to locals owning year-round rentals.

Ms. Dudman stated the ordinance is already on the warrant and will be discussed at Town Meeting. The purpose of this discussion is to set a fee. Mr. Wood agreed with Ms. Dudman, but he agreed with a lot of the concerns heard during the discussion. Tying this ordinance to the affordable housing crisis was a mistake; the number of empty houses was a more concerning issue. He hoped to avoid making it more difficult for residents

1 renting their single-family home. Additional homes used only for rental purposes are, in
2 his opinion, a business. The Town must start addressing the issue somewhere.

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4 Warrant Committee member Jerry Miller noted that the issue of people who are not
5 residents buying houses keeps being brought up. He pointed out that quite a few local
6 residents are doing the same thing.

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8 Resident Tony Smith suggested that perhaps the problem was beyond the Board and Mr.
9 Musson. He suggested pulling the ordinance from the warrant, delaying the issue a year
10 to research and create a plan.

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12 Ms. Aberman stated that at previous Town Meetings, people have been told the topics
13 they bring up should have been discussed at the meetings leading up to Town Meeting.
14 She has attended all meetings discussing the short-term rental issue, trying to understand
15 at what point her concerns would be considered.

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17 MOTION: Ms. Dudman moved, with Mr. Wood seconding to set the short-term
18 licensing fee at \$250.00 per year.

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20 CEO Kimberly Keene enquired about who would enforce the ordinance. Manager Lunt
21 stated enforcement and administration hasn't been budgeted for.

22
23 Ms. Littlefield reiterated her concern over recommending for passage an ordinance
24 without knowing whether there's enough personnel to handle the work it will create.
25 Administering this ordinance will start the day it's approved. Manager Lunt advised
26 coming up with a plan in the event the ordinance passes. It will have to include who does
27 the work, and how to fund it.

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29 Motion approved 3-1 (Littlefield Opposed).

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31 *B. Stanley Lane Streetlight update Captain by David Kerns*

32 It was noted an email was received updating the Board on the situation.

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34 *C. Update on MRC's solid waste processing facility in Hampden by MRC member Tony
35 Smith*

36 MRC member Mr. Smith reported three parties were solicited, and one has shown interest
37 in the facility. He gave a summary of the MRC members.

38
39 Mr. Wood asked about the loan from the State if the interested party moves forward on
40 the facility. It was explained that if the interested party purchased the plant, MRC would
41 remain as an owner of a percent of the facility. If a deal does not occur, the MRC will
42 pursue requesting a guaranty from the State. There is no timeframe from the State to
43 approve such a guaranty. MRC remains in touch with the State. It was estimated 10 to
44 12 months were necessary to bring the facility back into operation.

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1 The facility has a license to sell pulp and also biofuel. There is a company interested in
2 the purchase of plastic bricks.

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4 **VII. New Business**

5 *A. Consideration of Stone/Matheson Steamboat Wharf Utility Location Permit*
6 Engineer Greg Johnston explained the project. A new pole will be installed, and
7 underground lines will be run, returning to above ground to serve the Yacht Club. After
8 the work is done the road will be repaved.

9
10 Chair Macauley noted the project was to remove the wires from sight for two properties.
11 Would it make more sense to put the entire line underground? Mr. Johnston reported that
12 space along the road is limited for such a project and the property owners are paying for
13 the project.

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15 MOTION: Ms. Littlefield moved, with Mr. Wood seconding, approval of
16 Stone/Matheson Steamboat Wharf Utility Location Permit as presented.
17 Motion approved 4-0.

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19 *B. Discussion and consideration of an underground installation for the new electrical*
20 *service lines to the town office building as an alternative to an aerial installation and,*
21 *if approved, authorize the Fire Chief to sign and execute the change order using*
22 *project contingency funds to pay for said change order. The new electrical service*
23 *line installation is part of the NEH fire station expansion project*

24 Fire Chief Bender reported that funding is available for this work in the contingency
25 fund. There have been concerns about bringing aerial three-phase power to the building.
26 Approximately \$250,000.00 has been spent so far from the contingency fund, including
27 this estimated amount.

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29 MOTION: Ms. Dudman moved, with Mr. Wood seconding, approval of underground
30 installation for the new electrical service lines to the town office building as an
31 alternative to an aerial installation and, if approved, authorize the Fire Chief to sign and
32 execute the change order using project contingency funds to pay for said change order as
33 presented.
34 Motion approved 4-0.

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36 *C. Consideration to release up to \$22,000.00 from the Fire Equipment Reserve account,*
37 *# 4040300-24471, and authorize the Fire Chief to use such funds for the purpose of*
38 *purchasing structural firefighting gear*

39 MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, approval to release up to
40 \$22,000.00 from the Fire Equipment Reserve account, # 4040300-24471, and authorize
41 the Fire Chief to use such funds for the purpose of purchasing structural firefighting gear
42 as presented.
43 Motion approved 4-0.

44
45 *D. Consider amending sections 5.2.4 and 5.3 of the non-union personnel policy as*
46 *shown in redlined version following memo from Jake Wright, Finance Director*

1 Director Wright confirmed the change was essentially clarifying language regarding
 2 compensation for added duties.

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 4 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, amending sections 5.2.4
 5 and 5.3 of the non-union personnel policy as shown in redlined version following memo
 6 from Jake Wright, Finance Director as presented.

7 Motion approved 4-0.

8
 9 *E. Review and Sign Ordinance Certifications for May 1 and 2, 2023 Annual Town
 10 Meeting*

11 Clerk Woolfolk explained that the Board certifies the language of the ordinances each
 12 year. The paperwork was available for signature.

13
 14 Mr. Wood noted the solid waste ordinance referenced “Fiberight”. Should the name
 15 remain? Clerk Woolfolk noted no changes were presented for that ordinance, other than
 16 the removal of the sunset clause.

17
 18 *F. Review and Sign Warrant for May 1 and 2, 2023 Annual Town Meeting*

19 The paperwork was available for signature.

20
 21 **VIII. Other Business** *(Addendum items may be considered at the Selectboard’s discretion via majority vote to do so under Other
 22 Business or out of order.)*

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

24 None presented.

25
 26 **IX. Treasurer’s Warrants**

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

Town Invoices	AP#2360	03/21/2023	\$784,423.03
Total			\$784,423.03

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

30 Motion approved 4-0.

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

State Fees & PR Benefits	AP#2358	03/08/2023	\$3,279.53
	AP#2359	03/15/2023	\$45,524.42
Town Payroll	PR#2322	03/17/2023	\$147,446.74
Total			\$196,250.69

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

36 Motion approved 3-0-1 (Littlefield in Abstention).

37
 38 *C. Acknowledge Treasurer’s Town Voided Disbursements & School Board AP/Payroll
 39 Warrants as shown below:*

School Invoices	AP#		\$0
School Payroll	PR#19	03/17/2023	\$93,500.47
Voided Disbursements	V#		\$0
Total			\$93,500.47

1 MOTION: Ms. Dudman moved, with Mr. Wood seconding, acknowledgement of Treasurer's
2 Town Voided Disbursements & School Board AP/Payroll Warrants as shown above.
3 Motion approved 4-0.
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Grand Total			\$1,074,174.19
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6 **X. Adjournment**
7 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, to adjourn.
8 Motion approved 4-0.
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10 The Meeting adjourned at 7:38PM.

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12 Respectfully Submitted,

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16 Geoffrey Wood