

Town of Mount Desert
Selectboard Minutes
October 2, 2023

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

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

Members of the Public were also present.

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

Chair Macauley called the Meeting to order at 6:30P.M.

II. Public Hearing

Amendments to the General Assistance Ordinance Appendices A-H

Town Manager Lunt reported that this is an annual exercise from the state. Alternatively, the Town is allowed to write their own ordinance.

Chair Macauley asked for public comment. There was none.

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, to close the Public Hearing.
Motion approved 5-0.

The Public Hearing was closed.

III. Post Public Hearing

A. Discussion and Approve Amendments to the General Assistance Ordinance Appendices A-H

MOTION: Mr. Wood moved, with Mr. Mooers seconding, to approve Amendments to the General Assistance Ordinance Appendices A-H as presented.

Motion approved 5-0.

IV. Minutes

A. Approval of Minutes from September 18, 2023 meeting

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of the Minutes of September 18, 2023 as presented.

Motion approved 5-0.

V. Appointments/Recognitions/Resignations

None presented.

VI. Consent Agenda

A. Town of Mount Desert Awarded 2nd place for Maine Municipal Association's Annual Report Competition in the 1,000 to 2,499 population category

B. Thank you note from Mia Eason for the Reynolds Scholarship

1 C. ME LWCF Pre-application Site Inspection 2024 grant for Skating Rink Compressor Project

2 D. Hancock County Commissioners Meeting Minutes from September 6, 2023

3 E. Hancock County Commissioners Public Hearing Notice: 2024 Budget estimates

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

6 Motion approved 5-0.

7

8 Chair Macauley congratulated Deputy Clerk Jennifer Buchanan on her work on the Annual
9 Report.

10

11 **VII. Selectboard's Reports**

12 Ms. Dudman reported she was approached by a resident regarding the lighting in the Town
13 Offices parking lot. Resident Katrina Carter reported there is a lightbulb out in the parking lot in
14 front of the police station. The lights that do work are not adequate. She suggested a spotlight
15 on the corner of the Town Office building pointing down into the parking lot. She added that
16 there is no lighting for the stairs leading to the parking lot.

17

18 Resident Phil Lichtenstein noted those lights were a test of the LED streetlight project. He
19 suggested conferring with Public Works to install the same lights now used elsewhere in Town
20 and perhaps add another, while also being mindful of maintaining the dark sky lighting.

21

22

23 Ms. Dudman reported on a resident's concerns about the two large lunaform planters at the
24 triangle across from the Neighborhood House. Manager Lunt stated the planters would be
25 redeployed to more appropriate spaces next summer. He felt it was too late in the season to
26 move them now. Resident Tanny Clark stated the planters were too large for the areas in which
27 they were placed.

28

29 **VIII. Unfinished Business**

30 A. Recommendation from Harbor Committee concerning proposed Friends of Acadia Event at
31 the Marina Green

32 Ms. Dudman reported that a number of residents have approached her stating they were opposed
33 to having the event at the Marina Green. Tying up the marina at the height of the summer season
34 for a week was a problem, and allowing a private event in the space could set precedent and
35 inspire other organizations to request using the green. It's space that's intended for the public,
36 and not for private events. While one event on the green served alcohol in the past, generally
37 alcohol is not allowed in public spaces, and Ms. Dudman didn't feel the Town should start
38 allowing it. Friends of Acadia (FOA) noted they had other locations they were looking into; Ms.
39 Dudman encouraged them to focus on some of those. While she supported FOA and the work
40 they do, she didn't like the idea of a week-long private event on the Marina Green.

41

42 Mr. Mooers noted the Harbor Committee's report requested no tents in the parking areas, but
43 otherwise did not seem to have an objection. Harbormaster Lemoine confirmed the committee
44 didn't want the tents in the parking lot. A tent would take up roughly 30 parking spaces. Some
45 committee members mentioned that alcohol was not generally allowed. Harbormaster Lemoine
46 reported the Harbor Committee felt the issue was for the Selectboard to decide.

47

1 Harbor Committee member James Bright stated he was also on the Board of FOA. He voiced
2 concerns about the event, the biggest being noise. There are residents living nearby, and also a
3 hotel. Activities start at 9:00P.M., and end at 11:00P.M. There will be additional trailers
4 accompanying the event, and he wondered where they would go. It's a huge event to hold in a
5 quiet town.

6
7 Harbor Committee member Alan Kimmerly reported that a number of Harbor Committee
8 members voiced concern over parking. Even with parking plans in place, it would be difficult
9 with the number of people attending.

10
11 Resident Matt Hart stated that the Board adopted a policy addressing this issue in 2015, in part
12 because of previous events on the green. A policy allows for the Board to make
13 accommodations at times, but there is a point when accommodations cross the line and the intent
14 of the policy is ignored. The intent of the policy is to protect space that belongs to the residents.
15 He agreed that the event could set precedent and other groups may approach the Town with
16 event requests.

17
18 FOA Director Eric Stiles noted these were not concerns FOA had been aware of. He provided
19 handouts showing possible tent sites. Additionally, FOA has secured additional parking for the
20 event. FOA requests to use some parking spaces closer to the event, designated for physically
21 challenged guests. Mr. Stiles assured the Board that this was a single event, to be held here
22 while the Asticou is under construction. Typically, there are 400 attendees. That number may
23 be slightly less, given the circumstances.

24
25 Mr. Wood believed the Board had earlier given the impression that it was relatively supportive of
26 the idea but wanted to defer until the Harbor Committee had given their opinion. The Harbor
27 Committee's letter stated that they were not opposed to the idea, as long as parking was left
28 available to the public. Chair Macauley felt it natural to expect the Board to change its mind as
29 new information and opinions are added to the discussion. After consideration, Chair Macauley
30 felt the event was too big for the intent of the area.

31
32 Ms. Dudman noted she was never in favor of the idea but waited to hear what the Harbor
33 Committee said. The Harbor Committee is an advisory group; ultimately it's the Selectboard's
34 decision. She reiterated having been approached by residents who were opposed to the event.

35
36 Ms. Littlefield felt it would be too bad not to try to do something to support this one-time
37 request. Are there other places the event can be held?

38
39 Mr. Stiles agreed FOA was looking for other options, but they are difficult to find. Other options
40 suggested were the Jordan Pond House, and the High School. Alcohol is prohibited on the High
41 School campus.

42
43 Mr. Mooers stated his support for the plan. He appreciates the efforts FOA made to amend the
44 plan to accommodate the Town's requests. The concerns voiced are valid, but they don't have to
45 be insurmountable. With planning, modifications can be made to alleviate some of the concerns.
46 Additionally, it's an opportunity to shed light on the Town.

47

1 Mr. Hart agreed it's logistically possible. His concern is closing the green to the public, and
2 setting precedent that other groups will try to follow. Mr. Bright stated he brought concerns of
3 this type up with the Harbor Committee. The committee preferred to defer judgement on such
4 issues to the Selectboard. Parameters must be set. Perhaps the music didn't have to start so late
5 in the evening. He believed Jordan Pond House or the Bar Harbor Club were better choices.
6

7 Ms. Carter felt an event of this sort in proximity to the village center does not mean it will
8 benefit the village center.
9

10 Mr. Stiles pointed out that the harbor has been primary offsite parking for the event when it is
11 held at the Asticou Inn. The event uses local caterers. Additionally, FOA would like to do
12 something for the community. Mr. Stiles noted FOA has not yet reached out to the Chamber of
13 Commerce.
14

15 Ms. Clark hoped the amplifiers could be kept lower in volume. Music at Asticou Inn events can
16 be heard from the Harborside residences. There are condominiums and other homes close to the
17 green.
18

19 Mr. Stiles suggested that FOA return with some proposed changes to address the concerns heard.
20

21 Mr. Wood stated his support for the Park. If the event is being held here because the Asticou is
22 under construction, he would support the request. He noted that regarding music, the Town has
23 no noise ordinance.
24

25 Mr. Hart reiterated that the Application states the green must remain open to the public. An
26 event with alcohol requires some controls on access in place. The policy states that structures
27 must be set up only 24 hours prior to an event. The tent will be set up days in advance. The
28 Board should lean on the policy for guidance.
29

30 Ms. Littlefield noted a stage for a summer play was constructed on the green well in advance of
31 the performance. Additionally, the green will remain open to the public through the week. She
32 agreed safer ways to have the alcohol on site must be considered. The event has been held for
33 years at the Asticou with little trouble from those staying there. This is an extenuating
34 circumstance for a good organization, and she felt it appropriate to try to accommodate.
35

36 Chair Macauley agreed with Mr. Hart. He worried the event would take up much of the
37 available green space, potentially violating the public's trust. There are likely a number of
38 residents who won't appreciate the noise or congestion the event will cause for a week during the
39 Town's busiest time.
40

41 It was suggested that when the tents go up, the sides could be left open to allow people to access
42 the green, albeit under cover.
43

44 MOTION: Mr. Mooers moved, with Mr. Wood seconding, approval of the Public Space Special
45 Event Application – Friends of Acadia Benefit Auction – August 5-12, 2024, Northeast Harbor
46 Village Green.
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Motion approved 3-2 (Macauley and Dudman opposed)

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Mr. Bright asked if there were any parameters on the event, such as parking or noise. Chair Macauley believed parameters would have to be worked out. Mr. Wood noted the application came with a parking plan. Ms. Dudman believed more parking would be required.

Mr. Stiles suggested creating a working group to address noise, parking, and any other concerns. It is not FOA's intent to divide the community.

Mr. Wood stated that the willingness of FOA to address concerns, and discuss the issues is in large part why he can support it. He agreed working together to minimize the concerns people have voiced is necessary.

Mr. Hart suggested adding to the agenda a review of the use of public spaces policy.

Ms. Carter asked if there's an insurance policy for the event.

Manager Lunt noted the Town requires insurance on events.

Chair Macauley agreed a group must be set up to further discuss parameters of the event. It likely would not be decided at this meeting. Mr. Stiles suggested pulling a group together over the next couple weeks.

B. Public Space Special Event Application – Friends of Acadia Benefit Auction – August 5-12, 2024, Northeast Harbor Village Green
See Item VIII.A. of the Agenda.

C. Public Space Special Event Application –Garden Club of Mount Desert – Tracy Combs; Seal Harbor Village Green; Saturday, July 27, 2024 10am – 4:00 pm; to include parking plan
Ms. Combs was unable to attend the meeting.

Ms. Dudman moved, with Mr. Wood seconding, tabling discussion until Ms. Combs was present.
Motion approved 5-0.

D. Update on soliciting appointments to the Comprehensive Plan Committee
Mr. Mooers reported that at the last meeting, the Board discussed an advertisement informing the public that this was a Comprehensive Plan update and not a full re-write. The Land Use Zoning Ordinance (LUZO) Advisory Committee agreed to invite the public to come and hear about the process. The date for that meeting has not been set. Ms. Dudman believed heavy publicity would be necessary to get the attendance needed, and the meeting should be kept short. She felt the sooner it was scheduled the better.

Consultant Noel Musson recommended holding an informational meeting specific to the Comprehensive Plan, perhaps in late October. There could be signup sheets and food. An ad and postcards could be implemented as well.

1 Discussion ensued regarding a date. November 2, 2023, 6:00P.M. was chosen. Mr. Musson
2 agreed to come up with a postcard and ad and would work with the Town to get them deployed.

3
4 *E. Discussion with planning consultant Noel Musson concerning proposed short-term rental*
5 *ordinance*

6 Mr. Musson reported on the Short-term rental ordinance. Defining the policy objectives is his
7 goal at this point.

8
9 His thoughts included:

- 10 - He wants to meet with the Town Manager to talk about enforcement.
11 - There are options for taking the data when the applications come in, including out-
12 sourcing, or hiring additional personnel.
13 - Changing the definition of a short-term rental and delineating it from a vacation rental. A
14 vacation rental would be defined as not owner-occupied. A short-term rental would be
15 defined as being a primary residence.

16
17 Ms. Dudman recalled that six months ago the policy was pulled from the Town Warrant because
18 people felt it wasn't ready. Work doesn't appear to have progressed since then. She wondered if
19 it would be ready for the 2024 Town Meeting. She suggested bringing the ordinance back to the
20 Selectboard, maybe with a working group and members of the LUZO Advisory and discussing
21 the points of contention found during previous discussions. She was willing to be a part of such
22 a group.

23
24 Additionally, Ms. Dudman believed short-term rentals needed to be capped. Mr. Wood said that
25 he is not concerned by residents living in the home they rent. His concern is properties bought
26 for the exclusive purpose of making money off of them. It was his opinion that this was where
27 the teeth of the ordinance should go.

28
29 Mr. Kimmerly believed weekly rentals were resulting in a decline in year-round residents.
30 Weekly rentals are transient housing, and therefore must be in areas zoned for hotels and motels.
31 Residential 1 or 2 zoning districts do not allow for such use. Weekly rentals in these zones may
32 be illegal. Residents living in their homes for 182 days or more a year or have homestead
33 exemption would be in a different category and may rent their home on a weekly basis.

34
35 MOTION: Ms. Dudman moved, with Mr. Wood seconding, to create a small working group to
36 work with Mr. Musson on developing an ordinance that can be presented to the May 2024 Town
37 Meeting.

38 Motion approved 5-0.

39
40 Ms. Dudman and Mr. Wood both volunteered for the working group. Ms. Dudman suggested
41 Manager Lunt also take part. Mr. Musson agreed to work with Manager Lunt on discussion
42 points.

43
44 Mr. Mooers pointed out that when the policy goes to Warrant, residents will want to know how
45 the work is being paid for. The amount it will cost and the income it might generate must be
46 budgeted for.

47

1 Mr. Musson reported that short-term rentals is just one of many issues the Town is trying to
2 address. The LUZO group is discussing a full revision and replacement of the Subdivision
3 Ordinance to align with the new State legislation LD2003, which the Town is required to adopt.
4 Manager Lunt asked about the Neighborhood Road development. Mr. Musson confirmed the
5 changes proposed by LD2003, if adopted, would affect workforce housing.

6
7 Mr. Wood wondered if some of the issues the Town faced could be addressed with a more
8 focused effort. He hoped the rental issue could be focused on exclusively with the group created.

9
10 *F. Sign Memorandum of Understanding (MOU) with the Town of Tremont designating the*
11 *responsibilities of the administration of a Community Resilience Partnership Action grant for*
12 *implementing the Town's Climate Action Plan*

13 Manager Lunt explained this is the grant the Town applied for with the Town of Tremont.

14
15 MOTION: Mr. Wood moved, with Mr. Mooers seconding, signature of the Memorandum of
16 Understanding (MOU) with the Town of Tremont designating the responsibilities of the
17 administration of a Community Resilience Partnership Action grant for implementing the
18 Town's Climate Action Plan as presented.

19 Motion approved 5-0.

20
21 *G. Proposed letter to Senator Angus S. King concerning the proposed turnaround at the Otter*
22 *Creek Landing*

23 Ms. Dudman complimented Manager Lunt on the well-written letter. Manager Lunt planned to
24 get the letter out soon.

25
26 No Action was necessary.

27
28 *H. Discussion regarding final costs of Versant work related to the Main Street Project and*
29 *acceptance*

30 Public Works Director Brian Henkel reported that there was now a finalized understanding of the
31 Versant costs related to the Main Street Project. Cost overruns occurred on the project in the
32 past year; it took some time to understand the justification for the overruns. Director Henkel
33 hoped to move forward in finalizing the project.

34
35 At a previous meeting the Board voted to acknowledge the report. The changes will appear on
36 the next Warrant.

37
38 **IX. New Business**

39 *A. Request Liquor License Extension through October 16, 2023 – Eliza Bishop/DBA Milk and*
40 *Honey*

41 MOTION: Ms. Dudman moved, with Mr. Wood seconding, approval of Liquor License
42 Extension through October 16, 2023 – Eliza Bishop/DBA Milk and Honey as presented.
43 Motion approved 5-0.

44
45 *B. Request from Harbor Committee to open a line of communication with the Cranberry Isles*
46 *Board of Selectmen*

1 MOTION: Mr. Wood moved, with Ms. Dudman seconding, approval of a request from the
2 Harbor Committee to open a line of communication with the Cranberry Isles Board of Selectmen
3 as presented.
4

5 It was noted this was regarding parking in the marina.
6

7 Motion approved 5-0.
8

9 *C. Request authorization to pay for replacement of Northeast Harbor Mooring Floats top and*
10 *bottom chains and mooring stone by Alvah B. Barge Service Inc. for \$5,479.36. The*
11 *Northeast Harbor Mooring/Floats CIP 6410100-24681 has a balance of \$357,953.04*

12 MOTION: Ms. Dudman moved, with Mr. Wood seconding, authorization to pay for
13 replacement of Northeast Harbor Mooring Floats top and bottom chains and mooring stone by
14 Alvah B. Barge Service Inc. for \$5,479.36. The Northeast Harbor Mooring/Floats CIP 6410100-
15 24681 has a balance of \$357,953.04 as presented.

16 Motion approved 5-0.
17

18 *D. Request authorization to pay for repairs made to the Seal Harbor Dinghy dock back chains*
19 *by Alvah B. Barge Service Inc. for \$2,285.41. The Seal Harbor Mooring/Floats CIP*
20 *6410200-24601 has a balance of \$126,366.09*

21 MOTION: Mr. Wood moved, with Ms. Dudman seconding, authorization to pay for repairs
22 made to the Seal Harbor Dinghy dock back chains by Alvah B. Barge Service Inc. for \$2,285.41.
23 The Seal Harbor Mooring/Floats CIP 6410200-24601 has a balance of \$126,366.09 as presented.
24 Motion approved 5-0.
25

26 *E. Request authorization to purchase FY-24 winter sand from Harold MacQuinn, Inc. at a price*
27 *of \$16.75 per cubic yard, delivered*

28 MOTION: Ms. Dudman moved, with Mr. Wood seconding, authorization to purchase FY-24
29 winter sand from Harold MacQuinn, Inc. at a price of \$16.75 per cubic yard, delivered, as
30 presented.
31

32 Mr. Wood voiced concern that this was the only bid received. The Town usually receives three
33 bids. Director Henkel noted the price was slightly higher than it was last year. He was unsure
34 why other contractors did not bid.
35

36 Motion approved 5-0.
37

38 **X. Other Business**

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

40 No Other Business was presented.
41

42 **XI. Treasurer's Warrants**

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

Town Invoices	AP#2421	10/3/2023	\$539,065.98
Total			\$539,065.98

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

46 Motion approved 5-0.

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

State Fees & PR Benefits	AP#2419	9/20/2023	\$2,430.35
	AP#2420	9/27/2023	\$96,478.62
Town Payroll	PR#2408	9/29/2023	\$174,342.32
Total			\$273,251.29

2 MOTION: Mr. Wood moved, with Mr. Mooers seconding, approval of Signed Treasurer’s
 3 Payroll, State Fees, & PR Benefit Warrants as shown above.
 4 Motion approved 4-0-1 (Littlefield in Abstention).
 5

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

School Invoices			\$0
School Payroll	PR#7	9/29/2023	\$198,706.45
Voided Disbursements			\$0
Total			\$198,706.45

8 MOTION: Ms. Dudman moved, with Mr. Wood seconding, acknowledgement of Treasurer’s
 9 Town Voided Disbursements & School Board AP/Payroll Warrants as shown above.
 10 Motion approved 5-0.
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Grand Total			\$1,011,023.72
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 13 **XII. Adjournment**

14 MOTION: Mr. Wood moved, with Ms. Dudman seconding, to adjourn the Meeting.
 15 Motion approved 5-0.

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 17 The Meeting adjourned at 7:51P.M.
 18
 19
 20

21 Respectfully Submitted,

22 

23
 24 Geoffrey Wood
 25