

**Town of Mount Desert
Selectboard Minutes
January 16, 2024**

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

Town Officials Present: Manager Durlin Lunt, Public Works Director Brian Henkel, Tax Assessor Kyle Avila, Town Clerk Claire Woolfolk, Police Chief Dave Kerns, CEO Kimberly Keene, Fire Chief Mike Bender, Finance Director Mae Wyler

Members of the public were also present.

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

Chair Macauley called the Meeting to order at 6:27 p.m.

II. Minutes

A. Approval of minutes from January 2, 2024 meeting

MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of the January 2, 2024 Minutes as presented.

VOTE:

Rick Mooers: Aye

Martha Dudman: Aye

Chair John Macauley: Aye

Wendy Littlefield: Abstains

Geoff Wood: Aye

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

III. Appointments/Recognitions/Resignations

A. Recognition of the promotion of Mike Vollmer to Mechanical Equipment Operator II effective January 15, 2024

MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, recognition of the promotion of Mike Vollmer to Mechanical Equipment Operator II effective January 15, 2024

VOTE:

Rick Mooers: Aye

Wendy Littlefield: Aye

Geoff Wood: Aye

Martha Dudman: Aye

Chair John Macauley: Aye

Motion approved 5-0.

1 **IV. Consent Agenda**

2 *A. Department Reports: Public Works – Highway, Buildings & Grounds, Solid Waste*

3 *B. Shellfish Conservation Committee Management Plan*

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

6
7 Town Clerk and Shellfish Committee Member Claire Woolfolk reported that license allocation is
8 approved by the State, and she explained the licensing process and allocation for both residents
9 and non-residents. She noted the Town has not sold many licenses in the past several years.
10 Clerk Woolfolk promised to speak with the Shellfish Committee and look into the Town's
11 allocation in comparison to other communities.

12
13 VOTE:

14 Martha Dudman: Aye

15 Rick Mooers: Aye

16 Geoff Wood: Aye

17 Chair John Macauley: Aye

18 Wendy Littlefield: Aye

19 Motion approved 5-0.

20
21 **V. Selectboard's Reports**

22 Ms. Dudman asked for a report on the recent storm damage and plans for remediation. Manager
23 Lunt shared that the Harbormaster reported an estimated \$400,000.00 in damages occurring at
24 the marina. Public Works Director Henkel and Fire Chief Bender reported Seal Harbor was the
25 village hardest hit by the storm. Damages include Seal Harbor Beach, the sidewalk, restroom,
26 the pier, roadways, and damage at Dodge Point includes both municipal property and private
27 property. Chief Bender filed for first assessment of damage with FEMA. Figures will likely
28 vary but as of now, the estimate is \$152,400.00 worth of damage.

29
30 Chair Macauley noted there are residents with commercial interests in the water, and no access to
31 internet or the wherewithal to report damage. He wondered if there were plans to assist residents
32 in reporting.

33
34 Clerk Woolfolk reported the Town Clerk's office printed information to have available for
35 residents. Residents can report via phone. She suggested setting up a laptop in the Town Office.

36
37 Chief Bender offered to help residents report as well.

38
39 **VI. Unfinished Business**

40 *A. Review of proposed Short-term Rental Ordinance*

41 Chair Macauley stated the discussion was a Selectboard review and not a public hearing.

42
43 Mr. Wood shared a summary of the proposed ordinance pulled together by Mr. Musson, Town
44 Manager Lunt, Ms. Dudman, and Mr. Wood. He summarized the key points:

- 45 - There are two types of rental properties proposed:
46 o Properties that serve as a primary residence and also are rented short term. They
47 will be called "Short Term Rentals".

- 1 ○ Properties that do not serve as primary residences and are rented short term,
2 meaning 30 days or less, will be called “Vacation Rentals”.
- 3 - Such terminology will assist the Town in determining how many and what types of rental
4 properties in Mount Desert exist.
- 5 - Anyone currently renting their properties, whether a primary residence or not, can
6 continue to do so if they obtain/renew license.
- 7 - License costs will be used to fund an assistant to the CEO who will, in part, manage the
8 licensing process.
- 9 - This ordinance will attempt to limit residential properties sold as investment rentals, by
10 capping the number of vacation rentals which are eligible to be licensed as “Vacation
11 Rentals”.
- 12 - All current “Vacation Rentals” will be grandfathered. Such rentals can be passed down
13 through the family.
- 14 - The ordinance will not require the homeowner to be on premises.
- 15 - A minimum number of nights or restrictions on how a property owner chooses to market
16 and/or tailor their rental property will not be required.
- 17 - Inspections aren’t required, provided the owner attests to the meeting of local building
18 codes and safety standards.
- 19 - Signs identifying a property as a rental will not be required on the property.
- 20 - The ordinance will not impact whether a resident is allowed to build or add potential
21 short-term units on their property.

22
23 Mr. Musson reported there may be more changes, as the ordinance is further considered. He
24 noted consideration is being given to the idea of further differentiating a seasonally restricted
25 cottage, meaning cottages that were only seasonal uses and not year-round.

26
27 Mr. Mooers reported on a letter received by the Town alleging that portions of the ordinance
28 might be considered unconstitutional by the supreme court. Mr. Musson agreed to look into it.
29 He has been reviewing the ordinance with the Town Attorney. Also, other Towns in Maine have
30 similar requirements in their ordinances. Mr. Wood believed the point is that the Town does not
31 know how many eligible residences are owned as investment properties. There is a concern that
32 too many homes that could be part of the housing stock are sold to buyers who don’t intend to
33 use them as residences. That being said, anyone who currently owns an investment property will
34 be allowed to use it as they already are. No attempt will be made to cull that number.

35
36 Chair Macauley noted that the LUZO states that if any portion of the ordinance is found to be
37 invalid, it does not invalidate the rest of the ordinance.

38
39 Chair Macauley thanked Mr. Musson, and Board Members Dudman and Wood for their hard
40 work.

41
42 *B. Request extension for the enforcement of accrual maximums to June 30, 2024, for all*
43 *employees, including those within a bargaining unit*
44 Manager Lunt noted HR manager Zach Harris was online.

45
46 Mr. Harris reported that previously the request was submitted to sunset the accrual maximum
47 on December 31. With bargaining unit negotiations opening in January, it doesn’t align well

1 with having productive negotiations with the Town's bargaining unit. The proposal is to shift
2 the sunset to June 30. Additionally, the thought behind sunseting the accrual maximums is to
3 roll out an accrual cash-out policy which was previously brought to the Board. That policy is
4 not yet ready. The delay in rollout is the reason for this request.
5

6 MOTION: Mr. Wood moved, with Ms. Dudman seconding, extension for the enforcement of
7 accrual maximums to June 30, 2024, for all employees, including those within a bargaining
8 unit, as requested.
9

10 Ms. Littlefield asked whether this was only affecting the accrual of time and has nothing to do
11 with the fact that bargaining unit negotiations are still underway, with regard to money. Mr.
12 Harris explained that there are caps in place on accruals. Those accrual caps were not enforced
13 during the covid pandemic, resulting in accruals growing to above the maximum. If the Town
14 were to start the enforcement of that maximum now, a large portion of the employees,
15 including the bargaining unit, would be impacted. The Town wants to roll out a cash-out
16 policy to help minimize that impact. The policy is not yet ready. A further extension is
17 warranted to avoid any adverse impact.
18

19 Mr. Mooers stated that historically, the town has faced the problem where a small number of
20 Town employees ended up accruing so much time that the Selectboard had to make a plan to
21 bring them into compliance. Moving the timeline to the end of the fiscal year when faced with
22 those problems made it easier to financially manage rather than having the time fragmented.
23 Mr. Mooers recalled it working out well for both the Town and the employees. He supported
24 such a move to the end of the fiscal year.
25

26 VOTE:

27 Rick Mooers: Aye

28 Geoff Wood: Aye

29 Chair John Macauley: Aye

30 Wendy Littlefield: Aye

31 Martha Dudman: Aye

32 Motion approved 5-0.
33

34 *C. Consider approval of additional authorization of the use of \$1,425.23 from the Town Office*
35 *Building Reserve account 4050100-24570 for window replacement*

36 MOTION: Mr. Mooers moved, with Mr. Wood seconding, approval of additional
37 authorization of the use of \$1,425.23 from the Town Office Building Reserve account
38 4050100-24570 for window replacement as presented.
39

40 VOTE:

41 Geoff Wood: Aye

42 Rick Mooers: Aye

43 Chair John Macauley: Aye

44 Wendy Littlefield: Aye

45 Martha Dudman: Aye

46 Motion approved 5-0.
47

1 *D. Proposal for Enhanced Law Enforcement Services in Tremont*

2 Police Chief Kerns reported that the Town of Tremont has reached out to him about working
3 with the Towns of Mount Desert and Bar Harbor for 24/7 police coverage in their Town.
4 Tremont has asked for an official proposal from the Mount Desert/Bar Harbor Police
5 Department that they can then take to their Town Meeting.
6

7 Currently the Towns of Mount Desert and Bar Harbor have three police officers on duty at all
8 times. A fourth full-time officer on duty would be necessary to ensure appropriate coverage
9 for incorporating Tremont and complying with State-mandated coverage. Four additional
10 officers would need to be hired to accommodate that fourth full-time position. Chief Kerns felt
11 Tremont would have to cover the cost of additional officers.
12

13 Chair Macauley worried about the officers hired for the coverage if, a few years into the future,
14 Tremont decided to move in another direction with their police coverage needs. Mr. Wood
15 pointed out that the Towns of Mount Desert and Bar Harbor already had existing police
16 departments when they decided to work together as one. Tremont does not have a police
17 department and such an addition is a large change, particularly since the Town of Southwest
18 Harbor does not appear to want to be involved. Ms. Littlefield noted the proximity of Mount
19 Desert to Bar Harbor is part of what makes the current system work. Tremont is miles away
20 and the Town of Southwest Harbor is in between for much of the area. Just the timeline of an
21 officer's availability and travel time is concerning. She worried about the impact this would
22 make on the Towns of Mount Desert and Bar Harbor. Ms. Dudman inquired whether Chief
23 Kerns felt four additional officers could be found. Chief Kerns agreed a realistic timeline for
24 finding, hiring, and training an additional four officers is not realistically going to happen
25 quickly.
26

27 It's a big question that both Mount Desert and Bar Harbor must consider. Tremont reached out
28 to Bar Harbor as well. Chief Kerns stated this was not as simple as signing into a one-year
29 contract with Tremont. It needs to be well thought out and Tremont would need to understand
30 that they would be covering the expenses and the Towns of Mount Desert and Bar Harbor
31 would be under no obligation should Tremont decide to end the contract. The four additional
32 officers would be employees specifically hired for this contracted work.
33

34 Ms. Dudman stated that if police officers can be found, and the Towns can come to an
35 agreement, she's in favor of it, as long as the contracts are well constructed. All parts of the
36 island need to be safe for all of us to be safe. Chair Macauley agreed.
37

38 Mr. Wood agreed with Ms. Dudman and noted that the village of Pretty Marsh abuts Tremont.
39 Parts of Tremont are closer to Mount Desert than they are to Southwest Harbor. But the
40 problem can't be solved in the timeframe Tremont is hoping for. He felt it would take work,
41 and the Southwest Harbor Police Department needs to be involved.
42

43 Chief Kerns noted there have been prior conversations with the Town of Southwest Harbor, but
44 none have taken place with the new police chief. The request came from Tremont. Mount
45 Desert shares a border with Tremont. Logistical planning includes splitting the coverage area
46 up into policing zones. Researching call volume and information gathering from the sheriff
47 and state police will be necessary. Any proposal would have to come back to the Town before

1 it's presented to Tremont. Chief Kerns is looking for an opinion from the Town on whether he
2 should spend the time.

3
4 Mr. Mooers believed it worthwhile to see what a detailed proposal would look like. The
5 amount of work involved is considerable, but it merits the effort in order to make an informed
6 decision. He agreed it was something the Town of Tremont would have to fund, including
7 extra personnel, cruisers, and equipment. Mr. Mooers offered his services regarding
8 identifying the administrative, command structures, and zoning logistics.

9
10 MOTION: Mr. Mooers moved, with Mr. Wood seconding, approval of the work to research
11 and create a proposal for Enhanced Law Enforcement Services in Tremont.

12
13 VOTE:

14 Rick Mooers: Aye

15 Martha Dudman: Aye

16 Geoff Wood: Aye

17 Chair John Macauley: Aye

18 Wendy Littlefield: Aye

19 Motion approved 5-0.

20
21 **VII. New Business**

22 A. *Request authorization to release up to \$9,850.00 from the Police Department Capital*
23 *Reserve Account #4040100-24405 with a current unencumbered balance of \$126,060.72*
24 *for the December 2023 cruiser purchase upfit and the decommission of cruiser #4113*

25 MOTION: Mr. Mooers moved, with Mr. Wood seconding, authorization to release up to
26 \$9,850.00 from the Police Department Capital Reserve Account #4040100-24405 with a
27 current unencumbered balance of \$126,060.72 for the December 2023 cruiser purchase upfit
28 and the decommission of cruiser #4113 as presented.

29
30 VOTE:

31 Rick Mooers: Aye

32 Martha Dudman: Aye

33 Geoff Wood: Aye

34 Chair John Macauley: Aye

35 Wendy Littlefield: Aye

36 Motion approved 5-0.

37
38 B. *Consideration of authorizing Fire Chief Mike Bender to purchase a new 2024 GMC Sierra*
39 *3500HD Crew Cab pick-up truck in the amount of \$56,320.00 with said funds to be used*
40 *from the Fire Department Equipment Reserve Account Number 4040300-24471 with a*
41 *current unencumbered balance of \$863,423.92*

42 MOTION: Mr. Mooers moved, with Mr. Wood seconding, authorizing Fire Chief Mike
43 Bender to purchase a new 2024 GMC Sierra 3500HD Crew Cab pick-up truck in the amount of
44 \$56,320.00 with said funds to be used from the Fire Department Equipment Reserve Account
45 Number 4040300-24471 with a current unencumbered balance of \$863,423.92 as presented.

46

1 Ms. Dudman noted the narrative received by the Board states it's being purchased from
2 Darling's in one place and Varney's in another. Chief Bender clarified the purchase will be
3 made with Varney's. The truck will not be a hybrid. Trucks of this size are not yet made as
4 hybrids.

5
6 Mr. Wood noted the vehicle chosen is the highest of the bids received. Chief Bender stated
7 that the other dealers would not provide a date of availability. The current truck won't pass
8 inspection. The GMC is the only available truck now.

9
10 VOTE:

11 Rick Mooers: Aye

12 Geoff Wood: Aye

13 Chair John Macauley: Aye

14 Wendy Littlefield: Aye

15 Martha Dudman: Aye

16 Motion approved 5-0.

17
18 C. *Consideration of authorizing Fire Chief Mike Bender to purchase a new 2024 Ford E450*
19 *Super Duty ambulance in the amount of \$370,749.00 with said funds to be used from the Fire*
20 *Department Equipment Reserve Account Number 4040300-24471 with a current*
21 *unencumbered balance of \$492,674.92*

22 MOTION: Mr. Mooers moved, with Mr. Wood seconding, authorizing Fire Chief Mike
23 Bender to purchase a new 2024 Ford E450 Super Duty ambulance in the amount of
24 \$370,749.00 with said funds to be used from the Fire Department Equipment Reserve Account
25 Number 4040300-24471 with a current unencumbered balance of \$492,674.92 as presented.

26
27 Chief Bender reported it will take three years to receive the new ambulance. Per agreement,
28 the Northeast Harbor Ambulance Service was given a Right of First Refusal on the ambulance
29 being replaced. If they choose not to exercise that right, the Town will try to trade it in. The
30 price was clarified to be \$370,749.00.

31
32 VOTE:

33 Rick Mooers: Aye

34 Geoff Wood: Aye

35 Chair John Macauley: Aye

36 Wendy Littlefield: Aye

37 Martha Dudman: Aye

38 Motion approved 5-0.

39
40 D. *Authorize Public Works Superintendent, Ben Jacobs, to purchase a new 2025 International*
41 *Cab & Chassis from Colwell Diesel for \$105,000.00 with funds from the Public Works*
42 *Equipment Reserve account number 4050100-24500 with an approximate unencumbered*
43 *balance of \$266,013.75*

44 MOTION: Mr. Mooers moved, with Mr. Wood seconding, authorizing Public Works
45 Superintendent Ben Jacobs to purchase a new 2025 International Cab & Chassis from Colwell
46 Diesel for \$105,000.00 with funds from the Public Works Equipment Reserve account number
47 4050100-24500 with an approximate unencumbered balance of \$266,013.75 as presented.

1 VOTE:

2 Rick Mooers: Aye

3 Geoff Wood: Aye

4 Chair John Macauley: Aye

5 Wendy Littlefield: Aye

6 Martha Dudman: Aye

7 Motion approved 5-0.

8
9 *E. Review of FY 2025 Budgets: Public Works, and Capital Improvement Plans (CIP)*

10 Durlin sent a memo tying all the budgets reviewed so far together. It includes a final count on
11 the CIP.

12
13 Director Henkel noted that as previously discussed, there are several expenses that reflect
14 being moved completely into the CIP, rather than spending from various accounts as had been
15 previously done, and the CIP reflects as being fully funded. Some items have now been zeroed
16 out. Moving the money out of various other accounts and into the CIP is a 1:1 match. Director
17 Henkel also reminded the Board of the hope to fully fund the CIP. Manager Lunt stated the
18 Police Department has followed suit with their CIP accounts.

19
20 If the CIP were fully funded, it would remain essentially flat moving forward, except for
21 adjusting for price increases on equipment. The CIP would have to be adjusted annually, but a
22 fully funded CIP would make it a smoother process. Manager Lunt felt this was a good year to
23 fully fund the CIP. The debt has gone down, and the Town has budgeted well for several
24 years, making this an opportune time. Manager Lunt noted that changes to the CIP include
25 equipment from both Public Works and Police being moved to CIP. Additionally, Finance
26 Director Wyler identified some items that were underfunded. If the Town is not happy with
27 the CIP as proposed, funding for some of these things would have to be reallocated elsewhere.

28
29 Finance Director Wyler noted \$173,000.00 was added to the debt service budget savings to add
30 to the reserves. This savings could be used to offset the cost of future bond payments. Since
31 the Town no longer has payments on bonds that matured, this is an amount the Town can add
32 to the CIP to gain interest.

33
34 Mr. Wood asked about waste management increases. Director Henkel reported work is still
35 moving forward to bring the Hampden facility online. Some towns bring trash to it and testing
36 was done on the front operations at the facility. A few changes have been deemed necessary.
37 This will extend the timeline a little. The Town will direct their recycling to the facility once
38 it's fully functional. At that point the Town will not be paying for their recycling. Currently,
39 the Town is paying for recycling. He recalled an overage in the solid waste budget in a prior
40 year being due to having to take the recycling elsewhere.

41
42 Electricity for Public Works was discussed.

43
44 Mr. Mooers asked about the workers compensation budget line item. It appears to be a 1244%
45 increase. Manager Lunt noted the increase was in connection to Buildings and Grounds.

46 Manager Lunt noted it's hard to tell why it changes because it's within payroll. The amount on

1 worker's compensation usually comes out near the budgeted amount, however where it was
2 spent often does not.

3
4 Warrant Committee Chair Phil Lichtenstein believed that moving expenses to the CIP will aid
5 in transparency. Residents have had questions about it in years past.
6

7 **VIII. Other Business**

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

9 Chair Macauley asked Public Works Director Henkel about DOT plans to raise the roads along
10 the coves. Director Henkel has heard of no such plans. He didn't believe there were any easy
11 solutions. This is likely a good time to begin such discussions.
12

13 Manager Lunt reminded the Board that the Warrants will need to be signed, and requested
14 members come to the Town Office to do so.
15

16 **IX. Treasurer's Warrants**

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

Town Invoices	AP#2444	01/17/2024	\$414,556.01
Total			\$414,556.01

18 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval and signature of
19 Treasurer's Warrant as shown above.
20

21 VOTE:

22 Rick Mooers: Aye

23 Geoff Wood: Aye

24 Chair John Macauley: Aye

25 Wendy Littlefield: Aye

26 Martha Dudman: Aye

27 Motion approved 5-0.
28

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

State Fees & PR Benefits	AP#2442	01/05/2024	\$102,215.53
	AP#2443	01/12/2024	\$61,533.04
Town Payroll	PR#2416	01/05/2024	\$157,870.16
	PR#2417	01/09/2 024	\$749.49
Total			\$322,368.22

30 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, approval of Signed Treasurer's
31 Payroll, State Fees, & PR Benefit Warrants as shown above.
32

33 VOTE:

34 Rick Mooers: Aye

35 Geoff Wood: Aye

36 Chair John Macauley: Aye

37 Wendy Littlefield: Abstains

1 Marth Dudman: Aye
2 Motion approved 4-0-1 (Littlefield in Abstention)

3
4 *C. Acknowledge Treasurer's Town Voided Disbursements & School Board AP/Payroll*
5 *Warrants as shown below:*

School Invoices	AP#7	01/03/2024	\$63,124.36
School Payroll	PR#14	01/05/2024	\$92,718.52
Voided Disbursements	V#2404	01/10/2024	-\$1,753.00
Total			\$154,089.88

6 MOTION: Mr. Wood moved, with Mr. Mooers seconding, acknowledgement of Treasurer's
7 Town Voided Disbursements & School Board AP/Payroll Warrants as shown above.

8
9 VOTE:

10 Rick Mooers: Aye
11 Geoff Wood: Aye
12 Chair John Macauley: Aye
13 Wendy Littlefield: Aye
14 Martha Dudman: Aye
15 Motion approved 5-0.

16

Grand Total			\$891,014.11
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17
18 **X. Adjournment**

19 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, to adjourn.

20
21 VOTE:

22 Rick Mooers: Aye
23 Geoff Wood: Aye
24 Chair John Macauley: Aye
25 Wendy Littlefield: Aye
26 Martha Dudman: Aye
27 Motion approved 5-0.

28
29 Meeting adjourned 7:35 p.m.

30
31
32 Respectfully submitted,

33
34
35 
36 Geoffrey Wood