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**Town of Mount Desert
Board of Selectmen
Minutes
Regular Meeting
Monday, November 1, 2021**

Board Members Present: Chair John Macauley, Martha Dudman, Matt Hart, Wendy Littlefield, Geoff Wood

Town Officials Present: Town Manager Durlin Lunt, Tax Assessor Kyle Avila, Town Clerk Claire Woolfolk

Members of the Public were also in attendance

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

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

MOTION: Mr. Hart moved, with Mr. Wood seconding, to accept and enter into the Meeting Agenda the Addendum presented to the Board.
Motion approved 5-0.

A review of the Addendum Items was made.

Addendum

A. Versant Power Easement

This is the last easement required for the Main Street Project.

Attorney Michael Tadenev reported that regarding the Map 24, Lot 6 property on Main Street owned by the Town, there was an initial easement given to Versant. Poles and lines on that property required relocation outside the boundaries of the easement and Versant requested a new easement. The Great Harbor Maritime Museum, a tenant on the lot, joined in the easement by virtue of tenancy. No poles or lines run over the leased portion of the lot.

Additional language was added to the easement to clarify the footprint of the building on the lot as the premises of the leased portion of the lot. This did not satisfy Versant and a new easement was requested. An agreement has been reached to grant an easement from the Town and then a blanket indemnification of Versant against claims from others having rights in the lot. There should be no reason to use the indemnification as none of the lines are running over, under, or through the leased portion of the lot. The indemnification will achieve what Versant has requested, and the Town was given a very short timeframe with which to accomplish it.

1 There were no questions from the Board.

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3 MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval of the Easement as
4 presented.

5 Motion approved 5-0.

6
7 *B. Versant Indemnification Agreement*

8 MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval of the
9 Indemnification Agreement as presented.

10 Motion approved 5-0.

11
12 *C. Appointment of Interim Officials*

13 Manager Lunt noted this question refers to Section 2.6 of the Charter. The Town
14 subscribes to Home Rule which supersedes State Law.

15
16 Attorney Tadenev believed this issue arose due to a mid-term vacancy on the School
17 Board at which time it was questioned which body may fill such a vacancy. Under State
18 Statute and Home Rule Authority under Title 30-A Section 2.602, the Municipality has
19 the right to apply its own provisions to govern the existing vacancies of municipal
20 offices. The Town of Mount Desert has such a procedure in place in the Charter, Section
21 2.3 which states that if an office of an elected official becomes vacant the Selectboard
22 may fill vacancies occurring between annual Town Meetings. Such an appointment
23 would expire at the next Town Meeting. The Board is not required to make such an
24 appointment, but they have the authority to do so.

25
26 The question of whether the Board can consider recommendations of other bodies more
27 knowledgeable of the requirements and issues before a board such as the School Board
28 was discussed. The Charter and other applicable Statutes are silent on this question.
29 Therefore, the Selectboard should feel comfortable taking whatever advice necessary
30 from the relevant bodies during their consideration.

31
32 School Board Chair Gail Marshall reported the School Board had a vacancy. It was the
33 School Administration's belief, now found to be in error, that the School Board could fill
34 that position. The School Board has discussed the position with some potential members,
35 and word was put out in the School Newsletter. Ms. Marshall's hope is to be able to
36 continue her outreach to potential members. A new member able to come up to speed
37 quickly would be of great benefit to the Board. Ms. Marshall hoped to be able to use the
38 next two weeks to review potential members interested in the position and offer an
39 opinion of who might best be suited for the position at the next Selectboard meeting.

40
41 The Selectboard was amenable to this suggestion.

42
43 It was noted that a person filling an empty mid-term position holds the position until the
44 following Town Meeting. At that time, they are free to run for the remainder of that

1 term. Clerk Woolfolk explained that there are papers for each vacant seat. Those who
2 would like to run take papers out for the seat for which they desire to run.
3

4 **II. Minutes**

5 *A. Approval of minutes from October 18, 2021 meeting*

6 MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval of the October 18,
7 2021 Minutes as presented.

8 Motion approved 5-0.
9

10 **III. Appointments/Recognitions/Resignations**

11 *A. Consideration of extending Michael Vollmer's effective appointment date to the*
12 *vacant Packer Truck Drive position from on or before October 18, 2021 to on or*
13 *before December 1, 2021 contingent on his successful completion of a mandatory*
14 *DOT pre-employment physical and drug screening at the mandatory six-month*
15 *probationary rate of pay of \$20.54 per hour increasing to the regular rate of \$21.62*
16 *per hour upon successful completion of his mandatory probationary period by which*
17 *time he is to have obtained his Class B commercial driver's license or his*
18 *employment with the Town shall cease*

19 It was noted this extension provides more time to achieve the list of requirements.
20

21 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of extending
22 Michael Vollmer's effective appointment date to the vacant Packer Truck Drive position
23 from on or before October 18, 2021 to on or before December 1, 2021 contingent on his
24 successful completion of a mandatory DOT pre-employment physical and drug screening
25 at the mandatory six-month probationary rate of pay of \$20.54 per hour increasing to the
26 regular rate of \$21.62 per hour upon successful completion of his mandatory
27 probationary period by which time he is to have obtained his Class B commercial driver's
28 license or his employment with the Town shall cease, as presented.

29 Motion approved 5-0.
30

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

33 *A. Summary of their October 20, 2021 meeting held between representatives of the Town*
34 *and the DOT regarding the information presented in the "Route 3 Safety*
35 *Improvements Study" engineering study dated February 17, 2020 commissioned by*
36 *the Town and DOT in their cost-share Planning Partnership Initiative program*

37 *B. Update on the bypass of municipal solid waste from the Hampden facility to PERC*

38 *C. General work update from Public Works Director Tony Smith*

39 *D. Thank you letter to clerk's office from Acadia Wildlife Center*

40 *E. Hancock County Commissioners Regular Meeting Minutes of October 5, 2021*

41 Item A of the Consent Agenda was tabled until the following meeting.
42

43 MOTION: Ms. Littlefield moved, with Mr. Wood seconding, approval of Consent
44 Agenda items B through E as presented.

45 Motion approved 5-0.

Ms. Dudman was pleased to see progress being made on recycling.

V. Selectmen’s Reports

There were no reports.

VI. Unfinished Business

A. Amendment to the Seal Harbor Library Fair, Public Spaces Special Event Application to correct the date written on the submitted application of Saturday, July 31, 2022

MOTION: Ms. Littlefield moved, with Mr. Wood seconding, approval of Amendment to the Seal Harbor Library Fair, Public Spaces Special Event Application to correct the date written on the submitted application of **Saturday, July 31, 2022**, as presented.

Motion approved 5-0.

VII. New Business

None presented

VIII. Other Business

A. Such other business as may be legally conducted

Manager Lunt provided a quick update on the Acadia National Park Project. He should have more information for the next meeting. Work is proceeding. Chair Macauley suggested a presentation by the Park on the work done.

IX. Treasurer’s Warrants

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

Town Invoices	AP#2224	11/02/21	\$447,319.56
Total			\$447,319.56

MOTION: Mr. Hart moved, with Mr. Wood seconding, Approval and Signature of the Treasurer’s Warrant as shown above.

Motion approved 5-0.

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

State Fees & PR Benefits	AP#2222	10/20/21	\$4,717.16
	AP#2223	10/27/21	\$71,435.52
Town Payroll	PR#2210	10/29/21	\$120,230.67
Total			\$196,383.35

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

5 *C. Acknowledge Treasurer's School Board AP/Payroll Warrants as shown below:*

School Invoices	#5	10/19/21	\$306,731.33
	#4	08/20/21	\$133,326.41
	#9	10/29/21	\$192,137.11
Total			\$632,194.85

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Grand Total			\$1,275,897.76
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7 MOTION: Mr. Wood moved, with Ms. Littlefield seconding, acknowledgement of Treasurer's
8 School Board AP/Payroll Warrants as shown above.
9 Motion approved 5-0.

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11 **X. Adjournment**

12 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, to adjourn.
13 Motion approved 5-0.

14
15 The Meeting adjourned 6:48PM.

16
17
18 Respectfully Submitted,

19
20 
21
22 Wendy Littlefield
23