

Town of Mount Desert
Board of Selectmen
Meeting Minutes

Regular Meeting
Monday, December 6, 2021

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

Town Officials Present: Town Manager Durlin Lunt, Tax Assessor Kyle Avila, Finance
Director Jake Wright, Public Works Director Tony Smith, Harbormaster John Lemoine,
Town Clerk Claire Woolfolk

Members of the Public were also present.

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

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

II. Minutes

A. Approval of minutes from November 15, 2021 meeting

B. Approval of minutes from November 22, 2021 special meeting

MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval of the November 15
and November 22, 2021 Minutes as presented.

Motion approved 5-0.

III. Appointments/Recognitions/Resignations

*A. Appoint John Lynch as a part time (on-call) firefighter to the Mount Desert Fire
Department, effective December 7, 2021, at a starting pay of \$18.00 an hour*

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of appointment
of John Lynch as a part time (on-call) firefighter to the Mount Desert Fire Department,
effective December 7, 2021, at a starting pay of \$18.00 an hour, as presented and with
thanks.

Motion approved 5-0.

B. Appoint Mike Olsen to the Warrant Committee effective December 7, 2021

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, appointment of Mike
Olsen to the Warrant Committee effective December 7, 2021, as presented and with
thanks.

Motion approved 5-0.

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.)*

A. Department reports: Highway; Public Works

*B. Department of Marine Resources renewal of Limited-Purpose Aquaculture Licenses
for 2022*

C. Signed Proposal for an Energy Audit of the Highway Garage

- 1 D. *Bypass notice of municipal solid waste going to PERC and not to Coastal Resources*
- 2 *of Maine*
- 3 E. *Progress Report of Hampden Facility Sale*
- 4 F. *DOT's anticipated 2022 paving in the Town of Mount Desert and elsewhere on Mt.*
- 5 *Desert Island*
- 6 G. *Hancock County Commissioners Regular Meeting Minutes of November 2, 2021*
- 7 H. *Acadia National Park Advisory Commission DRAFT Minutes of September 13th,*
- 8 *2021*

9

10 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, approval of the Consent

11 Agenda as presented.

12 Motion approved 5-0.

13

14 Public Works Director Smith informed the Board that Municipal Review Committee

15 (MRC) Director Mike Carroll was in attendance to report on the sale of the Hampden

16 Facility. Mr. Carroll provided the following update:

17

18 Mr. Carroll gave a brief history of the situation. Terms required of DTE include, among

19 other things, a performance bond, an operating plan approved by the MRC, monthly

20 stakeholder meetings, local management with experience in the industry on the ground

21 and running the facility, principle of interest of the MRC's loan provided to Coastal to be

22 reimbursed.

23

24 Due to failure to meet the deadlines, exclusivity of purchase of the facility was

25 terminated.

26

27 The MRC learned utilities have not been paid. They met with vendors, established new

28 accounts, and paid the invoices moving forward. Danger of damage to the facility due to

29 cold weather has been averted.

30

31 Four entities were invited to submit proposals to purchase the facility. Two proposals

32 were submitted and discussions with bidders have been ongoing.

33

34 The process is now in the hands of the bondholders' trustee, but there has been little

35 communication regarding the process. The MRC will meet to discuss the inaction of the

36 bondholders' trustee. The MRC does not own the facility, but they do own the land.

37 This allows the MRC some leverage. It is hoped the issue will be resolved in a timely

38 manner. The MRC continues to work to preserve the asset by keeping it fully winterized.

39

40 Performance testing shows the plant functions as necessary to meet the needs of the

41 communities and it meets 50% diversion. The wet end of the process was determined to

42 be unable to keep up with the feed. Engineers provided an estimate of the investment

43 necessary to improve the process. This is part of the sale package and the information is

44 available to the buyer.

45

1 Mr. Wood asked about the options MRC has should a sale fail. Options include
2 dismantling the plant and selling it for scrap or terminating the lease and using a 30-day
3 notification asking people to remove their materials. Another option is that the plant is
4 forfeited to the MRC if facility materials are not collected. This would allow the MRC to
5 get the plant in operation. A receiver might be appointed to go through debtors and liens
6 to give bondholders some money. This would allow for a buyer to come in without
7 worry of past debt. Mr. Carroll reiterated there is a credible offer on the table, and the
8 MRC hopes the various parties can work together to bring the issue to closure in a timely
9 manner. He did not foresee it going long, particularly with the liens in place.

10
11 Ms. Dudman noted that in the meantime the MRC is paying the bills and loaning money
12 to Fiberight. Is there a point at which we must cut our losses? Mr. Carroll pointed out
13 that there's not a lot of options for the waste. He didn't believe the situation was to the
14 point of cutting losses. There are 102,000 tons of waste to be dealt with in this area and
15 not many options to process it. Mr. Carroll believed this plant is the best option to keep
16 waste out of landfill.

17
18 Chair Macauley believed that in the interest of moving forward the Town look for other
19 options while hoping for a quick resolution. The challenges of dealing with MSW have
20 not changed. Mr. Hart noted that recycling in Mount Desert is back on the table. He
21 remains hopeful the facility will succeed but the Town needs contingency plans in place
22 if it doesn't. Ms. Dudman and Ms. Littlefield agreed.

23
24 **V. Selectmen's Reports**

25 Ms. Dudman asked about the LUZO Committee and discussions on weekly rentals.
26 Manager Lunt reported that discussions have started.

27
28
29 Ms. Dudman asked about progress on hiring a consultant to address fire suppression
30 methods in various areas of the Town. Manager Lunt agreed to get more information.
31 Chief Bender was planning to find someone who can provide cost estimates.

32
33
34 Ms. Littlefield asked about the tradition of presenting a cane to the oldest resident in
35 Town. Manager Lunt noted research would have to be done. Perhaps such a presentation
36 could be made via Zoom. Perhaps a presentation could be made at the holiday
37 celebrations in Town, or even at a Community Café at the Neighborhood House. Mr.
38 Hart wondered about something in the spring, when it could be done outside.

39
40 Resident Katrina Carter noted the Boston Cane is awarded to the oldest member of the
41 community. It might be prudent to hold a celebration sooner rather than later. Mr. Hart
42 felt a Zoom meeting was impersonal. Ms. Carter suggested the award could also be in
43 the newspaper; it would be good news and perhaps lift spirits during difficult times. Ms.
44 Littlefield suggested seeing how long it would take to gather the information and go from
45 there. Ms. Carter suggested the Town has those records. Once a list is compiled, it can
46 be kept updated.

1
2 **VI. Unfinished Business**

3 *A. Update on A Climate to Thrive's action plan*

4 ACTT representative Johannah Blackman reported on the climate action plan. ACTT is
5 meeting with department heads, collecting information regarding expectations and
6 concerns.

7
8 Community support for the cost of implementation concerns department heads. All have
9 mentioned needing a plan that helps them understand and provides direction on how to
10 proceed. Adaptations have been discussed, as well as land use and water use in Town.

11
12 The drafting process is under way. The purpose of the plan is to help guide decision
13 making at all levels of municipal government. What climate change will look like for the
14 Town, goals, and what attaining those goals will look like in Mount Desert will be
15 included. Economic impact and benefits for the Town will be included.

16
17 Priorities, and an outline of action areas will be spelled out. Action areas include:

- 18 - Benchmarking and greenhouse gas inventory
19 - High performance buildings
20 - Clean energy
21 - Transportation
22 - Waste/recycling
23 - Community adaptation and resilience

24
25 Each action area includes plans, goals, specific actions and key players. Potential costs,
26 resources, support and information, and financial resources will be included when
27 possible, as well as policy examples and suggestions of community support.

28
29 This will be a living document; change and adaptation is likely as new information is
30 gathered. This document will provide a roadmap with priorities and cost estimates.
31 Hopefully the Town will engage in benchmarking and greenhouse gas audits which will
32 help clarify priorities and necessitate updates. There is a difference between municipal
33 plans and community-wide planning. ACTT's understanding is to focus on a municipal
34 plan and action, but it would be easy to include plans for embarking on a community
35 wide program. The question of land and water use and how the Town wants to address
36 that issue is one that should be addressed as well.

37
38 ACTT will continue to meet with Department Heads. An update of the plan can be
39 presented to the Board in January. ACTT's timeline is to submit a draft to the
40 Sustainability Committee in late January, then a revised draft to the Town in early
41 February. Presentation to the Warrant Committee for Town Meeting preparation will
42 follow. ACTT recommends community outreach prior to the Town meeting so the
43 community can engage with the plan.

44 Ms. Blackman reported that a new state program, the Community Resilience Partnership,
45 has recently been announced. It prioritizes community involvement. Towns must join
46 the partnership to be eligible. It offers the chance for funding to cover climate caused

1 damages, such as sea level rise. Other new funding programs were announced as well,
2 one specific to climate action planning at the community level. Funding is available for
3 mitigation and adaptation, both for single communities applying, or for communities
4 applying jointly. Another potential avenue for assistance with climate related damages is
5 the Center for Climate Integrity. This group holds corporate polluters accountable.
6 Focus has been on cost recovery for damages and not mitigation work.
7

8 Mr. Wood commended ACTT's efforts.
9

10 It was agreed that community engagement is necessary and central to the success of the
11 plan. ACTT is willing to facilitate the community engagement process.
12

13 **VII. New Business**

14 *A. Consideration of proposal to amend the Town office hours to Monday through Friday*
15 *– 9:00am to 12:00pm (break for lunch) 1:00pm to 4:30pm due to need described in*
16 *memo from Jake Wright, Finance Director*

17 The issue stems from a person cashiering alone having difficulty getting their mid-day
18 break.
19

20 Questions included appropriate public notice of the change, and whether this scheduling
21 would be problematic for residents, many of whom use their lunch breaks for things like
22 Town Office business. It might be prudent to communicate that the change is temporary.
23

24 Suggestions included going back to the workday beginning at 8:30 and providing a
25 definitive end date. The end date is dependent on when Clerk Woolfolk can return to full
26 duties from medical challenges she's recovering from. A schedule can't be imposed on
27 such a situation.
28

29 Chair Macauley suggested closing for half an hour, rather than a whole hour.
30

31 It was clarified that other services would still be available, and personnel would be on
32 hand to explain if services desired are unavailable for half an hour.
33

34 Traffic in the Town Offices varies from day to day.
35

36 **MOTION:** Mr. Wood moved, with Ms. Littlefield seconding, authorizing the Finance
37 Director to close the Town Office to business transactions between the hours of 12 and 1
38 as needed and as staffing shortages deem it necessary.
39

40 Mr. Hart requested an update after a month on how the change works.
41

42 Motion approved 5-0.
43

44 Mr. Lichtenstein referenced ACTT's presentation. He asked whether the Board would
45 prefer any grants available be applied for by the Town alone, or as part of a group with
46 other Towns. It was the Board's consensus to work with other Towns when able. Mr.

1 Lichtenstein agreed to convey the Board's feelings at the group call Ms. Blackman
2 mentioned.

3
4 *B. Consideration of adding Juneteenth (June 19th, annually) to the list of paid holidays*
5 *and close the office in accordance with State law HP 136-LD183 that state and*
6 *county offices observe*

7 MOTION: Mr. Hart moved, with Ms. Dudman seconding, adding Juneteenth (June 19th,
8 annually) to the list of paid holidays and close the office in accordance with State law HP
9 136-LD183 that state and county offices observe, as presented.

10
11 Motion approved 5-0.

12
13 *C. Consideration of reopening the Town's recycling center located at 307 Sargeant*
14 *Drive*

15 The Board concurred it was an excellent idea.

16
17 Recyclables would be sorted by boxboard and cardboard in one container and plastics in
18 another. An attendant on hand was not deemed necessary.

19
20 Other options considered included one requiring three-phase power and modifications
21 made to the recycling center, which the Town is not set up for. The other option was in
22 Portland and transportation costs were prohibitive.

23
24 EMR can start accepting the recycling as early as tomorrow.

25
26 Clear signage and informing the public would be necessary. Mr. Hart suggested a Town
27 email to share the list of recyclables.

28
29 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, reopening the Town's
30 recycling center located at 307 Sargeant Drive, as presented, and without requiring an
31 attendant to be on hand, and to authorize Director Smith to initiate recycling operations
32 on the following Monday.

33
34 Motion approved 5-0.

35
36 *D. Consideration of WW Superintendent Ed Montagues request to solicit competitive*
37 *prices for a new work truck for the wastewater division of public works'*

38 MOTION: Ms. Dudman moved, with Mr. Wood seconding, approval of Wastewater
39 Superintendent Ed Montague's request to solicit competitive prices for a new work truck
40 for the Wastewater Division of Public Works.

41
42 Hybrid electric truck possibilities would be looked at during the bid process.

43 Motion approved 5-0.

44
45 Director Smith assured the Board the current truck is adequate during the time a new
46 truck is researched and purchased.

1
2 *E. Consideration of casting a ballot in the MRC election of directors for calendar years*
3 *2022-2024*

4 MOTION: Ms. Dudman moved, with Mr. Wood seconding, nomination of Jim Vallette.

5
6 Three of the four nominated would end up on the Board. Mr. Vallette lives on Mount
7 Desert Island.

8
9 Mr. Hart wondered if a new member with differing ideas could result in dysfunction. Ms.
10 Dudman did not agree. Diversity of viewpoint on a board is beneficial. Mr. Wood
11 agreed; all points of view are valid. There was a time when such differences of opinion
12 were respected and could be discussed in a respectful, professional manner. He's hopeful
13 that would be the case.

14
15 Chair Macauley believed new people on the committee can offer new information and a
16 fresh point of view. Mr. Vallette is well-versed in the subject and presented a number of
17 position papers. He will be one member of the board. He may offer a view other
18 candidates don't.

19
20 Motion approved 4-1. (Hart opposed)

21
22 *F. Request approval of the 2022 summer dockage rates for the Northeast Harbor*
23 *Marina to include a new category for boats 100' and over*

24 Harbormaster Lemoine reported that many harbors have a different category for 100'+
25 boats. Larger boats need more resources and strain the docks. He believed the marina
26 should implement the new fee structure. The Harbor Committee was in full agreement.

27
28 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of the 2022
29 summer dockage rates for the Northeast Harbor Marina to include a new category for
30 boats 100' and over, as presented.

31
32 Motion approved 5-0.

33
34 *G. Request authorization to pay for replacement of 6 of the Northeast Harbor Mooring*
35 *Floats top chains by Alvah B. Barge Service Inc. for \$4,548.00 using funds from the*
36 *Northeast Harbor Mooring/Floats CIP 6410100-24681 which has a balance of*
37 *\$321,030.38*

38 MOTION: Mr. Wood moved, with Ms. Dudman seconding, authorization to pay for
39 replacement of 6 of the Northeast Harbor Mooring Floats top chains by Alvah B. Barge
40 Service Inc. for \$4,548.00 using funds from the Northeast Harbor Mooring/Floats CIP
41 6410100-24681 which has a balance of \$321,030.38, as presented.

42 Motion approved 5-0.

43
44 *H. Request authorization to pay MCM Electric \$8,300.00 for relocation of The North*
45 *Dock power cables using funds from Northeast Harbor Marina Underwater Utility*
46 *Lines CIP 6410100-24680 which has a balance of \$110,743.87*

1 Harbormaster Lemoine explained that room must be made for the new entrances for the
2 abutments being replaced in the spring and approved at Town Meeting. The current
3 abutments are approaching the end of their life.
4

5 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, authorization to pay
6 MCM Electric \$8,300.00 for relocation of The North Dock power cables using funds
7 from Northeast Harbor Marina Underwater Utility Lines CIP 6410100-24680 which has a
8 balance of \$110,743.87, as presented.
9

10 Motion approved 5-0.

11
12 *I. Discuss the proposition that Mount Desert Join with other MDI Towns in a lawsuit*
13 *against petroleum companies for the costs of repairing and replacing infrastructure*
14 *due to climate change*

15 It was noted this issue was touched on during the ACTT presentation. A video was
16 presented to Board Members.
17

18 Mr. Hart was not comfortable making a decision based on a single video presentation.
19 More information was necessary.
20

21 Mr. Wood believed joining the lawsuit would be largely symbolic. He was amenable to
22 the Town joining but did not believe anything would come of it.
23

24 Chair Macauley reported it was a good presentation. There are some good points and
25 alarming data. It's a conversation the Town needs to keep on the table. He agreed the
26 Board did not have enough information to make a decision.
27

28 Mr. Lichtenstein did not have much information on the issue. Anything that can be done
29 to help mitigate the problem would likely be helpful.
30

31 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, to take no action at this time,
32 but to keep the conversation going.
33

34 Motion approved 5-0.
35

36 **VIII. Other Business**

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

38 Chair Macauley asked about the three permit applications from the DMR presented in the
39 Consent Agenda. The applications provided little information and were not helpful. The
40 Town has no power to approve or deny, but without any pertinent information, the DMR
41 applications provided are useless.
42

43 Manager Lunt agreed to look into it.

44 Mr. Wood noted the Minutes from the Acadia Park Advisory Commission were very
45 helpful. It was nice to receive them after the Board had requested them.
46
47

IX. Treasurer's Warrants

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

Town Invoices	AP#2231	11/17/21	\$549,157.74
Total			\$549,157.74

MOTION: Mr. Hart moved, with Ms. Dudman 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#2228	11/17/21	\$5,983.89
	AP#2229	11/24/21	\$76,786.59
	AP#2230	12/01/21	\$7,663.35
Town Payroll	PR#2212	11/26/21	\$110,707.24
Total			\$201,141.07

MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval of signed Treasurer's Payroll, State Fees, & PR Benefit Warrants as shown above.

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

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

School Invoices	#7	12/1/21	\$38,514.72
	#11	11/26/21	\$172,856.28
Total			\$211,371.00

MOTION: Mr. Hart moved, with Ms. Dudman seconding, acknowledgment of Treasurer's School Board AP/Payroll Warrants as shown above.

Motion approved 5-0.

Grand Total			\$961,669.81
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X. Adjournment

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, to adjourn.

Motion approved 5-0.

The Meeting adjourned at 8:03PM.

Respectfully Submitted,



Wendy Littlefield