

- 1 C. Hancock County Commissioners Meeting Agenda for August 3, 2021
- 2 D. Hancock County Commissioners Meeting Minutes of July 6, 2021
- 3 E. MRC bypass update -PERC operational again
- 4 F. Summer Residents Association Annual Meeting Minutes for July 21, 2021
- 5 G. MRC Newsletter
- 6 H. Damage Assessment Determination for June 9, 2021 with July 30, 2021 follow-up
- 7 I. Letter from David Loeb thanking Jennifer Buchanan for excellent customer service
- 8 J. DOT's November 2020 Brookside Road Bridge Inspection Report dated July 29,
- 9 2021, a copy of the report is available at the Town Office
- 10 K. Thank you from Shannon Westphal for the crosswalk at Mount Desert Elementary
- 11 School

12 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, acceptance of the Consent
13 Agenda as presented.
14 Motion approved 4-0.

15
16 **V. Selectmen's Reports**

17 Chair Macauley reported that the Sustainability Committee is considering the creation of
18 a position of Sustainability Coordinator, to be shared by the island communities. The
19 item would have to go on an agenda for official discussion and vote.

20
21 Ms. Dudman reported on the issue of bicyclists riding on the sidewalks. Additionally,
22 bikes are being left lying on the sidewalks. This leaves the sidewalks congested or
23 blocked completely. Manager Lunt noted it was an issue for the Police Department. He
24 would apprise Police Chief Willis of the concerns raised.

25
26 Ms. Littlefield reported on hearing concerns from residents about the parking by the fleet.
27 Cars are parking on the side of the road there, making it narrow for traffic and difficult to
28 safely pass. There are No Parking signs in the area. After hearing the concerns from
29 residents Ms. Littlefield has driven past several times and the parking there is always
30 congested. Manager Lunt agreed to mention it to Chief Willis.

31
32 Mr. Hart added that vegetation around some of the stop signs near the fleet has grown
33 enough to make them hard to see.

34
35 Chair Macauley mentioned the bicycles left piled on the sidewalk near the Knowles
36 Company, near the steps going up to the church. Ms. Littlefield noted there is a bicycle
37 rack there, but rarely used.

38
39 It was agreed to take Item VIII. A out of order.

40
41 **VI. Unfinished Business**

42 A. Review and discussion of latest schematic designs for the proposed
43 addition/renovation of the Northeast Harbor fire station (Station 1)

44 Fire Chief Bender stated the renovation process is at the point of moving into the design
45 development phase. Moving further into the design development phase will mean
46 making alterations to the project will become more difficult.

1
2 Nothing in the design has changed, other than some rooms have been rearranged. The
3 footprint remains the same. The first floor will be expanded, which will enable the
4 second floor to be expanded as well. There is a fourth bay planned for the west side of
5 the building. It was noted a firepole was added at the request of the firefighters; in
6 deference to the firefighting tradition.

7
8 Mr. Hart noted the back driveway will be lost with the renovation. Chief Bender
9 confirmed. Space would be looked for elsewhere to make up any parking spaces lost.

10
11 There is little option for further expansion with this plan, unless the fire station was to
12 take up some of the Cranberry parking lot space. There are four bunk rooms. Two
13 firefighters will remain on site for duty. Firefighters are given their own bed and bring
14 their own linens. The plan provides what is necessary now, as well as provides space
15 should more space be needed in the future.

16
17 *B. Presentation of preliminary cost estimates for an addition to the Somesville fire*
18 *station (Station 3)*

19 Chief Bender presented the Somesville plans. The plans have not changed since
20 previously presented. He's been in discussion with the architect. The cost of adding a
21 community room and storage space to the Somesville Fire Station, approximately 1600
22 extra square feet, will raise the price by 480k to 560k – essentially doubling the
23 construction price. Extra cost in additional site work and foundation work and other
24 expenses will bring the project to an estimated total of \$800k to \$900k.

25
26 Town Manager Lunt reported there was concerns among the residents about the loss of a
27 community room, but it did not appear that the concern was specific to the fire station.
28 He hoped an alternative could be found.

29
30 Chief Bender noted that the addition will extend the construction time as well. This
31 skews the timing of the two fire station projects occurring in conjunction with each other.
32 The Fire Department can't have two stations under construction simultaneously.
33 Additionally, community room use by the public might not be conducive to a station
34 where staff will be living onsite during their shift. Mr. Hart suggested that with the
35 timing being critical, perhaps it was best to move ahead with the fire station as currently
36 planned. Other options will continue to be explored in the meantime.

37
38 Chief Bender asked if a November Town Meeting might still be the intent regarding the
39 project. If approval can be gained in November, the work can begin over the winter and
40 completed by summer 2022. It was noted there might be other items for a November
41 Town Meeting as well.

42
43 The Board agreed the project should move forward.

44
45 *C. Consideration of accepting the recommendations provided by Public Works Director*
46 *Tony Smith in "Part F. Recommendations" of his July 26, 2021, memo, from him to*

1 Town Manager Durlin Lunt, Jr., referenced as “Pump Station and Treatment Plant
2 Improvements Project (2021 Project)”, which, in brief:

3 1) Provides that total project funding for the 2021 Project of \$518,848 be as
4 described in TABLE A: 2021 Project Costs and Proposed Funding using the
5 funding and associated account numbers described below and shown on Lines 19, 21
6 and 22 of Table A of the memo as:

7 a. \$332,279 which is the remaining balance of two prior wastewater
8 projects SRF funds in Account Number 3000048-57710 and,

9 b. \$32,566 which is the remaining balance of the FY-22 Sewer
10 Capital-Pump Stations Budget Appropriations Line Number 1550551-
11 57051 and,

12 c. \$154,003 which is the Wastewater Capital Reserve Account Number 4050500-
13 24501 with a current balance of \$284,777,

14 d. For total 2021 Project funding of \$518,848.

15 2) Awards the construction of the 2021 Project to TBuck Construction at a
16 negotiated cost of \$460,848 and

17 3) Retains the services of Olver Associates to provide CCA-I services for the 2021
18 Project at a cost of \$38,000 and

19 4) Authorizes the use of up to \$20,000 for contingency funding for the 2021 Project
20 and,

21 5) Authorizes Public Works Director Tony Smith to execute all contracts and
22 documents and do all things necessary or convenient to accomplish the 2021
23 Project on behalf of the Town.

24 MOTION: Ms. Dudman moved, with Mr. Hart seconding, acceptance of the
25 recommendations of Public Works Director Tony Smith in “Part F. Recommendations”
26 of his July 26, 2021, memo, referenced as “Pump Station and Treatment Plant
27 Improvements Project (2021 Project)”, which:

28 1) Provides that total project funding for the 2021 Project of \$518,848 be as described in
29 TABLE A: 2021 Project Costs and Proposed Funding using the funding and associated
30 account numbers described below and shown on Lines 19, 21 and 22 of Table A of the
31 memo as:

32 a. \$332,279 which is the remaining balance of two prior wastewater projects SRF funds
33 in Account Number 3000048-57710 and,

34 b. \$32,566 which is the remaining balance of the FY-22 Sewer Capital-Pump Stations
35 Budget Appropriations Line Number 1550551- 57051 and,

36 c. \$154,003 which is the Wastewater Capital Reserve Account Number 4050500-24501
37 with a current balance of \$284,777,

38 d. For total 2021 Project funding of \$518,848.

39 2) Awards the construction of the 2021 Project to TBuck Construction at a negotiated
40 cost of \$460,848 and

41 3) Retains the services of Olver Associates to provide CCA-I services for the 2021
42 Project at a cost of \$38,000 and

43 4) Authorizes the use of up to \$20,000 for contingency funding for the 2021 Project and,

44 5) Authorizes Public Works Director Tony Smith to execute all contracts and documents
45 and do all things necessary or convenient to accomplish the 2021 Project on behalf of the
46 Town.

1 As presented.
2 Motion approved 4-0.

3
4 *D. In conformance with our Capital Improvement Plan, consideration be given to the*
5 *authorization of the purchase of a new 2022 International truck and chassis from*
6 *Daigle & Houghton at their bid price of \$85,400 and the purchase of a new plow,*
7 *wing, and mounting equipment from H.P. Fairfield at their bid price of \$94,230 for a*
8 *total purchase price of \$179,630 using funds from the Public Works Equipment*
9 *Reserve account number 4050100-24500 with a current balance of \$289,941. There*
10 *will be \$110,311 remaining in the account if we make this purchase.*

11 MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, authorization of the
12 purchase of a new 2022 International truck and chassis from Daigle & Houghton at their
13 bid price of \$85,400 and the purchase of a new plow, wing, and mounting equipment
14 from H.P. Fairfield at their bid price of \$94,230 for a total purchase price of \$179,630
15 using funds from the Public Works Equipment Reserve account number 4050100-24500
16 with a current balance of \$289,941. There will be \$110,311 remaining in the account if
17 we make this purchase, as presented.

18 Motion approved 4-0.

19
20 **VII. New Business**

21 *A. Consideration of authorizing Public Works Director Tony Smith to apply for the*
22 *DEP Permit-by-Rule and the Town's Conditional Use Permit required for Seal*
23 *Harbor shoreline erosion/stabilization control work needed along the easterly side*
24 *of the harbor described in his 7-29-21 e-mail to Town Manager Durlin Lunt, Jr., a*
25 *copy of which is included in the Selectboard information packet and available on*
26 *the Town website*

27 Public Works Director Smith reported this was a stretch of land along the shore across
28 from the Shubert residence.

29
30 MOTION: Mr. Hart moved, with Ms. Dudman seconding, authorization of Public Works
31 Director Tony Smith to apply for the DEP Permit-by-Rule and the Town's Conditional
32 Use Permit required for Seal Harbor shoreline erosion/stabilization control work needed
33 along the easterly side of the harbor described in his 7-29-21 e-mail to Town Manager
34 Durlin Lunt, Jr., a copy of which is included in the Selectboard information packet and
35 available on the Town website as presented.

36 Motion approved 4-0.

37
38 *B. Move signature of Account Agreement and Corporate Authorization Resolution*
39 *with First National Bank to add Jake Wright as a signer on the account*

40 MOTION: Ms. Littlefield moved, with Mr. Hart seconding, signature of Account
41 Agreement and Corporate Authorization Resolution with First National Bank to add Jake
42 Wright as a signer on the account, as presented.

43 Motion approved 4-0.

44
45 *B. Consider the Adoption of a Remote Meeting Policy*

1 Manager Lunt reported this new policy is from LD32 passed by the State Legislature. It
2 will allow the Town to continue meeting as they currently do. The Bill passed requires
3 the Board Officers to be present in person at the meeting unless they have a valid reason
4 not to do so. Each Board and Committee from the Town is required to vote on the policy.
5

6 Planning Board Chair William Hanley inquired about Planning Board Members who
7 have hesitation about returning to in-person meetings. Manager Lunt believed such
8 concern can be used as viable rationale for a Board Member's continuing meeting
9 remotely. The entire Board could not meet remotely. As long as the public is allowed to
10 attend a meeting, they must be provided the opportunity to do so. As long as the CDC
11 allows for public in-person attendance, a meeting cannot be held remotely only.
12 Concerned Board and Committee members may participate remotely.
13

14 Mr. Hart inquired about Covid-19 status of the area. If the area becomes a high-risk area
15 for Covid-19, then the Board must be in attendance and masked, even if no others are
16 present. Could a remote meeting be a viable option in light of such a circumstance?
17 Manager Lunt noted that at this point the policy does not permit such an option.
18 Approving this policy allows the Board to continue with the current hybrid meeting
19 option. Boards and Committees are not allowed to meet in any way other than in person
20 without this policy in place.
21

22 Mr. Hart noted that the policy states roll call votes must be taken on all votes at remotely
23 attended meetings.
24

25 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, adoption of a Remote
26 Meeting Policy, as presented.
27 Motion approved 4-0.
28

29 *C. Consider Revision of Sections 5.5.2 and 6.9.0 of the Personnel Policy*

30 Manager Lunt reported this revision is the result of he and Finance Director Wright's
31 work on making the Personnel Policy more consistent.
32

33 MOTION: Mr. Hart moved, with Ms. Dudman seconding, Approval of Revision of
34 Sections 5.5.2 and 6.9.0 of the Personnel Policy, as presented.
35

36 Motion approved 4-0.
37

38 *E. Consider Amending Sections 7.7.1., 7.7.10 and 8.7 of the Personnel Policy to*
39 *Clarify Vacation Accrual Methodology, Required Leave for Bonded Personnel,*
40 *and Earned Paid Leave Accrual Methodology.*

41 Ms. Dudman inquired about the term "front loaded" in connection to Earned Paid Leave
42 accrual. Finance Director Wright explained that while Earned Paid Leave is front loaded
43 at the beginning of the year, the policy ensures that only the portion of leave earned at the
44 time an employee terminates employment will be paid out. Director Wright went on to
45 specify the rate at which Earned Paid Leave is earned for full-time employees for
46 purposes of calculating the amount to be paid out upon termination of employment.
of leave earned at the time an employee's leaves employment will be paid out.

1
2 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of amending
3 Sections 7.7.1., 7.7.10 and 8.7 of the Personnel Policy to Clarify Vacation Accrual
4 Methodology, Required Leave for Bonded Personnel, and Earned Paid Leave Accrual
5 Methodology, as presented.
6 Motion approved 4-0.
7

8 **VIII. Other Business**

9 *A. Meeting with Representative Lynne Williams, District 135, Bar Harbor, Mount*
10 *Desert and Lamoine for a summary of Legislative Action this session of Importance*
11 *to the Town*

12 State Representative Lynne Williams, District 135, presented news on actions taken at the
13 State level.
14

15 Activity includes:

- 16 - Revenue sharing has increased to 4.5% from 3.75%.
- 17 - School funding has risen to 55%.
- 18 - From the Appropriations Committee, and decisions made regarding the ARC money
19 received by the Feds, \$20 million is available in funding to build affordable green
20 housing, using project labor agreements. The goal is to build more than 1,000
21 environmentally friendly units over the next two years.
- 22 - A bill passed allowing a municipality to use tax increment financing if affordable
23 housing is being built.
- 24 - A bill imposing an increase in the real estate transfer tax did not pass. The bill was
25 presented by Representative Williams but was vetoed by the Governor. Governor
26 Mills explained that she promised no tax increases.
- 27 - Rep. Williams is a part of the Affordable Housing Caucus. She is looking into
28 leveraging ARC money presented to the county for use to assist MDI Towns to create
29 workforce housing. She is working with past Representative Brian Hubble towards
30 this end.
- 31 - Rep. Williams has been appointed to the House Transportation Committee. The
32 major transportation initiative addressed so far is to initiate a feasibility study for
33 extending rail from Portland to Waterville and Bangor. The study will be partially
34 paid for by the towns along the route.
- 35 - A first in the Nation recycling bill has been passed. Starting 2023, the cost and
36 responsibility for recycling most waste falls to the producers. Municipalities will no
37 longer be responsible for the cost of recycling.
- 38 - A bill was passed to allow municipalities, counties, and school boards to adopt
39 policies to allow remote participation.
- 40 - A bill was passed to allow towns to process absentee ballots beginning on the seventh
41 day before an election, due to the increase in the use of absentee ballots.
- 42 - A bill was passed to allow remote online notarization, extending the practice allowed
43 during the state of emergency caused by the pandemic.
- 44 - The State carried over a bill to allow regular automatic mailing by clerks of absentee
45 ballots if a voter requests.

- 1 - A bond measure was carried over to provide money for rehabilitation or construction
- 2 of fire stations.
- 3 - While this is not work done within the legislature, Rep. Williams reported on her
- 4 work to fight the proposed American Aquaculture Salmon Farm. Rep. Williams is
- 5 the Town of Bar Harbor's Harbor Committee Chair. Bar Harbor is an intervenor to
- 6 the proposal.
- 7 - Rep. Williams was appointed to the Maine Chapter of Women in Transportation, the
- 8 Transportation Working Group that reports to the Climate Council, and the Maine
- 9 Public Transit Council. She will begin work with the Hancock County Planning
- 10 Commission which received a Department of Transportation grant to set up a system
- 11 for providing rides to people without transportation.
- 12 - Rep. Williams' bill, LD42, requires the Office of Marijuana Policy to submit all
- 13 future proposed regulatory changes to the Legislature. Changes have been made
- 14 without oversight prior to this bill.
- 15

16 Ms. Dudman asked what the Legislature can do with regard to the aquaculture proposal.

17 Rep. Williams noted that the Legislature can do nothing. Rep. Williams is working on

18 that outside of her Legislative work. The sole decision maker with regard to this project

19 is the Commissioner of Marine Resources. Such a project is different from an on-land

20 development. On-land aquaculture projects must meet the zoning ordinances of the town

21 they are in. A marine aquaculture project has no such zoning requirements.

22

23 **IX. Treasurer's Warrants**

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

| | | | |
|----------------------|---------------|-----------------|---------------------|
| <i>Town Invoices</i> | <i>AP2176</i> | <i>8/3/2021</i> | <i>\$68,981.91</i> |
| | <i>AP2205</i> | <i>8/3/2021</i> | <i>\$411,832.97</i> |
| <i>Total</i> | | | <i>\$480,814.88</i> |

25 MOTION: Ms. Littlefield moved, with Mr. Hart seconding, approval and signature of

26 Treasurer's Warrant as shown above.

27 Motion approved 4-0.

28

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

30 *below:*

| | | | |
|-------------------------------------|---------------|------------------|---------------------|
| <i>State Fees & PR Benefits</i> | <i>AP2203</i> | <i>7/21/2021</i> | <i>\$3,159.75</i> |
| <i>State Fees & PR Benefits</i> | <i>AP2204</i> | <i>7/28/2021</i> | <i>\$20,824.87</i> |
| <i>Town Payroll</i> | <i>PR2202</i> | <i>7/23/2021</i> | <i>\$131,095.09</i> |
| <i>Total</i> | | | <i>\$155,079.71</i> |

31 MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval of signed

32 Treasurer's Payroll, State Fees, & PR Benefit Warrants as shown above.

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

34

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

| | | | |
|------------------------|-----------|------------------|---------------------|
| <i>School Invoices</i> | <i>#2</i> | <i>7/23/2021</i> | <i>\$146,607.16</i> |
| <i>Total</i> | | | <i>\$146,607.16</i> |

36

| | | | |
|--------------------|--|--|---------------------|
| <i>Grand Total</i> | | | <i>\$782,501.75</i> |
|--------------------|--|--|---------------------|

1 MOTION: Mr. Hart moved, with Ms. Dudman seconding, acknowledgement of
2 Treasurer's School Board AP/Payroll Warrants as shown above.
3 Motion approved 4-0.
4

5 **X. Adjournment**

6 MOTION: Ms. Littlefield moved, with Mr. Hart seconding, adjournment.
7 Motion approved 4-0.
8

9 The Meeting adjourned at 6:30PM.

10
11 Respectfully Submitted,
12

13
14
15 Wendy Littlefield