

**Town of Mount Desert
Selectboard Meeting Minutes**

Monday, February 8, 2021

Location: Zoom Meeting

This Meeting was held via remote access.

SelectBoard Members Present:

Chair John Macauley, Matt Hart, Wendy Littlefield, Martha Dudman, Geoff Wood

Town Officials Present:

Town Manager Durlin Lunt, Tax Assessor Kyle Avila, CEO Kimberly Keene

Members of the public were also in attendance.

I. Call to order at 3:30 p.m.

The regular meeting will begin immediately following the Executive Session.

Chair John Macauley called the Meeting to order at 3:30PM.

II. Executive Session

A. Pursuant to 1 M.R.S.A. § 405(6)(A) for personnel matters

MOTION: Mr. Hart moved, with Ms. Littlefield seconding, entering into Executive Session.

Motion approved 5-0.

The Board entered into Executive Session at 3:31PM.

MOTION: Mr. Hart moved, with Ms. Littlefield seconding, to exit out of Executive Session.

Motion approved 5-0. The SelectBoard exited Executive Session at 4:03 PM.

III. Selectmen's Reports

Mr. Wood reported being approached by a resident inquiring about the Acadia Outdoor Center proposed for Seal Harbor. Mr. Wood knows nothing of the project; however he was told people in Seal Harbor are unhappy with the project and how it's unfolded. Mr. Wood was told the project was supposed to go before the Planning Board and a Public Hearing would be held, but the project was then approved without that step.

Town Manager Lunt explained that if a decision made by the Planning Board is deemed not satisfactory, it can be taken before the Zoning Board of Appeals for review. The SelectBoard has no jurisdiction over such an item.

CEO Keene reported that information describing plans for a new business was sent to some of the Seal Harbor summer residents. The business owners sent the information hoping to obtain financial assistance from those residents. The proposal consisted of a variety of functions operating out of a downtown building, including the sale of outdoor gear, kayak rentals, bicycle rentals, and selling coffee and ice cream. At a future date the owners were

1 considering installing a climbing wall and creating an activity area in the building for crafts
2 and other activities to occur. The proposal was brought before the Planning Board for an
3 informal discussion. At that meeting the owner and the owner's attorney explained their
4 plans.

5
6 Since that meeting, the owners have decided to forego the climbing wall and activity area.
7 This renders the use purely retail. CEO Keene has discussed the proposed use with Maine
8 Municipal. The owner contacted the Maine DOT at CEO Keene's request. The owner also
9 spoke with the State Fire Marshal's office. CEO Keene confirmed there are residents who
10 are unhappy with the proposed use. A permit would only be issued if structural changes
11 were made to the building.

12
13 CEO Keene confirmed that the use, being retail, falls under her purview and the issue as
14 currently presented will not go before the Planning Board. The Planning Board has no
15 jurisdiction over the project. She has not seen the parking plan the owner sent to the DOT
16 but the DOT reports having no concerns with the project. There are approximately nine or
17 ten parking spaces on the property.

18
19
20 Ms. Littlefield reported that a resident approached her about snow accumulating at the end of
21 Sargent Drive and Route 198. The snow makes it difficult to see oncoming traffic. The
22 resident hoped the snow could be moved or the field of vision could be somehow improved.
23 Town Manager Lunt agreed to look into it.

24 25 **IV. New Business**

26 *A. MDES Budget Review*

27 Principal Gloria Delsandro gave a status report of the Mount Desert Elementary School
28 over the past year.

29
30 Highlights of the past year, in the face of the Covid-19 pandemic include:

- 31 - The school has purchased Honda Odyssey vans with Covid-19 Relief Funding money.
32 The school is short one bus driver. The high school's new schedule has made it
33 difficult to take students on field trips during this school year. The vans have helped
34 the situation.
- 35 - 56% of the students were provided with meals in 2020.
- 36 - The school has provided social and emotional support, food, attention, health care to
37 students throughout the pandemic.
- 38 - Enrollment held steady since last year. There are 161 students, 15 of those students
39 are in the virtual academy that began this past summer. Students in the virtual
40 academy are enrolled at MDES but work with teachers from across the district.
- 41 - Due to Covid restrictions, there are rooms in the school that can only accommodate
42 seven or eight students.
- 43 - 147 students are currently in-person learning at school.
- 44 - Of the 161 students enrolled, 15% have Individualized Education Plans, due to
45 learning instabilities. 6% of the students have a 504 Plan, and 4% are identified as
46 Gifted and Talented.

- 1 - The school has a Response to Intervention Program.
- 2 - There have been a number of family forums held to ensure families know what
- 3 procedures are in place to keep students safe.
- 4 - There have been three confirmed cases of Covid-19 in people associated with the
- 5 school, but no transmission of Covid has occurred in the school.
- 6 - A Family Support Form has been created and is on the school's website. Services that
- 7 can be requested via the form include social and emotional, internet, and food
- 8 services. Over 125 requests were received with this form from March to June of
- 9 2020. 116 additional requests have been received since September.
- 10 - The Mustang Collaborative combines Physical Education and Art in the gym every
- 11 other month for three to four hours.
- 12 - Mustang Explorers is the van program. Teachers can be certified to drive the vans.
- 13 - The ERMA (Early Release Mustang Afternoon) provides teachers with Thursday
- 14 afternoons for professional development and collaboration opportunities, while the Ed
- 15 Techs provide programming for the students.
- 16 - Outside learning is occurring for a variety of classes.

17

18 Ms. Delsandro noted her budget requests. The priority is to keep students in school. Two
19 one-year teacher positions are proposed for next year's budget. Currently music teacher
20 Ms. Graves is teaching sixth grade, and Spanish teacher Señora Beal is teaching 5th grade.
21 The teaching positions are requested for just one year. If Covid continues to require the
22 students to remain socially distant these two positions will provide that space and the
23 teachers to accommodate it.

24

25 Another budget item is to increase the Tech Integrator teaching position from 40% to
26 100%. The current Tech Integrator serves the school two days a week. The need for
27 technology support and instruction has increased.

28

29 The Budget is requesting \$5,000.00 for PreK collaboration. This would allow the school
30 to work with the PreK families in the community. Ms. Delsandro hopes to put PreK
31 budgeting back into the budget for the following year.

32

33 Superintendent Marc Gauss noted how proud he was of the MDES.

34

35 Mr. Hart stated he would prefer to see new budget requests integrated into the rest of the
36 budget. Budget requests could be delineated perhaps by highlighting them or some other
37 way to single them out. This would be a better way to see how they fit into the rest of the
38 budget while also making it easy to single them out for review.

39

40 Mr. Gauss noted singling out requested budget increases in this way allows as much
41 transparency as possible. They can incorporate it into the rest of the budget, but Mr.
42 Gauss hoped to keep them clearly defined as new requests.

43

44 Ms. Delsandro confirmed that the new requests in the budget consist of:

- 45 - the two new one-year teaching positions.

- 1 - an increase in the single Tech Integrator position to five days a week, up from two
- 2 days a week.
- 3 - \$5,000.00 for the PreK Collaboration.

4
5 Chair Macauley pointed out a 68% increase for three and a half more Ed Tech positions.
6 Ms. Delsandro clarified that no changes have been made to the current Ed Techs already
7 on staff. She thought perhaps there was a shift in the funding line. Mr. Gauss suggested
8 it might be a shift in benefits. This would result in an offset of a line item elsewhere in
9 the budget. The change may be due to some Ed Techs being moved from Special Ed to
10 General Ed. Additionally, a Title I Grant is shrinking each year. An RTI position was
11 added to the General Ed Tech line.

12
13 Mr. Wood noticed the Special Ed teacher salaries appear to have gone down by a whole
14 position and an RTI position which might be the result of moving a budget line item.

15
16 Ms. Delsandro noted that two teachers were required for the fourth grade, due to logistics
17 affected by Covid. A staff member certified to teach has been helping in that capacity.
18 At this time, due to Covid, it's difficult to be certain of the school's staffing needs.

19
20 Ms. Delsandro promised to provide a one-page budget summary to the Board.

21
22 *B. Proposed Land Use Zoning Ordinance Articles (Noel Musson)*

23 Noel Musson of The Musson Group presented the proposed Land Use Zoning Ordinance
24 Articles. He explained the following Warrant Articles:

25
26 **WARRANT ARTICLE XX - Shall an ordinance dated May ==, 2021 and entitled**
27 **“Amendments to the Land Use Zoning Ordinance to remove footnote 4 from some**
28 **permitted uses in the Resource Protection (RP) District to be in conformance with**
29 **Shoreland Zoning Standards”**

30 This is an administrative change removing Footnote 4 from the table of allowed uses in
31 the Stream Protection zones, related to clearing and removing of vegetation, excavation
32 and fill, and roads and driveways. This will make the Ordinance more consistent with
33 State Shoreland Zoning Guidelines.

34
35 Currently Footnote 4 requires an excavation and fill project to receive a variance from the
36 Zoning Board of Appeals. This is an allowed use, and only requires Planning Board
37 approval and not a variance.

38
39 There were no questions from the Board.

40
41 **WARRANT ARTICLE XX -Shall an ordinance dated May ==, 2021 and entitled**
42 **“Amendments to Section 6A.6 Lighting-Outdoor”**

43 This is a continuation of discussions held last year regarding modifications to outdoor
44 lighting standards. Mr. Musson worked with Dwight Lanpher to revise the Article. Mr.
45 Musson noted there was some new language added to the Ordinance; the revision is more
46 a reorganization of language already there. The intent is to make outdoor lighting

1 standards more applicable and more up to date with current lighting technology. This
2 amendment will also make the lighting standards more enforceable.

3
4 Chair Macauley inquired if the changes proposed were similar to last year's Ordinance
5 amendment that was found to have an issue with wording. Mr. Musson affirmed that it
6 was. He and Mr. Lanpher worked on revisions to that previous Ordinance amendment.
7 The Ordinance as presented still has standards and recommended best practices. The
8 hope is to make the Ordinance clearer and more modern.

9
10 Mr. Hart asked, with regard to enforcement, how is lighting measured by the Town,
11 should a complaint about lighting come up.

12
13 Mr. Musson thought the enforceability would be more a question of guidelines,
14 particularly when a new development is proposed to the Planning Board for review. This
15 will allow for a better check that the standards are being met. Mr. Musson felt he and the
16 CEO would have to further discuss how to make the Ordinance work from an
17 enforceability perspective should a complaint arise.

18
19 Mr. Hart inquired how enforcing holiday lighting would occur. He pointed out other
20 times holiday lights are used – for parties throughout the year for example. According to
21 the Ordinance wording, such things will now be a violation. Mr. Hart felt the Town
22 should not get into legislating when holiday lighting may be used.

23
24 Mr. Musson noted there was still time to review the proposed changes. There is a broad
25 range of wording with regard to lighting. It was the intent not to make it more
26 complicated but to make it more applicable to the issues the Town deals with. Mr. Hart
27 agreed having best practices laid out is helpful.

28
29 There were no further questions from the Board.

30
31 **WARRANTARTICLE XX - Shall an ordinance dated May ==, 2021 and entitled**
32 **“Amendments to the Land Use Zoning Ordinance to clarify where the setback is**
33 **measured from a private road or right-of-way”**

34
35 This proposed change is an attempt at clarifying how to measure a setback from a private
36 road or right of way. Essentially, this part of the definition of setback is being moved to
37 Footnote C to make it more obvious to an applicant. No existing policies are being
38 changed.

39
40 There were no further questions from the Board.

41
42 **WARRANT ARTICLE XX Shall an ordinance dated May ==, 2021 and entitled**
43 **“Amendments to the Land Use Zoning Ordinance to modify the definition of setback**
44 **to exclude footpaths and sidewalks.”**

6

1 This change modifies the definition of setback, which will allow footpaths and sidewalks
2 within a setback. Currently the Ordinance does not allow a footpath or sidewalk within a
3 road's setback should a resident want, for example, a footpath from their front door to the
4 sidewalk or road. This creates an exemption under the definition of setbacks that includes
5 footpaths and sidewalks. Additionally, a definition of footpath has been added to give
6 dimensional standards to what is allowed as a footpath, ensuring it remains a path for
7 pedestrian traffic, and not for vehicles like golfcarts or ATVs.

8
9 There were no questions from the Board.

10
11 Mr. Musson mentioned other items up for review, including Otter Creek planning,
12 updating the subdivision ordinance, and planning in Somesville. Mr. Musson added that
13 the Comprehensive Plan would soon come due for a review and update.

14
15 *C. Consider resignation of Jeanne Fernald from the Traffic Committee; she just turned*
16 *88 last week!*

17 MOTION: Ms. Dudman moved, with Mr. Wood seconding, acceptance of resignation of
18 Jeanne Fernald from the Traffic Committee, with much thanks for her dedication, and best
19 wishes for her birthday.

20 Motion approved 5-0.

21
22 **V. Other Business**

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

24 Manager Lunt noted that A Climate To Thrive (ACTT) is hoping to apply for a grant to
25 try to integrate alternate energies. They are requesting a letter of support to include in
26 their grant application. Manager Lunt noted such letters were usually done by the Town
27 as a courtesy for groups trying to apply for grants that were deemed in the best interest of
28 the community.

29
30 Mr. Wood believed any work regarding alternate energies and offsetting climate change
31 should be of interest to the Town.

32
33 Beth Woolfolk of ACTT stated that their end goal was to have clean, reliable, affordable
34 power. The price of solar and wind energy is now lower than the price of fossil fuels.
35 This project will combine various pieces of technology that are part of addressing the
36 power gap caused by the sun's setting, and a lack of wind, measures such as incorporating
37 storage and backup power on the supply side, and load-shedding technology on the
38 demand side.

39
40 The Board voiced their support of the work.

41
42 Ms. Woolfolk reported that ACTT is applying to the Department of Energy for a funding
43 opportunity recently announced.

44
45 MOTION: Ms. Littlefield moved, with Mr. Wood seconding, to approve drafting a letter
46 of support for the Grant opportunity being applied for by ACTT, as presented.

7

1 Motion approved 5-0.

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VI. Adjournment

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MOTION: Ms. Dudman moved, with Mr. Hart seconding, adjournment.

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Motion approved 5-0.

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The Meeting adjourned at 5:08 PM.

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Respectfully Submitted,

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Wendy Littlefield