

**Town of Mount Desert
Selectboard Special Meeting Minutes
Monday, May 17, 2021
Location: Zoom Meeting**

This Meeting was held via remote access.

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

Town Officials Present: Town Manager Durlin Lunt, Tax Assessor Kyle Avila, Treasurer Jake Wright, Police Chief Jim Willis, Town Clerk Claire Woolfolk, Part-Time Treasurer Kathy Mahar

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 6:01PM.

II. Public Hearing(s)

A. Special Amusement Permit Renewal Asti-Kim /DBA Asticou Inn/Class E

Chair Macauley opened the Hearing and asked for Public Comment.

There was none.

Chair Macauley closed the Public Hearing.

B. Post Public Hearing

MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval of Special Amusement Permit Renewal Asti-Kim /DBA Asticou Inn/Class E, as presented.
Motion approved 5-0.

III. Minutes

A. Approval of Minutes of April 5, 2021

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, approval of the Minutes of April 5, 2021, as presented.
Motion approved 5-0.

B. Approval of Minutes of April 20, 2021

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, approval of the Minutes of April 20, 2021, as presented.
Motion approved 5-0.

C. Approval of Minutes of May 4, 2021

MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, approval of the Minutes of May 4, 2021, as presented.

1 Motion approved 5-0.
2

3 **IV. Appointments/Recognitions/Resignations**

4 A. *Approval of pay rate for Joelle Nolan at \$30.00 per hour as substitute for Claire*
5 *Woolfolk while she is on extended leave.*

6 Town Manager Lunt reported that Ms. Nolan would be working at the Town Office
7 two days a week in Clerk Woolfolk's absence. This would be adequate to keep
8 operations running.
9

10 MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, Approval of pay rate
11 for Joelle Nolan at \$30.00 per hour as substitute for Claire Woolfolk while she is on
12 extended leave, as presented and with thanks.

13 Motion approved 5-0.
14

15 B. *Annual Employee Appointments*

16 Manager Lunt noted the forms for signature have the correct dates. Other copies the
17 Board has seen may not.
18

19 Town Manager Lunt confirmed the Public Works Director is the Acting Town
20 Manager in the Town Manager's absence. The position consists of signing
21 documents in the Town Manager's absence.
22

23 MOTION: Ms. Dudman moved, with Mr. Hart seconding, Annual Employee
24 Appointments as noted, and with the dates confirmed as correct.

25 Motion approved 5-0.
26

27 C. *Approval to hire Nathan Formby of Bar Harbor as a Full Time Dispatcher to fill a*
28 *vacancy effective May 18, 2021 with pay rate of \$23.09 for six-month probation.*

29 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, approval to hire Nathan
30 Formby of Bar Harbor as a Full Time Dispatcher to fill a vacancy effective May 18,
31 2021 with pay rate of \$23.09 for six-month probation, as presented and with thanks.

32 Motion approved 5-0.
33

34 D. *Resignation of Christopher Johansen effective May 15, 2021*

35 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, acceptance of
36 resignation of Christopher Johansen effective May 15, 2021 as presented and with
37 thanks.

38 Motion approved 5-0.
39

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

44 A. *Hancock County Commissioners Meeting Minutes of April 6, 2021*

45 B. *Hancock County Commissioners Meeting Minutes of April 15, 2021*

1 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, acceptance of the
2 Consent Agenda as presented.
3 Motion approved 5-0.
4

5 **VI. Selectmen's Reports**

6 Ms. Dudman inquired about the MRC. Recent news regarding the MRC is confusing and
7 concerning. She wondered what the Town's options are. Manager Lunt noted the Town
8 has the option to secede from the MRC. Manager Lunt suggested adding the issue to the
9 next agenda and inviting MRC representatives to speak.

10
11 Options outside of staying with the MRC include returning to PERC, or landfilling solid
12 waste. Ms. Dudman hoped those options could be outlined and explained. Manager Lunt
13 agreed to do so.
14

15 Ms. Littlefield inquired about the issue of the rainbow crosswalk. Manager Lunt reported
16 the Public Works Director is working with the DOT. Such a crosswalk is legal. Ms.
17 Dudman felt it would be helpful to have the students suggesting the idea present their
18 idea at a future meeting. Ms. Littlefield voiced concern over the safety of having a
19 crosswalk that may not be easily recognizable as a crosswalk.
20

21 **VII. Unfinished Business**

22 Chair Macauley noted that at the end of Town Meeting, the Board traditionally votes on a
23 new slate of Board Officers. He requested nominations for Selectboard Chair, Vice-
24 Chair, and Secretary.
25

26 MOTION: Mr. Hart moved, with Ms. Dudman seconding, nomination of the current
27 slate of Selectboard Officers for the coming year.
28 Motion approved 5-0.
29

30 **VIII. New Business**

31 A. *Request to pay costs associated with Annual Town Meeting from Selectmen's*
32 *Contingency fund. Costs of \$2,639.75 from GL Account # 1220001-59350 –*
33 *Contingency, leaving a balance of \$7,360.25 in the account.*

34 MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, approval of request to
35 pay costs associated with Annual Town Meeting from Selectmen's Contingency fund.
36 Costs of \$2,639.75 from GL Account # 1220001-59350 – Contingency, leaving a balance
37 of \$7,360.25 in the account, as presented.
38 Motion approved 5-0.
39

40 B. *Daniel Moreshead Public Space Special Event Application – Seal Harbor Village*
41 *Green; Wedding May 29, 2021 - 12:30-2:30 pm*

42 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of Daniel
43 Moreshead Public Space Special Event Application – Seal Harbor Village Green;
44 Wedding May 29, 2021 - 12:30-2:30 pm, as presented and with congratulations.
45 Motion approved 5-0.
46

1 C. *MDI Farmers' Market Public Space Special Event Application – Northeast Harbor*
2 *Village Green; Thursdays 9am – noon from June 18 – September 16, 2021*

3 Mr. Wood noted the Application is for a single event, which occurs over a number of
4 Thursdays.

5
6 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of MDI
7 Farmers' Market Public Space Special Event Application – Northeast Harbor Village
8 Green; Thursdays 9am – noon, from June 18 – September 16, 2021, as presented.
9 Motion approved 5-0.

10
11 D. *Public Space Special Event Application – Mount Desert Elementary School 8th*
12 *Grade Promotion – June 10, 2020, Northeast Harbor Village Green (Tennis Court*
13 *Parking Area)*

14 Manager Lunt noted the request is similar to how the event occurred last year.

15
16 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of Public
17 Space Special Event Application – Mount Desert Elementary School 8th Grade
18 Promotion – June 10, 2020, Northeast Harbor Village Green (Tennis Court Parking
19 Area), as presented.
20 Motion approved 5-0.

21
22 E. *Discussion of Stanley Brook, Temporary Stormwater Mitigation Easement*

23 Manager Lunt explained this was simply notification that a second five-year easement
24 would be exercised. The parties involved are within their right to do so. No action from
25 the Board is required.

26
27 It was noted this is in reference to the Jordan Pond Road, and where the hillside drains
28 down to Park Loop Road Access. The hillside there is eroding. Planning is underway to
29 figure out how to mitigate the problem.

30
31 F. *Harbor Committee parking concerns with regards to Backroads (bicycle tour*
32 *company's use of the Northeast Harbor Marina)*

33 Manager Lunt clarified that the Backroads bicycle tour company has not yet applied for a
34 permit this year.

35
36 Howard Motenko noted that Chris Moore, James Black, and himself were present on
37 behalf of the Harbor Committee. Mr. Motenko reported that the Harbor Committee is
38 working on addressing the parking issues at the marina. Part of that task is to inform the
39 Board of the Harbor Committee's concerns regarding issuing the Backroads tour
40 company an event permit for the Northeast Harbor marina.

41
42 Last year the company was issued a conditional permit, due to their lack of regard to the
43 marina in past years. Submitted in the Board's packet is the Backroads company's
44 itinerary. The group starts in Portland, taking vans to Northeast Harbor where lunch is
45 waiting for them. The bikes are outfitted for the bicyclists onsite. The group leaves
46 Northeast Harbor, bikes through the Park to Bar Harbor where they spend the rest of their

1 time. The company has asked other visitors using the space to leave the picnic tables for
2 their exclusive use or they have commandeered the picnic tables ahead of time allowing
3 no others to use them.

4
5 Their vans and bike trailers are parked across six parking spaces. This is done so the
6 company has the space needed to outfit their tour groups on site. This is not the intent of
7 the parking spaces or the permit. The group has been informed that this is not acceptable.
8 The behavior continues to happen. In consideration of the parking, the Harbor
9 Committee requests that the Board deny a permit to the Backroads tour company for the
10 Northeast Harbor marina for this season.

11
12 If the Town feels they must try to accommodate the group, the Harbor Committee
13 suggests that Suminsby Park be considered. The site has bathrooms, picnic tables on the
14 water, and plenty of room to outfit the tours and will not impact the marina.

15
16 Mr. Motenko noted the touring company offers no benefit to Northeast Harbor. They
17 drive in from Portland, bring their food with them, and leave for Bar Harbor where they
18 stay. The group does this every Monday for approximately 10 weeks during the summer.

19
20 It was agreed the Harbor Committee should attend the meeting at which the Application
21 will be discussed.

22
23 Harbor Committee Member James Black noted that unlike other permits granted by the
24 Selectboard at this meeting, this permit is for a business asking for 10 or more dates to
25 run their business. There have been days when the marina is full and there's been
26 overflow.

27
28 Police Chief Jim Willis noted that he's worked with the Harbor Committee on this issue.
29 He tried to steer the company towards Suminsby Park. They seem to prefer the Northeast
30 Harbor marina. Chief Willis would be happy to discuss the issue with them.

31
32 *G. Asti-Kim Corporation /DBA Asticou Inn Request for Liquor License Renewal*
33 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, approval of Asti-Kim
34 Corporation /DBA Asticou Inn Request for Liquor License Renewal, as presented.
35 Motion approved 5-0.

36
37 *H. Asti-Kim Corporation/DBA Asticou Inn Request for Special Amusement Permit*
38 *Renewal*

39 MOTION: Mr. Hart moved, with Ms. Dudman seconding, approval of Asti-Kim
40 Corporation/DBA Asticou Inn Request for Special Amusement Permit Renewal, as
41 presented.
42 Motion approved 5-0.

43
44 *I. Michael C. Boland/DBA COPITA (Choco-Latte, LLC) Request for Liquor License*
45 *Renewal*

1 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, approval of Michael C.
2 Boland/DBA COPITA (Choco-Latte, LLC) Request for Liquor License Renewal, as
3 presented.

4 Motion approved 5-0.

5
6 *J. Journeys End Inc. d/b/a The Docksider 14 Sea St, Northeast Harbor request for*
7 *Liquor License Renewal*

8 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, approval of Journeys End
9 Inc. d/b/a The Docksider 14 Sea St, Northeast Harbor request for Liquor License
10 Renewal, as presented.

11 Motion approved 5-0.

12
13 *K. Elmer Beal Jr./D.B.A. Burning Tree Restaurant, Otter Creek Dr., Otter Creek*
14 *Request for Liquor License Renewal*

15 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, approval of Elmer Beal
16 Jr./D.B.A. Burning Tree Restaurant, Otter Creek Dr., Otter Creek Request for Liquor
17 License Renewal, as presented.

18 Motion approved 5-0.

19
20 **IX. Other Business**

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

22 Manager Lunt reported that friends of Tom Savage have requested to donate a beech tree
23 to the Town, not as a memorial but as a gift to the Town, to be placed at the marina.

24
25 Ms. Dudman asked if there were a landscape plan for the area. Manager Lunt reported
26 that the Town did not have a master landscape plan, but the Garden Club has done some
27 work on area landscaping around the buildings.

28
29 Ms. Dudman felt the site requested for the beech tree placement seems fine. She worries
30 about future plantings. It would be wise to have a plan that would maintain some order
31 with respect to future requests like this one. Perhaps the Garden Club would be interested
32 in offering some ideas.

33
34 Harbor Committee Member Chris Moore recalled the Garden Club did some planning. A
35 plan would curtail random plantings that may not be a good fit.

36
37 The Board agreed with Mr. Moore's assessment.

38
39 MOTION: Mr. Hart moved, with Ms. Dudman seconding, acceptance of the tree and its
40 planting as offered by the friends of Tom Savage, as presented and with thanks.

41 Motion approved 5-0.

42
43 Manager Lunt agreed to reach out to Garden Club members for their thoughts with the
44 intent to begin creating guidelines for plantings and bench placement on the Village
45 Green.

46

1 Chair Macauley reported there was an extra liquor license renewal request. Dawn Land
2 LLC, dba Jordan Pond House, 2928 Park Loop Road, Request for Liquor License
3 Renewal.

4
5 Manager Lunt noted this request came in too late to be included on the Agenda.

6
7 MOTION: Mr. Hart moved, with Ms. Littlefield seconding, approval of Dawn Land LLC,
8 dba Jordan Pond House, 2928 Park Loop Road, Request for Liquor License Renewal, as
9 presented.

10 Motion approved 5-0.

11
12 **X. Treasurer's Warrants**

13 Part-Time Treasurer Kathy Mahar noted there was a new Warrant List presented, with
14 updated figures included for the Warrants on the Agenda.

15
16 *A. Approve & Sign Treasurer's Warrant AP2164 in the amount of \$570,622.09.*

17 MOTION: Ms. Dudman moved, with Mr. Hart seconding, approval and signature of
18 Treasurer's Warrant AP2164 in the amount of \$570,622.09, as presented.

19 Motion approved 5-0.

20
21 *B. Approve Signed Treasurer's Payroll, State Fees, & PR Benefit Warrants AP2163,*
22 *and PR2126 in the amounts of \$59,282.97 and \$109,465.20, respectively*

23 MOTION: Ms. Dudman moved, with Mr. Wood seconding, signature of Treasurer's
24 Payroll, State Fees, & PR Benefit Warrants AP2163, and PR2126 in the amounts of
25 \$59,282.97 and \$109,465.20, respectively, as presented.

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

27
28 *C. Acknowledge Treasurer's School Board AP/Payroll Warrants 12 and 23 in the*
29 *amounts of \$34,855.32 and \$77,233.22, respectively.*

30 MOTION: Mr. Wood moved, with Ms. Littlefield seconding, acknowledgement of
31 Treasurer's School Board AP/Payroll Warrants 12 and 23 in the amounts of \$34,855.32
32 and \$77,233.22, respectively, as presented.

33 Motion approved 5-0.

34
35 **XI. Adjournment**

36 MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, adjournment.

37 Motion approved 5-0.

38
39 The Meeting adjourned at 7:08PM.

40
41
42 Respectfully Submitted,

43
44
45
46 Wendy Littlefield