

Annual Town Meeting Minutes Town of Mount Desert

May 2 & 3, 2022

**Secret Ballot Election
Town Hall Meeting Room;
21 Sea St., Northeast Harbor**

And

**Open Floor Town Meeting
Kelley Auditorium, Mt Desert Elementary School
8 Joy Road, Northeast Harbor, Maine**

Town Clerk Claire Woolfolk called the meeting to order at fifty minutes past seven o'clock in the forenoon, May 2, 2022. Printed copies of the Warrant and Town Report were made available.

Article 1. To elect a Moderator by written ballot.

Town Clerk Woolfolk called for nominations of moderator. By motion and second William Ferm was nominated to serve as Moderator. A written vote was conducted, five votes were cast for Mr. Ferm and he was duly declared Moderator. Town Clerk Woolfolk swore in Mr. Ferm as Moderator. Moderator Ferm appointed and swore in Claire Woolfolk as Deputy Moderator.

Moderator Ferm declared the polls open at eight o'clock in the forenoon. Voting on Articles 2, 3, and 4 took place until eight o'clock in the evening, at which time Moderator Ferm declared the polls closed. Votes cast were counted, and Moderator Ferm announced the results at two minutes after nine o'clock in the evening.

At fifteen minutes after nine o'clock in the evening it was moved and seconded to recess and reconvene the meeting at 6:00 p.m., Tuesday, May 3, 2022. A vote was called, and the motion passed unanimously.

On Tuesday, May 3, 2022, Moderator Ferm reconvened the meeting at eight minutes after six o'clock in the evening. He began by stating it is his great privilege to have been elected moderator.

Article 2. To elect two members to the Board of Selectmen for a term of three years; one member to the Mount Desert Elementary School Board for a term of one year; two members to the Mount Desert Elementary School Board for a term of three years; and one trustee to the Mount Desert Island Regional School District for a term of two years; one trustee to the Mount Desert Island Regional School District for a term of three years.

Moderator Ferm explained that one of the offices for School Board for a three-year term had no nominees, therefore that office was subject to write-in votes and if the official wishes to serve beyond the Town Meeting in 2023, they will need to take out nomination papers for the May 2023 election for the remaining two years of the seat. Moderator Ferm then announced the official results of Article 2:

For **Selectman**, two members for a term of three years each:

Wendy H. Littlefield	# votes: 106	- ELECTED
James F. Mooers	# votes: 91	- ELECTED
Scattered Write-ins	# votes: 2	

For **School Board**, one member for a term of one year:

Gail Marshall	# votes: 110	- ELECTED
Scattered Write-ins	# votes: 2	

For **School Board**, two members for a term of three years each:

Jarrold M. Kushla	# votes: 87	- ELECTED
Jennika Piecuch (Write-in)	# votes: 50	- ELECTED
Scattered Write-ins	# votes: 1	

For **School District Trustee**, one member for a term of two years:

Julianna R. Bennoch	# votes: 111	- ELECTED
Scattered Write-ins	# votes: 0	

For **School District Trustee**, one member for a term of three years:

Carole Plenty	# votes: 106	- ELECTED
Scattered Write-ins	# votes: 0	

Moderator Ferm congratulated the candidates and thanked them for their willingness to serve.

The newly elected officials who were present and Town Clerk Woolfolk administered the oaths to them.

Moderator Ferm then announced the official results of Articles 3 and 4 referendum questions:

Article 3. Shall the Town approve the amendment to the Town of Mount Desert Charter reprinted below?

Underline indicates new language, ~~strikethrough~~ indicates deleted.

5.3 ~~ENACTMENT AND DURATION OF EFFECT.~~ The procedure for the enactment of ordinances, or their amendment or repeal shall be as determined by

~~law, ordinance, or this charter; every ordinance so enacted shall state a specific finite period, which shall not exceed fifteen years, during which it shall remain in force and after which it shall cease to have effect unless enacted again.~~

5.4 PERIODIC REVIEWS. The Board shall review every ordinance of the Town at least every five years to determine if it remains necessary or helpful to the Town. The Board shall be responsible for maintaining a current codification of all ordinances in effect in the Town and shall make copies of said codification available for inspection at the Town office or for purchase at a reasonable price.

Explanatory Note: the proposed amendment eliminates the fifteen-year sunset provision required by the charter for all Town ordinances. This type of sunset provision is uncommon for Maine municipalities and has created complications for the Town regarding ordinance enactments and amendments. The charter still requires the Select Board to review all town ordinances every five years in order to determine whether they remain necessary or helpful to the Town.

Yes # votes: 91
No # votes: 2

Article 3 passed as written.

Article 4. Shall the Town authorize the State to permit the operation of agency liquor stores on days other than Sunday?

Explanatory note: This vote to reauthorize the operation of agency liquor stores on days other than Sunday is required by changes to State law. Local option votes for the sale of liquor in the Town of Mount Desert held prior to 1977 are exempt from these changes and do not require action. However, approval for the sale of spirits and fortified wine for off premise consumption on days other than Sunday was approved in 1991 via a hand count at Town Meeting. Changes to State law requires that local option elections be done by written secret ballot vote.

Yes # votes: 105
No # votes: 12

Article 4 passed as written.

Moderator Ferm described the use of the “blue” cards for hand-count voting and the format the meeting would follow, including items to be raffled. (One Earth Machine composters, one Kitchen Scrap Pail, and one Rain Barrel were raffled during the written ballot counts for Articles 49 and 65 later in the meeting.)

Article 5. To see if non-voters shall be allowed, when recognized, to speak during the 2022 Annual Town Meeting.

The Warrant Committee moved and seconded to recommend passage of Article 5. A voice vote was called, and Article 5 passed as moved with more than 2/3 vote.

Article 6. Shall an ordinance dated May 3, 2022 and entitled “Town of Mount Desert Alewife Ordinance” be enacted? The ordinance reads, in its entirety, “Regulations for the taking of alewives and blue back herring shall be as follows: For the year July 1, 2022 through June 30, 2023 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert.”

The Warrant Committee moved and seconded to recommend passage of Article 6. A voice vote was called, and Article 6 passed.

Article 7. Shall an ordinance dated **May 3, 2022** and entitled “Public Right-of-Way Ordinance” be amended? **See Appendix A.1 Ordinance amendments (pgs. 20 - 33) and A.2 Application amendments (pgs. 34 – 37)**

The Warrant Committee moved and seconded to recommend passage of Article 7. A voice vote was called, and Article 7 passed.

Article 8. Shall an ordinance entitled “Town of Mount Desert Shellfish Conservation Ordinance” be amended as follows?

10. PERIOD OF THE ORDINANCE

~~_____ This ordinance shall remain in effect for a period of fifteen (15) years from the effective date.~~

11. SEPARABILITY

If any section, subsection, sentence, or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portion of this ordinance.

12. 11. REPEAL

Any ordinance regulating the harvest or conservation of shellfish in the town and any provisions of any other town ordinance, which is inconsistent with this ordinance, is hereby repealed.

The Warrant Committee moved and seconded to recommend passage of Article 8. A voice vote was called, and Article 8 passed as written.

Article 9. Shall an ordinance entitled “Town of Mount Desert Sewer Ordinance” be amended as follows?

~~**14.02** This Ordinance shall remain in effect for a period of fifteen (15) years from the _____ effective date.~~

The Warrant Committee moved and seconded to recommend passage of Article 9. A voice

vote was called and Article 9 passed.

Article 10. Shall an ordinance dated May 3, 2022, entitled “Amendments to the Land Use Zoning Ordinance to change the Land Use District designation of Tax Map 009: Lot 010-006” be enacted as set forth below? **See Appendix B. (pg. 38)**

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3.3 Map Changes: Amended at:

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Town Meeting May 3, 2022, change Tax Map 009, Lot 010-006 from Resource Protection and Shoreland Residential 5 to Shoreland Residential 5.

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The Warrant Committee moved and seconded to recommend passage of Article 10. A voice vote was called, and Article 10 passed.

Article 11. Shall an ordinance dated May 3, 2022, entitled “Amendments to the Land Use Zoning Ordinance Regarding Accessory Residential Dwelling Units for Lots Outside the Shoreland Zone” be enacted as set forth below?

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS

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- .
- .

6B.11 Lots

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3. Requirements for lots wholly outside the Shoreland Zone

1. **Lots abutting more than one road.** Lots which abut more than one road shall have the required setbacks along each road used as an entrance or exit.
2. **Additional one-family or two-family dwellings.** One-family and two-family dwellings are allowed in all districts, as indicated in Section 3.4. For each

additional one-family or two-family dwelling on a lot, all dimensional requirements shall be met separately for each one-family or two-family dwelling.

EXCEPTION:

For any existing or new lot that is wholly outside the Shoreland Zone, one accessory residential dwelling unit is allowed per lot without an increase in the minimum lot size requirement. Accessory residential dwelling units are incidental and subordinate to the principal use or structure and may be no more than 75 percent of the living area of the primary dwelling unit. The accessory residential dwelling shall meet town and state standards for wastewater disposal and the lot on which the accessory residential dwelling is located shall conform to current minimum lot size standards.

The Warrant Committee moved and seconded to recommend passage of Article 11. A voice vote was called, and Article 11 passed.

Article 12. Shall an ordinance dated May 3, 2022, and entitled “Amendments to the Land Use Zoning Ordinance Section 4.5 Non-conforming Lots” be enacted as set forth below?

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4.5 Non-conforming Lots

1. **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setbacks shall be obtained by action of the Board of Appeals.
 - A. The lot lines or acreage of a legally existing nonconforming lot of record may modify without causing the lot to lose its grandfathered status provided that the lot is not located in whole or in part within the Shoreland Zone and that such a modification does not make the lot more non-conforming.

The Warrant Committee moved and seconded to recommend passage of Article 12. Public comment in favor was heard. A voice vote was called, and Article 12 passed.

Article 13. Shall an ordinance dated May 3, 2022, and entitled “Amendments to Section 7.4 Permit Application regarding photographic evidence for permits within the Shoreland Zone” be enacted as set forth below?

7.4 **Permit Application**

1. **Written application.** Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the Code Enforcement Officer. The following items, when appropriate, shall be included on the application.
 1. The shape, size and location of the lot to be built upon and structure(s) to be erected, altered or removed.
 2. Any structure(s) already on the lot.
 3. Setbacks of structure(s).
 4. Statement of intended use.
 5. Any other information needed by the Code Enforcement Officer, Planning Board, or the Board of Appeals to determine compliance with the provisions of this Ordinance.
 6. Documentation that the applicant has right, title or interest in the property.
2. **Signature.** All applications shall be signed by an owner of the property or individual who can show evidence of right, title or interest in the property, or the owner's legal agent, representative, tenant or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information on it is complete and accurate. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.
3. **Application to be dated.** All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. **Plumbing Permit & Subsurface Wastewater Disposal Permit.** If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit and/or subsurface wastewater disposal permit including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface wastewater disposal system.
5. **Photographic record required.** Permit applications for development within the Shoreland Zone shall provide preconstruction photographs as part of the application materials and, no later than 20 days after completion of the development, postconstruction photographs of the shoreline vegetation and development site. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the location in which the activity took place.

The Warrant Committee moved and seconded to recommend passage of Article 13. A voice vote was called, and Article 13 passed.

Article 14. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654), Unconditional Gifts

(MRSA 30-A §5655), equipment, proceeds from sale of fire equipment or funds on behalf of the Municipal Fire Department. It is understood that any funds received will be placed in the Fire Equipment Reserve Fund.

The Warrant Committee moved and seconded to recommend passage of Article 14. Questions were asked and answered. A voice vote was called, and Article 14 passed.

Article 15. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the Ticket Booth operators for a term of one (1) year beginning July 1, 2022 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

The Warrant Committee moved and seconded to recommend passage of Article 15. A voice vote was called, and Article 15 passed.

Article 16. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen, to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to the Mount Desert Chamber of Commerce for a term of one (1) year beginning July 1, 2022 under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

The Warrant Committee moved and seconded to recommend passage of Article 16. A voice vote was called, and Article 16 passed.

Article 17. To see if the Inhabitants of the Town of Mount Desert will authorize the Board of Selectmen, to negotiate and enter into an agreement with the Neighborhood House Club, Inc. for management and maintenance of the municipal swimming pool, under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of the Town.

The Warrant Committee moved and seconded to recommend passage of Article 17. A voice vote was called, and Article 17 passed.

Article 18. Shall the Town accept ownership of the Forest Hill Cemetery in the event the nonprofit organization that owns the cemetery is disbanded? **See Appendix C (pgs. 39 - 41)**

The Warrant Committee moved and seconded to recommend passage of Article 18. Questions were asked and answered. A voice vote was called, and Article 18 passed.

Article 19. Shall the Town of Mount Desert be authorized to issue a general obligation bond or note of the Town in a principal amount not to exceed \$344,000.00 to build a secure fiber network from the Mount Desert Fire Station in Somesville, to the meet point with the Town of Bar Harbor at the intersection of the Eagle Lake Road and Route 3, extending into Northeast Harbor to terminate at the Town of Mount Desert Municipal Office located at 21 Sea Street (the

“Project”), and further to authorize the Board of Selectmen to execute all things necessary or convenient to issue the bond or note of the Town, which may be callable, and to accomplish the Project? **See Appendix D (pgs. 42 - 65)**

The Warrant Committee moved and seconded to recommend passage of Article 19. A voice vote was called, and it was the opinion of the moderator that Article 19 passed.

Article 20. Shall the Town of Mount Desert be authorized to issue general obligation bonds or notes of the Town in a principal amount not to exceed \$5,238,427.00 to fund improvements to the Northeast Harbor Fire Station, including but not limited to removing the roof and west wall of the truck bays, adding a new bay and a second story with staff quarters, and upgrading the electrical service (the “Project”), and further authorize the Board of Selectmen to execute all things necessary or convenient to issue the bonds or notes of the Town, which may be callable, and accomplish the Project? **See Appendix E (pg. 66 - 67)**

The Warrant Committee moved and seconded to recommend passage of Article 20. Chief Bender gave a quick overview of the project. Questions were asked and answered.

A motion was made and seconded to take a written vote. A hand count vote was taken after the moderator couldn't determine a clear verdict via voice vote. The motion to take the vote by written ballot passed with 41 ayes and 37 nays.

A written ballot vote was called, and Article 20 passed with 61 ayes and 25 nays.

Article 21. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to accept and expend on behalf of the Town additional state, federal and other funds (including unconditional gifts and grants) received during the fiscal year 2022-2023 for Town purposes, provided that such additional funds do not require expenditure of local funds not previously appropriated.

The Warrant Committee moved and seconded to recommend passage of Article 21. A voice vote was called, and it was the moderators opinion that Article 21 passed.

Article 22. To see if the Inhabitants of the Town of Mount Desert will vote to approve July 1, each year, as the date on which all taxes shall be due and payable providing that all unpaid taxes on September 1, of each year, shall be charged interest at an annual rate of 4% (percent) per year. (*Tax Club members are exempt within the terms and conditions of the Town's Tax Club Agreement.*)

The Warrant Committee moved and seconded to recommend passage of Article 22. A voice vote was called, and Article 22 passed.

Article 23. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax Collector to enter into a standard “tax club” agreement with taxpayers whereby: (1) the taxpayer agrees to pay specified monthly payments to the Town based on the taxpayer's estimated and actual tax obligation for current year property taxes (real estate and/or personal);

(2) the Town agrees to waive interest on timely payments; (3) the Town authorizes the Tax Collector to accept payment of taxes prior to commitment of taxes; (4) the agreement automatically terminates if two consecutive payments are missed and the taxpayer thereupon becomes subject to the same due date and interest rate as other, nonparticipating taxpayers; (5) only taxpayers who are paid in full on their property tax obligations may participate; and (6) interested taxpayers shall apply annually for participation by the date shown on the application, date and application format to be determined by the Tax Collector.

The Warrant Committee moved and seconded to recommend passage of Article 23. A voice vote was called, and it was the moderators opinion that Article 23 passed.

Article 24. To see if the Town will vote to authorize the Tax Collector to accept pre-payment of property taxes not yet committed, not to exceed the estimated amount to be committed in 2022, with no interest to be paid on same.

The Warrant Committee moved and seconded to recommend passage of Article 24. A voice vote was called, and Article 24 passed.

Article 25. To see if the Inhabitants of the Town of Mount Desert will vote to set the interest rate to be paid by the Town for abated taxes that have been paid at the rate of 2% (percent) per year.

The Warrant Committee moved and seconded to recommend passage of Article 25. A voice vote was called, and Article 25 passed.

Article 26. To see if the inhabitants of the Town of Mount Desert will vote to authorize expenditures to pay any tax abatements granted by the Assessor, Board of Assessment Review, or Board of Selectmen together with any interest due thereon from the Town, during the fiscal year beginning July 1, 2022, in an aggregate amount not to exceed the property tax commitment overlay.

The Warrant Committee moved and seconded to recommend passage of Article 26. A voice vote was called, and Article 26 passed.

Article 27. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to dispose by public bid of Town-owned property, other than real property, with a value of ten thousand dollars (\$10,000.00) or less under such terms and conditions as it deems advisable.

The Warrant Committee moved and seconded to recommend passage of Article 27. A voice vote was called, and Article 27 passed.

Article 28. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to sell at public auction or by advertised sealed bid, and to convey titles obtained under tax deeds and under deeds of conveyance to the Inhabitants of the Town any

land and/or buildings, including trailers, in lieu of payment of taxes except that the Selectmen have the power to authorize redemption. Municipal Officers shall use the special sale process required by 36 M.R.S. § 943-C for qualifying homestead property if they choose to sell it to anyone other than the former owner(s).

The Warrant Committee moved and seconded to recommend passage of Article 28. A voice vote was called, and Article 28 passed.

Article 29. To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board of Selectmen to contract for services, in amounts not to exceed appropriation for same, under such terms and conditions as it deems advisable.

The Warrant Committee moved and seconded to recommend passage of Article 29. A voice vote was called, and Article 29 passed.

Article 30. To see if the Inhabitants of the Town of Mount Desert will vote to transfer seven hundred thousand dollars (\$700,000.00) from the Undesignated Fund Balance Account #100-38300 to reduce the 2022 – 2023 tax commitment.

The Warrant Committee moved and seconded to recommend passage of Article 30. A voice vote was called; it was the opinion of the moderator that Article 30 passed.

Article 31. To see if the Inhabitants of the Town of Mount Desert will vote to transfer three hundred thousand dollars (\$300,000.00) from the Capital Gains Reserve Account #400-24202 to reduce the 2022 – 2023 tax commitment.

The Warrant Committee moved and seconded to recommend passage of Article 31. A voice vote was called, and it was the opinion of the moderator that Article 31 passed as presented.

Article 32. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and/or appropriate as Revenue through Excise Taxes, Service Fees and miscellaneous sources for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 32 at the designated sum of \$1,496,647.00. A voice vote was called, and it was the moderators opinion that Article 32 passed as presented.

Article 33. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 200 through 251 General Government – Governing Body (Board of Selectmen), Municipal Management, Town Clerk, Registrar, Elections, Planning Board, Finance, Treasurer, Tax Collector, Assessment, Code Enforcement, Unallocated Funds, Human Resources, and Technology for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 33 in the amount of \$1,541,146.00. A voice vote was called, and Article 33 passed.

Article 34. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 300 General Assistance Support for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 34 in the amount of \$5,000.00. A voice vote was called, and Article 34 passed.

Article 35. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 350 Rural Wastewater Support for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 35 in the amount of \$205,805.00. A voice vote was called, and Article 35 passed.

Article 36. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 406 Street Lights for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 36 in the amount of \$10,500.00. Questions were asked and answered. A voice vote was called, and Article 36 passed.

Article 37. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 401, 405, 407, and 408 Public Safety – Police and Communications (Dispatch) for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded recommend passage of Article 37 in the amount of \$1,465,202.00. A voice vote was called, and Article 37 passed.

Article 38. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 403,404, and 409 Public Safety – Fire Department, Hydrants, and Emergency Management for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 38 in the amount of \$2,271,588.00. A voice vote was called, and it was the opinion of the Moderator that the ayes carried, and Article 38 passed.

Article 39. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 501, 515, 520 and 525 Public Works - Roads, Waste Management, Buildings & Grounds, Parks & Cemeteries, and 530 Environmental Sustainability for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 39 in the amount of \$2,880,461.00. A voice vote was called; it was the opinion of the Moderator that Article 39 passed.

Article 40. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 505 and 506 Sewers (Wastewater Treatment) for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 40 in the amount of \$1,134,258.00. A voice vote was called, and it was the opinion of the Moderator that the ayes carried, Article 40 passed.

Article 41. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 605 Recreation (Public Pool ~Utilities & Maintenance) for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 41 in the amount of \$5,900.00. A voice vote was called, and Article 41 passed.

Article 42. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 701 Economic/Community Development for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 42 in the amount of \$10,000.00. A voice vote was called, and Article 42 passed.

Article 43. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 801 Debt Service for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to pass Article 43 in the amount of \$1,736,705.00. A voice vote was called, and Article 43 passed.

Article 44. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 851 Libraries, Village Improvement Societies, Recreation, and Public/Social Service Agencies for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 44 in the amount of \$324,095.00. A voice vote was called, and Article 44 passed.

Article 45. To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 991 Capital Improvement Plan transfers for the 2022 – 2023 Town Budget.

The Warrant Committee moved and seconded to recommend passage of Article 45 in the amount of \$1,069,436.00. A voice vote was called, and Article 45 passed.

Moderator Ferm asked permission of the voters to not read the remaining articles in their entirety. It was agreed to forego the reading of the full text.

Article 46. Shall the Town of Mount Desert (the Town) be authorized to appropriate an amount not to exceed \$360,000.00 from the Capital Gains Reserve Account Number 400-24202 to finance construction contract administration, inspection and construction services associated with drainage improvements to the Beech Hill Cross Road (the Road) in the general area where Denning's Brook crosses under the Road, said improvements to be in conformance with the Maine Department of Environmental Protection Stream Smart program requirements and with said repairs to include, but not necessarily be limited to, replacing two corroded metal pipes with a concrete box culvert; placing stone riprap for stabilization and erosion control on the embankments along both sides of the Road; erecting guardrails along the top of the embankments along both sides of the Road and, placing earthen fill, loam and seed in the area and other amenities and appurtenances required to complete the improvements, and further, shall the Board of Selectmen or its designee be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project? ***See Appendix F (pg. 68) for a site map showing the location of the proposed work area and other information. Construction drawings will be available at the Town office for review prior to the Town Meeting. Construction drawings will also be available at the Town Meeting for review.***

The Warrant Committee moved and seconded to pass Article 46. Questions were asked and answered. A voice vote was called, and Article 46 passed.

Article 47. Shall the Town of Mount Desert (the Town) be authorized to appropriate an amount not to exceed \$220,000 from the Capital Gains Reserve Account Number 400-24202 to finance professional technical design, construction contract administration, inspection and construction services associated with improvements and repairs to approximately 200-lineal feet of erosion of the Seal Harbor beach shoreline eroded by a strong storm surge in 2020, said damaged area located in the northeasterly portion of the waters of Seal Harbor per se and located in general down over the embankment westerly of the Steamboat Wharf Road with said improvements and repairs to include, but not necessarily be limited to, placing geotextile, anchor boulders, stone riprap, earthen fill, loam and seed and other amenities and appurtenances required to complete the improvements and repairs, and further, shall the Board of Selectmen or its designee be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project? ***See Appendix G (pg. 69) for a map showing the location of the proposed work area.***

The Warrant Committee moved and seconded to recommend passage of the full text of Article 47 as written. Questions were asked and answered. A voice vote was called, and Article 47 passed.

Article 48. Shall the Town of Mount Desert (the Town) be authorized to appropriate an amount not to exceed \$75,000.00 from the Capital Gains Reserve Account Number 400-24202 to finance costs associated with furnishing and installing twenty-three (23) new Anderson

TW422 (Tilt Wash) 400 Series Double Hung windows, or equivalent, in the Town office building including the administration area, the hallway between it and the Meeting House and the Meeting House itself, with additional work to include, furnishing and installing the materials necessary to complete the installation in conformance with current generally accepted industry standards including but not necessarily limited to, trimming out the windows on both the inside and outside of the building to match what is presently there, to make any necessary repairs to the wood frame structure of the buildings in the location of the windows that might be identified, to insulate around the windows, and other amenities and appurtenances required to complete the improvements, and further, shall the Board of Selectmen or its designee be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project?

The Warrant Committee moved and seconded to recommend passage of Article 48 as written. Questions were asked and answered. A voice vote was called, and Article 48 passed.

Residents began to leave, and the meeting was halted while the clerks took count of the remaining voters to determine if a quorum was still present. It was confirmed that there was still a quorum and that the meeting could continue. Moderator Ferm asked that the remaining voters stay to complete the meeting; if a quorum is lost the meeting would have to be continued to a future date.

Written Ballot required for Article 49

Article 49. To see if the Inhabitants of the Town of Mount Desert will vote to increase the property tax levy limit by \$747,972.00. **See Appendix I (pgs. 71-72).**

The Warrant Committee moved and seconded to pass Article 49 at \$747,972.00. A written ballot vote was conducted, and Article 49 passed at \$747,972.00 with 53 ayes and 3 nays.

Article 50. To see if the Inhabitants of the Town of Mount Desert will vote to ratify the Board of Selectmen's approval of the Marina Proprietary Fund budget.

Revenue: \$781,244.00

Expense: \$781,244.00

The Warrant Committee moved and seconded to ratify Article 50. A voice vote was called, and Article 50 passed.

Article 51. Shall the Town of Mount Desert (the Town) be authorized to appropriate an amount not to exceed \$448,000 from the Harbor's Marina Enterprise Fund Undesignated Fund Balance (Unrestricted Net Position), Account Number 600-38300, to finance construction, construction contract administration, inspection and construction services associated with replacements of and improvements to the North concrete cantilevered abutment and adjacent area e.g., the marina abutment and to the South concrete cantilevered abutment and adjacent area e.g., the public float access abutment, with said improvements to include, but not necessarily being limited to, demolition and removal of the existing concrete North and South cantilevered abutments and associated concrete bases to be replaced with new concrete abutments and associated bases, excavation, furnishing and installing granite veneer, and other

amenities and appurtenances required to complete the improvements, and further, shall the Board of Selectmen or its designee be authorized to execute any and all contracts and documents and do all things necessary or convenient to accomplish the Project? **See Appendix J for a map showing the location of the proposed work area (pg. 73)**

The Warrant Committee moved and seconded to pass Article 51 as written. A voice vote was called, and Article 51 passed.

Article 52. To see what sum the School Board will be authorized to expend for Regular Instruction for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 52 in the amount of \$2,069,147.00. Motion to amend the amount for Article 52 to \$1,985,147.00 was moved by the School Board and seconded. The explanation was that a staff member had resigned and that the school decided not to fill the position. A voice vote was called and the amendment for Article 52 passed in the amount of \$1,985,147.00.

The Warrant Committee moved and seconded to pass Article 52 in the amount of \$1,985,147.00. A voice vote was called, and Article 52 passed as amended.

Article 53. To see what sum the School Board will be authorized to expend for Special Education for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 53 in the amount of \$784,733.00. A voice vote was called, and Article 53 passed.

Article 54. To see what sum the School Board will be authorized to expend for Career and Technical Education for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 54 in the amount of \$00.00. A voice vote was called, and Article 54 passed.

Article 55. To see what sum the School Board will be authorized to expend for Other Instruction for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 55 in the amount of \$95,944.00. A voice vote was called, and Article 55 passed.

Article 56. To see what sum the School Board will be authorized to expend for Student & Staff Support for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 56 in the amount of \$544,651.00. A voice vote was called, and Article 56 passed.

Article 57. To see what sum the School Board will be authorized to expend for System

Administration for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 57 in the amount of \$119,673.00. A voice vote was called, and Article 57 passed.

Article 58. To see what sum the School Board will be authorized to expend for School Administration for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 58 in the amount of \$270,096.00. A voice vote was called, and Article 58 passed.

Article 59. To see what sum the School Board will be authorized to expend for Transportation & Buses for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 59 in the amount of \$180,820.00. A voice vote was called, and Article 59 passed.

Article 60. To see what sum the School Board will be authorized to expend for Facilities Maintenance for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 60 in the amount of \$595,868.00. A voice vote was called, and Article 60 passed.

Article 61. To see what sum the School Board will be authorized to expend for Debt Service and Other Commitments for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 61 in the amount of \$285,154.00. A voice vote was called, and Article 61 passed.

Article 62. To see what sum the School Board will be authorized to expend for All Other Expenditures for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 62 in the amount of \$75,000.00. A voice vote was called, and Article 62 passed.

Hand Count required for Article 63.

Article 63. To see what sum the voters of the Town of Mount Desert will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$1,989,774.00) and to see what sum the voters of the Town of Mount Desert will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 63 in the amount of \$1,690,748.00. Question asked and answered as to the difference in the recommended number and the number budgeted. The recommended number includes State funding. A hand count vote was conducted, and Article 63 passed with 56 Ayes and 0 Nays.

Hand Count required for Article 64.

Article 64. To see what sum the voters of the Town of Mount Desert will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the Town of Mount Desert's contribution to the total cost of funding public education from kindergarten to grade 12 for the period July 1, 2022 and ending June 30, 2023.

The Warrant Committee moved and seconded to pass Article 64 in the amount of \$ 285,154.00 A hand count vote was conducted, and Article 64 passed with 56 Ayes and 0 Nays.

Written Ballot Vote Required for Article 65

Article 65. To see what sum the voters of the Town of Mount Desert will raise and appropriate in additional local funds for school purposes (**Recommend: \$ 2,221,708.00**) for the period July 1, 2022 and ending June 30, 2023, which exceeds the State's Essential Programs and Services allocation model by (**Recommend: \$ 2,221,708.00**) as required to fund the budget recommended by the school Board.

The School Board amended their recommendation to ~~\$2,221,708.00~~ **\$2,137,708.00** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by ~~\$2,221,708.00~~ **\$2,137,708.00**: The State funding model underestimates the actual costs to fully fund the 2022-2023 budget.

The Warrant Committee amended their recommendation to reflect the adjustment to ~~\$2,221,708.00~~ **\$2,137,708.00** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by ~~\$2,221,708.00~~ **\$2,137,708.00**: The State funding model underestimates the actual costs to fully fund the 2022 – 2023 budget. (13 Ayes; 0 Nays)

Motion to amend the amount for Article 65 to \$2,137,708.00 was moved and seconded. A voice vote was called and the amendment for Article 65 passed.

The Warrant Committee moved and seconded to pass Article 65. A written ballot vote was conducted, and Article 65 passed as amended with 55 Ayes and 2 Nays.

Hand Count required for Article 66.

Article 66. To see what sum the voters of the Town of Mount Desert will authorize the School Board to expend for the fiscal year beginning July 1,2022 and ending June 30, 2023 from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised

Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

The School Board made a motion to amend the amount for Article 66 from \$5,021,086.00 to \$4,937,086.00; seconded. A voice vote was called and the amendment for Article 66 passed.

The Warrant Committee moved and seconded to pass Article 66 in the amount of \$4,937,086.00 as amended. A hand count vote was conducted, and Article 66 passed with 58 Ayes and 0 Nays as amended.

While the clerks were tallying the counts, Select Chair John Macauley presented Phil Lichtenstein with the Spirit of America Award for his years of dedicated service to the residents and Town of Mount Desert. He was met with great appreciation from the attendees and spoke a few words of gratitude to the Town.

After the presentation of the award, Hon. Brian Langley addressed the Town and discussed his bid for the for the recently vacated seat in Senate District 7 and the special election to be held on June 14th.

Article 67. In addition to the amount in Articles 52 – 66, shall the School Board be authorized to expend such other sums as may be received from state or federal grants or **programs** or other sources during the fiscal year 2022-2023 for school purposes provided that such grants, programs, or other sources do not require the expenditure of other funds not previously appropriated?

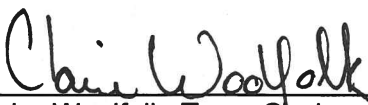
The Warrant Committee moved and seconded to recommended passage of Article 67. A voice vote was called, and Article 67 passed.

Adjournment

Moderator Ferm thanked members of the community for electing him to serve as moderator. He asked that the Town residents applaud themselves for staying until the end of the meeting to ensure the quorum.

At 8:32 p.m. Moderator Ferm asked for his favorite motion to be made. It was moved and seconded to adjourn the meeting by standing to indicate the affirmative. All stood and the meeting was adjourned.

Duly recorded:



Claire Woolfolk, Town Clerk
Town of Mount Desert

Attest: A True Copy

Town Clerk, Mount Desert

Appendices

An underline indicates an addition and a ~~striketrough~~ indicates a deletion.

Appendix A.1 (Article 7; pg. 4)

PUBLIC RIGHT-OF-WAY ORDINANCE

TOWN OF MOUNT DESERT

EFFECTIVE MARCH 5, 1990

AMENDED MARCH 7-8, 1994

ENACTED MARCH 7, 2006

(Repeal and replace Street Opening Ordinance)

AMENDED MARCH 6, 2007

AMENDED MAY 5, 2009

AMENDED MAY 8, 2012

AMENDED MAY 7, 2013

AMENDED May 3, 2022

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Section 67.01 I. GENERAL INFORMATION

Article 68.A. Purpose

This Ordinance has been enacted by the Town of Mount Desert to regulate the use of public rights-of-way in the interest of public safety and convenience, and to protect public infrastructure. It is applicable under the terms of a Right-of-way Opening Permit issued for an intended use; it is also applicable in the absence of a Right-of-way Opening Permit regardless of if one is required or not for an intended use. This Ordinance is necessary to preserve the integrity, operational safety, and function of the right-of-way, which includes the public traveled way.

Section 68.01 B. Definitions: The following definitions pertain to both this Ordinance and the Application for Public Right-of-way Opening Permit.

1. Town shall mean the Town of Mount Desert.
2. Director shall mean the Director or Designee.
3. Contractor shall mean anyone working in the right-of-way under a Town Right-of-way Opening Permit.
4. Emergency shall mean any event, which may threaten public health or safety, where action is necessary to prevent personal injury, death or the loss or disruption of a private or public utility or service. The burden of proof of such emergency rests with the applicant.
5. Excavation shall mean any operation in which earth, rock, paving or like material, on, or below the surface of the ground, is moved, displaced, dug, trenched, tunneled or in any similar manner disturbed, except the agricultural tilling of soil or gardening.
6. Applicant shall mean a person applying for a permit required by this Ordinance.
7. Permittee shall mean a person who has obtained a permit as required by this Ordinance. A An applicant may be any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.
8. Right-of-way shall mean the entire width of every way and place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic, except for private roads and private ways. The definition shall include the area on, above and below the right-of-way, dedicated to public use, and any dedicated, but unaccepted street or way. The definition shall also include any publicly owned space or park. A right-of-way does not include the airwaves above a right-of-way ~~with regard to~~ relative to cellular or other non-wire telecommunications or broadcast service. The specific right-of-way will be as is described in the Town's Road Book on file at the town office and/or as established by the Board of Selectmen and/or as established by State Statute, as applicable.
9. Public Right-of-way shall mean the right-of-way.
10. Entrance shall mean direct vehicular access to property abutting the right-of-way.
11. M.D.O.T shall mean the Maine Department of Transportation.
12. Technical and Design Standards shall mean the standards cited herein and adopted by the Town including the Maine Department of Transportation (MDOT) Standards and Specifications for Highways and Bridges, latest edition.

13. Utility shall mean a public utility, as defined in 35-A M.R.S.A. § 102 as it may be hereinafter amended and shall specifically include the non-regulated activities of such a utility.
14. Traveled way shall mean the portion of the right-of-way that is typically paved and is used for vehicular traffic.
15. Pavement, paving, paved, pave, etc. shall refer to asphalt based hot mix bituminous concrete.
16. Designee shall mean an individual authorized by the Director to act temporarily in the Director's capacity.

C. Regulations

Pursuant to the authority contained in the appropriate and applicable Statutes of the State of Maine, the following items, terms, ~~instructions~~ instructions, and conditions shall be and are hereby adopted to regulate and control the application and issuance of Right-of-way Opening Permits granted by the Town, its agents and authorized employees, and the excavation, use and repair of rights-of-way by holders of Right-of-way Opening Permits.

D. Permits

A site visit by the Director to the proposed work area is required for any and all work proposed to be performed in the right-of-way and/or for any work located within 10-feet of the edge of the respective traveled way located in the right-of-way. A Right-of-way Opening Permit shall be obtained before any work is conducted within the aforementioned areas, except for emergency maintenance of an existing facility. If an opening is made for emergency purposes a written permit shall be obtained on the first business day thereafter. Work requiring a permit includes, but is not limited to:

- Potable water, Water, sanitary sewer and electrical, telephone and internet utility work
- Storm water management measures
- Landscaping including earthen berms, shrubbery, ~~pavers~~ pavers.
- Fencing, ~~Fencing~~
- Any work within the right-of-way.

Issuance of a Right-of-way Opening Permit does not constitute an approval by any other Local, State or Federal entity. The Permittee is responsible for obtaining any and all other permits and approvals related to the proposed right-of-way opening. The Permittee shall bear, and be responsible for, all costs associated with the permits addressed herein.

E. Prohibitions

1. Private Utilities: New aboveground or belowground private utilities are to be constructed primarily on private property. Any utility construction that is parallel to the public right-of-way shall be on private property to the maximum extent possible, such extent to be determined by the Director and in conformance with this ordinance. Any construction parallel to the centerline of the traveled way shall be on the Permittee's property to the extent possible and feasible. Construction is not permitted inside the public right-of-way and parallel to the centerline of the traveled way shall be approved on a case-by-case basis by the Director. Crossings of the traveled way shall be at a ninety-degree angle wherever possible and will be reviewed by the Director and Permittee or on a case-by-case basis. The Director shall

evaluate each ~~proposed crossing case-by-case basis~~ and make a determination based on information available at the time. Private utilities are not allowed to be placed or constructed in any Town-owned and maintained structures e.g., roadway stone drains, roadway culverts, driveway culverts, open ditches, etc.

2. Public Utilities: The Town will review any construction proposed by a public entity, such as ~~other than the Town e.g., the Mount Desert Water District~~ or Versant Power, with representatives of the public entity and a mutual location for the new construction shall be agreed upon. New construction of said public entity's assets, be they aboveground or belowground, will be prohibited from inside any Town-owned and maintained structures e.g., roadway stone drains, roadway culverts, driveway culverts, etc.

3. Reconstruction of existing aboveground or belowground utilities, be they public or private, will not be allowed inside any Town-owned and maintained structures e.g., roadway stone drains, roadway culverts, driveway culverts, etc. Any existing utilities inside said structures at the time of utility reconstruction are to be relocated outside of the Town-owned and maintained structures e.g., roadway stone drains, roadway culverts, driveway culverts, etc. and are to be constructed in conformance with this ordinance.

F. Violations

Any person, firm, corporation, or entity that violates, disobeys, refuses to comply with or resists enforcement of any provision of this ordinance shall be fined not less than \$100.00 or more than \$2,500.00 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this ordinance.

II. PERMIT APPLICATION

A. All applications shall be made on appropriate forms supplied by the Town. Instructions for completing the application are included on the application itself. If an opening requires a Town Location Permit, it must be applied for or obtained before the Opening Permit will be authorized. The Location Permit application can also be obtained from the Town.

B. All applications shall be made and signed by and in the name of the person, persons, firm, corporation, or district for whom the work is to be done (i.e., the owner of the proposed facility) or the authorized agent for the same.

C. Every application shall contain:

- a) The name and address of the applicant or applicants,
- b) The type of work requiring the opening,
- c) An estimated schedule of when construction will begin and be completed. The estimated time the excavation will remain open,
- d) A sketch plan showing the location and size of the cuts to be made,

e) An agreement that the applicant shall comply with all applicable rules, regulations and statutes of this State which pertain to highway and right-of-way openings; such agreements to be joint and several with multiple applicants,

f) An estimate of the square yards of roadway and shoulder area to be opened,

g) An estimated cost to replace the impacted areas of the right-of-way, based on the schedule included as part of the application. This amount shall be known as the "Total Permit Fee", and

h) Every application shall be accompanied by a check ~~or cash~~ in the amount of the estimated Total Permit Fee. This application fee is non-refundable. The Permittee shall be responsible for all final restoration of the affected area to the satisfaction of the Town. Upon satisfactory completion of the repairs, the permit shall be deemed complete. If satisfactory repairs are not done in a timely fashion and upon reasonable notice to the Permittee to do the same, the Town will accomplish the final restoration and bill the Permittee for the cost.

III. ADMINISTRATION

A. Issuance. The Director ~~shall review the completed~~ may execute and issue a Right-of-way Opening Permit application on behalf of the Town. If found to be in order, the Director shall initial and date the application and provide it to the code enforcement officer for review and consideration of issuing the permit if the application is found to be in conformance with all applicable local, state and federal requirements.

B. Limitation. Permits for any portion of the right-of-way, the paved construction (shim or higher type construction) of which was completed within five (5) years prior to the date of the permit, must be referred to the Director before the permit is granted. Except in the case of an emergency, no work shall be done on any such section of the right-of-way until the Director has approved the permit. If the applicant can show that the need for an opening permit could not have been reasonably anticipated before that portion of the right-of-way was paved and has ~~made an effort to investigate~~ investigated alternate installation procedures, an "emergency" permit may be issued. For any Right-of-way Opening Permit issued within the 5-year period mentioned above, the Town may attach special conditions to the opening permit for which the Permittee will bear all associated costs.

C. Location. ~~No Right-of-way Opening Permit shall be issued for an installation for which the Town may also issue a Location Permit, without prior approval of the Director.~~ In no case shall a Right-of-way Opening Permit be issued to an applicant who does not hold a Location Permit, if one is required, for the same installation. Regulations and conditions pertaining to Location Permits will be provided in another agreement.

IV. PERMIT GENERAL CONDITIONS

1. Compliance with the terms and conditions of this permit shall be the responsibility of the Permittee. Costs associated with the terms and conditions of compliance will be borne in whole by the Permittee. The Town will not assume any liability for damages arising out of or

resulting from a violation of the permit terms nor will the Town be responsible for any costs associated with the Permittee's compliance with this ordinance.

2. All costs associated with any and all portions of the construction related to this permit shall be borne by the Permittee.

3. The Town reserves the right to limit the permit by setting the time within which the work must be accomplished and may also prohibit work on Saturdays, Sundays, and holidays.

4. All work will conform to the most recent edition of the State of Maine DOT Standard Specifications Highways and Bridges, unless otherwise stated.

5. The Right-of-way Opening Permit will be applicable from the time the Town lifts the winter posting of its roads to the end of the first full week in November ~~October 31~~ of each year. A Winter Right-of-way Opening Permit will be applicable the rest of the year. The latter will only be issued in an emergency or on a case-by-case basis upon recommendation by the Director to the Code Enforcement officer of the Town. If the Code Enforcement Officer disagrees with the recommendation of the Director, a Winter Right-of-Way Opening Permit may or may not be issued. If a permit is not issued, this decision by the Code Enforcement Officer may be appealed ~~In any particular case, the applicant for a permit may appeal to the Town to the Selectboard with a request to make an exception to the time period and dates specified above.~~ The appeal shall be accompanied by supporting data adequate to show why an exception should be granted. The Town may consider the appeal and the supporting data, may make an exception to the applicable date, and may specify the terms and conditions of the exception or, deny the appeal.

If a Winter Right-of-way Opening Permit is issued, the ~~Town~~ Director, at his/her discretion may require the Permittee to provide temporary paving and to maintain the trench until the frost is out of the ground.

6. Permit conditions may include, but not be limited to, the following:

a) For right-of-way openings parallel to the centerline of the traveled way, a paved shim and overlay of the affected travel lane extending from the edge of the existing pavement to the centerline of the traveled way may be required. A butt joint, minimum depth of 1-inch and 12-inches in width, adjacent to the center of the traveled way the entire length of the project area prior to paving will be required in this instance.

b) In addition, if, as determined by the Director ~~representatives of the Town~~, the area to the opposite side of the centerline from the work lane has been damaged, a shim and overlay of the entire width and length of the roadway in the construction area will be required. e.g., if blasting lifts a section of the roadway the road; if there are excessive excavator bucket teeth marks in the pavement ~~from removing side cast fill material~~ or if there are track marks in the pavement from the metal tracks of construction equipment and activities.

c) The final decision related to roadway repair and scheduling of said repairs, will be at the discretion of the Director. ~~representatives of the Town.~~

~~7. The Total Permit Fee assessed to the Permittee is dependent on the damage done to the right-of-way.~~

~~7~~8. In general, there is no opening fee if an installation is made completely within the area of and during Town initiated construction of portions of the right-of-way. Although an opening fee may not be charged, the Permittee will be billed for any damage to Town assets located in the right-of-way.

If traffic is to pass over the location, the trench shall be capped with 2-inches (2") ~~3 inches~~ of cold mix bituminous pavement for openings made before construction of the Town project commences and ~~construction and~~ shall be subject to the highway contract specifications made in effect during construction of the Town project. The Permittee shall be responsible for maintaining the trench area until such time that the roadway falls under jurisdiction of the Town construction project.

~~8~~ 9. Installations to be made under paved areas shall be designed to use the shortest possible distance under the pavement consistent with the particular installation involved. The Town may require, or the Permittee may propose, a method of installation (such as tunneling or jacking) that will not cause damage to or opening of the pavement. When such method is required or proposed, the method to be used shall be developed by the Permittee for review and approved by the Town. Approval by the Town will not relieve the Permittee of their responsibility for performing the work in a satisfactory manner.

~~9~~ 40. The Permittee shall give due consideration to the installation of a conduit or sleeve of adequate design to permit the operating facility to be removed for repair or replacement without opening the right-of-way in the future.

~~10~~ 44. Private electric power and cable/internet/television crossings shall be placed in a suitable pipe sleeve extending not less than two-feet past the edge-of-pavement.

~~11~~ 42. All installations under pavement and shoulders shall have not less than 24 inches of soil cover. Elsewhere cover shall be not less than 12 inches. Installations subject to freezing shall be sufficiently deep so that it will not be damaged by frost penetration.

~~12~~ 43. All curb and sidewalk construction/restoration addressed with this permit shall comply with the Americans with Disabilities Act.

~~13~~ 44. If the work covered by this permit disturbs or removes any existing property or right-of-way monumentation, the Permittee shall retain the services of a professional land surveyor licensed to practice in the State of Maine to reset the same.

V. OPENING LOCATION CONDITIONS

1. Public or privately owned existing ~~Existing~~ installations may be adjusted in place upon approval from the Director to clear Permittee construction within the right-of-way, except when replacement of a substantial portion of the existing installation is required, or when prohibited from adjusting it because of specific regulations or physical constraints e.g., ledge or slope of a pipe.

2. New installations, unless otherwise clearly indicated, shall mean proposed new installations or replacement of existing installations.
3. New installation under the normal paved traveled way will be permitted only where the applicant can show that a similar installation under or outside the shoulder (or outside the travel lane if there is no shoulder) is not practical and upon approval of the Director.
4. If portions of the infrastructure located within the right-of-way might be reconstructed in the foreseeable future, new installations shall be made at locations agreed upon between the Director Town and the Applicant Permittee in consideration of the proposed future construction. The location of the Applicant's proposed assets shall be identified by the Applicant for discussion purposes.
5. The Director shall consider the condition of the road, the type of installation, the size of trench, the proposed methods of construction, etc. and the experience of the Permittee Applicant's proposed contractor when reviewing the application for a permit to open the road. and shall make such adjustments in this policy as may be justified.
6. New installations will not be permitted under and parallel to Town sidewalks. Crossings perpendicular to sidewalks are required.
7. Exceptions to the above locations may be made on a case-by-case basis upon approval of the Director. ~~representatives of the Town.~~

VI. TECHNICAL SPECIFICATIONS

1. The traveling public shall be adequately protected.
 - a) At least one-way traffic shall be maintained at all times during any work conducted in the right-of-way.
 - b) Work shall be signed, lighted and traffic control flaggers ~~officers~~ will be supplied when necessary. The Town will have final say when traffic control flaggers ~~officers~~ are needed. All traffic controls shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, as issued by the Federal Highway Administration.
 - c) All Town signs that are removed or disturbed as a result of the work covered by this permit shall be temporarily relocated and shall remain in service until work is complete, as applicable. They will then be returned to their original locations.
2. Construction methods shall be such that excessive excavation and excessive destruction of pavement will be avoided. Pavements shall be cut in advance along the proposed edges of excavation and a second time prior to final paving of trenches or the roadway, full depth of the pavement. ~~All trench work shall comply with current OSHA regulations.~~ The Permittee shall reestablish the original lines and grades of the right-of-way to preconstruction conditions.

3. The backfill material shall be as follows:

a) General: Materials shall be natural soil or rock. All materials shall be free of organic or other weak or compressible materials, rubbish, trash, clay, vegetation, building rubble or frozen matter and other deleterious matter. The Director shall have final determination of what is suitable backfill material.

b) Aggregate Subbase Material (the layer from seven-to-18 inches below the bottom of the pavement) shall be sand or gravel consisting of hard durable particles as described in a) above, one hundred percent of which will pass a four-inch (4") square mesh sieve. The gradation of the portion that will pass a three-inch (3") square mesh sieve shall meet the requirements of the following table:

<u>Sieve Size</u>	<u>Percent Passing by Weight</u>
¼-inch	25-70
No. 40	0-30
No. 200	0-7

c) Aggregate Base Material (the six-inch (6") thick layer just below the bottom of the pavement) shall be sand or gravel consisting of hard durable particles as described in a) above, one hundred percent (100%) of which will pass a two-inch (2") square mesh sieve. The gradation shall meet the requirements of the following table:

<u>Sieve Size</u>	<u>Percent Passing by Weight</u>
2-inch	100
½-inch	45-70
¼-inch	30-55
<u>No. 40</u>	<u>0-20</u>
<u>No. 200</u>	<u>0-5</u>
No. 40	0-20
No. 200	0-5

d) All other backfill shall be equivalent to material removed, except that special backfill of suitable material may be used immediately around pipe, cable, conduit, etc. or to replace material that cannot be compacted to the required compaction specifications.

4. Backfill material shall be uniformly distributed in layers of not more than nine-inches (9") and thoroughly compacted to the required compaction specifications by use of approved mechanical compactors before successive layers are placed. ~~Water shall be added when~~

~~necessary to increase the moisture content of the backfill material in order to obtain adequate compaction. Puddling or jetting of backfill will not be allowed.~~

5. Restoration of all All curb and sidewalk areas disturbed during construction construction/restoration will shall match preconstruction conditions unless otherwise directed by the Director.

6. Surplus material shall be removed from the site and the area shall be left in a clean, presentable condition.

7. The edges of the proposed trench are to be cut full depth of the existing pavement prior to commencing any excavation work and prior to trench repair and final paving. Cuts are to be made parallel and/or perpendicular to the centerline of the traveled way. Angled cuts will not be accepted. Permanent pavement shall be replaced to the full depth and extent of the existing pavement removed or as directed by the Director.

8. Pavement (hot bituminous concrete) for repairs is to conform to the following specifications:

If the repair is made with a mechanical paving machine or by handwork:

a) Binder course (Base pavement): One 1.5-inch (1.5") ~~Two-inch (2")~~ thick layer of 12.5 mm 9.5 mm coarse hot mix.

b) Surface course: One 1.5-inch (1.5") ~~One-inch (1")~~ thick layer of 9.5 mm coarse hot mix.

c) Sidewalks: As in a) and b) above or as directed by Director.

~~If the repair is made using handwork:~~

~~a) Two 1.5-inch (1.5") layers of 9.5mm coarse hot mix for a total thickness of three-inches (3"). E.g. the mix must be placed in two layers.~~

9. a) All openings of any kind made in the pavement ~~bituminous concrete (hot mix pavement)~~ of any Town public way under this opening permit,

- shall be temporarily repaired with a minimum ~~two~~ of one 2-inch (2") thick ~~(2)-inch~~ layer of cold patch within 24 hours of the opening being made unless other arrangements are agreed upon in advance with the Director and
- permanently repaired with pavement ~~hot mixed bituminous concrete (hot mix pavement)~~ within 14 calendar days of the opening being made provided the nearest pavement ~~bituminous concrete plant (hot mix plant)~~ is in operation. If it is not, the cold patch trench repair will suffice until the ~~hot mix~~ plant is open. The cold patch shall be replaced with pavement ~~hot mix pavement~~ within 14 calendar days after the nearest ~~hot mix~~ plant is open for business.
- All work is to be performed in conformance with the Town of Mount Desert's Public Right-of-Way Opening Ordinance in affect at the time of issue of the Public Right-of-Way Opening Permit.

b) Heavy equipment with metal tracks, including but not limited to, excavators and bulldozers, of any size:

- Shall not be unloaded directly from e.g., a trailer onto pavement ~~bituminous concrete (hot mix pavement)~~ surfaces owned and maintained by the Town, including but not limited to, roadways and parking lots. The pavement must be protected by rubber tracks on the equipment plywood or other means to prevent scarring or other damage to the pavement.
- Shall not be driven or “walked” on the pavement ~~bituminous concrete (hot mix pavement)~~ surfaces owned and maintained by the Town, including but not limited to, roadways and parking lots. The pavement must be protected by rubber tracks on the equipment plywood or other means to prevent scarring or other damage to the pavement.

10. The Town reserves the right, after due notice in writing to the Permittee:

- a) To provide such supervision and inspection as it may deem necessary.
- b) To re-excavate and backfill as may be necessary.
- c) To clean up the area if the area is improperly and unsatisfactorily cleaned up.
- d) To charge the holder of the permit the cost of all work performed under reservations (a, b, and c above); which charge will be in addition to the normal fee for opening the right-of-way and said charge will be included in an invoice ~~the bill~~ to the Permittee from the Town.

11. After the excavation has been made and backfilled, the actual square yardage of disturbed area, including any areas adjacent to the installation disturbed by blasting or other similar cause, will be measured by a representative of the Town. If the final permit fee based upon actual measurements differs from the estimated permit fee, an adjustment will be made either in the form of a refund or bill showing the additional amount due.

12. All disturbed areas located in the right-of-way shall be repaired to preconstruction or better condition. This includes, but is not limited to, lawns, curbing, sidewalks, drainage conditions, sight distances and roadway surfaces. The Director ~~Town~~ shall determine the acceptability of the repairs.

13. The Permittee shall on a regular basis, or after notice by the Director, remove and sweep clean any dirt, mud, silt, or any other debris that accumulates on the pavement in the area of the project. Such action by the Permittee shall be done to the satisfaction of the Director and whenever deemed necessary by the Director.

14. The Permittee shall conduct all operations and maintain the area of all activities, including sweeping and implementing generally accepted dust control measures in and sprinkling of streets and at the construction building site, as necessary, ~~so as~~ to minimize the creation and suppression of dust. The Permittee shall control dust through periodic sweeping and wetting of project area or through the use of straw mulch in some cases, as applicable.

15. The Permittee shall maintain services of any and all private or public entities during the course of the work. Required interruptions shall be scheduled in advance with the affected parties and the work performed continuously so as to minimize the duration of interruption.

16. No gutters or ditches shall be obstructed ~~so as to~~ that interfere with surface drainage. ~~Take temporary~~ Temporary measures for runoff control shall be put in place to prevent sediment from discharging into the storm drainage system and from leaving the construction site. Such measures shall conform to the most recent edition of "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices" as prepared by the Cumberland Country SWCD. Such measures may include, but not be limited to, straw bale or stone dikes, silt fencing, temporary swales, and sediment traps.

17. All existing paved edges and existing paved underlying layers are to be tacked prior to the construction of any new pavement against them or on top of them.

VII. ABANDONED STRUCTURES

In general, private structures located in the right-of-way that are no longer in use shall be removed to minimum eighteen-inches (18") below the adjacent ground surface. The structure, if applicable, excavation shall be filled with backfill material described elsewhere in this ordinance. ~~as required for backfill in Right-of-way Opening Permits. In some cases, the Permittee may require the entire structure be removed and the disturbed area be repaired in accordance with the terms of this permit.~~

VIII. RELOCATING EXISTING UTILITIES

Any replacement of existing private assets and infrastructure shall be done in accordance with this ordinance as ~~Property owners have three years from the date this ordinance is adopted to relocate their existing utilities from the prohibited areas described in Section I.E above. to areas in conformance with the guidelines of this ordinance. All costs associated with this relocation shall be borne by the property owner. Failure to do so will constitute a violation under this ordinance and, as such, the property owner will be subject to the terms of Section I.F of this ordinance.~~

IX. PUBLIC RIGHT-OF-WAY OPENING PERMIT FEE

~~The Total~~ total Public Right-of-way Opening Permit Fee will be as calculated on the "Application for a Right-of-way Opening Permit". After completion of the work described in the permit and the excavation has been made and backfilled, the actual square yardage of disturbed area, including any areas adjacent to the installation disturbed by blasting or other similar cause, will be measured by the Director ~~a representative~~ of the Town. If the final permit fee based upon actual measurements differs from the estimated permit fee, an adjustment will be made either in the form of a refund or bill showing the additional amount due.

EXCEPTION: The Mount Desert Water District, a tax-exempt, quasi-municipal corporation doing business in the Town is exempt from the fees described herein. The water district customers are also taxpayers in the Town. As such, the cost of any fees imposed on the water district would likely be reflected in higher water rates to the users (ratepayers a.k.a. taxpayers). This exception does not absolve the water district from conforming with all other requirements of this ordinance e.g., they must conform to all other requirements of this ordinance.

X. WARRANTY TERMS

The Permittee is responsible for and agrees to guarantee all work to be free from defects in workmanship and material for a period of two (2) years from the completion of the work. The completion date for the work shall be agreed upon between the ~~Town~~ Director and the Applicant Permittee. The Permittee is responsible for contacting the Director to establish the effective completion date for the work; otherwise, it will be established by the Director.

If any settlement, cracking, pavement deterioration or similar problem occurs the Permittee shall promptly repair such defect at no expense to the Town. If the Permittee fails to repair a defect upon notice from the Director ~~Town~~ that such a repair is required, the Town reserves the right to cause the repairs to be made with all costs incurred to be the responsibility of ~~at the expense of~~ the Permittee.

~~XI. PERIOD OF ORDINANCE~~

~~This ordinance shall remain in effect for a period of fifteen (15) years from the effective date.~~

Appendix A.2 (Article 7; pg. 4)

TOWN OF MOUNT DESERT

Application for a Public Right-of-Way Opening Permit

Property Owner: Name _____
Address _____
Telephone Number _____

Applicant: Name _____
Address _____
Telephone Number _____

Work Location: Address _____
Village _____
Map _____ Lot _____

Public Right-of-way width of roadway or street (contact town official): _____.

Type of work:

Sketch: Attach a sketch of proposed opening on the attached 8 1/2" X 11" sheet showing the dimensions used to calculate the Opening Permit Fee to be calculated on page 2.

Reason for work: _____

Who will perform work: _____

Estimated Schedule: Start Date _____ End Date _____

Does this work require a Town of Mount Desert Location Permit? _____

Total Permit Fee: (from next page) _____

By signing this application, the Applicant agrees to conform to the terms of the Town of Mount Desert's Public Right-of-Way Opening Ordinance in affect at the time of issue of the Public Right-of-Way Opening Permit.

Applicants Signature _____ Date _____

Town Use Below

Opening Permit Number _____

Reviewed By: _____ Initials _____ Date _____

Code Enforcement Officer _____

Public Works Director _____

Fee of \$ _____ collected this _____ day of _____, 20____

by _____
Town Official Signature

(The town officials signature modifies this document from an Application for a Public Right-of-Way Opening Permit to a Public Right-of-Way Opening Permit.)

Public Right-of-Way Opening Permit Fee Calculation

Permit Fee Calculation			
Surface Type:	(A) Unit Cost	(B) Estimated Impact (Number of units)	Impact Value (A) X (B)
Paved roadway	\$7.50 per SY ³	Article 69. SY	\$
Article 70. Paved sidewalk	\$5.00 per SY	Article 71. SY	\$
All curbing ¹	\$7.50 per LF ³		\$
Row-of-way area ²	\$5.00 per SY	Article 72. SY	\$
Article 73. Concrete areas	\$25.00 per SY	SY	\$
Total Opening Permit Fee (Sum of all Impact Values) Minimum fee = \$150.00			\$

¹ Curbing fee is for removing and resetting existing curbing or for replacing damaged or destroyed curbing with curbing of the same materials.

² Area located between existing edge of roadway or sidewalk pavement and the outer limit of the public right-of-way. Might be gravel shoulders, grass, brush, etc.

³ SY = square yards; LF = lineal feet

1. All openings of any kind made in the pavement ~~bituminous concrete (pavement)~~ of any Town public way or parking lot with a paved surface under this opening permit:

- shall be temporarily repaired with a minimum one 2-inch (2") ~~two-inch~~ layer of cold patch within 24 hours of the opening being made and unless other arrangements are agreed upon in advance with the Director and
- permanently repaired with pavement ~~hot mixed bituminous concrete (hot mix pavement)~~ within 14 calendar days of the opening being made provided the nearest pavement ~~bituminous concrete~~ plant (~~hot mix plant~~) is in operation. If it is not, the cold patch trench repair will suffice until the hot mix plant is open. The cold patch shall be replaced with pavement ~~hot mix pavement~~ within 14 calendar days after the nearest hot mix plant is open for business.
- All work is to be performed in conformance with the Town of Mount Desert's Public Right-of-Way Opening Ordinance in affect at the time of issue of the Public Right-of-Way Opening Permit.

2. Heavy equipment with metal tracks, including but not limited to, excavators and bulldozers, of any size:

- Shall not be unloaded directly from a trailer onto pavement ~~the bituminous concrete (hot mix pavement)~~ of any Town public way or parking lot with a pavement surface. The pavement must be protected by rubber tracks on the equipment, plywood, or other means to prevent scarring or other damage to the pavement.
- Shall not be driven or "walked" on the pavement bituminous concrete (hot mix pavement) of any Town public way or parking lot with a pavement surface. The pavement must be protected by plywood or other means to prevent scarring or other damage to the pavement.

3. Sketch required.

The purpose of the sketch is to show the location of the proposed opening in relation to the public right-of-way and the approximate depth of the asset being installed or worked on can be located at a later date. It is not necessary to sketch to scale but a minimum of two accurate swing tie locations relative to from reference points such as fire hydrants, utility poles or intersections to the road opening is required. The sketch also must show the right-of-way width, the width of the traveled way (the pavement), a “North” arrow, street names, and approximate depth from surface of the pavement to the asset being installed or worked on. A marked-up site plan showing the necessary information is acceptable.

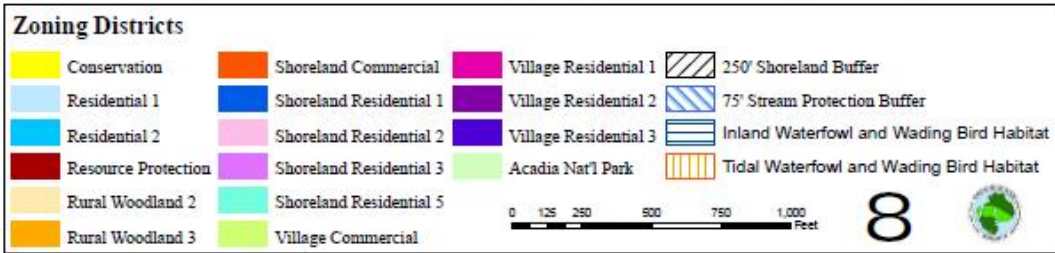
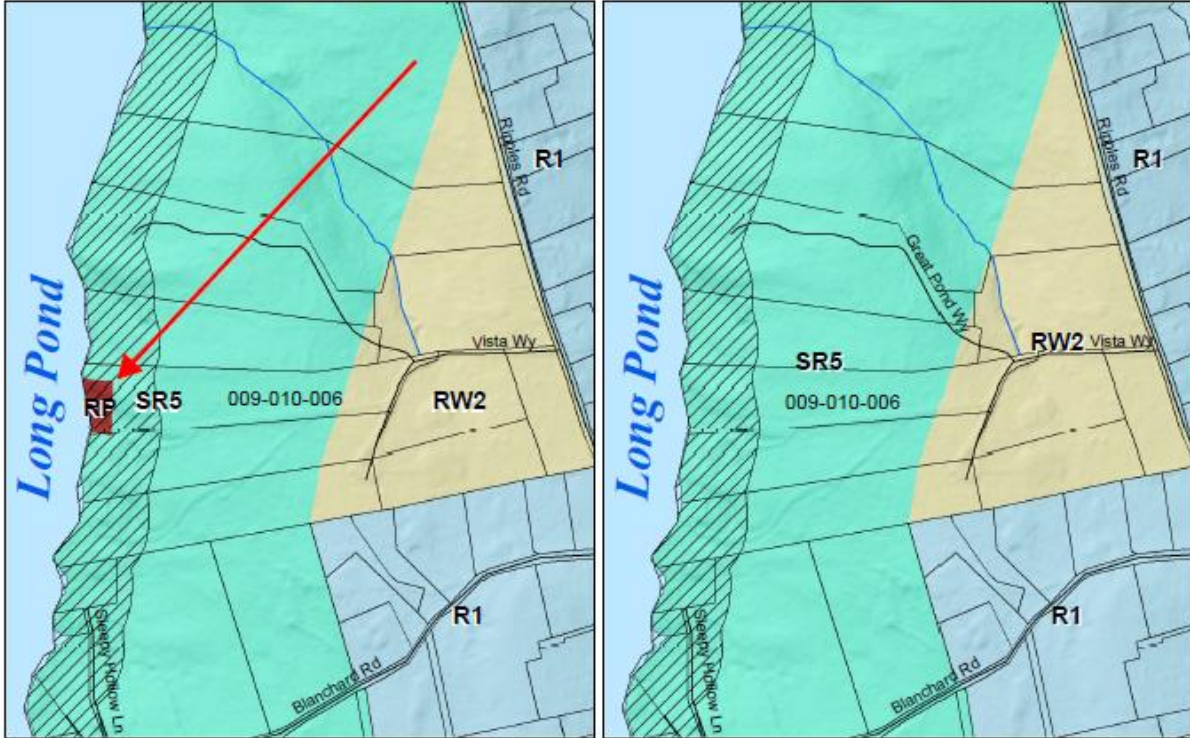
Please provide the sketch on the next page or make reference on the next page that the applicant is providing a formal site plan showing the required information.

Appendix B (Article 10; pg. 5)

Shoreland Residential 5 and Resource Protection to Shoreland Residential 5

Existing

Proposed



Appendix C (Article 18; pg. 8) Forest Hill Cemetery

FOREST HILL CEMETERY

Created 1904

June 9, 2021

To the Representatives of the Town of Mt. Desert:

The trustees of Forest Hill Cemetery, Richard & Laura Savage and Robert Falt, are currently renewing their status with the State of Maine as a non-profit organization. The State of Maine now has a requirement that organizations possessing real estate property must include an article of dissolution in their charters. This article specifies the future recipient of the land if the governing organization is disbanded.

I have amended our charter on behalf of the trustees to include the article and the trustees are formally requesting the Town of Mt. Desert to consider filling the role of recipient of the cemetery if necessary. (See enclosed Charter)

Currently this event is a remote possibility. The trust possesses a healthy bank account and investment portfolio. Expenses are minimal for upkeep. Our lots currently sell for \$4000 for a single plot and \$8000 for a double. We have over seventy plots still available and have sold two already this year. Further, the trusteeship has always been held by members of family already interred at the cemetery and there are many eligible members of current generations to succeed the acting trustees.

Thank you for your consideration of this request.

Sincerely,

Felicia Falt
Secretary to Robert Falt, Treasurer, Forest Hill Cemetery

FOREST HILL CEMETERY

Created 1904

Charter & By-laws for Forest Hills Cemetery

The Charter for the Northeast Harbor Public Cemetery was adopted April 21, 1904 , and is recorded in the Hancock, Maine Registry of Deeds, in book 406, page 127. The parcel, situated in said Northeast Harbor, was granted, sold and conveyed in trust, for cemetery purposes, and is now known as Forest Hill Cemetery.

By-laws

As stipulated in the original trust:

1. The property is conveyed for cemetery purposes and no other.
2. Lots sold and conveyed shall be used for cemetery purposes only, which shall include interment of the dead, the erection of suitable tablets or monuments and the planting and cultivation of suitable shrubs, trees and flowers.
3. The trustees have the right and power to build and maintain fences around said cemetery, and to build roads and paths and to make other improvements.
4. The trustees may make rules and regulations for the management of said cemetery.
5. Upon the death of a trustee, the survivors shall appoint his successor, and execute a proper instrument for vesting the same powers in a new trustee as was held by the deceased trustee.
6. If any trustee resigns, he shall agree to execute a proper deed of conveyance to his successor to be selected by the other trustees.
7. Deeds of cemetery lots executed by any two trustees in name of all shall be valid.
8. No owner or proprietor of any lot shall have the right to sell, transfer or convey any interest in such lot without first offering in writing the option to the trustees. The amount and value of the lot would be based on the original purchase price.

Disposition of Assets Upon Dissolution

Upon the dissolution of the trust for any reason, the existing trustees shall execute a deed of transfer for the parcel of land know as Forest Hill Cemetery, recorded in the Hancock County, Maine Registry of Deeds Book 406, Page 127, to:

Signed in Agreement by the Trustees of the Forest Hill Cemetery this day of , 2021.

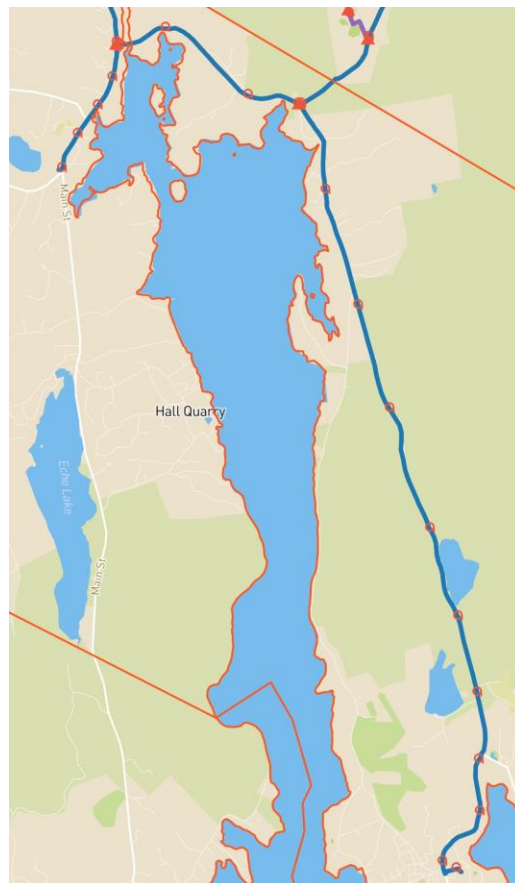
Richard Savage, President _____

Laura Leonard, Treasurer _____

Robert Falt, Treasurer _____



Municipal Fiber Design Project



Prepared by

Casco Bay Advisors,

March 2021

Revised December 2021

1 Executive Summary

Casco Bay Advisors, LLC (Casco Bay) is pleased to present this engineered plan (Plan) for the Town of Mount Desert (Town) Municipal Fiber Network, designed to interconnect with the planned Bar Harbor fiber project to enable dark fiber connectivity between the Town of Bar Harbor and the Town of MountDesert.

The Plan includes the detailed route from a meet-point with Bar Harbor at the intersection of Eagle Lake Road and Route 3 and extending into Northeast Harbor to terminate at the Mount Desert Townoffice. The Plan has been revised to include a route from a meet-point with Bar Harbor at the intersection of Sound Drive and Main Street extending south on Main Street to the Somesville Fire Station. The engineered routes are the shortest routes available, identifies all the utility pole and conduit infrastructure required to be utilized, detailed mapping and Bill of Materials (BOM) of the proposed network for inclusion in a Request for Proposals (RFP) for construction and maintenance ofthe network. In addition, we have included the estimated capital and operational expenses, and optional considerations to reduce the overall cost of deploying the network.

We thank you for the opportunity to provide this Plan and look forward to assisting the Town of MountDesert with its ongoing evaluation and next steps.

2 VETRO FiberMap GIS Database

We have designed and engineered this network utilizing VETRO FiberMap¹, a purpose-built cloud- based, open source GIS system created specifically for fiber optic network design, engineering, as-builtand ongoing operation and maintenance. We recommend this application be utilized through the construction, as-built and splicing of the network.

Once the network has been built and turned over for operation, the data in the VETRO application cancontinue to be utilized for the ongoing operation and maintenance of the network, or in the alternative, the data can be extracted into an industry standard ESRI geodatabase and incorporated into the Town's existing GIS system. All detail can be extracted into the Town's ESRI system, with the exception of the splicing documentation, which can be extracted into a spreadsheet for continuing maintenance.

Within the VETRO application, we have created various layers to separate the data. Those include:

- Locations
- Poles

- Conduits
- Strand
- Fiber
- Fiber slack locations

3 Utility Pole Make-Ready

3.1 Pole Data Scope of Work

188 poles were field surveyed to collect the following information:

- GPS coordinate
- Pole ID's for both the electric company (Versant) and the phone company (CCI)
- Measurable photograph captured by IKE handheld device²

The information collected for each pole has been incorporated into the VETRO FiberMap GIS application as attributed points representing each pole. That data also resides in tabular form for easyimport into make-ready applications for the pole owners should the project move forward to construction.

¹ <https://www.vetrofibermap.com/> - Headquartered in Portland, Maine

² <https://ike4.ikegps.com/>

3.2 Utility Pole Make-Ready Cost Estimate

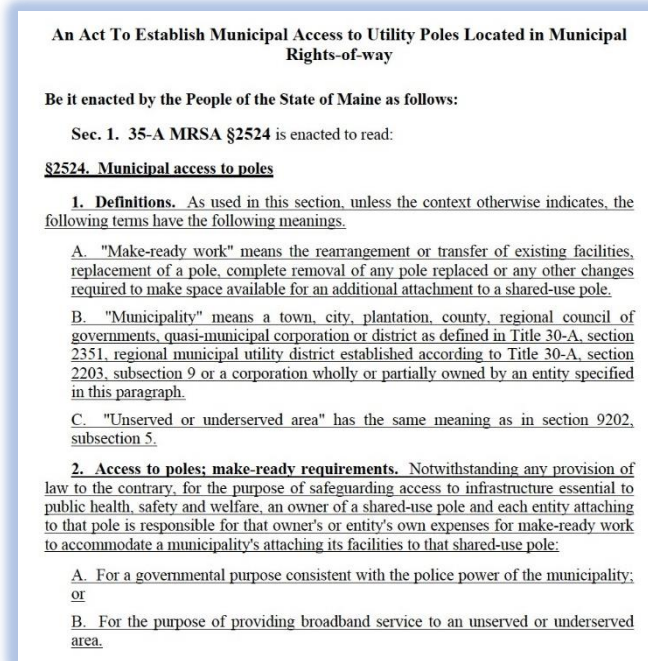
Based on make-ready costs tracked for similar projects in Maine, we estimate an average cost of \$375per pole x 188 poles = \$70,500.

Please note, this is an estimate only. The actual charges will only be known after a pole attachment agreement has been negotiated with the pole owners, pole attachment applications have been submitted, a joint ride-out with the pole owners conducted and a firm quote has been received from the pole owners.

Having said the above, we believe our overall pole estimate of \$70,500 to be conservative.

3.3 LD 1192 - Potential Impact

LD 1192, approved by the Maine legislature in 2019, suggests there is no charge for utility pole make-ready “For a governmental purpose consistent with the police power of the municipality”. Our interpretation of this law would suggest the Town of Mount Desert would not be subject to make-ready charges for this network, provided the use is intended to be covered by the Town’s police powers and not for commercial purposes. For the purposes of his project, we are including the costs for make-ready as if this Act was not enacted. We



urge the Town to seek legal counsel for an interpretation.

4 Network Mapbook

A detailed map of the network is illustrated in the Appendix with a scale of 1"= 500', is intended to serve as a detailed construction plan and contains the following information.

- Utility pole locations
- Underground duct into the Town office
- Type of Fiber (backbone, lateral, drop) with fiber count and length
- Splice locations
- Slack locations

The core network from the meet-point with the proposed Bar Harbor network at the intersection of Eagle Lake Road and route 3 to the Town office in Northeast Harbor is 5.34 miles, and the route from the intersection of Sound Drive and Main Street to the Somesville

Fire Station is 0.88 miles, for a total of 6.22 miles.

5 Bill of Materials

Bill of Materials			
Part	Description	Units	Quantity
10M Strand	1/4" Extra High Strength Galvanized Steel Strand, including all associated hardware, lashing and down guys. Installation to include all necessary grounding.	Feet	32,853
2" Duct & Riser	To be installed from serving pole for Town office into Town office and serving pole for Fire Station into the station	Feet	225
Snow Shoe (pair)	31.25 length, .900 channel width, 16.25 diameter	Pair	16
Splice Case	Fiber Optic Splice Enclosure (Aerial)	Per	4
48 Count Fiber Cable	ALTOS All-Dielectric Cable, Loose tube, Gel-Filled, 12F per tube, SMF-28 Ultra fiber, Single Mode	Feet	35,824
48-Port Fiber Termination Panel (FTP)	PANEL, WM 4 SLOT 48 PORT, 48F SC-APC 250UM 4M PIGTAIL, SIMPLEX ADAPTERS, 2 SPLICE TRAYS, BLACK	Per	2
Cable Identifier Tags	Fiber Optic Cable Marker	Per	188

5.1 *BOM by Location Categories*

Categories of materials include:

- Quantity of poles licensed to support deployment to each location
- Quantity of high-strength steel strand required for each road segment w/ 2% sag calculated
- Fiber count for each road segment
- Quantity of 150-foot slack loops to be deployed along each road segment
- Quantity of fiber cable required for each road segment w/ 2% sag, 2% helix factor and slackloops included
- Quantity of snowshoes required for slack loops
- Quantity of splice cases
- Type of Fiber Termination Panel for each location
- Construction method (aerial or underground) for each drop cable and if underground, whether installation will be via an existing riser and conduit, or if a new riser and conduit will need to be constructed

5.2 *Exceptions to BOM*

The quantity of down guys, anchors and auxiliary anchor brackets required are not included in the BOM. The quantity of these materials cannot be known until the pole owners survey the poles to determine where additional guys will be required to maintain the integrity of the pole structures with the additional fiber cables attached.

We recommend bidders provide a per unit cost for materials, labor and equipment for the installation of down guys and anchors.

The preliminary splicing plan assumes all fibers will be spliced through the network route from the meet-point with Bar Harbor to the Mount Desert Town Office.

5.4 *Fiber Termination Panels (FTP)*

A 48-port termination panel has been specified at each location for termination of the fiber.

6 Business Case / Financial Metrics

6.1 Summary Breakdown

Business Case / Financial Metrics	
Utility Pole Quantity	188
Liner feet of duct	225
Outside Plant Miles	6.22
Capital Expense	
	Estimate
Pole owner application fees / Joint ride-out estimate	\$ 6,000
Utility Pole make-ready (<i>no cost if use limited to police powers</i>)	\$ 70,500
Make-ready Project Management	\$ 4,000
Network Construction	\$ 155,500
Conduit into Town Office & Fire Station	\$ 20,000
Construction Project Management (5%)	\$ 8,775
Total	\$ 264,775
Contingency (20%)	\$ 49,200
Total w/ Contingency	\$ 313,975
Operating Expense	
	Estimated Annual
Pole & Duct License Fees (<i>no expense if use limited to police powers</i>)	\$ 3,760
Outside Plant Maintenance	\$ 5,000
Insurance	\$ 2,500
Debt Service (Principal & Interest)	TB D
Total Annual Expense	\$ 11,260

6.2 Line Item Discussion

Each of the line items and their relevant assumptions are described in the following sections.

Estimated Pole Quantity - While we have identified each pole required for attachment, the actual pole count and final route may be modified slightly as a result of the joint ride-out survey with the pole owners. Slight modifications to the route are not uncommon in a joint effort to reduce the overall make-ready costs based on the joint field review.

- **Estimated Outside Plant Miles** - Like the pole quantity, the final mileage may be modified slightly due to the joint ride-out field survey.

These two categories (poles and mileage) drive portions of both the Capital and Operating expenses discussed below.

6.2.1 Capital Expenses

- **Pole Owner Application Fees / Joint Ride-out** - This category covers the charges assessed by the pole owners for application submission (1 application) and the charges for the joint ride-out field survey.
- **Utility Make-ready Charges** - Estimated costs for the pole owners and other attendees to rearrange existing attachments, replace poles and trim trees to create and reserve space for a new attachment.

Note: Separate "Pole Attachment Agreements" will need to be negotiated with Versant and CCI and executed prior to submitting the pole applications. The charges utilized to calculate our estimates are based upon similar agreements for other clients in other jurisdictions.

- **Make-ready Project Management** - Represents charges for a consultant/contractor to assist with Pole Attachment Agreement negotiations, application submittal, participation in joint ride-outs and coordination with pole owners and other attendees until pole licenses are issued and construction can commence.
- **Network Construction (Materials & Labor)** - We have used a cost of \$25,000 per mile. We believe this is a reasonable metric based upon our experience with similar projects. This also assumes construction will occur during the off-season when tourist traffic is light.
- **Conduit into Town office (Materials & Labor)** – This is an estimate for the cost to install a 2" conduit from the utility pole serving the Town office on the north side of Sea Street into the building.
- **Owners Project Manager (Construction Management)** - Represents charges for a consultant/contractor to represent the Town to manage the construction of the project. Responsibilities include, but are not limited to:
 - Resolving any issues that may arise between how the network has been engineered and the actual construction activity in the field.
 - Tracking progress against the project plan milestones and modifying the project plan as appropriate.
 - Facilitating weekly project status calls between contractor and Town.

- Inspection of construction practices at regular intervals.
 - Detailed inspection of final construction to ensure the work is in compliance with engineering plan and the National Electric Safety Code (NESC).
 - Review of as-built documentation and incorporation of as-built into GIS system.
- **Contingency** - We have included a contingency of 20% of the sum total of Utility Pole Make-ready, Network Construction and Location Construction to cover any potential cost overruns.

6.2.2 Operating Expenses

- **Pole & Duct License Fees** - Our estimate, contingent upon the negotiation of a Pole Attachment Agreement with the pole owners, assumes an annual license fee per pole of \$20.00. Should the use of the dark fiber be strictly limited to the police powers of the municipality, this expense can be eliminated.
- **Outside Plant Maintenance** - This is an estimate of the expenses to cover the cost of securing a construction contractor to be on-call for repair and restoration of the outside plant, the actual costs for such repair and restoration and insurance deductible, and the costs to relocate or rearrange the outside plant due to road widening projects or pole replacements by the pole owners.
- **Insurance** - Estimated cost for storm damage coverage.
- **Debt Service** - We have not attempted to calculate the cost of debt service.

Note: A significant portion of these capital and operating expenses can be reduced and/or eliminated by successfully pursuing the Optional Considerations discussed in the Section below.

7 Optional Considerations

7.1 Town of Bar Harbor - Collaboration / Joint Build

We recommend the Town explore the potential to jointly bid and construct the network with the Town of Bar Harbor as a means by which to reduce the overall cost of deployment.

7.2 Public-Private Partnership - FTTH Service Provider

There are a number of service providers who may be interested in offering a Fiber-to-the-Home (FTTH) broadband service within the Town of Mount Desert. This network could serve as an ideal backbone for a FTTH network extending into Northeast Harbor. We recommend the Town engage with the Town of Bar Harbor in their efforts to create a Public-Private

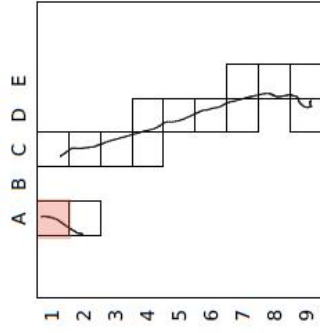
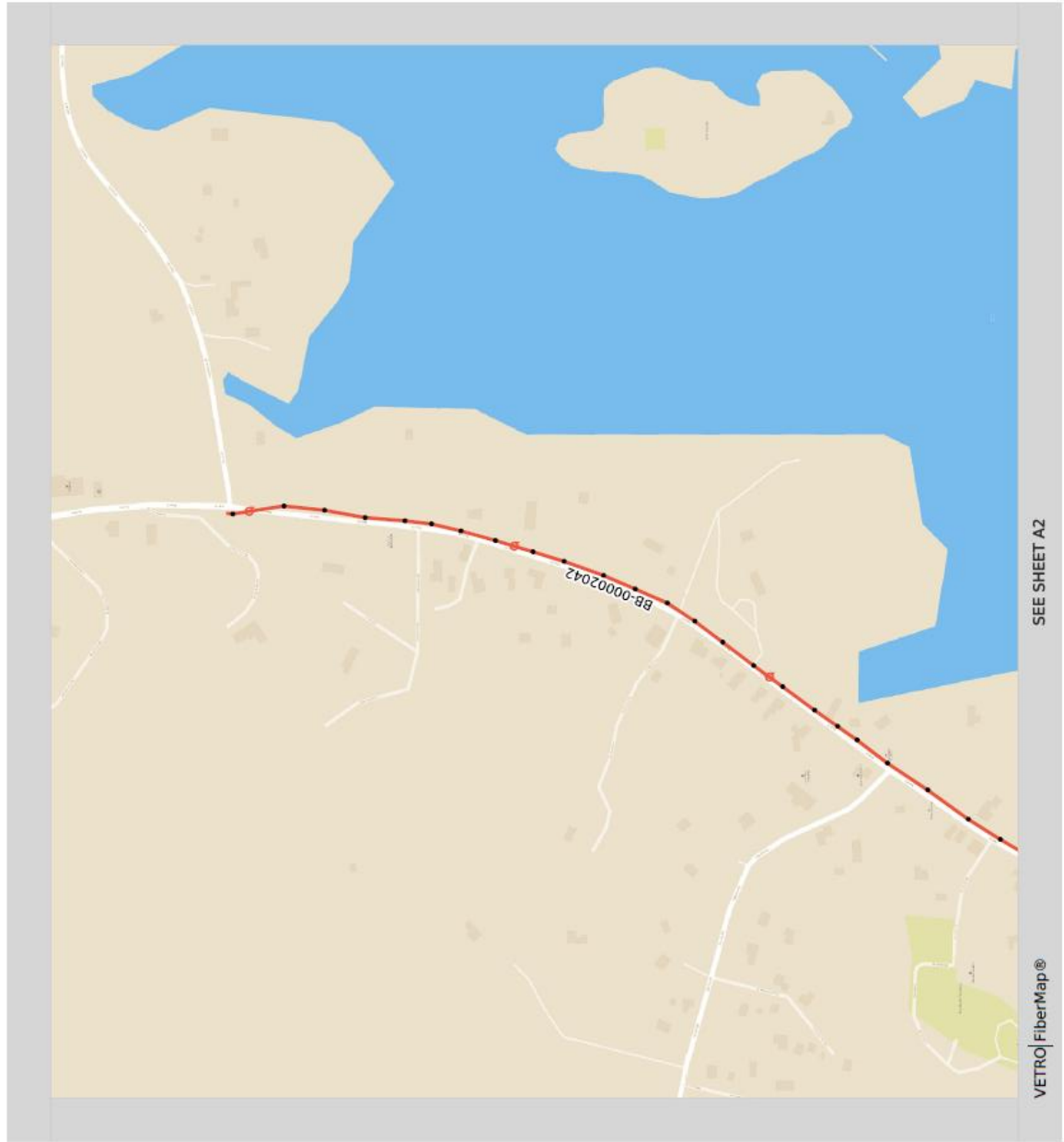
Partnership for construction of this network.

The construction costs for the Town could be reduced dramatically and the annual expenses to maintain the network, including insurance costs and annual pole license fees could be reduced or eliminated.

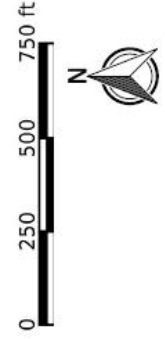
8 Appendix (see following pages)

8.1 *Mapbook - Outside Plant*

Mapbook_20211223T114838 - Sheet A1

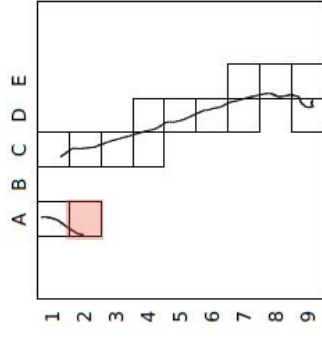
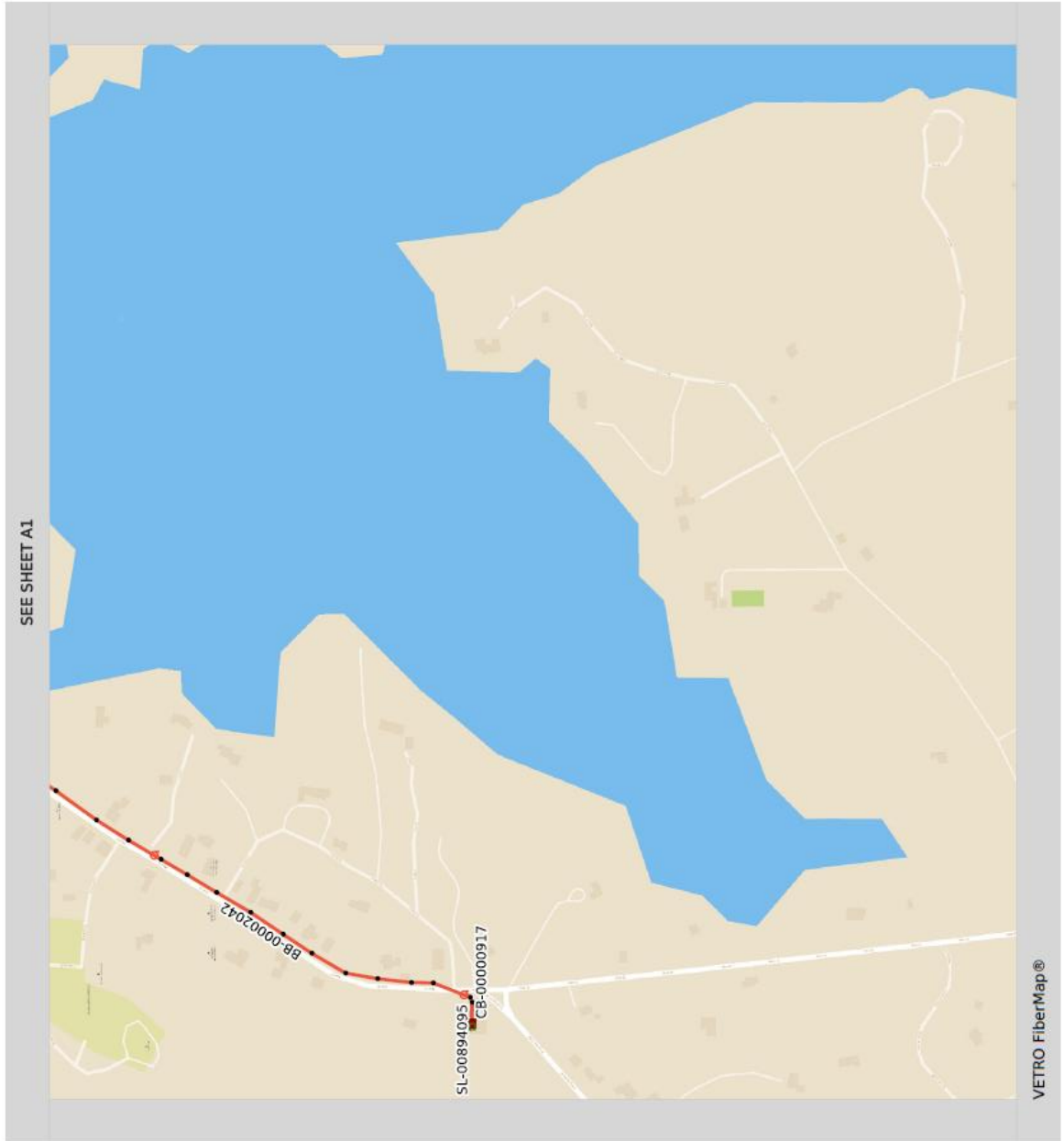


- Legend**
- Backbone
 - Cabinet
 - Duct
 - Micro Duct
 - Pole
 - Service Location
 - Stack Loop



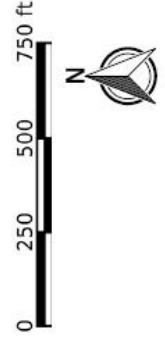
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Mapbook_20211223T114838 - Sheet A2



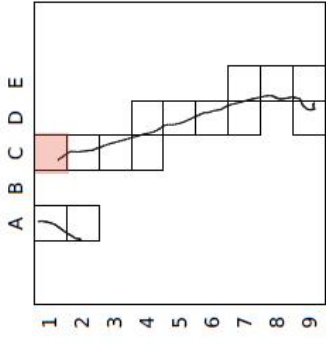
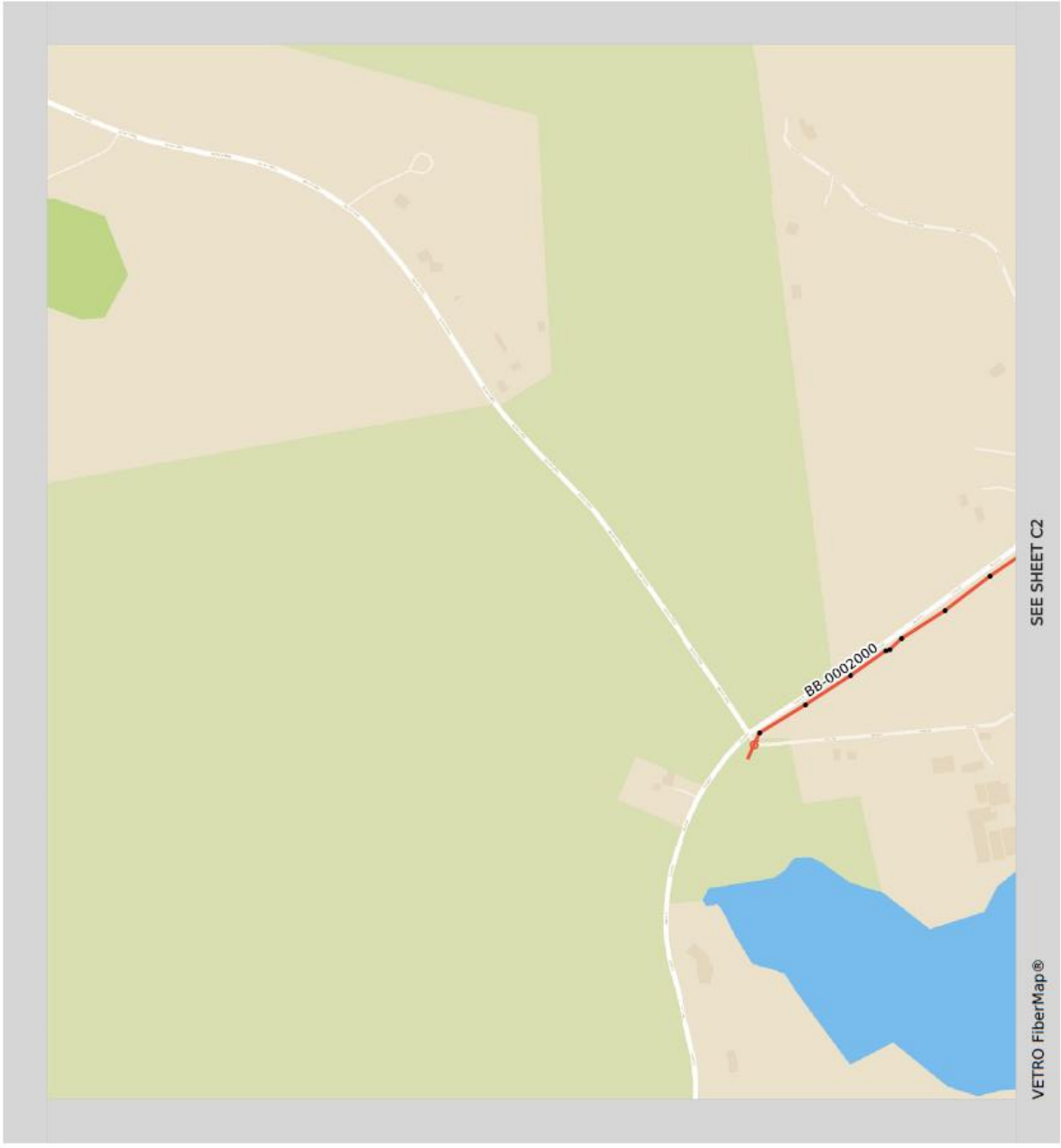
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- ◻ Service Location
- Slack Loop



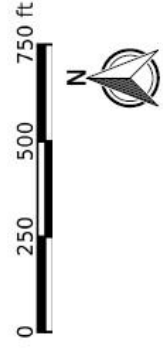
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Mapbook_20211223T114838 - Sheet C1



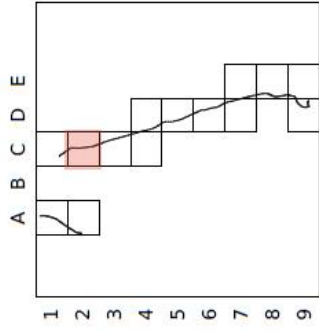
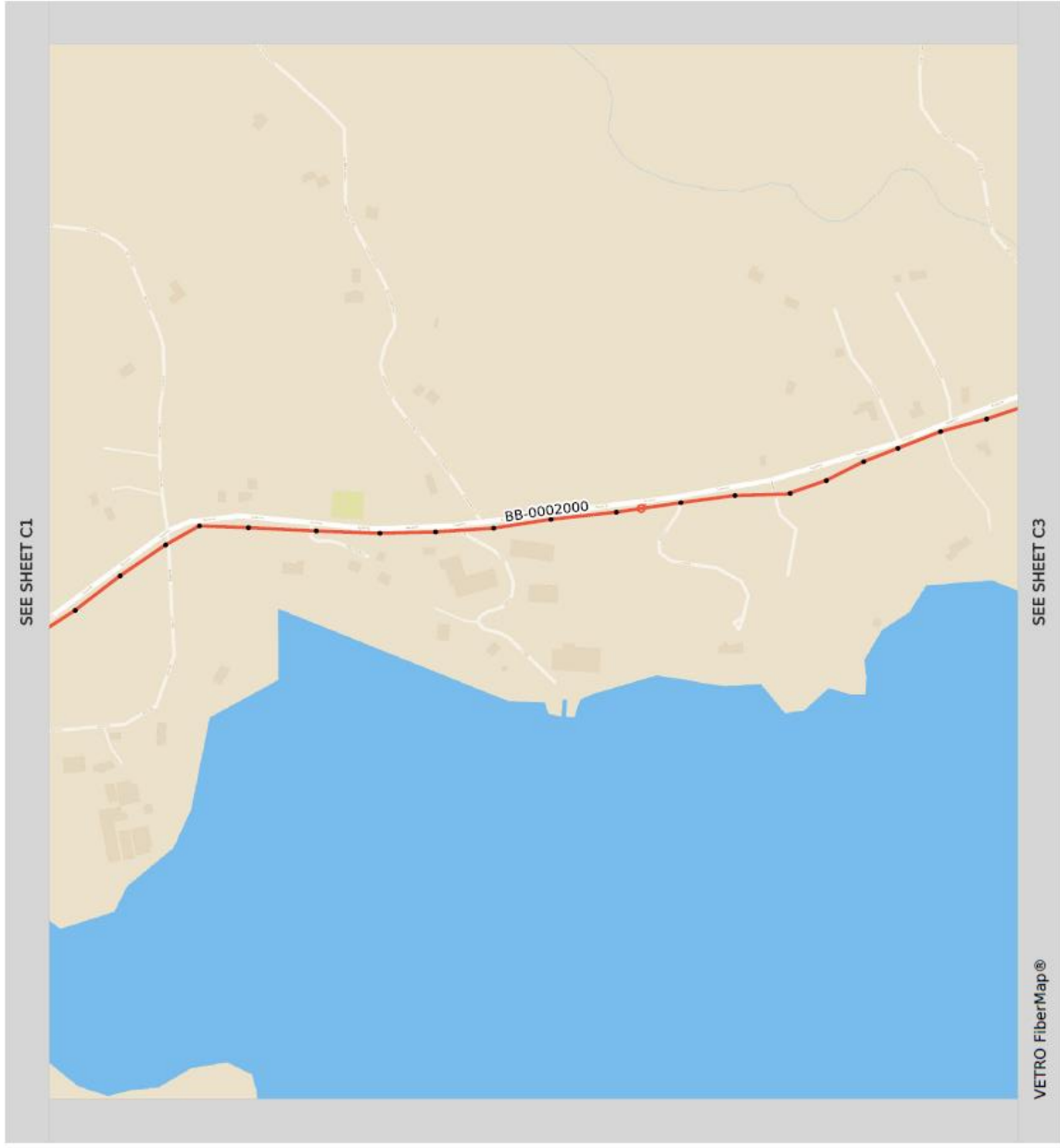
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- Service Location
- Slack Loop



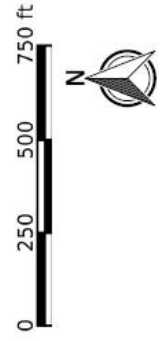
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Mapbook_20211223T114838 - Sheet C2



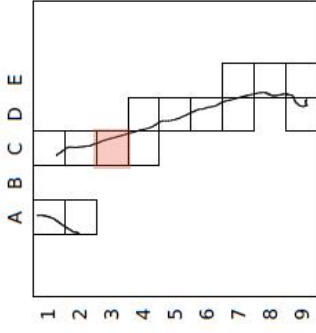
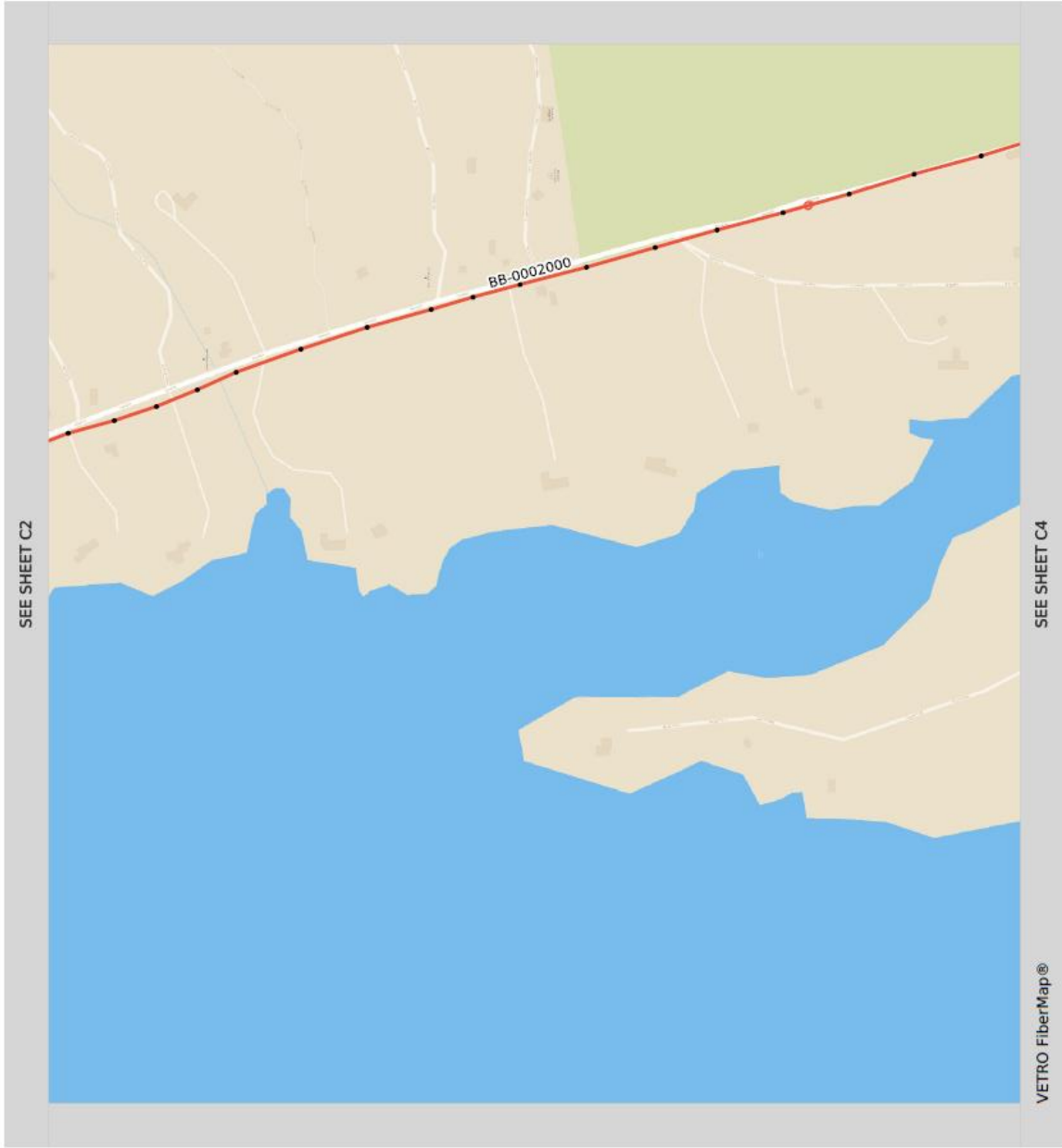
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- ◻ Service Location
- ◻ Slack Loop



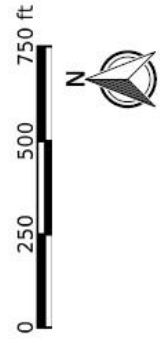
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Mapbook_20211223T114838 - Sheet C3



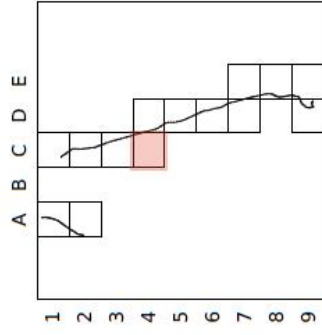
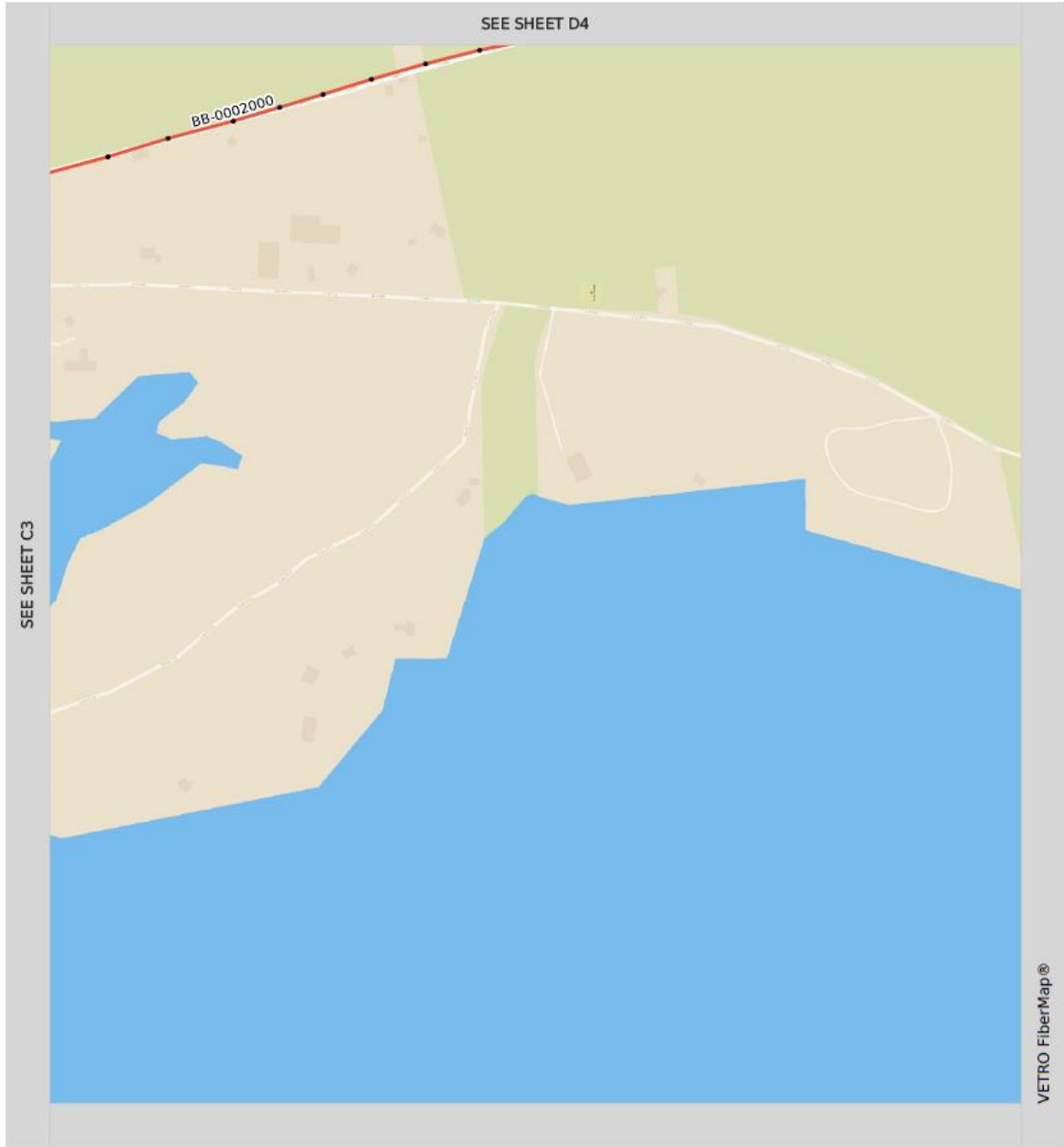
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- ▣ Service Location
- Slack Loop



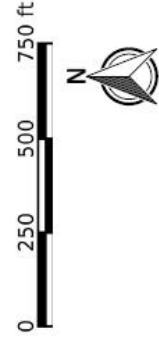
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Mapbook_20211223T114838 - Sheet C4



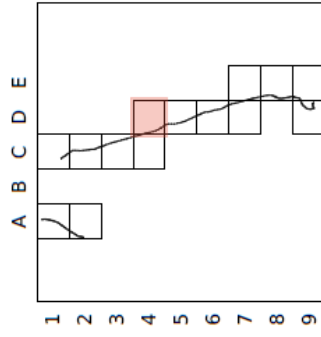
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- Service Location
- Slack Loop



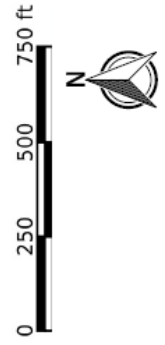
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Mapbook_20211223T114838 - Sheet D4



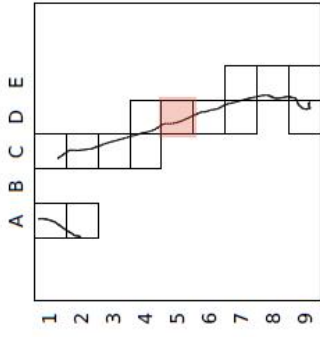
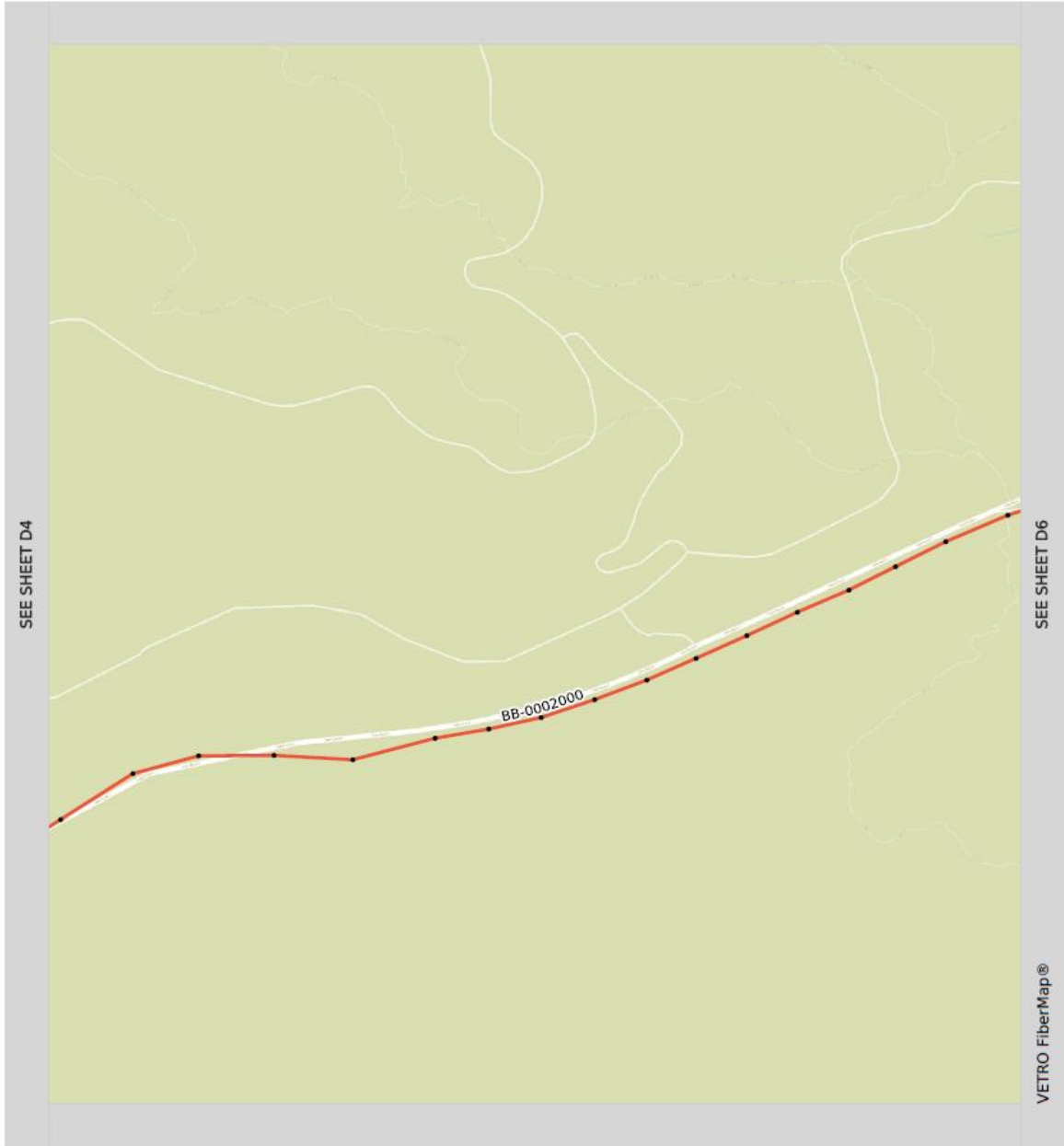
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- ▲ Service Location
- Slack Loop



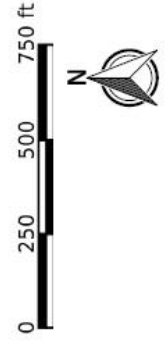
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Mapbook_20211223T114838 - Sheet D5



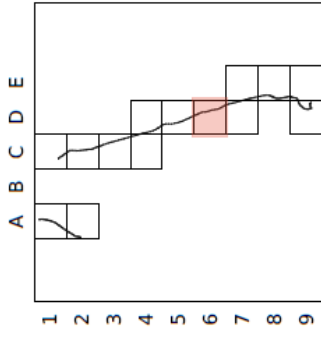
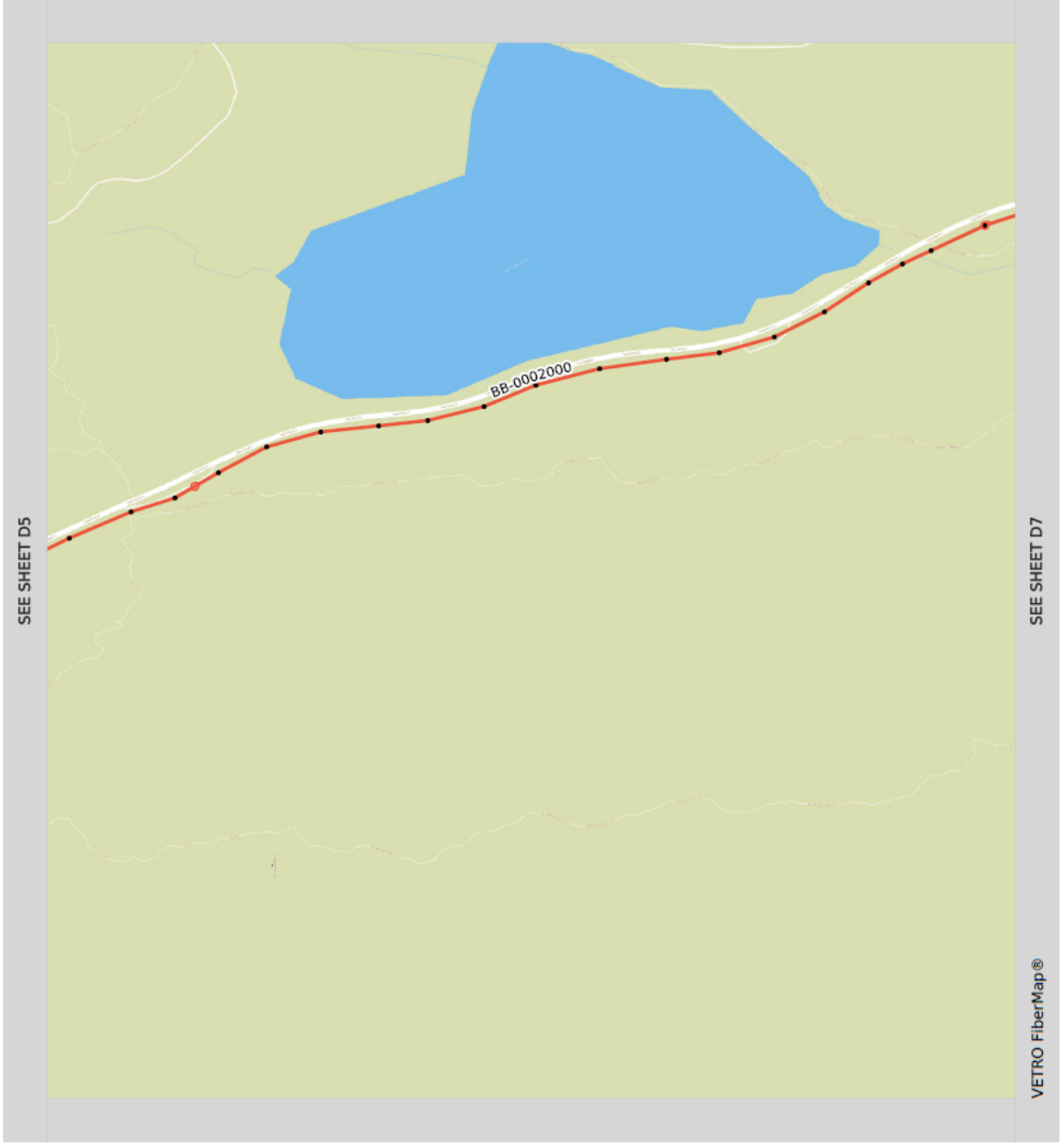
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- ◻ Service Location
- ◻ Slack Loop



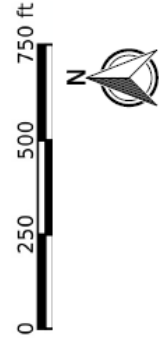
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Mapbook_20211223T114838 - Sheet D6



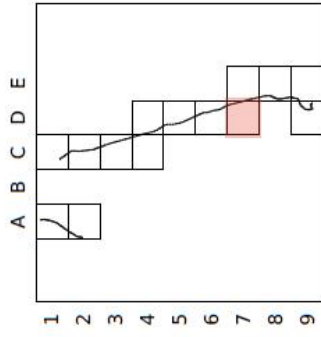
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- ◻ Service Location
- ◻ Slack Loop



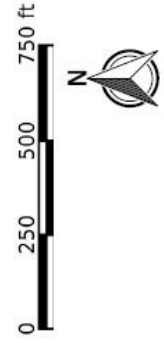
Scale: 1 Inch : 500 Feet

Mapbook_20211223T114838 - Sheet D7



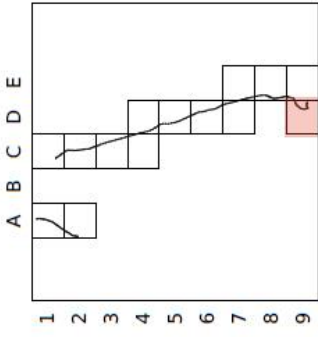
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- ◻ Service Location
- ◻ Slack Loop



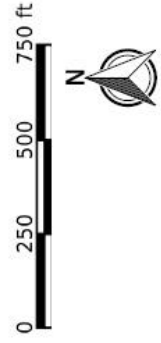
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Mapbook_20211223T114838 - Sheet D9

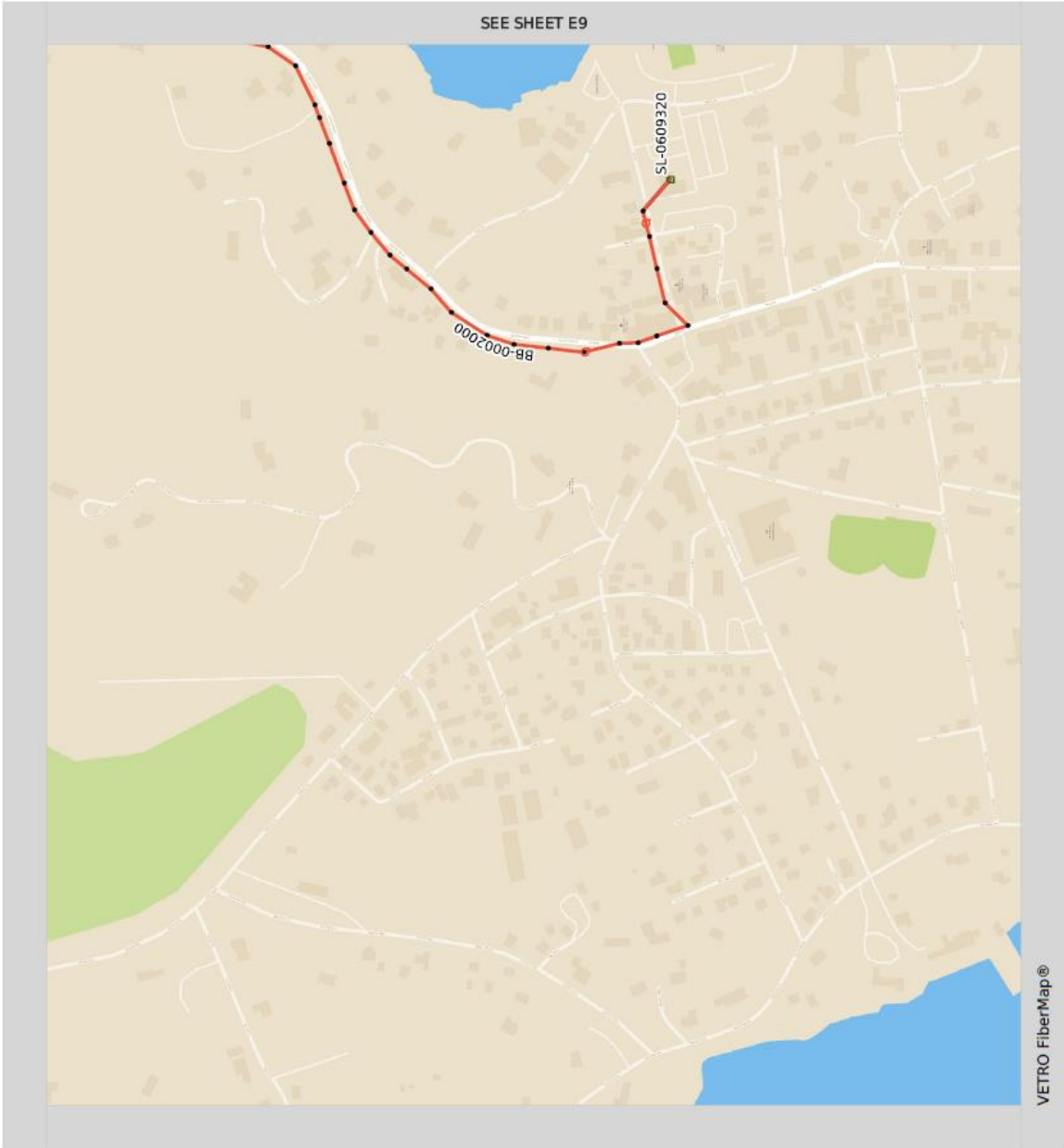


Legend

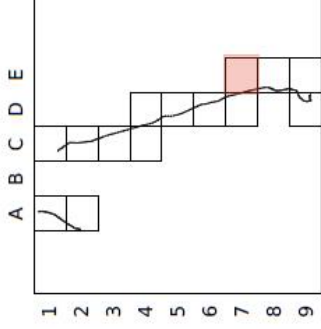
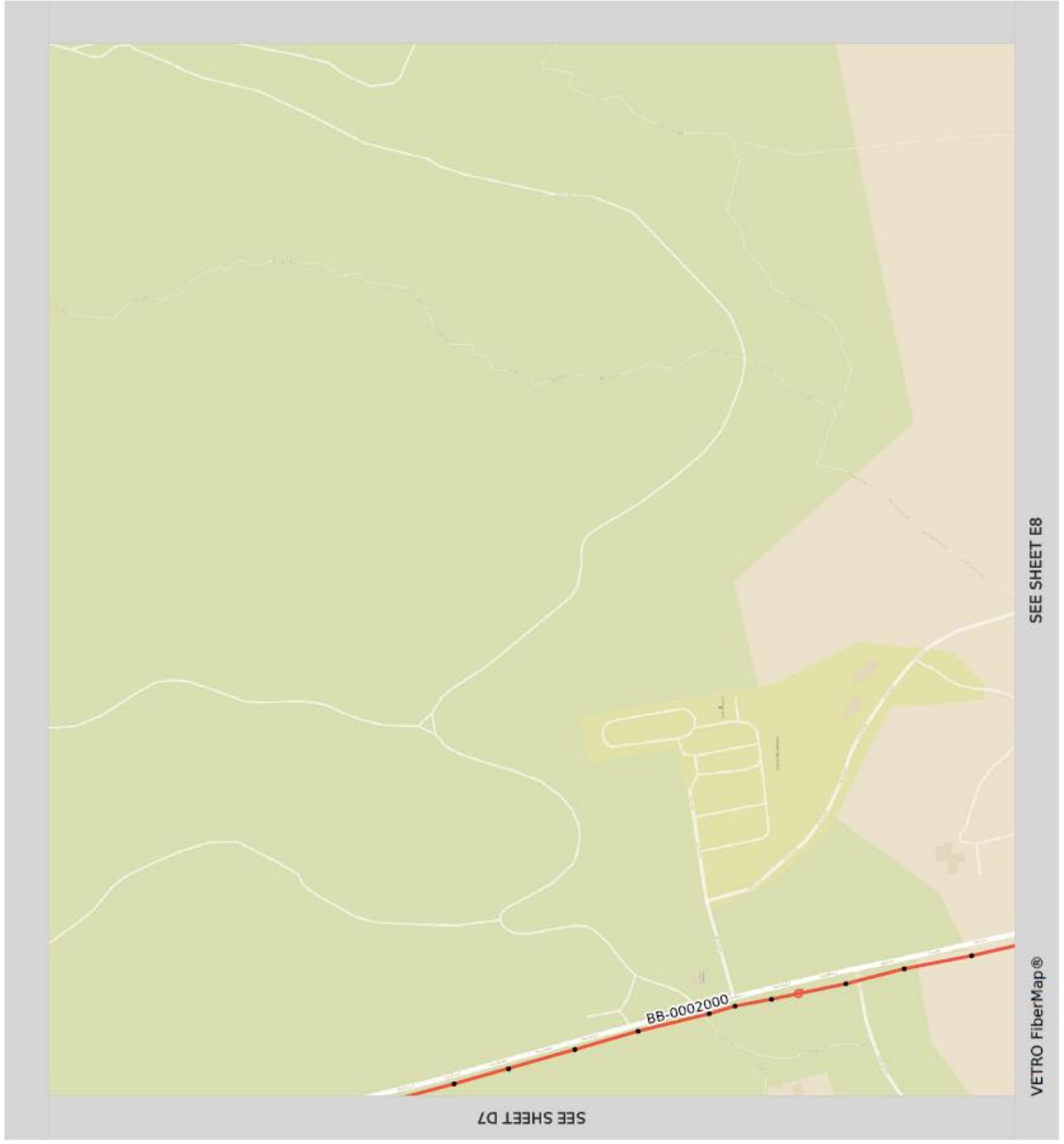
- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- ◻ Service Location
- ◻ Slack Loop



Scale: 1 inch : 500 Feet

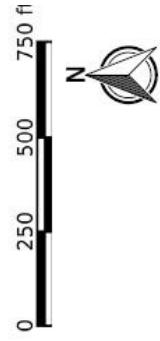


Mapbook_20211223T114838 - Sheet E7



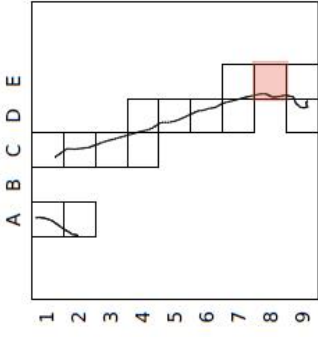
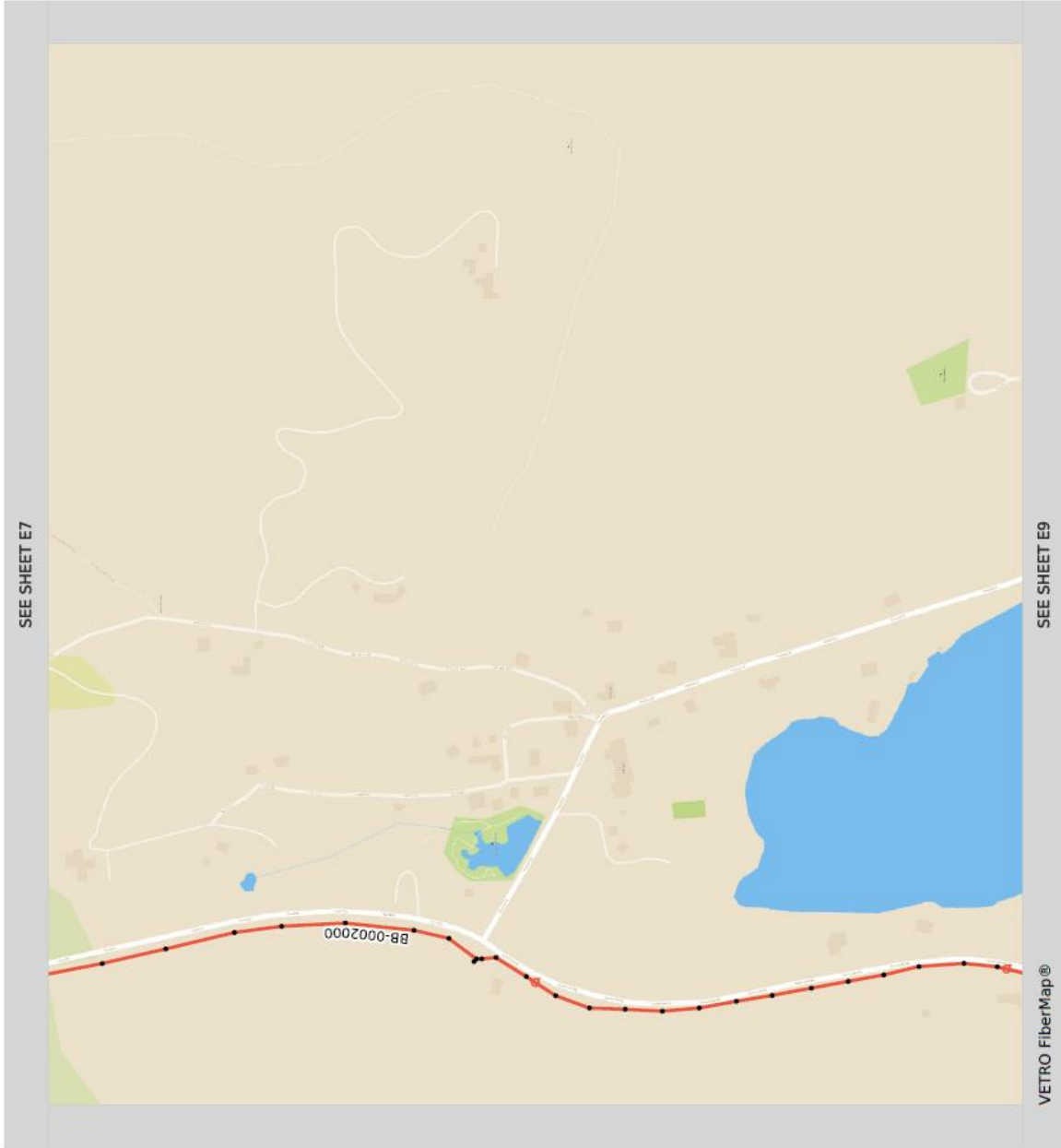
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- Service Location
- Slack Loop



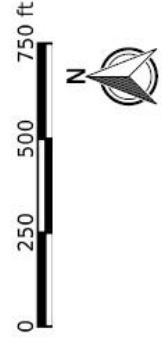
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Mapbook_20211223T114838 - Sheet E8



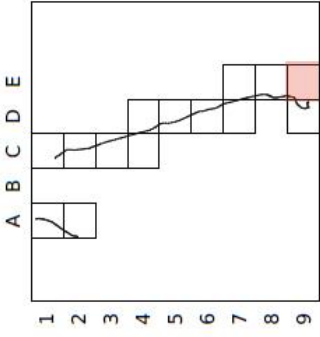
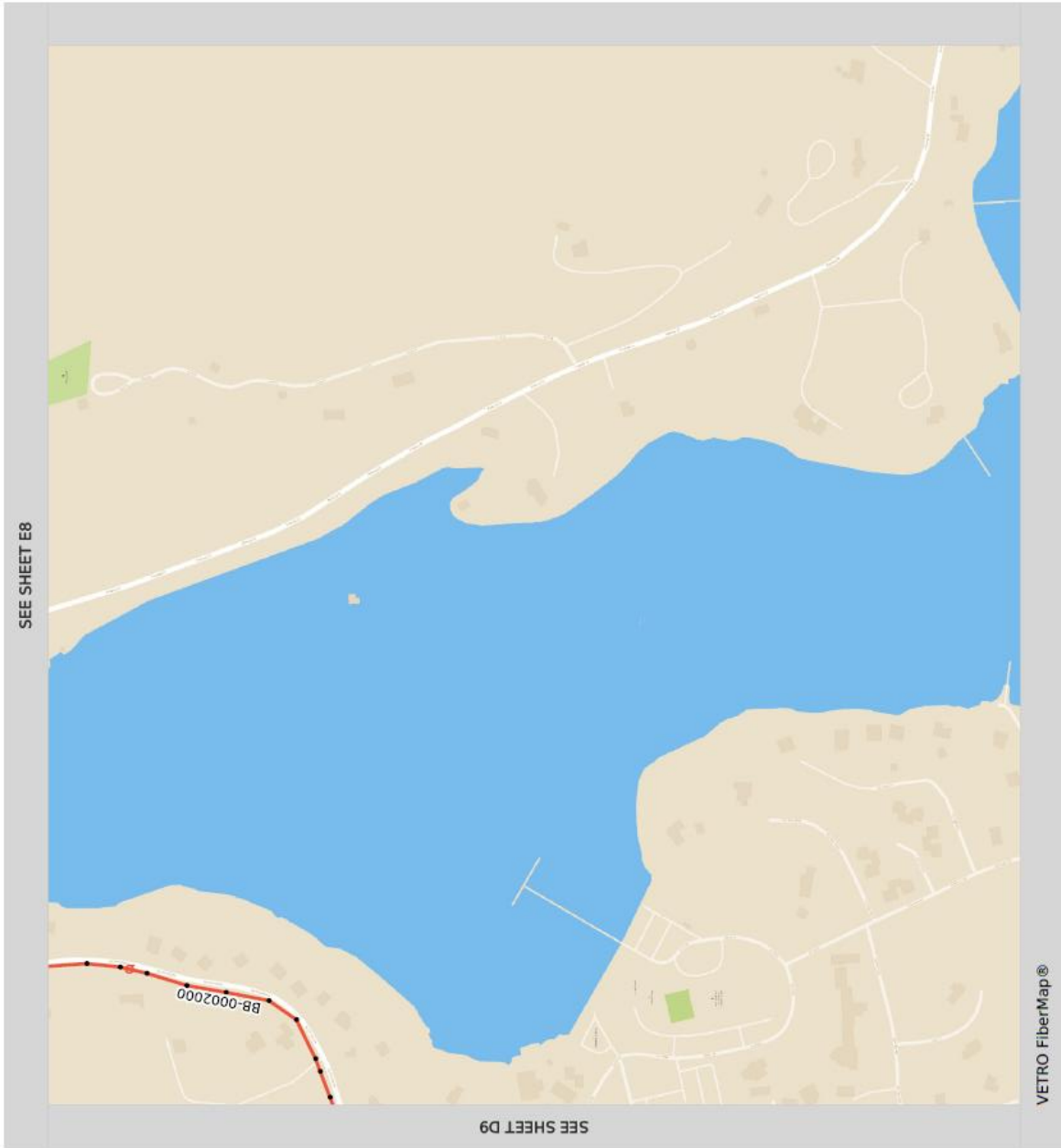
Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- Service Location
- Slack Loop



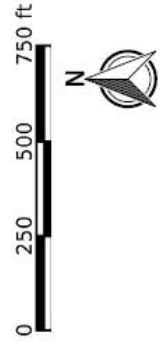
Scale: 1 inch : 500 Feet

Mapbook_20211223T114838 - Sheet E9



Legend

- Backbone
- Cabinet
- Duct
- Micro Duct
- Pole
- ◻ Service Location
- ◻ Slack Loop



Scale: 1 inch : 500 Feet

Appendix F (Article 46; pg. 14) Beech Hill Cross Road



Appendix G (Article 47; pg. 14) Seal Harbor Beach Erosion Project



Appendix H: Estimated Tax Rate

2022-2023 ESTIMATED TAX RATE

	Proposed F.Y. 2022-2023	Budget Last Year F.Y. 2021-2022	Increase / (Decrease)	% Change
Municipal Budget	\$12,660,096	\$10,568,319	\$2,091,777	16.5%
Elementary School	\$4,197,610	\$4,160,187	\$37,423	0.9%
High School	\$3,467,240	\$3,189,787	\$277,453	8.0%
Hancock County Tax	\$1,094,887	\$1,016,978	\$77,909	7.1%
Total Budget	\$21,419,833	\$18,935,271	\$2,484,562	11.6%
Less Projected Revenues	\$2,496,647	\$1,739,943.00	\$756,704	30.3%
Amount To Be Raised	\$18,923,186	\$17,249,138	\$1,674,048	8.8%
Estimated Taxable Valuation	\$2,282,827,554	\$2,090,804,620	\$192,022,934	8.4%
Estimated Tax Rate	\$8.30	\$8.25	\$0.05	0.6%

Est. 2022-2023 taxable valuation * mill rate of	\$8.30	\$18,947,469		2021-2022 Tax Rate	\$8.25	per \$1,000
2022-2023 amount to be raised		\$18,923,186		2022-2023 Tax Rate	\$8.30	
Estimated Overlay		\$24,283		% Increase In Tax Rate	0.6%	

Each \$0.10 on the tax rate raises \$228,300

To Reduce Mill Rate by:	\$0.10	Requires either reducing	\$228,300
	\$0.20	spending or increasing	\$456,600
	\$0.30	revenues by some	\$684,800
	\$0.40	combination thereof.	\$913,100
	\$0.50		\$1,141,400
	\$0.60		\$1,369,700
	\$0.70		\$1,598,000
	\$0.80		\$1,826,300
	\$0.90		\$2,054,500
	\$1.00		\$2,282,800

Appendix I (Reference Article 49; pg. 15)

2023 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET	
Municipality: MOUNT DESERT, ME Contact Person*: KYLE AVILA Phone Number: (207)276-5531	
* The Contact Person should be able to answer clarifying questions about the reported information.	
<p>The following two pages show how to calculate your municipality's property tax levy limit. Completing these pages is not mandatory, but doing so will help ensure that your municipality complies with Maine law on the rate of property tax increases. Information on new property, appropriations, and deductions should be collected from the assessor and the valuation book before completing these pages.</p> <p>Fiscal Year Municipalities – For communities with "fiscal year" budgets, the use of the term 2022 refers to the July 1, 2021 to June 30, 2022 budget year. The use of the term 2023 refers to the July 1, 2022 to June 30, 2023 budget year.</p>	
LAST YEAR'S (2022) MUNICIPAL PROPERTY TAX LEVY LIMIT	
This is the portion of 2022 property tax revenue used for municipal services.	
- If last year the municipality committed <u>LESS THAN</u> or <u>EQUAL TO</u> the limit, enter last year's limit on Line 1 below.	
- If last year the municipality voted to <u>EXCEED</u> the limit <u>ONCE</u> (just last year), enter last year's limit on Line 1 below.	
1. LAST YEAR'S MUNICIPAL PROPERTY TAX LEVY LIMIT	<u>\$9,055,915</u>
OR	
- If last year the municipality voted to <u>INCREASE</u> the limit <u>PERMANENTLY</u> , complete Steps A-D below. The information needed for this calculation is on the <i>Municipal Tax Assessment Warrant</i> , filed in the Valuation Book.	
A. Last year's Municipal Appropriations (Line 2, 2022 Municipal Tax Assessment Warrant)	_____
B. Last year's Total Deductions (Line 11, 2022 Municipal Tax Assessment Warrant)	_____
C. If necessary, enter any revenue included in Total Deductions that paid for non-municipal appropriations, such as schools. (If all deductions paid for municipal appropriations, enter "0".) \$	_____
D. Add Lines A and C, and subtract Line B. Enter result on Line 1 above.	
CALCULATE GROWTH LIMITATION FACTOR	
- Each municipality's Growth Limitation Factor is based on local property growth and statewide income growth.	
2. Total New Taxable Value of lots (splits), buildings, building improvements, and personal property first taxed on April 1, 2021 (or most recent year available)	<u>\$12,014,500</u>
3. Total Taxable Value of Municipality on April 1, 2021 (or most recent year available)	<u>\$2,090,804,620</u>
4. Property Growth Factor (Line 2 divided by Line 3)	<u>0.0057</u>
5. Income Growth Factor (provided by Office of Policy and Management)	<u>0.0378</u>
6. Growth Limitation Factor (Line 4 plus Line 5)	<u>0.0435</u>
7. Add 1 to the Growth Limitation Factor calculated in Line 6. (For example, if Line 6 is 0.0362, then enter 1.0362 on Line 7.)	<u>1.0435</u>
2023 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET	

Appendix J (Article 51; pg. 15) Northeast Harbor Marina Abutments

