

1 Town of Mount Desert  
2 Board of Selectmen

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4 **Meeting Minutes May 21, 2012**

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6 *A meeting of the Board of Selectmen was held this date in the Meeting Room, Town Hall,*  
7 *Northeast Harbor, Maine.*

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9 *Those present included: Chairman Tom Richardson; Selectmen Martha Dudman, Rick*  
10 *Mooers, and Dennis Shubert; staff members Town Manager Durlin Lunt, Fire Chief Bender,*  
11 *Public Works Director Tony Smith, Harbormaster Shawn Murphy, Attorney James Collier,*  
12 *and Town Clerk/Recording Secretary Joelle Nolan; and members of the public. Selectman*  
13 *Macauley was excused.*

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

17 Chairman Richardson called the meeting to order at 6:30 p.m.

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19 **II Public Hearing(s)**

20 A. *Special Amusement Permit Class E Asti-Kim Corporation*

21 Chairman Richardson opened the public hearing at 6:32 p.m. and asked for public  
22 comment. Hearing none, he closed the public hearing at 6:33 p.m.

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24 MOTION: Selectman Mooers moved, seconded by Selectman Shubert, to take agenda item  
25 VIII New Business B. out of order. The vote was unanimous in favor, 4-0.

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27 **VIII New Business**

28 B. *Crane Road Commercial Quarrying and Excavation Operation, citizen request*  
29 *for discussion*

30 Town Manager Lunt introduced the subject noting that he had met with the concerned  
31 parties, Mr. and Mrs. Shencavitz and Peter Aylen. Attorney James Collier was  
32 present representing the Town.

33  
34 Chairman Richardson questioned why the parties have not gone before the Planning  
35 Board or Zoning Board of Appeals, and why the issue has come before Board of  
36 Selectmen.

37  
38 Mr. Aylen explained they had met with Town Manager Lunt and at his suggestion  
39 they wrote a letter to the Selectmen expressing their concerns. They are trying to find  
40 out what avenues are available.

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42 Attorney Collier gave an overview of what has been taking place. Quarrying, as such,  
43 is not an allowed use in the Town of Mount Desert's Land Use Zoning Ordinance;  
44 however, mineral extraction allowed. He has talked with Attorney Pileggi,  
45 representing the Hall Quarry residents and Attorney Bearor representing Harold  
46 MacQuinn, Inc. The quarrying has stopped for now. Freshwater Stone Inc. plans to

1 go to the Planning Board for a resolution. That is the forum for discussion regarding  
2 hours of operation, etc.

3  
4 Attorney Pileggi commented that Freshwater Stone has pulled out of the quarry and  
5 seems to be honoring the agreement. He agrees the land use process is appropriate;  
6 and mentioned a wetlands issue.

7  
8 Chairman Richardson reminded them that the Zoning Board of Appeals is an option.  
9 Selectman Shubert asked if there are similar situations in Hall Quarry. Mr. Shencavitz  
10 said he had concerns that if this operation sets a precedent, others could start as well.  
11 He went on to describe the noise level, and said his property is uninhabitable from the  
12 noise.

13  
14 Selectman Shubert asked Attorney Collier at what point is it important to have Board  
15 of Selectman opinion of the preferential outcome. Attorney Collier replied the  
16 preferential outcome is to proceed with the Planning Board process, Code  
17 Enforcement Officer review, and Zoning Board of Appeals. Chairman Richardson  
18 stated the Board of Selectmen has no right to tell the Code Enforcement Officer or  
19 Planning Board how to conduct its job. There is a process.

20  
21 Attorney Collier opined that the Land Use Zoning Ordinance needs a better definition  
22 of abandonment; this happened due to mineral extraction allowed as a use in the  
23 LUZO.

24  
25 It was agreed that the process would continue with the Planning Board and Chairman  
26 Richardson thanked all for coming.

27  
28 **III Minutes**

29 *A. Approval of minutes from May 8, 2012 meeting.*

30 MOTION: Selectman Shubert moved, seconded by Selectman Dudman, to approve  
31 the minutes from May 8, 2012 as presented. The vote was unanimous in favor, 4-0.

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33 **IV Appointments & Resignations**

34 *A. Appoint Dylan Knowlton as part-time seasonal refuse laborer at an hourly pay*  
35 *rate of \$12.00, effective June 11, 2012*

36 MOTION: Selectman Mooers moved, seconded by Selectman Shubert, to appoint  
37 Dylan Knowlton as part-time seasonal refuse laborer at an hourly pay rate of \$12.00,  
38 effective June 11, 2012. The vote was unanimous in favor, 4-0.

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40 *B. Appoint Steve Bernard as part-time seasonal refuse laborer at an hourly pay*  
41 *rate of \$12.00, effective June 11, 2012*

42 MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to appoint  
43 Steve Bernard as part-time seasonal refuse laborer at an hourly pay rate of \$12.00,  
44 effective June 11, 2012. The vote was unanimous in favor, 4-0.

45

1 C. *Re-appoint Dan Falt and Chris Schleif as Commissioners to the Mount Desert*  
2 *Housing Authority Board for another term expiring May 31, 2017*

3 MOTION: Selectman Dudman moved, seconded by Selectman Shubert, to re-appoint  
4 Dan Falt and Chris Schleif as Commissioners to the Mount Desert Housing Authority  
5 Board for another term expiring May 31, 2017. The vote was unanimous in favor, 4-  
6 0.

7  
8 D. *Annual appointments of Employees, as presented*

9 MOTION: Selectman Dudman moved, seconded by Selectman Shubert, to approve  
10 the annual appointments of Employees, as presented. The vote was unanimous in  
11 favor, 4-0.

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13 E. *Annual appointments of Boards, as presented*

14 MOTION: Selectman Shubert moved, seconded by Selectman Dudman, to approve  
15 the annual appointments of Boards, as presented. The vote was unanimous in favor,  
16 4-0.

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18 F. *Annual appointments of Committees, as presented*

19 MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to appoint  
20 Selectman Shubert to the Investment Committee. The vote was unanimous in favor,  
21 4-0.

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23 MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to approve  
24 the annual appointments of Committees, as presented, including Selectman Shubert to  
25 the Investment Committee. The vote was unanimous in favor, 4-0.

26  
27 G. *Accept, with regret, resignation of Darrell Phillips from the Board of*  
28 *Assessment Review*

29 MOTION: Selectman Shubert moved, seconded by Selectman Mooers, to accept, with  
30 regret, resignation of Darrell Phillips from the Board of Assessment Review. The  
31 vote was unanimous in favor, 4-0.

32  
33 H. *Accept, with regret, resignation of Pat Foster from the Warrant Committee*

34 MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to accept,  
35 with regret, resignation of Pat Foster from the Warrant Committee.

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37 Chairman Richardson read Warrant Committee Chair Bill Ferm's letter extolling Mrs.  
38 Fosters service to the Town as a long-time Warrant Committee member.

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40 The vote was unanimous in favor, 4-0.

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

45 A. *Department Reports: Assessor, Code Enforcement, Fire, Public Works,*  
46 *Wastewater Treatment, Treasurer*

47 B. *Urban Land Institute Technical Assistance Panel schedule*

1           C.     *Municipal Review Committee 2012 second quarter payment*

2           MOTION: Selectman Mooers moved, seconded by Selectman Shubert, to accept  
3           Consent Agenda items A – C. The vote was unanimous in favor, 4-0.

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5   **VI     Selectmen’s Reports**

6           None presented.

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8   **VII    Old Business**

9           A.     *Warrant for Special Town Meeting June 11 & 12, 2012*

10          MOTION: Selectman Mooers moved, seconded by Selectman Shubert, to recommend  
11          passage of Article 3 as presented. The vote was unanimous in favor, 4-0.

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13          MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to  
14          recommend passage of Article 4 as presented. The vote was unanimous in favor, 4-0.

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16          MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to sign the  
17          Warrant as presented with the above recommendations. The vote was unanimous in  
18          favor, 4-0.

19  
20          B.     *Request from Treasurer for Accounts Receivable Write-off*

21          MOTION: Selectman Dudman moved, seconded by Selectman Shubert, to write-off a  
22          total of \$138.94 from Accounts Receivable Account #10-11530-00. The vote was  
23          unanimous in favor, 4-0.

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25          C.     *Sidewalk Bid Results and Recommendations for Award from Public Works*  
26          *Director*

27          Public Works Director Smith referred to his memo dated May 17, 2012.

28  
29          Selectman Shubert asked if the Town has a legal right to erect a sign indicating where  
30          the parking is for Azalea Gardens. Public Works Director Smith thought yes; he will  
31          ask MaineDOT for permission.

32  
33          MOTION: Selectman Mooers moved, seconded by Shubert, to authorize expenditure  
34          of up to \$25,000 from Public Works Road Reserve Account #20-24105-73 as needed  
35          as contingency for the projects. The vote was unanimous in favor, 4-0.

36  
37          MOTION: Selectman Mooers moved, seconded by Selectman Shubert, to award the  
38          Somesville sidewalk project to John W. Goodwin, Jr., Inc in an amount not to exceed  
39          of \$587,481.15; and authorize Town Manager to sign the agreement. The vote was  
40          unanimous in favor, 4-0.

41  
42          MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to award the  
43          Northeast Harbor – Seal Harbor sidewalk project to Peasley & O’Halloran Inc. in an  
44          amount not exceed \$745,747.00; and authorize Town Manager to sign the agreement.  
45          The vote was unanimous in favor, 4-0.

1 MOTION: Selectman Shubert moved, seconded by Selectman Dudman, to authorize  
2 Public Works Director to continue working with Hedefine Engineering for  
3 construction contract administration and inspection with the previously budgeted  
4 amount of \$93,000; and authorize Town Manager to sign any necessary agreements.  
5 The vote was unanimous in favor, 4-0.  
6

7 *D. Hancock County Planning Commission request for Representative to the*  
8 *Hancock County Planning Commission Full Commission*

9 MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to table  
10 indefinitely Hancock County Planning Commission request for a representative to the  
11 Hancock County Planning Commission Full Commission. The vote was unanimous  
12 in favor, 4-0.  
13

14 *E. Lease Agreement Town of Cranberry Isles Parking Spaces*

15 MOTION: Selectman Shubert moved, seconded by Selectman Mooers, to renew the  
16 Lease Agreement between Town of Cranberry Isles and Town of Mount Desert for  
17 Parking Spaces under the terms of the current lease. The vote was unanimous in  
18 favor, 4-0.  
19

20 **VIII New Business, continued**

21 *A. Proposed Resolution regarding the Removal of Corporate Money From*  
22 *Elections*

23 Russell Snyder was present and stated he is a resident of Mount Desert and a  
24 circulator of the petition. The proposed resolution calls for amending the Constitution  
25 to ban contributions to political campaigns from corporations – in other words to take  
26 big money out of politics. This is a national drive prompted by the U.S. Supreme  
27 Court's ruling that corporations have the same political rights as individuals. The  
28 hope is the petitions will pressure state and national legislators to obtain an  
29 amendment.  
30

31 MOTION: Selectman Dudman moved, seconded by Selectman Mooers, to support the  
32 proposed resolution as stated on the petition.  
33

34 DISCUSSION: Selectman Dudman said she supports the resolution; from the names  
35 on the petition she senses a strong sentiment in favor. Selectman Shubert said he  
36 admired the effort but has a long list of concerns about the proposed resolution.  
37 Chairman Richardson said he could not support the resolution as proposed.  
38

39 VOTE: The vote failed for lack of a majority, 2-2, with Chairman Richardson and  
40 Selectman Shubert voting against.  
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42 Chairman Richardson told Mr. Snyder that he could request that the issue be placed on  
43 the agenda for the Board's June 4 meeting.  
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*C. Suminsby Park, citizen request for engraving*  
Town Manager Lunt explained a good friend of Aurelia “Thistle” Brown has requested to have a Suminsby Park picnic table engraved with Thistle’s name and a sentiment. Ms. Brown, a longtime Northeast Harbor summer resident, loved Suminsby Park and Ms. Bullock thought this would be a nice tribute. Selectman Dudman suggested that usually a bench is often given in such a situation. Another suggestion was a picnic table with a plaque. Town Manager Lunt will pass on this information to Ms. Bullock.

*D. Application for Special Amusement Permit, Class E, from Asti-Kim Corp.*  
MOTION: Selectman Shubert moved, seconded by Selectman Mooers, to approve the application for Special Amusement Permit, Class E, from Asti-Kim Corp. The vote was unanimous in favor, 4-0.

*E. Application for Renewal of Liquor License from Elmer Beal Jr. and B. Allison Martin d/b/a Burning Tree Restaurant*  
MOTION: Selectman Mooers moved, seconded by Selectman Shubert, to approve the application for Renewal of Liquor License from Elmer Beal Jr. and B. Allison Martin d/b/a Burning Tree Restaurant. The vote was unanimous in favor, 4-0.

*F. Sewer Permit Application 2 Harbor Watch Lane, Northeast Harbor, request for waiver*  
MOTION: Selectman Shubert moved, seconded by Selectman Dudman, to approve the request from the property owners of 2 Harbor Watch Lane for a waiver of Section 4.04 of the Town of Mount Desert Sewer Ordinance as amended through March 6, 2007 . The vote was unanimous in favor, 4-0.

*G. Fire Chief request for authorization to release \$62,247.40 from Fire Equipment/Engine Reserve for 3<sup>rd</sup> installment on ladder truck*  
MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to authorize the release of \$62,247.40 from Fire Equipment/Engine Reserve Account #20-24104-71 for the 3rd installment payment on the ladder truck. The vote was unanimous in favor, 4-0.

*H. Fire Chief request for authorization to renew “Agreement between The U.S. Dep’t of Interior, NPS, ANP and Town of Mount Desert” regarding mutual assistance*  
MOTION: Selectman Mooers moved, seconded by Selectman Shubert, to authorize the Fire Chief to renew the “Agreement between The U.S. Dep’t of Interior, NPS, ANP and Town of Mount Desert” regarding mutual assistance. The vote was unanimous in favor, 4-0.

*I. Engineering Proposal for Professional Services – Town Office Building Addition*  
MOTION: Selectman Dudman moved, seconded by Selectman Mooers, to award the Engineering Proposal for Professional Services – Town Office Building Addition in

1 the amount of \$33,700 to Hedefine Engineering & Design, Inc., and to authorize  
2 Town Manager to sign the proposal. The vote was unanimous in favor, 4-0.

3  
4 *J. Engineering Proposal for Professional Services – Highway Garage*

5 MOTION: Selectman Shubert moved, seconded by Selectman Mooers, to award the  
6 Engineering Proposal for Professional Services – Highway Garage in the amount of  
7 \$84,600 to Hedefine Engineering & Design, Inc., and to authorize Town Manager to  
8 sign the proposal. The vote was unanimous in favor, 4-0.

9  
10 *K. Engineering Proposal for Professional Services – Northeast Harbor WWTP*  
11 *upgrade*

12 MOTION: Selectman Mooers moved, seconded by Selectman Shubert, to award the  
13 Engineering Proposal for Professional Services – Northeast Harbor WWTP upgrade in  
14 the amount of \$205,000 to Olver Associates, Inc. and to authorize Town Manager to  
15 sign the proposal. The vote was unanimous in favor, 4-0.

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17 *L. Neighborhood House Agreement*

18 MOTION: Selectman Dudman moved, seconded by Selectman Shubert, to approve  
19 the agreement between the Town of Mount Desert and the Neighborhood House as  
20 presented, and to authorize the Town Manager to sign the agreement. The vote was  
21 unanimous in favor, 4-0.

22  
23 *M. Chamber of Commerce Agreement*

24 MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to approve  
25 the agreement between the Town of Mount Desert and the Chamber of Commerce as  
26 presented, and to authorize the Town Manager to sign the agreement. The vote was  
27 unanimous in favor, 4-0.

28  
29 *N. Ticket Booth Agreement*

30 MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to approve  
31 the agreement between the Town of Mount Desert and the Ticket Booth Cooperative  
32 as presented, and to authorize the Town Manager to sign the agreement. The vote was  
33 unanimous in favor, 4-0.

34  
35 *O. Lurvey Wright American Legion Post No. 103 Lease*

36 MOTION: Selectman Mooers moved, seconded by Selectman Shubert, to approve the  
37 Lease between the Town of Mount Desert and the Lurvey Wright American Legion  
38 Post No. 103 as presented and to authorize the Town Manager to sign the agreement..  
39 The vote was unanimous in favor, 4-0.

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41 *P. Such other business as may be legally conducted*

42 None presented.  
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**IX Committee Meeting Reports**

A. *Shellfish Conservation Committee Minutes*

MOTION: Selectman Mooers moved, seconded by Selectman Dudman, to acknowledge receipt of the Shellfish Conservation Minutes dated April 11, 2012. The vote was unanimous in favor, 4-0.

**X Treasurer's Warrants**

A. *Approve Treasurer's Warrant #138 in the amount of \$905,075.16*

MOTION: Selectman Dudman moved, seconded by Selectman Mooers, to approve Treasurer's Warrant #138 in the amount of \$905,075.16. The vote was unanimous in favor, 4-0.

**XI Executive Session**

A. *None*

**XII Adjournment**

MOTION: At 7:31 p.m. Selectman Mooers moved, seconded by Selectman Shubert, to adjourn the meeting. The vote was unanimous in favor, 4-0.

Respectfully submitted,

John B. Macauley  
Secretary