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**Town of Mount Desert  
Annual Town Meeting  
Minutes  
Fiscal Year 2021 – 2022**

**Drive-In Town Meeting  
May 4, 2021  
6:00 p.m.**

**Mount Desert High School  
Parking Lot  
1081 Eagle Lake Road, Bar  
Harbor**

1 Town Clerk Claire Woolfolk called the meeting to order at fifty minutes past seven o'clock in the  
2 forenoon, May 3, 2021.

3  
4 Printed copies of the Warrant and Town Articles were made available.

5  
6  
7 **ARTICLE 1:** To elect a Moderator by written ballot.

8  
9 Town Clerk Woolfolk called for nominations of moderator. By motion and second William Ferm  
10 was nominated to serve as Moderator. A written vote was conducted, five votes were cast for  
11 Mr. Ferm and he was duly declared Moderator. Town Clerk Woolfolk swore in Mr. Ferm as  
12 Moderator. Moderator Ferm appointed and swore in Joelle Nolan as Deputy Moderator.

13  
14 Moderator Ferm declared the polls open at eight o'clock in the forenoon. Voting took place until  
15 eight o'clock in the evening, at which time Moderator Ferm declared the polls closed.

16  
17 Votes cast were counted, and Moderator Ferm announced the results at thirty minutes after ten  
18 o'clock in the evening.

19  
20 At thirty minutes after ten o'clock in the evening it was moved and seconded to recess and  
21 reconvene the meeting at six o'clock in the evening, Tuesday, May 4, 2021. A vote was called,  
22 and the motion passed.

23  
24 On Tuesday, May 4, 2021, Moderator Ferm reconvened the meeting at six o'clock in the  
25 evening.

26  
27 Moderator Ferm stated it was his honor to be nominated.

28  
29  
30 **ARTICLE 2:** To elect one member to the Board of Selectmen for a term of three years, two  
31 members to the Mount Desert Elementary School Board for a term of three years, and one  
32 trustee to the Mount Desert Island Regional School District for a term of three years.

33  
34 For Selectman, for a term of three years:

35 Martha T. Dudman	# votes: 109	ELECTED
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36  
37 For School Board, two members for a term of three years:

38 Brian Henkel	# votes: 103	ELECTED
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39 James Whitehead	# votes: 92	ELECTED
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40  
41 For School District Trustee, one member for a term of two years:

42 Anthony Smith	# votes: 95	ELECTED
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43  
44 Oaths of Office for the newly elected were not taken at this time.

45  
46  
47 **ARTICLE 3:** To see if non-voters shall be allowed, when recognized, to speak during the  
48 2021 Annual Town Meeting.

49  
50 The Warrant Committee moved and seconded passage of Article 3.

1  
2 Moderator Ferm explained the white cards distributed to those in attendance will indicate a vote.

3  
4 There was no question, comment, or discussion from the public.

5  
6 A vote by card was called and Article 3 was passed as moved.

7  
8  
9 **ARTICLE 4:** Shall an ordinance dated May 4, 2021 and entitled "Town of Mount Desert  
10 Alewife Ordinance" be enacted? The ordinance reads, in its entirety, "Regulations for the taking  
11 of alewives and blue back herring shall be as follows: For the year July 1, 2021 through June  
12 30, 2022 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount  
13 Desert."

14  
15 The Warrant Committee moved and seconded passage of Article 4.

16  
17 There was no question, comment, or discussion from the public.

18  
19 A vote by card was called and Article 4 was passed as moved.

20  
21  
22 **ARTICLE 5:** Shall an ordinance dated May 4, 2021 and entitled "Public Right-of-Way  
23 Ordinance" be enacted? **See Appendix A.1 & .2; A.2 Application**

24  
25 The Warrant Committee moved and seconded the passing over of Article 5.

26  
27 Moderator Ferm explained that if an Article is passed over, the meeting will continue, and can  
28 adjourn without action on the Article being taken.

29  
30 The reason for such action is that changes made to the Article did not make it into the warrant.  
31 This limits the public's ability to see how the Article progressed and changed through the process.  
32 There were no questions from the public.

33  
34 There was no question, comment, or discussion from the public.

35  
36 A vote by card was called and Article 5 was voted to be passed over.

37  
38  
39 **ARTICLE 6:** Shall an ordinance dated May 4, 2021 and entitled "Amendments to the Land  
40 Use Zoning Ordinance to add a definition of footpath and exclude footpaths and sidewalks from  
41 certain setbacks" be enacted as set forth below?

42  
43 ***Explanation: This Article changes the definition of "setback" so that footpaths***  
44 ***and sidewalks are exempt from the definition and would therefore be allowed***  
45 ***within a setback. In addition, the amendment will add a definition for***  
46 ***"footpath".***

47  
48 **SECTION 8 DEFINITIONS**

49 .  
50 .

1 .  
2 *Footpath: A landscape path or cleared way for pedestrians with a travelled surface*  
3 *not exceeding 6 feet in width that may be improved and may include stairs.*  
4 *Footpaths are not for motorized vehicle use. Footpaths in the shoreland zone need*  
5 *to be meandering and stairs must meet State Shoreland Zone and Natural Resource*  
6 *Protection Act standards. See Code Enforcement Officer for allowable materials for*  
7 *footpaths in the Shoreland Zone.*

8 .  
9 .  
10 .  
11 *SETBACK: The horizontal distance measured in a straight line from any property*  
12 *line, shoreline, road (or edge of legally established right-of-way if no road exists)*  
13 *abutting a lot or property to the nearest part of a structure or other regulated object or*  
14 *area. Setback shall apply to all sides of a lot having shore frontage or road frontage,*  
15 *unless stated otherwise within this Ordinance. For the purpose of setback*  
16 *requirements, fences, walls, signs, roads, parking areas, footpaths, sidewalks &*  
17 *driveways shall not be considered structures, except that roads, sidewalks, walls,*  
18 *parking areas, and driveways must meet shoreline setbacks. Where the setback is*  
19 *from a private right-of-way, the setback shall be equal to the property line setback*  
20 *requirements of the district in which the property is located.*

21  
22 The Warrant Committee moved and seconded the passing over of Article 6.

23  
24 It was explained that newly proposed definitions are not properly delineated so as to be  
25 identified by the public.

26  
27 Questions were asked and answered.

28  
29 A vote by card was called and Article 6 was voted to be passed over.

30  
31 Later in the meeting further discussion ensued, and a vote to reconsider Acting on Article 6 was  
32 made and approved. Article 6 was revisited at the end of the meeting.

33  
34  
35 **ARTICLE 7:** Shall an ordinance dated May 4, 2021 and entitled "Amendments to the Land  
36 Use Zoning Ordinance to remove footnote 4 from some permitted uses in the Resource  
37 Protection (RP) District to be in conformance with Shoreland Zoning Standards" be enacted as  
38 set forth be in below? **See Appendix B.**

39  
40 ***Explanation: This Article removes footnote 4 from the following permitted***  
41 ***uses: Clearing or Removal of Vegetation for activities other than timber***  
42 ***harvesting; Excavation or Filling< 50 cubic yards; Excavation or Filling of >50***  
43 ***to 150 cubic yards; Excavation or Filling of > 150 cubic yards, and Road &***  
44 ***driveway construction. This change will be in conformance to the State's***  
45 ***shoreland zoning requirements.***

46  
47 **SECTION 3 LAND USE DISTRICTS**

48 .  
49 .  
50 .  
51 **3.4 Permitted, Conditional, and Excluded Uses by District:**

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

*P* Use allowed without a permit (but the use must comply with all applicable land use standards)

*C* Use allowed with conditional use approval from the Planning Board Use allowed with conditional use approval from the Planning Board, except where the code enforcement officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit

*X* Use is prohibited

*CEO* Use allowed with a permit from the code enforcement officer

VR1	VILLAGE RESIDENTIAL ONE
VR2	VILLAGE RESIDENTIAL TWO
VR3	VILLAGE RESIDENTIAL THREE
R1	RESIDENTIAL ONE
R2	RESIDENTIAL TWO
SR1	SHORELAND RESIDENTIAL ONE
SR2	SHORELAND RESIDENTIAL TWO
SR3	SHORELAND RESIDENTIAL THREE
SR5	SHORELAND RESIDENTIAL FIVE
RW2	RURAL OR WOODLAND TWO
RW3	RURAL OR WOODLAND THREE
VC	VILLAGE COMMERCIAL
SC	SHORELAND COMMERCIAL
RP	RESOURCE PROTECTION
C	CONSERVATION
SP	STREAM PROTECTION

**See table of uses on See Appendix B**

The Warrant Committee moved and seconded the passing over of Article 7.

The passing over was due to an error in the language of the question of the Article, as opposed to the language in the text of the Warrant. The question refers to the Resource Protection standards; it should refer to the Stream Protection standards.

There was no question, comment, or discussion from the public.

A vote by card was called and Article 7 was voted to be passed over.

**ARTICLE 8:** Shall an ordinance dated May 4, 2021 and entitled “Amendments to Section 6A.6 Lighting-Outdoor” be enacted as set forth below? **See Appendix C**

**Explanation: This Article amends the outdoor lighting standards in the LUZO by adding more current definitions, modifying the applicable review standards,**

1 ***and reorganizing the entire section.***

2  
3 The Warrant Committee moved and seconded passage of Article 8.

4  
5 There was no question, comment, or discussion from the public.

6  
7 A vote by card was called and Article 8 was voted to be passed as moved.

8  
9  
10 **ARTICLE 9:** Shall an ordinance dated May 4, 2021 and entitled “Amendments to the Land  
11 Use Zoning Ordinance to clarify where the setback is measured from on a private road or right-  
12 of-way” be enacted as set forth below? **See Appendix D**

13  
14 ***Explanation: This Article moves existing language under the definition of***  
15 ***setback to Section 3.5, footnote C and modifies Table 3.5 to clarify where***  
16 ***setbacks are measured from on a private right-of-way or road.***

17  
18 The Warrant Committee moved and seconded passage of Article 9.

19  
20 There was no question, comment, or discussion from the public.

21  
22 A vote by card was called and Article 9 was voted to be passed as moved.

23  
24  
25 **ARTICLE 10:** To see if the Inhabitants of the Town of Mount Desert will vote to authorize  
26 the Board of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654), Unconditional Gifts  
27 (MRSA 30-A §5655), equipment, proceeds from sale of fire equipment or funds on behalf of the  
28 Municipal Fire Department. It is understood that any funds received will be placed in the Fire  
29 Equipment Reserve Fund.

30  
31 The Warrant Committee moved and seconded passage of Article 10.

32  
33 There was no question, comment, or discussion from the public.

34  
35 A vote by card was called and Article 10 was voted to be passed as moved.

36  
37  
38 **ARTICLE 11:** To see if the Inhabitants of the Town of Mount Desert will vote to authorize the  
39 Board of Selectmen to accept and expend on behalf of the Town additional state, federal and other  
40 funds (including unconditional gifts of money) received during the fiscal year 2020-2021 for Town  
41 purposes, provided that such additional funds do not require expenditure of local funds not  
42 previously appropriated.

43  
44 The Warrant Committee moved and seconded passage of Article 11.

45  
46 It was noted a typographical error was found in the Article and it should read “fiscal year 2021-  
47 2022”. Moderator Ferm permitted consideration of a Motion to amend the Article.

48  
49 A Motion to amend Article 11 was moved and seconded.

50  
51 There was no question, comment, or discussion from the public on the issue of amendment.

1  
2 A vote by card was called and the Motion to amend was approved.

3  
4 There was no question, comment, or discussion from the public on Article 11 as amended.

5  
6 A vote by card was called and Article 11 was voted to be passed as amended.

7  
8  
9 **ARTICLE 12:** To see if the Inhabitants of the Town of Mount Desert will vote to authorize  
10 the Board of Selectmen to lease a portion of the so-called Visitor Center at the Northeast Harbor  
11 Marina to the Ticket Booth operators for a term of one (1) year beginning July 1, 2021 under  
12 such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in the  
13 best interests of the Town.

14  
15 The Warrant Committee moved and seconded passage of Article 12.

16  
17 There was no question, comment, or discussion from the public.

18  
19 A vote by card was called and Article 12 was voted to be passed as moved.

20  
21  
22 **ARTICLE 13:** To see if the Inhabitants of the Town of Mount Desert will vote to authorize  
23 the Board of Selectmen, to lease a portion of the so-called Visitor Center at the Northeast  
24 Harbor Marina to the Mount Desert Chamber of Commerce for a term of one (1) year beginning  
25 July 1, 2021 under such terms and conditions as the Board of Selectmen, in its sole discretion,  
26 deems to be in the best interests of the Town.

27  
28 The Warrant Committee moved and seconded passage of Article 13.

29  
30 There was no question, comment, or discussion from the public.

31  
32 A vote by card was called and Article 13 was voted to be passed as moved.

33  
34  
35 **ARTICLE 14:** To see if the Inhabitants of the Town of Mount Desert will authorize the Board  
36 of Selectmen, to negotiate and enter into an agreement with the Neighborhood House Club, Inc.  
37 for management and maintenance of the municipal swimming pool, under such terms and  
38 conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests of  
39 the Town.

40  
41 The Warrant Committee moved and seconded passage of Article 14.

42  
43 There was no question, comment, or discussion from the public.

44  
45 A vote by card was called and Article 14 was voted to be passed as moved.

46  
47  
48 **ARTICLE 15:** To see if the Inhabitants of the Town of Mount Desert will vote to approve  
49 July 1, each year, as the date on which all taxes shall be due and payable providing that all  
50 unpaid taxes on September 1, of each year, shall be charged interest at an annual rate of 6%  
51 (percent) per year. (Tax Club members are exempt within the terms and conditions of the

1 Town's Tax Club Agreement.)

2  
3 The Warrant Committee moved and seconded passage of Article 15.

4  
5 There was no question, comment, or discussion from the public.

6  
7 A vote by card was called and Article 15 was voted to be passed as moved.

8  
9  
10 **ARTICLE 16:** To see if the Inhabitants of the Town of Mount Desert will vote to authorize  
11 the Tax Collector to enter into a standard "tax club" agreement with taxpayers whereby: (1) the  
12 taxpayer agrees to pay specified monthly payments to the Town based on the taxpayer's  
13 estimated and actual tax obligation for current year property taxes (real estate and/or personal);  
14 (2) the Town agrees to waive interest on timely payments; (3) the Town authorizes the Tax  
15 Collector to accept payment of taxes prior to commitment of taxes; (4) the agreement  
16 automatically terminates if two consecutive payments are missed and the taxpayer thereupon  
17 becomes subject to the same due date and interest rate as other, nonparticipating taxpayers;  
18 (5) only taxpayers who are paid in full on their property tax obligations may participate; and (6)  
19 interested taxpayers shall apply annually for participation by the date shown on the application,  
20 date and application format to be determined by the Tax Collector.

21  
22 The Warrant Committee moved and seconded passage of Article 16.

23  
24 There was no question, comment, or discussion from the public.

25  
26 A vote by card was called and Article 16 was voted to be passed as moved.

27  
28  
29 **ARTICLE 17:** To see if the Town will vote to authorize the Tax Collector to accept pre-  
30 payment of property taxes not yet committed, not to exceed the estimated amount to be  
31 committed in 2021, with no interest to be paid on same.

32  
33 The Warrant Committee moved and seconded passage of Article 17.

34  
35 There was no question, comment, or discussion from the public.

36  
37 A vote by card was called and Article 17 was voted to be passed as moved.

38  
39  
40 **ARTICLE 18:** To see if the Inhabitants of the Town of Mount Desert will vote to set the  
41 interest rate to be paid by the Town for abated taxes that have been paid at the rate of 3%  
42 (percent) per year.

43  
44 The Warrant Committee moved and seconded passage of Article 18.

45  
46 There was no question, comment, or discussion from the public.

47  
48 A vote by card was called and Article 18 was voted to be passed as moved.

49  
50  
51 **ARTICLE 19:** To see if the inhabitants of the Town of Mount Desert will vote to authorize



1 expenditures to pay any tax abatements granted by the Assessor, Board of Assessment Review,  
2 or Board of Selectmen together with any interest due thereon from the Town, during the fiscal  
3 year beginning July 1, 2021, in an aggregate amount not to exceed the property tax commitment  
4 overlay.

5  
6 The Warrant Committee moved and seconded passage of Article 19.

7  
8 There was no question, comment, or discussion from the Public.

9  
10 A vote by card was called and Article 19 was voted to be passed as moved.

11  
12  
13 **ARTICLE 20:** To see if the Inhabitants of the Town of Mount Desert will vote to authorize  
14 the Board of Selectmen to dispose by public bid of Town-owned property, other than real  
15 property, with a value of ten thousand dollars (\$10,000.00) or less under such terms and  
16 conditions as it deems advisable.

17  
18 The Warrant Committee moved and seconded passage of Article 20.

19  
20 There was no question, comment, or discussion from the Public.

21  
22 A vote by card was called and Article 20 was voted to be passed as moved.

23  
24  
25 **ARTICLE 21:** To see if the Inhabitants of the Town of Mount Desert will vote to authorize  
26 the Board of Selectmen to sell at public auction or by advertised sealed bid, and to convey titles  
27 obtained under tax deeds and under deeds of conveyance to the Inhabitants of the Town any  
28 land and/or buildings, including trailers, in lieu of payment of taxes except that the Selectmen  
29 have the power to authorize redemption. Municipal Officers shall use the special sale process  
30 required by 36 M.R.S. § 943-C for qualifying homestead property if they choose to sell it to  
31 anyone other than the former owner(s).

32  
33 The Warrant Committee moved and seconded passage of Article 21.

34  
35 There was no question, comment, or discussion from the Public.

36  
37 A vote by card was called and Article 21 was voted to be passed as moved.

38  
39  
40 **ARTICLE 22:** To see if the Inhabitants of the Town of Mount Desert will vote to authorize  
41 the Board of Selectmen to contract for services, in amounts not to exceed appropriation for  
42 same, under such terms and conditions as it deems advisable.

43  
44 The Warrant Committee moved and seconded passage of Article 22.

45  
46 There was no question, comment, or discussion from the Public.

47  
48 A vote by card was called and Article 22 was voted to be passed as moved.

49  
50  
51 **ARTICLE 23:** To see if the Inhabitants of the Town of Mount Desert will vote to transfer Five

1 hundred thousand dollars (\$500,000.00) from the Undesignated Fund Balance Account # 100-  
2 38300 to reduce the 2021 – 2022 tax commitment.

3  
4 The Warrant Committee moved and seconded passage of Article 23.

5  
6 There was no question, comment, or discussion from the Public.

7  
8 A vote by card was called and Article 23 was voted to be passed as moved.  
9

10  
11 **ARTICLE 24:** Shall the voters of the Town of Mount Desert authorize the Town to  
12 appropriate an amount not to exceed \$357,500.00 from the Capital Gains Reserve Account  
13 number 400-24202 to pay for professional technical services associated with the design and  
14 bidding of the improvements to the Northeast Harbor Fire Station located at 21 Sea Street in the  
15 Village of Northeast Harbor, with said improvements being made to accommodate anticipated  
16 staffing, storage and equipment needs of the Town's fire department and ambulance service,  
17 and with said improvements to include but not be limited to staff quarters, meeting and general  
18 purpose rooms, equipment and gear storage and other fire, ambulance and personnel needs  
19 identified during the design process, all as generally described and illustrated in the concept  
20 sketches located in **Appendix E Option 1 and Appendix E Option 2 - Sketches**, and further  
21 to authorize the Board of Selectmen or its designee to execute any and all contracts and  
22 documents and do all things necessary or convenient to accomplish the project?  
23

24 The Warrant Committee moved and seconded passage of Article 24.

25  
26 Lengthy discussion ensued, both for and against Article 24.

27  
28 Moderator Ferm called for a vote by handcount.

29  
30 Motion approved: 46 In Favor – 18 Opposed.  
31

32  
33 **ARTICLE 25:** To see what sum the Inhabitants of the Town of Mount Desert will vote to  
34 raise and/or appropriate as Revenue through Excise Taxes, Service Fees and miscellaneous  
35 sources for the 2021 – 2022 Town Budget.  
36

37 **Board of Selectmen recommends \$1,739,943.00**

38 **Warrant Committee recommends \$1,239,943.00 (17 Ayes; 0 Nays)**  
39

40 The Warrant Committee moved and seconded passage of Article 25 in the amount, as printed in  
41 the Warrant, that amount being \$1,239,943.00.  
42

43 Manager Durlin Lunt explained the discrepancy between the Selectboard recommendation and  
44 the Warrant Committee recommendation. Total revenues are \$1,739,943.00. The Town has  
45 already voted, in Article 23, to transfer \$500,000 out of the revenues to reduce the 2021 – 2022  
46 tax commitment.

47  
48 There was no question, comment, or discussion from the Public.

49  
50 A vote by card was called and Article 25 was voted to be passed as moved.  
51

**ARTICLE 26:** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 200 through 221 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 2021 – 2022 Town Budget.

<b>Gov. Body (Bd of Selectmen):</b>	<b>\$35,301.00</b>
<b>Town Management:</b>	<b>\$377,254.00</b>
<b>Town Clerk:</b>	<b>\$123,032.00</b>
<b>Registrar:</b>	<b>\$2,000.00</b>
<b>Elections:</b>	<b>\$12,250.00</b>
<b>Planning Board:</b>	<b>\$51,321.00</b>
<b>Finance:</b>	<b>\$162,209.00</b>
<b>Treasurer:</b>	<b>\$70,241.00</b>
<b>Tax Collector:</b>	<b>\$20,574.00</b>
<b>Assessment:</b>	<b>\$132,316.00</b>
<b>Code Enforcement:</b>	<b>\$176,595.00</b>
<b>Unallocated:</b>	<b>\$113,000.00</b>
<b>Human Resources:</b>	<b>\$5,000.00</b>
<b>Technology:</b>	<b>\$197,896.00</b>

**Board of Selectmen recommends \$1,478,989.00**

**Warrant Committee recommends \$1,478,989.00 (16 Ayes; 0 Nays)**

The Warrant Committee moved and seconded passage of Article 26 in the amount of \$1,478,989.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 26 was voted to be passed as moved.

**ARTICLE 27:** 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 2021 – 2022 Town Budget.

**Board of Selectmen recommends \$5,000.00**

**Warrant Committee recommends \$5,000.00 (16 Ayes; 0 Nays)**

The Warrant Committee moved and seconded passage of Article 27 in the amount of \$5,000.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 27 was voted to be passed as moved.

**ARTICLE 28:** 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 2021 – 2022 Town Budget.

**Board of Selectmen recommends \$198,529.00**  
**Warrant Committee recommends \$198,529.00 (16 Ayes; 0 Nays)**

The Warrant Committee moved and seconded passage of Article 28 in the amount of \$198,529.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 28 was voted to be passed as moved.

**ARTICLE 29:** 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 2021 – 2022 Town Budget.

**Board of Selectmen recommends \$25,750.00**  
**Warrant Committee recommends \$25,750.00 (16 Ayes; 0 Nays)**

The Warrant Committee moved and seconded passage of Article 29 in the amount of \$25,750.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 29 was voted to be passed as moved.

**ARTICLE 30:** To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and appropriate for Department 401 and 408 Public Safety – Police and Communications (Dispatch) for the 2021 – 2022 Town Budget.

<b>Police:</b>	<b>\$903,188.00</b>
<b>Communications:</b>	<b>\$378,696.00</b>

**Board of Selectmen recommends \$1,281,884.00**  
**Warrant Committee recommends \$1,281,884.00 (17 Ayes; 0 Nays)**

The Warrant Committee moved and seconded passage of Article 30 in the amount of \$1,281,884.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 30 was voted to be passed as moved.

**ARTICLE 31:** 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 2021 – 2022 Town Budget.

<b>Fire:</b>	<b>\$711,083.00</b>
<b>Hydrants:</b>	<b>\$273,500.00</b>

**Emergency Management: \$1,000.00**

**Board of Selectmen recommends \$985,583.00**

**Warrant Committee recommends \$985,583.00 (17 Ayes; 0 Nays)**

The Warrant Committee moved and seconded passage of Article 31 in the amount of \$985,583.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 31 was voted to be passed as moved.

**ARTICLE 32:** 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 2021 – 2022 Town Budget.

**Roads: \$1,829,707.00**

**Buildings/Grounds: \$230,026.00**

**Parks/Cemeteries: \$49,318.00**

**Waste Management: \$594,675.00**

**Environmental Sustainability: \$26,000.00**

**Board of Selectmen recommends \$2,729,726.00**

**Warrant Committee recommends \$2,729,726.00 (17 Ayes; 0 Nays)**

The Warrant Committee moved and seconded passage of Article 32 in the amount of \$2,729,726.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 32 was voted to be passed as moved.

**ARTICLE 33:** 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 2021 – 2022 Town Budget.

**Sewer Capital: \$ 0.00**

**Sewer Operation: \$674,346.00**

**Wastewater Treatment**

**Northeast Harbor Plant: \$154,350.00**

**Somesville Plant: \$64,500.00**

**Seal Harbor Plant: \$112,258.00**

**Otter Creek Pump Station: \$33,000.00**

**Board of Selectmen recommends \$1,038,454.00**

**Warrant Committee recommends \$1,038,454.00 (17 Ayes; 0 Nays)**

1 The Warrant Committee moved and seconded passage of Article 33 in the amount of  
2 \$1,038,454.00.

3  
4 There was no question, comment, or discussion from the Public.

5  
6 A vote by card was called and Article 33 was voted to be passed as moved.  
7

8  
9 **ARTICLE 34:** To see what sum the Inhabitants of the Town of Mount Desert will vote to  
10 raise and appropriate for Department 605 Recreation (Public Pool ~Utilities & Maintenance) for  
11 the 2021 – 2022 Town Budget.

12  
13 **Board of Selectmen recommends \$5,900.00**  
14 **Warrant Committee recommends \$5,900.00 (17 Ayes; 0 Nays)**  
15

16 The Warrant Committee moved and seconded passage of Article 34 in the amount of  
17 \$5,900.00.

18  
19 The Moderator asked for public questions or comment. There were none.

20  
21 A vote by card was called and Article 34 was voted to be passed as moved.  
22

23  
24 **ARTICLE 35:** To see what sum the Inhabitants of the Town of Mount Desert will  
25 vote to raise and appropriate for Department 701 Economic/Community  
26 Development for the 2021 – 2022 Town Budget.

27  
28 **Board of Selectmen recommends \$10,000.00**  
29 **Warrant Committee recommends \$10,000.00 (17 Ayes; 0 Nays)**  
30

31 The Warrant Committee moved and seconded passage of Article 35 in the amount of  
32 \$10,000.00.

33  
34 There was no question, comment, or discussion from the Public.

35  
36 A vote by card was called and Article 35 was voted to be passed as moved.  
37

38  
39 **ARTICLE 36:** To see what sum the Inhabitants of the Town of Mount Desert will  
40 vote to raise and appropriate for Department 801 Debt Service for the 2021 – 2022  
41 Town Budget.

42  
43 **Board of Selectmen recommends \$1,863,050.00**  
44 **Warrant Committee recommends \$1,863,050.00 (17 Ayes; 0 Nays)**  
45

46 The Warrant Committee moved and seconded passage of Article 36 in the amount of  
47 \$1,863,050.00.

48  
49 There was no question, comment, or discussion from the Public.

50  
51 A vote by card was called and Article 36 was voted to be passed as moved.

**ARTICLE 37:** 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 2021 – 2022 Town Budget.

<b>Libraries:</b>	<b>\$35,500.00</b>
<b>Village Improvement Societies:</b>	<b>\$78,315.00</b>
<b>Recreation:</b>	<b>\$90,000.00</b>
<b>Public/Social Service Agencies:</b>	<b>\$128,032.00</b>

<b>Board of Selectmen recommends</b>	<b>\$331,847.00</b>
<b>Warrant Committee recommends</b>	<b>\$331,847.00 (16 Ayes; 0 Nays)</b>

The Warrant Committee moved and seconded passage of Article 37 in the amount of \$331,847.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 37 was voted to be passed as moved.

**ARTICLE 38:** 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 2021 – 2022 Town Budget.

<b>Board of Selectmen recommends</b>	<b>\$613,607.00</b>
<b>Warrant Committee recommends</b>	<b>\$613,607.00 (17 Ayes; 0 Nays)</b>

The Warrant Committee moved and seconded passage of Article 38 in the amount of \$613,607.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 38 was voted to be passed as moved.

**ARTICLE 39:** To see if the Inhabitants of the Town of Mount Desert will vote to increase the property tax levy limit by \$0.00. **See Appendix G.**

**Explanation: The State Legislature passed a “tax reform” law known as LD#1. This bill created a maximum municipal tax levy based upon this year’s tax, plus an allowance for inflation and the Town’s tax base growth due to new construction. However, LD#1 allows Mount Desert voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. The only requirement is that a secret vote must be taken by written ballot.**

<b>Board of Selectmen recommends a \$0.00 limit for the tax levy</b>
<b>Warrant Committee recommends (17 Ayes; 0 Nays)</b>

The Warrant Committee moved and seconded passing over Article 39.

Moderator Ferm noted the reason for passing over the Article was that there is no need to approve any additional amount.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 39 was voted to be passed over as moved.

**ARTICLE 40:** 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:** **\$792,659.00**

**Expense:** **\$792,659.00**

**Board of Selectmen recommends ratification**

**Warrant Committee makes no recommendation.**

At the request of the Moderator, the Warrant Committee moved and seconded ratification of Article 40.

There was no question, comment, or discussion from the Public.

A vote by card was called and ratification of Article 40 was approved as moved.

**ARTICLE 41:** To see what sum the School Board will be authorized to expend for Regular Instruction for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

**School Board recommends** **\$2,084,751.00**

**Warrant Committee recommends** **\$2,084,751.00 (15 Ayes; 0 Nays)**

**Note: 2020-21 Amount was \$1,687,060**

The Warrant Committee moved and seconded passage of Article 41 in the amount of \$2,084,751.00.

There was no question, comment, or discussion from the Public.

A vote by card was called and Article 41 was voted to be passed as moved.

**ARTICLE 42:** To see what sum the School Board will be authorized to expend for Special Education for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

**School Board recommends** **\$769,150.00**

**Warrant Committee recommends** **\$769,150.00 (15 Ayes; 0 Nays)**

**Note: 2020-21 Amount was \$839,483**

The Warrant Committee moved and seconded passage of Article 42 in the amount of \$769,150.00.



1 There was no question, comment, or discussion from the Public.

2  
3 A vote by card was called and Article 42 was voted to be passed as moved.  
4

5  
6 **ARTICLE 43:** To see what sum the School Board will be authorized to expend for Career  
7 and Technical Education for the fiscal year beginning July 1, 2021 and ending June 30, 2022.  
8

9 **School Board recommends** **\$0.00**  
10 **Warrant Committee recommends** **\$0.00 (16 Ayes; 0 Nays)**  
11 **Note: 2020-21 Amount was \$ -0-**  
12

13 The Warrant Committee moved and seconded passage of Article 43 in the amount of \$0.00.  
14

15 There was no question, comment, or discussion from the Public.  
16

17 A vote by card was called and Article 43 was voted to be passed as moved.  
18  
19

20 **ARTICLE 44:** To see what sum the School Board will be authorized to expend for Other  
21 Instruction for the fiscal year beginning July 1, 2021 and ending June 30, 2022.  
22

23 **School Board recommends** **\$86,651.00**  
24 **Warrant Committee recommends** **\$86,651.00 (16 Ayes; 0 Nays)**  
25 **Note: 2020-21 Amount was \$ 84,880**  
26

27 The Warrant Committee moved and seconded passage of Article 44 in the amount of  
28 \$86,651.00.  
29

30 There was no question, comment, or discussion from the Public.  
31

32 A vote by card was called and Article 44 was voted to be passed as moved.  
33  
34

35 **ARTICLE 45:** To see what sum the School Board will be authorized to expend for Student &  
36 Staff Support for the fiscal year beginning July 1, 2021 and ending June 30, 2022.  
37

38 **School Board recommends** **\$504,364.00**  
39 **Warrant Committee recommends** **\$504,364.00 (16 Ayes; 0 Nays)**  
40 **Note: 2020-21 Amount was \$ 443,219**  
41

42 The Warrant Committee moved and seconded passage of Article 45 in the amount of  
43 \$504,364.00.  
44

45 There was no question, comment, or discussion from the Public.  
46

47 A vote by card was called and Article 45 was voted to be passed as moved.  
48  
49

50 **ARTICLE 46:** To see what sum the School Board will be authorized to expend for System  
51 Administration for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

1  
2 **School Board recommends** **\$105,000.00**  
3 **Warrant Committee recommends** **\$105,000.00 (16 Ayes; 0 Nays)**  
4 **Note: 2020-21 Amount was \$ 92,966**  
5

6 The Warrant Committee moved and seconded passage of Article 46 in the amount of  
7 \$105,000.00.  
8

9 There was no question, comment, or discussion from the Public.

10  
11 A vote by card was called and Article 46 was voted to be passed as moved.  
12  
13

14 **ARTICLE 47:** To see what sum the School Board will be authorized to expend for School  
15 Administration for the fiscal year beginning July 1, 2021 and ending June 30, 2022.  
16

17 **School Board recommends** **\$263,224.00**  
18 **Warrant Committee recommends** **\$263,224.00 (16 Ayes; 0 Nays)**  
19 **Note: 2020-21 Amount was \$282,305**  
20

21 The Warrant Committee moved and seconded passage of Article 47 in the amount of  
22 \$263,224.00.  
23

24 There was no question, comment, or discussion from the Public.

25  
26 A vote by card was called and Article 47 was voted to be passed as moved.  
27  
28

29 **ARTICLE 48:** To see what sum the School Board will be authorized to expend for  
30 Transportation & Buses for the fiscal year beginning July 1, 2021 and ending June 30, 2022.  
31

32 **School Board recommends** **\$207,571.00**  
33 **Warrant Committee recommends** **\$207,571.00 (16 Ayes; 0 Nays)**  
34 **Note: 2020-21 Amount was \$201,002**  
35

36 The Warrant Committee moved and seconded passage of Article 48 in the amount of  
37 \$207,571.00.  
38

39 Discussion ensued.

40  
41 A vote by card was called and Article 48 was voted to be passed as moved.  
42  
43

44 **ARTICLE 49:** To see what sum the School Board will be authorized to expend for Facilities  
45 Maintenance for the fiscal year beginning July 1, 2021 and ending June 30, 2022.  
46

47 **School Board recommends** **\$585,847.00**  
48 **Warrant Committee recommends** **\$585,847.00 (16 Ayes; 0 Nays)**  
49 **Note: 2020-21 Amount was \$446,172**  
50

51 The Warrant Committee moved and seconded passage of Article 49 in the amount of

1 \$585,847.00.

2  
3 There was no question, comment, or discussion from the Public.

4  
5 A vote by card was called and Article 49 was voted to be passed as moved.

6  
7  
8 **ARTICLE 50:** To see what sum the School Board will be authorized to expend for Debt  
9 Service and Other Commitments for the fiscal year beginning July 1, 2021 and ending June 30,  
10 2022.

11  
12 **School Board recommends** **\$301,397.00**  
13 **Warrant Committee recommends** **\$301,397.00 (16 Ayes; 0 Nays)**  
14 **Note: 2020-21 Amount was \$317,132**

15  
16 The Warrant Committee moved and seconded passage of Article 50 in the amount of  
17 \$301,397.00.

18  
19 There was no question, comment, or discussion from the Public.

20  
21 A vote by card was called and Article 50 was voted to be passed as moved.

22  
23  
24 **ARTICLE 51:** To see what sum the School Board will be authorized to expend for All Other  
25 Expenditures for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

26  
27 **School Board recommends** **\$75,000.00**  
28 **Warrant Committee recommends** **\$75,000.00 (16 Ayes; 0 Nays)**  
29 **Note: 2020-21 Amount was \$72,000**  
30 **Note: Articles 41 – 51 authorize a total budget of \$4,982,955**  
31 **Note: 2020-**  
32 **Note: 2021 Amount was \$4,466,219**

33  
34 The Warrant Committee moved and seconded passage of Article 51 in the amount of  
35 \$75,000.00.

36  
37 There was no question, comment, or discussion from the Public.

38  
39 A vote by card was called and Article 51 was voted to be passed as moved.

40  
41 **ARTICLE 52:** To see what sum the voters of the Town of Mount Desert will appropriate for  
42 the total cost of funding public education from kindergarten to grade 12 as described in the  
43 Essential Programs and Services Funding Act (**Recommend \$2,125,299.00**) and to see what  
44 sum the voters of the Town of Mount Desert will raise as the Town's contribution to the total cost  
45 of funding public education from kindergarten to grade 12 as described in the Essential  
46 Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A,  
47 section 15688 for the period July 1, 2021 and ending June 30, 2022.

48  
49 **School Board recommends** **\$1,806,548.00**  
50 **Warrant Committee recommends** **\$1,806,548.00 (16 Ayes; 0 Nays)**  
51

***Explanation: The Town of Mount Desert'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 is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.***

The Warrant Committee moved and seconded passage of Article 52 in the amount of \$1,806,548.00.

There was no question, comment, or discussion from the Public.

A vote by hand count was called and Article 52 was voted to be passed as moved, 56 in favor, 0 opposed.

**ARTICLE 53:** 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, 2021 and ending June 30, 2022.

<b><i>School Board recommends</i></b>	<b><i>\$301,397.00</i></b>
<b><i>Warrant Committee recommends</i></b>	<b><i>\$301,397.00 (16 Ayes; 0 Nays)</i></b>

***Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town of Mount Desert's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was approved by the voters on November 6, 2001.***

The Warrant Committee moved and seconded passage of Article 53 in the amount of \$301,397.00.

There was no question, comment, or discussion from the Public.

A vote by hand count was called and Article 53 was voted to be passed as moved, 50 in favor 0 opposed.

**ARTICLE 54:** To see what sum the voters of the Town of Mount Desert will raise and appropriate in additional local funds for school purposes (**Recommend: \$2,052,242.00**) for the period July 1, 2021 and ending June 30, 2022, which exceeds the State's Essential Programs and Services allocation model by (**Recommend: \$2,052,242.00**) as required to fund the budget recommended by the school Board.

***The School Board recommends \$2,052,242.00 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$2,052,242.00: The State funding model underestimates the actual costs to fully fund the 2021-2022 budget.***

***The Warrant Committee recommends \$2,052,242.00 for additional local funds and***

1 gives the following reasons for exceeding the State's Essential Programs and  
2 Services funding model by **\$2,052,242.00**: The State funding model underestimates  
3 the actual costs to fully fund the 2021 – 2022 budget. (17 Ayes; 0 Nays)  
4

5 **Explanation: The additional local funds are those locally raised funds over**  
6 **and above the Town of Mount Desert's local contribution to the total cost of**  
7 **funding public education from kindergarten to grade 12 as described in the**  
8 **Essential Programs and Services Funding Act and local amounts raised for the**  
9 **annual payment on non-state funded debt service that will help achieve the**  
10 **Town of Mount Desert's budget for educational programs.**

11  
12 **Note: Articles 52, 53, & 54 raise a total town appropriation of \$4,160,187.00**

13  
14 **Note: 2020-21 Total Town Appropriation was \$3,839,490**

15  
16 The Warrant Committee moved and seconded passage of Article 54 in the amount of  
17 \$2,052,242.00.

18  
19 There was no question, comment, or discussion from the Public.

20  
21 Moderator Fern explained that while this article would normally be a written vote, it will be  
22 counted by hand count due to the circumstances presented by having the meeting in the open  
23 parking lot, and it would be so noted and meet the requirements of the statute.

24  
25 A vote by hand count was called and Article 54 was voted to be passed as moved, 58 in favor, 0  
26 opposed.

27  
28  
29 **ARTICLE 55:** To see what sum the voters of the Town of Mount Desert will authorize the  
30 School Board to expend for the fiscal year beginning July 1, 2021 and ending June 30, 2022  
31 from the Town's contribution to the total cost of funding public education from kindergarten to  
32 grade 12 as described in the Essential Programs and Services Funding Act, non-state- funded  
33 school construction projects, additional local funds for school purposes under the Maine  
34 Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state  
35 subsidy and other receipts for the support of schools.

36  
37 **School Board recommends** **\$4,982,955.00**

38 **Warrant Committee recommends** **\$4,982,955.00 (17 Ayes; 0 Nays)**

39 **Note: 2020-21 Total Budget was \$4,466,219**  
40

41 The Warrant Committee moved and seconded passage of Article 55 in the amount of  
42 \$4,982,955.00.

43  
44 There was no question, comment, or discussion from the Public.

45  
46 A vote by hand count was called and Article 55 was voted to be passed as moved, 55 in  
47 favor, 0 opposed.

48  
49  
50 **ARTICLE 56:** In addition to the amount in Articles 41 – 55, shall the School Board be  
51 authorized to expend such other sums as may be received from state or federal grants or

1 programs or other sources during the fiscal year 2021-2022 for school purposes provided that  
2 such grants, programs or other sources do not require the expenditure of other funds  
3 not previously appropriated?  
4

5 *Note: Current Year Totals: \$ 548,376 (Includes COVID Relief Grants)*  
6

7 **School Board recommends passage**

8 **Warrant Committee recommends passage (17 Ayes; 0 Nays)**  
9

10 The Warrant Committee moved and seconded passage of Article 56.  
11

12 There was no question, comment, or discussion from the Public.  
13

14 A vote by card was called and Article 56 was voted to be passed as moved.  
15  
16

17 **ARTICLE 57:** Shall the inhabitants of the Town of Mount Desert adopt a Resolution to  
18 Endorse a Declaration of a Climate Emergency and Emergency Mobilization Effort?  
19

20 ***Explanatory Note: This article, and the Resolution herein referenced, directs***  
21 ***the Board of Selectmen of the Town of Mount Desert to develop a plan to bring***  
22 ***the activities of the Town government to zero carbon emissions by December***  
23 ***31, 2030, for presentation at the Annual Town Meeting of 2021.***  
24

25 **Board of Selectmen recommends passage**

26 **Warrant Committee recommends (17 Ayes; 0 Nays)**  
27

28 The Warrant Committee moved and seconded passage of Article 57.  
29

30 Discussion ensued.  
31

32 A vote by hand count (taken by hand count due to the failing light) was called and Article 57 was  
33 voted to be passed as moved, 43 in favor, 9 opposed.  
34  
35

36 Resident Kathy Miller moved, seconded by Jerry Miller, to reconsider Article 6.  
37

38 Moderator Ferm stated an approval of the Motion requires a 2/3 vote.  
39

40 Ms. Miller presented her argument for considering Article 6 now.  
41

42 CEO Keene spoke with attorney for the Town Andy Hamilton. Attorney Hamilton opined that the  
43 decision was up to the Moderator if the language within the Warrant is determined to be  
44 understandable to the people present. If it is deemed understandable, the Town can act on the  
45 issue.  
46

47 Moderator Ferm suggested voting on the Motion to reconsider, and the vote will be determined  
48 by simple majority.  
49

50 A vote was taken by card and the vote to reconsider Article 6 was passed.  
51

1 There was no question, comment, or discussion from the Public.

2  
3 A vote by card was called and Article 6 was voted to be passed as moved.

4  
5  
6 Superintendent Marc Gousse requested the opportunity to speak. He stated that school staff  
7 appreciates the support of the Town through a difficult year, and for their continuing support. He  
8 thanked the Town.

9  
10  
11 Town Manager Durlin Lunt requested that retiring Treasurer Kathy Mahar come forward.  
12 Manager Lunt thanked the Treasurer for her work and presented her with a gift in token of the  
13 Town's appreciation of her years of dedication. Treasurer Mahar thanked the Town. She  
14 appreciated her years of working with the Town.

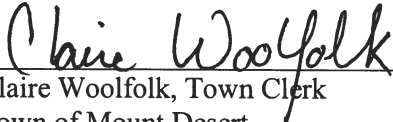
15  
16 Manager Lunt presented the Town of Mount Desert Spirit of America Award. Dana Haynes has  
17 put in over 60 years of service to the Town, including as fire chief, ambulance, Harbor  
18 Committee. His daughter, Selectboard Member Wendy Littlefield, accepted the honor on his  
19 behalf.

20  
21  
22 Adjournment: Motion and Second to adjourn received.

23  
24 A vote was taken by card the vote to adjourn approved.

25  
26 The Meeting adjourned at fourteen minutes after eight o'clock in the evening.

27  
28  
29  
30  
31 Duly recorded:

32  
33  
34   
35 \_\_\_\_\_  
36 Claire Woolfolk, Town Clerk  
37 Town of Mount Desert

38  
39  
40  
41  
42  
43  
44  
45  
46 Attest: A True Copy

47  
48  
49  
50  
\_\_\_\_\_  
Town Clerk, Mount Desert

## **Appendices**

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

### **Appendix A.1 (Article 5)**

#### **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 4, 2021**

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>I</b>	<b>General Information</b>	<b>2</b>
	<b>A. Purpose</b>	<b>2</b>
	<b>B. Definitions</b>	<b>2</b>
	<b>C. Regulations</b>	<b>3</b>



	<b>D. Permits</b>	<b>3</b>
	<b>E. Prohibitions</b>	<b>3</b>
	<b>F. Violations</b>	<b>4</b>
<b>II</b>	<b>Permit Application</b>	<b>4</b>
<b>III</b>	<b>Administration</b>	<b>5</b>
<b>IV</b>	<b>Permit General Conditions</b>	<b>6</b>
<b>V</b>	<b>Opening Location Conditions</b>	<b>8</b>
<b>VI</b>	<b>Technical Specifications</b>	<b>8</b>
<b>VII</b>	<b>Abandoned Structures</b>	<b>11</b>
<b>VIII</b>	<b>Relocating Existing Utilities</b>	<b>12</b>
<b>IX</b>	<b>Opening Permit Fee</b>	<b>12</b>
<b>X</b>	<b>Warranty Terms</b>	<b>12</b>
<b>XI</b>	<b>Period of Ordinance</b>	<b>13</b>

**Section 57.01 I. GENERAL INFORMATION**

## **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 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, including the public traveled way.

## **Section 57.02 B. Definitions: Definitions shown here 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. 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 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 Town with the Director's recommendation 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, 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:

- Water, sewer, and electrical utility work.
- Storm water management measures.
- Landscaping including earthen berms, shrubbery, pavers.
- 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, or designee, and in conformance with this ordinance. Further, in the case of "parallel" utility construction, where space allows, construction is not permitted inside the public right-of-way except to cross it at a ninety-degree angle or on a case-by-case basis. The Director shall evaluate each situation on a case-by-case basis and decide 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.

Delete one line here for paragraph spacing.

2. Public Utilities: The Town will review any construction proposed by a public entity, e.g., the Mount Desert Water District, Versant, etc., 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.

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 time of when construction will begin and be complete.
- 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 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 Right-of-way Opening Permit application on behalf of the Town, initial and date the same then provide it to the code enforcement officer for review and issuance if found to be in conformance with this ordinance.

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 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. In no case shall a Right-of-way Opening Permit be issued to an applicant who has not applied for, or who does not hold a Location Permit, if one is required, for the same installation. Location Permit Applications may be obtained from the Code Enforcement Officer. Instructions for completing the Location Application are included on the application itself.

### **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 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. In any particular case, the applicant for a permit may appeal to the Town Select Board 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 Director by virtue of this ordinance, 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 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 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. if, for example but not necessarily limited to these examples: blasting lifts a section of the road; if there are excessive excavator bucket teeth marks in the pavement, or; if there are track marks in the pavement from the 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.

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

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 that is not properly repaired in a timely manner to Town assets located in the right-of-way.

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

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. Depending upon the circumstances, the Director 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 comment by the Director. Approval by the Director will not relieve the Permittee of their responsibility for performing the work in a satisfactory manner.

10. The Director shall consider, and require if conditions warrant, the installation of a conduit or sleeve of adequate design to permit the operating facility e.g., a water service pipe, electric power wire(s), cable TV, internet, etc. to be removed for repair or replacement to reduce the extent of the opening in the right-of-way to the practical extent possible. The conduit or sleeve shall extend a minimum of three-feet (3') beyond the existing edge of pavement of the roadway.

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

13. 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. Town owned or privately owned 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 discussed between the Director and the Permittee in consideration of the future construction. The location of the Permittee's proposed assets shall be identified for the Director's use.

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's contractor(s) and may make such adjustments in the terms of this ordinance as may be practically 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 the Director.

## **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 officers will be supplied when necessary. The Town will have final say when traffic control 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 again prior to e.g., trench repair paving and final paving, full depth of the pavement, as applicable. All trench work shall comply with current OSHA and Bureau of Labor Standards regulations, as applicable. 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, compressible materials, rubbish, trash, clay, vegetation, building rubble or frozen matter and other deleterious matter. The Director shall have the final say on what is acceptable backfill material if the question arises.



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:

Sieve Size      Percent Passing by Weight

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:

Sieve Size      Percent Passing by Weight

2-inch	100
½-inch	45-70
¼-inch	30-55
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 twelve-inches (12”) and thoroughly compacted to the required compaction specifications by use of approved mechanical compactors before successive layers are placed.

5. Restoration of all curb and sidewalk areas disturbed during construction 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 is to conform to the following specifications unless changes are agreed upon between the Director and the Permittee.

If the repair is made with a mechanical paving machine:

- a) Binder course (Base pavement): Two-inch (2") thick layer of 12.5 mm hot mix.
- b) Surface course: One-inch (1") thick layer of 9.5 mm hot mix.
- c) Sidewalks: As in a) and b) above or as directed by the Director.

If the repair is made using handwork:

- a) Two 1.5-inch (1.5") layers of 12.5 mm 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 existing pavement of any Town public way under this opening permit,

- shall be temporarily repaired with a minimum two (2)-inch thick 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 within 14 calendar days of the opening being made provided the nearest paving 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 hot mix pavement within 14 calendar days after the opening is constructed and the nearest paving 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 paved surfaces owned and maintained by the Town, including but not limited to, roadways and parking lots. The pavement must be protected by the use of 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 surfaces owned and maintained by the Town, including but not limited to, roadways and parking lots. The pavement must be protected by the use of 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 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 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 streets and at the building site, as necessary, to minimize the creation of, and enhance the 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 such that the obstruction interferes with surface drainage. Temporary measures shall be implemented for runoff control to prevent sediment from discharging into the storm drainage system. 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 County 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, and after discussion and approval from the Director, private structures owned by the Permittee or found by the Permittee located in the right-of-way that are to be abandoned or are found to be no longer in use, shall be removed to a minimum of twenty-four-inches (24") below the adjacent ground surface or the bottom of adjacent pavement and the excavation filled using native or imported granular materials.

## **VIII. RELOCATING EXISTING UTILITIES**

If public or private entities or individuals have assets in place that would not be allowed to be there under this ordinance and have to replace them for any reason, they must be replaced in accordance with this ordinance without exception (unless granted as part of an appeal under this Ordinance).. All costs associated with this relocation shall be borne by the owner of the asset be they public or private entities or individuals. 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.

The same holds true for any work being done by the Town, including replacement, on a culvert, stone drain, etc. that has a prohibited pipe, etc. located in it as described in this ordinance. The prohibited item shall be relocated from within to outside of the Town's pipe, drain, etc. by its owner with the owner bearing all associated costs of the relocation.

### **Section 57.03      IX. Right-of-way OPENING PERMIT FEE**

The Total 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. 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 Director and the 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 that such a repair is required, the Town reserves the right to cause the repairs to be made with all costs incurred to be at the expense of the Permittee.

**Section 57.04      XI. PERIOD OF ORDINANCE**

This ordinance shall remain in effect for a period of fifteen (15) years from the last substantive amendment in May 2013, and will then sunset as of May 30, 2028, unless extended by Town Meeting.

**Appendix A.2 (Article 5 )**

**TOWN OF MOUNT DESERT**

Application for a Public Right-of-Way Opening Permit

**Property Owner:**      **Name**

\_\_\_\_\_

**Address**

(a) \_\_\_\_\_

**Telephone Number**

(c) **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 ½" X 11" sheet showing the dimensions used to calculate the Opening Permit Fee to be calculated on page 2.

**Reason for work:**

\_\_\_\_\_

(d) **Who will perform work:**

\_\_\_\_\_

(e) **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.

(f) Applicants Signature \_\_\_\_\_ Date \_\_\_\_\_

i) Town Use Below

(g) Opening Permit Number \_\_\_\_\_

Reviewed By:

Initials

Date

Code Enforcement Officer \_\_\_\_\_

Public Works Director \_\_\_\_\_

Fee of \$ \_\_\_\_\_ collected this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

by \_\_\_\_\_.

(h) 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.)

a. Public Right-of-Way Opening Permit Fee Calculation

ation			
Surface Type:	(A) Unit Cost	(B) Estimated Impact (Number of units)	Impact Value (A) X (B)
Paved roadway	\$7.50 per SY <sup>3</sup>	Article 58. SY	\$
Article 59. Paved sidewalk	\$5.00 per SY	Article 60. SY	\$
All curbing <sup>1</sup>	\$7.50 per LF <sup>3</sup>		\$
Row-of-way area <sup>2</sup>	\$5.00 per SY	Article 61. SY	\$

<b>Article 62. areas</b>	<b>Concrete</b>	<b>\$25.00 per SY</b>	<b>SY</b>	<b>\$</b>
<b>Total Opening Permit Fee (Sum of all Impact Values) Minimum fee = \$150.00</b>				<b>\$</b>

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

<sup>2</sup> 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.

<sup>3</sup> SY = square yards; LF = lineal feet

1. All openings of any kind made in the pavement of any Town public way under this opening permit.

- shall be temporarily repaired with a minimum 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, or designee, and
- permanently repaired with pavement within 14 calendar days of the opening being made provided the nearest pavement 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 within 14 calendar days after the nearest pavement 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 the pavement of any Town public way or parking lot. The pavement must be protected by plywood or other means to prevent scarring or other damage to the pavement.
- Shall not be driven or "walked" on the pavement of any Town public way. The pavement must be protected by plywood or other means to prevent scarring or other damage to the pavement.

**Sketch: Application for a Public Right-of-way Opening Permit**

**The purpose of the sketch is to show the location of the proposed opening in relation to the public right-of-way. It is not necessary to sketch to scale but accurate locations relative to reference points such as fire hydrants, utility poles or intersections is required. A marked-up site plan showing the necessary information is acceptable. Make a note on this sheet that such a plan is attached.**



## Appendix B (Article 7)

### Section 3.4 Permitted, Conditional, and Excluded Uses by District

<b>DISTRICTS:</b>			<b>SR 1</b>							
<b>LAND USE:</b>	<b>VR 1</b> <b>VR 2</b>	<b>R 1</b> <b>R 2</b>	<b>SR 2</b> <b>SR 3</b> <b>SR 5</b>	<b>RW 2</b> <b>RW 3</b>	<b>VC</b>	<b>SC</b>	<b>C</b>	<b>RP</b>	<b>SP</b>	<b>VR3</b>
<b>MISCELLANEOUS</b>										
Clearing or Removal of Vegetation for activities other than timber harvesting	P	P	CEO	P	P	CEO	P	C <sup>8</sup>	<u>CEO</u> <sup>4</sup>	CEO
<b>ESSENTIAL SERVICES</b>										
A. Roadside distribution lines (34.5kv and lower)	P	P	CEO <sup>9</sup>	P	P	CEO <sup>9</sup>	CEO	C <sup>6</sup>	C	CEO
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	P	P	CEO	P	P	CEO	CEO	C <sup>6</sup>	C <sup>6</sup>	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	P	P	C	P	P	C	C	C <sup>6</sup>	C <sup>6</sup>	C
D. Other essential services	P	P	C	P	P	C	C	C <sup>6</sup>	C <sup>6</sup>	CEO
Excavation or Filling < 50 cubic yards	P	P	CEO	P	P	CEO	CEO	C <sup>8</sup>	<u>CE</u> <sup>4</sup>	C

<b>DISTRICTS:</b>										
<b>LAND USE:</b>	<b>VR 1 VR 2</b>	<b>R 1 R 2</b>	<b>SR 1 SR 2 SR 3 SR 5</b>	<b>RW 2 RW 3</b>	<b>VC</b>	<b>SC</b>	<b>C</b>	<b>RP</b>	<b>SP</b>	<b>VR3</b>
Excavation or Filling of >50 to 150 cubic yards	CEO	CEO	CEO	CEO	CEO	CEO	CEO	C <sup>8</sup>	<del>C</del> <sup>4</sup>	CEO
Excavation or Filling of > 150 cubic yards	C	C	C	C	C	C	C	C <sup>8</sup>	<del>C</del> <sup>4</sup>	C
Fire Prevention Activities	P	P	P	P	P	P	P	X	P	P
Parking lot	C	C	X	C	C	C	C	X	X	C
Piers, Docks, Wharves, Bridges and other Structures and Uses Extending over or below the Normal High-Water line or within a wetland (refer to Section 6C.7	X	C	C	C	X	C	C	X	X	C <sup>12</sup>
Road & driveway construction	CEO	CEO	CEO	CEO	CEO	CEO	CEO	C <sup>7, 8</sup>	<del>C</del> <sup>7, 4</sup> C <sup>7</sup>	CEO
Service drops, as defined, to allowed uses	P	P	P	P	P	P	P	P	P	P

Note: Some footnotes have been deleted. – namely 1,2,3 & 5.

<sup>4</sup> Provided that a variance from the setback requirement is obtained from the Board of Appeals; otherwise the setback is 75 feet. Any Excavation or Filling must be limited to that necessary for the construction of approved structures.

<sup>6</sup> See further restrictions in Section 6C.5.2

<sup>7</sup> Only as provided in Section 6C.9.3

<sup>8</sup> Single family residential structures may be allowed by special exception only according to the

provisions of Section 7.5.3, Special Exceptions. Two-family residential structures are prohibited.

<sup>9</sup> Permit not required but must file a written “notice of intent to construct” with CEO.

<sup>10</sup> Timber Harvesting is regulated by the Bureau of Forestry in the Department of Agriculture, Conservation and Forestry.

<sup>11</sup> Mobile Food Vendors are allowed to operate without a permit or license for limited time events (up to three consecutive days and maximum of two events per year on the same property). However, written property owner authorization is required to be posted for any Mobile Food Vendor activity on private property, regardless of whether or not a permit is required.

<sup>12</sup> Uses only allowed if associated with hotel/motel use

## Appendix C (Article 8)

### SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS

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#### 6A GENERAL PERFORMANCE STANDARDS

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##### 6A.6 Lighting - Outdoor

~~1. **Purpose.** To establish minimum requirements for outdoor lighting that enhance visibility and public safety by preventing uncontrolled intrusion into adjacent properties and the natural environment. Voluntary best practices are recommended to promote energy conservation and preserve the Town’s night sky which is an important part of the Town’s character.~~

##### ~~2. **Requirements**~~

~~1. **Full cutoff.** All lights greater than \*1800 lumens (a 100 watt incandescent light produces 1800 lumens) shall be shielded to direct all light towards the ground.~~

~~2. **Light trespass.** All light shall be directed away from adjacent properties. The light sources in flood and spot lights shall not be directly visible from adjacent properties. High intensity light sources shall not be directly visible to motorists on public roads.~~

~~3. **Excessive Lighting** may not be used to direct attention away from existing business and community lighting.~~

~~1. The lighting of structural canopies such as gas station canopies shall not be used to attract attention to the business. Areas under structural canopies shall be illuminated so that the uniformity ratio (ratio of average to~~

minimum illumination) shall be no greater than 5:1 with an average illumination level of not more than 30 footcandles.

2. ~~Light fixtures located on structural canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.~~

### **3. ~~Recommended Best Practices:~~**

1. ~~**Motion sensors.** Use motion sensors to control flood and spot lights.~~
2. ~~**HPS lights.** Use high pressure sodium (HPS) lights to minimize sky glow where color recognition is not needed.~~
3. ~~**Non-security parking lights.** Turn off non-security parking lot lights after business hours to save energy and protect the night sky.~~
1. ~~**Minimum amount of lighting.** Provide the minimum amount of light needed to achieve safe uniform lighting with lights that consume the lowest amount of power possible.~~
5. ~~**Shield or flush mount lights.** Fully shield or horizontally flush mount all lights.~~
6. ~~**Signs and flags.** Illuminate signs and flags from above and shield all sports lighting.~~
7. ~~**Guidelines for professional design.** Request that professionals follow Illuminating Engineering Society guidelines for intensity and uniformity and not to exceed the minimum recommended values.~~

### **4. ~~Definitions~~**

~~Lumen: Approximately the amount of light measured one foot from a candle. 1 lumen is approximately 1 foot candle.~~

~~\*A 100 watt incandescent light produces 1800 lumens.~~

5. ~~**Grandfathering.** These requirements apply only to new construction and lighting installations.~~

1. **Purpose.** To establish minimum requirements for outdoor lighting that enhance visibility and public safety by preventing uncontrolled intrusion into adjacent properties and the natural environment. Voluntary best practices are recommended to promote energy conservation and preserve the Town's night sky which is an important part of the Town's character.

### **2. Definitions**

**CCT (Correlated Color Temperature):** The perceived color of a light source. High color temperatures (e.g. 4000K and 5000K) are rich in blue light, which is a source of night sky light pollution, glare and potential biological issues.

**Dark Sky Friendly:** Full cutoff, no light above the horizontal. For LED light sources, <3000K CCT. Up to 3100K will be allowed for manufacturing tolerance.

**Direct Light:** Light emitted below the horizontal from the lamp, off of the reflector or through the refractive lens or diffuser of the luminaire.

**Fixture:** The assembly that houses the LED(s) or lamps(s) and can include all or some of the following parts: a housing, mounting bracket or pole socket, lamp holder, ballast, power supply, reflector or mirror and/or a refractor or lens.

**Floodlight or Spotlight:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Foot-Candles (FC) and LUX:** Units of illumination. One FC is equivalent to 1 lumen per square foot and 1 LUX equals 1 lumen per square meter. 1 FC = 10.764 LUX. FC or LUX can be measured with Foot-Candle or LUX meters.

**Glare:** Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

**Height of Luminaire:** The height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct light-emitting part of the luminaire.

**Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces such as a portico or roof overhang.

**Lamp or LED:** The component of a luminaire that produces the actual light.

**Light Trespass:** The excess light produced by a luminaire that extends beyond the boundaries of the property on which it is located.

**High Intensity Discharge (HID) Fixtures:** HID fixtures contain an arc lamp. HID fixtures in order of high to low efficiency are: Low Pressure Sodium (LPS) -pale yellow; High Pressure Sodium (HPS) - golden orange; Metal Halide - greenish white; and Mercury Vapor - purple-white. Mercury Vapor is considered obsolete.

**LED Lighting:** A solid state light source that emits light from a semi-conductor, light emitting diode junction (die) when voltage and current are applied. [Note: Current white LED's utilize a high efficiency blue LED (>10,000K) in combination with

phosphors that absorb blue spectra and re-radiate light energy into the green-yellow-red portions of the visible spectrum.]

**Lumen:** A unit of source light. One Foot-Candle is one lumen per square foot. A 100 watt incandescent, 26 watt CFL (compact fluorescent) and 17 watt LED lamp produce up to 1800 lumens. (See manufacturer's lamp packaging for the lamp's published lumen output).

**Non-Specular Reflector:** A diffuse reflector such as a painted white surface. Aluminized reflectors with a mirror like surface are specular reflectors.

**Luminaire:** A complete lighting system which includes a lamp or lamps or LED's and a fixture.

3. **Grandfathering of Nonconforming Lighting.** These requirements apply only to new construction and lighting installations. Upgrading any fixtures with Dark Sky units is highly recommended.
4. **Standards.** All public and private outdoor lighting installed in the Town of Mount Desert shall be in conformance with the standards established by this ordinance.
  - a. **Full Cutoff.**
    - i. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens shall not emit any direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire.
    - ii. Any Floodlight or Spotlight luminaires with a lamp or lamps rated at a total of more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.
  - b. **Light Trespass.** All light shall be installed so as to minimally illuminate adjacent properties (<0.1 FC or <1 LUX). Light from fixtures may be visible beyond the property line but brightness must be significantly attenuated to non-distracting levels by the use of shields, diffusers, indirect non-specular reflectors or other special optical designs. The images of lamps, arc tubes and LED dies shall not be directly visible.
  - c. **Excessive Lighting.** Excessive lighting may not be used to direct attention away from existing business and community lighting.
    - i. The lighting of structural canopies such as gas station canopies shall not be used to attract attention to the business. Areas under structural canopies shall be illuminated so that the uniformity ratio (ratio of

average to minimum illumination) shall be no greater than 5:1 with an average illumination level of not more than 50 Foot-Candles.

- ii. Light fixtures located on the ceilings of structural canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.

**5. Exemptions.** The following are exempt:

- a. Lighting required by the Federal Aviation Administration (FAA) for aviation control/safety;
- b. Church Steeples;
- c. Lights used by police, fire, and medical personnel during an emergency.

**6. Recommended Best Practices:**

The following best practices are not enforceable standards of this ordinance and should not be applied specifically to any project or application before the Planning Board or Code Enforcement Officer. Rather, outside of the enforceable standards of this Ordinance, these practices are suggested ways applicants can help improve the quality and sustainability of the Town's outdoor lighting.

- a. **Motion Sensors.** Use of motion sensors to control flood and spot lights should be considered when feasible.
- b. **LED Lights.** Use 2700K correlated color temperature LED lights for better color rendering, higher efficacy and lower maintenance than HID fixtures.
- c. **Non-security Parking Lights.** Turn off non-security parking lot lights after business hours to save energy and protect the night sky.
- d. **Minimum Amount of Lighting.** Provide the minimum amount of light needed to achieve safe uniform lighting with lights that consume the lowest amount of power possible.
- e. **Shield or flush mount lights.** Fully shield or horizontally flush mount all lights.
- f. **Signs and flags.** Illuminate signs and flags from above and shield all sports lighting.
- g. **Guidelines for professional design.** Request that Architects, Engineers and Lighting Designers follow illuminating Engineering Society guidelines for intensity and uniformity and not to exceed the minimum recommended values and International Dark Sky Association and American Medical Association recommendations for Full Cutoff and <3000K color temperature for IDA Approved Dark Sky Friendly fixtures.

## Appendix D (Article 9)

### SECTION 3 LAND USE DISTRICTS

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Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	VR1	VR2	R1	R2
<b>DIMENSIONS see Notes (b) (h')</b>				
MINIMUM LOT AREA: A. with public sewer B. without public sewer. C. Cluster Subdivision w/sewer* D. Cluster Subdivision w/o sewer* E. Workforce Subdivision* <b>* see Note (k)</b>	10,000 sq ft 1 acre 5,000 sq ft 20,000 sq ft State Minimum	20,000 sq ft 1 acre 10,000 sq ft 20,000 sq ft State Minimum	1 acre 1 acre 20,000 sq ft 20,000 sq ft State Minimum	2 acres 2 acres 1 acre 1 acre State Minimum
MINIMUM WIDTH OF LOTS: Shore Frontage	N/A	N/A	N/A	N/A
SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland  Great Ponds  Public <span style="background-color: yellow;">or private</span> road* <b>* see Note (c)</b>  <span style="background-color: yellow;">Private Roads or property lines**</span> <b>** see Note (c) and Note (d)</b>	75 ft  N/A  20 ft  10 ft	75 ft  N/A  30 ft  15 ft	75 ft  N/A  30 ft  15 ft	75 ft  N/A  30 ft  25 ft
MAXIMUM LOT COVERAGE	40%	40%	40%	40%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	20 ft	20 ft	20 ft	20 ft



Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	SR1 see Note (f)	SR2 see Note (f)	SR3 see Note (f)	SR5 see Note (f)	VR 3 see Note (f)
<b>DIMENSIONS see Notes (b) (h<sup>2</sup>)</b>					
MINIMUM LOT AREA: with public sewer	1 acre	2 acres	3 acres	5 acres	5 acres
without public sewer	N/A	2 acres	3 acres	5 acres	5 acres
MINIMUM WIDTH OF LOTS: Shore Frontage	200 ft	200 ft	200 ft	200 ft	200 ft
SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland	75 ft	75 ft	75 ft	75 ft	75 ft
Great Ponds (n)	100 ft (n)	100 ft (n)	100 ft (n)	100 ft (n)	100 ft (n)
Public or private road* * see Note (c)	50 ft	50 ft	50 ft	50 ft	50 ft
Private Roads or property lines** ** see Note (c) and Note (d)	25 ft	25 ft	25 ft	25 ft	25 ft
MAXIMUM LOT COVERAGE	20%	20%	20%	20%	40%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft	30 ft	30 ft	30 ft	10 ft

Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

DISTRICTS	RW2	RW3	VC	SC see Note (e), (f) and (g)	C see Note (f) for those properties that are within the shoreland zone
<b>DIMENSIONS (b) (h')</b>					
MINIMUM LOT AREA: A. with public sewer B. without public sewer C. Cluster Subdivision w/sewer* D. Cluster Subdivision w/o sewer* E. Workforce Subdivision* * See Note (k)	2 acres 2 acres 1 acre 1 acre State Minimum	3 acres 3 acres 1.5 acres 1.5 acres State Minimum	5,000 sq. ft.** 1 acre 5,000 sq. ft. State Minimum 5,000 sq. ft. ** See Note (p)	1 acre 1 acre N/A N/A N/A	3 acres 3 acres N/A N/A N/A
MINIMUM WIDTH OF LOTS: Shore Frontage	NA	NA	N/A	100 ft	250 ft
SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland  Great Ponds (n)  Public <del>or private</del> road* * see Note (c)  <u>Private Roads or property</u> <u>lines**</u> ** see Note (c) and Note (d)	75 ft  N/A  60 ft  25 ft	75 ft  N/A  60 ft  25 ft	75 ft  N/A  10 ft or -0- ft from edge of public sidewalk  5 ft(o)	75 ft  N/A  25 ft  5 ft	75 ft  100 ft (n)  50 ft  25 ft
MAXIMUM LOT COVERAGE	15%	15%	75%	70%	15%
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS	30 ft	30 ft	N/A	10 ft	30 ft

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•  
•

NOTES:

(b) Refer to setback as defined in Section 8.

(c) Public roads are measured from edge of road surface, or edge of legally established right of way if no road exists. Where the setback is from a private road or right-of-way, the setback shall be equal to the property line setback requirements of the district in which the property is located.

SECTION 8 DEFINITIONS

**SETBACK:** The horizontal distance measured in a straight line from any property line, shoreline, or road (or edge of legally established right-of-way if no road exists) abutting a lot or property to the nearest part of a structure or other regulated object or area. Setback shall apply to all sides of a lot having shore frontage or road frontage, unless stated otherwise within this Ordinance. For the purpose of setback requirements, fences, walls, signs, roads, parking areas & driveways shall not be considered structures, except that roads, walls, parking areas, and driveways must meet shoreline setbacks. ~~Where the setback is from a private right of way, the setback shall be equal to the property line setback requirements of the district in which the property is located.~~

## Appendix E (Article 24)



### *Mount Desert Fire Department*

Michael Bender, Fire Chief  
21 Sea Street, P.O. Box 248  
Northeast Harbor, ME 04662-0248

Telephone 207-276-5111 Fax 207-276-5732

Web Address [www.mtidesert.org](http://www.mtidesert.org)  
[firechief@mtidesert.org](mailto:firechief@mtidesert.org)

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### **Project Background**

The Town of Mount Desert was served by four independent, all-volunteer fire department until March 2001 when its first full-time fire chief was hired. Over the next fifteen years three additional full-time firefighters were added to supplement the on-call force which had begun to slip in numbers. This enable the station in Northeast Harbor to be staffed during daytime hours, seven days a week, when many of our on-call members would not be available. Outside those hours, coverage was dependent upon on-call firefighters responding from home. This system that we have utilized to deliver these services has performed adequately for many years. However, at this time a decline in the availability of our on-call firefighters coupled with increasing requests for services has adversely impacted the ability of our organization to meet the demands of the community and maintain the incident scene safety of our personnel.

### **Northeast Harbor Fire Station**

The current Northeast Harbor Fire station, constructed 41 years ago, was built to serve the village of Northeast Harbor and house an all-volunteer fire and EMS department. Separate, nonprofit fire departments also existing to serve the villages of Seal Harbor, Somesville and Otter Creek. Although the station in Northeast Harbor has been well maintained, the current space was designed and constructed for an all-volunteer fire and EMS department during the 1980's and cannot adequately serves the needs of the department as it will transition to 24 hours a day, 7 days a week staffing model.

In 2019 plans were being developed to make improvements to the Northeast Harbor fire station to allow for firefighters and EMT's to work 24 hours shifts, resulting in around the clock fire and EMS coverage for the Town of Mount Desert. This required adding mixed gender sleeping quarters, kitchen/dining/dayroom facilities, meeting room, fitness room and additional storage. Over the past several months numerous options were investigated with most either being too expensive or not location friendly. Then in February of 2021, the Town was notified that the Northeast Harbor Ambulance Service would no longer be able to provide Emergency Medical Service to the community. It was decided that the fire department was best suited to assume the role of delivering these services to the Town. This changed forced us to take another look at how we intended to staff our fire stations and it soon became apparent that the department would need to increase staffing to meet the demands of both fire and EMS calls. In order to offer this coverage to a wider area, it made sense to split duty crews with two staff members assigned to the

Somesville station and two at the Northeast Harbor station. Each will be staffed 24 hours a day, 7 days a week with cross-trained firefighters/EMT's which is the most common fire service schedule in use today. As the call volumes continues to rise almost every year, our volunteer membership is harder pressed to be available around the clock, especially during the evening and weekend hours when many calls are handled. This around the clock coverage would aid in providing a more immediate response to calls both during the day and help ensure that advanced life support is available 24/7 as required by current ambulance certification level.

Included in this appendix is the conceptual plans to add a second story and a fourth truck bay on to existing Northeast Harbor fire station. This major renovation would include the removal of the roof and adding a second floor. Fire and EMS services would be temporally relocated to the Seal Harbor and Somesville fire stations during construction. As you review these plans please keep in mind that these are conceptual only and may change slightly during the design phase. Article XX asks for authorization to use funds for professional technical services during this design phase. This will include, but not limited to detailed site, building, elevation and structural plans, HVAC, electrical and plumbing plans, permitting, construction drawings, costs estimates and final bid sets. Construction bids will be solicited and presented at the 2022 Town Meeting for review and requested voter approval.

#### Summary

Over the last ten years, the Mount Desert Fire Department has slowly been transitioning from all volunteer staffing model to a combination department with a mix of full-time and on-call firefighters. I can assure you that it is not my desire or intention to create a fully paid fire department within the Town of Mount Desert but rather continue with this combination staffing model as long as we can maintain an on-call force. The community has been well served by the mostly volunteer fire departments and I strongly feel that this needs to continue to retain both the volunteer spirit and level of professionalism demonstrated by MDFD from its inception. None-the-less, I do believe that we have reached a crossroads in the evolution of the fire service in Mount Desert and must, for the benefit of our community, add more paid personnel to relieve the stress on both paid staff and volunteers alike. This project will allow for the department to continue with additional staffing plans that is based upon demands for service within our community.

Sincerely,

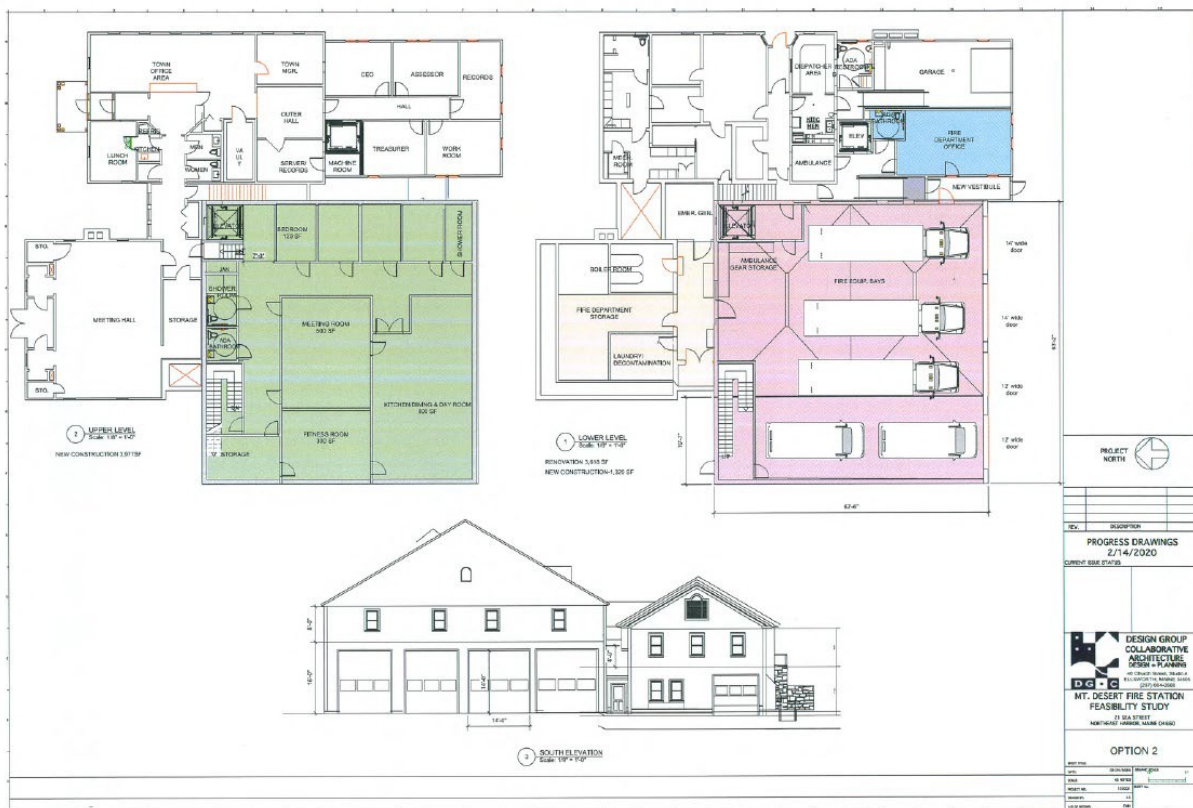


Michael D. Bender  
Fire Chief



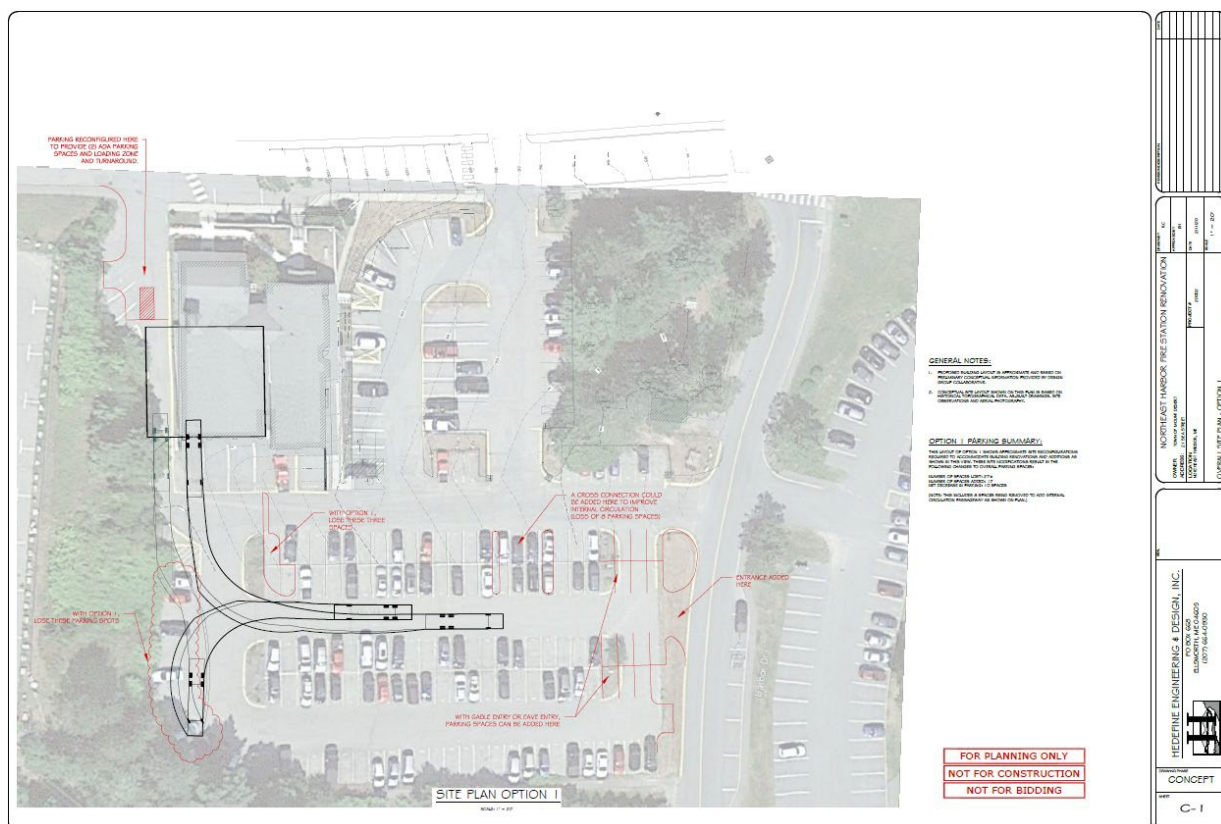


## Appendix E Option 2 (Article 24)





Town of Mount Desert						
Opinion of Probable Cost for Construction of Fire Department Expansion: Option 2						
(Based on concept documents dated 2/20/20)						
PROJECT #:	20002	NOTES:	total values are rounded up to next 100			
DATE:	2/21/2020					
BY:	EH					
Checked/mod:	EH					
<b>ITEM</b>	<b>UNIT</b>	<b>UNIT COST</b>	<b>QUANTITY</b>	<b>COST: Upper</b>	<b>Lower end</b>	
General Site Work	Lump	\$ 115,000	1	\$ 115,000	\$ 115,000	
Electrical Service extension	Lump	\$ 12,000	1	\$ 12,000	\$ 12,000	
Misc site demolition	Lump	\$ 12,000	1	\$ 12,000	\$ 12,000	
General Building: new	SF	\$ 300	5297	\$ 1,589,100	\$ 1,324,250	
General Building: reno	SF	\$ 250	3618	\$ 904,500	\$ 723,600	
Ledge	Lump	\$ 51,000	1	\$ 51,000	\$ 51,000	
New Generator	Lump	\$ 55,000	1	\$ 55,000	\$ 55,000	
Project Contingency	Lump	410,800	1	\$ 410,800	\$ 343,928	
			<b>Total Opinion of</b>	<b>\$ 3,149,400</b>	<b>\$ 2,636,800</b>	
			<b>Probable Cost:</b>			





## **Appendix F (Article 57)**

### **RESOLUTION ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE**

**PREFACE :** This document was drafted and reviewed by the Climate Emergency Action Coalition in collaboration with the College of the Atlantic's sustainability group [Earth], and the Town of Mount Desert Sustainability Committee.

**WHEREAS** , in October 2018, the United Nations released a special report which projected that limiting planetary warming to 1.5°C target within this century will require an unprecedented transformation of every sector of the global economy by 2030;

**WHEREAS** , the Gulf of Maine is warming faster than other oceans around the world as a result of global

temperature rise. posing a serious risk to the fishing industry in Downeast Maine, as well as the state-wide economy. Additionally, climate change caused sea-level rise is eroding wetlands and beaches, increasing damage and vulnerability of the Town of Mount Desert and other coastal towns during severe storms;

**WHEREAS** , climate change has led to marked shifts in seasonal temperature changes. which threaten the

natural ecosystems of Mount Desert Island, economic activity such as tourism and seasonal recreation, and public health, such as an increase in tick-borne illnesses like Lyme Disease

**WHEREAS** , over 1480 local, county, and national governments worldwide, including the town of Bar Harbor, Portland, South Portland, and Brunswick have passed a declaration of Climate Emergency and committed to taking emergency action to restore a safe and stable climate

**WHEREAS** , restoring a safe and stable climate will require swift and immediate action on the part of communities across the nation and worldwide, and the Town of Mount Desert can initiate strong climate policies, procedures and infrastructure changes as part of an emergency climate response by towns throughout Maine;

**NOW BE IT THEREFORE RESOLVED** , the Town of Mount Desert declares that the climate emergency represents a clear and present danger to all life in the Town of Mount Desert and on Mount Desert Island, and is threatening the cultural, social and economic well-being of our community;

**BE IT FURTHER RESOLVED** , the Town of Mount Desert commits to an effort to reverse global warming and the current ecological crisis, which, with appropriate financial and regulatory assistance from State and Federal authorities, will:

(a) initiate additional greenhouse gas reductions and reduce as much as possible town-wide greenhouse gas emissions no later than December 31, 2030;

(b) prioritize zero-carbon solutions for local electricity, heating, and transportation systems towards the goal of a zero-emission, energy-independent Mount Desert Island as quickly as possible and no later than December 31, 2030; and,

(c) ensure a fair and reasonable transition for all residents;

**BE IT FURTHER RESOLVED** , the Town of Mount Desert Board of Selectmen directs the Sustainability Committee to work with key stakeholders, including local youth, to collaboratively plan the town's climate emergency response, including emergency climate mitigation and education programs, and to develop proposals to be submitted to the Board of Selectmen for implementation and integration into the Town of Mount Desert Comprehensive Plan;

;

,

;

**BE IT FURTHER RESOLVED** , that the Town of Mount Desert Board of Selectmen charges the Sustainability Committee with coordinating, in collaboration with key stakeholders, proposals for Town efforts towards the expedient reduction of greenhouse gas emissions across the community, as well as developing funding proposals to support such initiatives;

**BE IT FURTHER RESOLVED** , the Town of Mount Desert, in collaboration with key stakeholders, commits to engaging our residents and local stakeholders in educational activities and public

deliberations on the climate emergency, ensuring that local voices will participate in all climate initiatives;

**BE IT FURTHER RESOLVED** , the members of the Town of Mount Desert Board of Selectmen request the Town Manager to send this resolution to the Town's state and federal legislative delegations, to the Governor of Maine, and to the President of the United States

Given under our hands at Mount Desert this \_\_\_\_ day of \_\_\_\_\_ 2021, the Selectmen of the Town of Mount Desert:

\_\_\_\_\_  
John Macauley, Chairman

\_\_\_\_\_  
Matthew Hart, Vice Chairman

\_\_\_\_\_  
Wendy Littlefield, Secretary

\_\_\_\_\_  
Martha Dudman

\_\_\_\_\_  
Geoffrey Wood

## Appendix G; Article 39

### Estimated Tax Rate

2021-2022 ESTIMATED TAX RATE				
	Proposed F.Y. 2021-2022	Budget Last Year F.Y. 2020-2021	Increase / (Decrease)	% Change
Municipal Budget (a)	\$10,538,319	\$10,449,644	\$88,675	0.84%
Less Projected Revenues (b)	\$1,739,943	\$1,798,510	(\$58,567)	-3.37%
Net Municipal Budget	\$8,798,376	\$8,651,134	\$147,242	1.67%
Elementary School (c)	\$4,160,177	\$3,839,490	\$320,687	7.71%
High School (d)	\$3,189,787	\$3,021,192	\$168,595	5.29%
Hancock County Tax (e)	\$1,016,978	\$997,203.66	\$19,775	1.94%
Total Budget	\$17,165,318	\$16,509,020	\$656,299	3.82%
Amount To Be Raised	\$17,165,318	\$16,509,020	\$656,299	3.82%
Estimated Taxable Valuation (f)	\$2,084,706,020	\$2,078,790,120	\$5,915,900	0.28%
Estimated Tax Rate	\$8.26	\$7.98	\$0.28	3.39%

#### 2021-2022 ESTIMATED TAX RATE / OVERLAY

Est. 2021-2022 Valuation times mill rate of	\$8.26	\$17,219,672	2020-2021 Tax Rate	\$7.98	per \$1,000
2021-2022 amount to be raised		\$17,165,318	2021-2022 Tax Rate	\$8.26	per \$1,000
Estimated Overlay		\$54,354	% Increase In Tax Rate	3.39%	

Each \$0.10 on the tax rate raises \$208,500

To Reduce Mill Rate by:	\$0.10	Requires either reducing	\$208,500
	\$0.20	spending or increasing	\$416,900
	\$0.30	revenues by some	\$625,400
	\$0.40	combination thereof.	\$833,900
	\$0.50		\$1,042,400
	\$0.60		\$1,250,800
	\$0.70		\$1,459,300
	\$0.80		\$1,667,800
	\$0.90		\$1,876,200
	\$1.00		\$2,084,700

## Appendix G; Article 39

### Tax Levy Limit Worksheet – pg. 1

<b>2022 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET</b>	
Municipality: MOUNT DESERT, ME    Contact Person*: KYLE AVILA    Phone Number: (207)276-5531	
<p style="text-align: center;">* The Contact Person should be able to answer clarifying questions about the reported information.</p>	
<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 2021 refers to the July 1, 2020 to June 30, 2021 budget year. The use of the term 2022 refers to the July 1, 2021 to June 30, 2022 budget year.</p> <hr/>	
<p><b>LAST YEAR'S (2021) MUNICIPAL PROPERTY TAX LEVY LIMIT</b></p> <p>This is the portion of 2021 property tax revenue used for municipal services.</p> <ul style="list-style-type: none"> <li>- If last year the municipality committed <u>LESS THAN</u> or <u>EQUAL TO</u> the limit, enter last year's <b>limit</b> on Line 1 below.</li> <li>- If last year the municipality voted to <u>EXCEED</u> the limit <u>ONCE</u> (just last year), enter last year's <b>limit</b> on Line 1 below.</li> </ul> <p><b>1. LAST YEAR'S MUNICIPAL PROPERTY TAX LEVY LIMIT</b> <span style="float: right;"><u>\$8,748,253</u></span></p> <p style="text-align: center;"><u>OR</u></p> <ul style="list-style-type: none"> <li>- 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.</li> </ul> <p><b>A.</b> Last year's Municipal Appropriations (Line 2, 2021 Municipal Tax Assessment Warrant) <span style="float: right;"><u>                    </u></span></p> <p><b>B.</b> Last year's Total Deductions (Line 11, 2021 Municipal Tax Assessment Warrant) <span style="float: right;"><u>                    </u></span></p> <p><b>C.</b> 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".) \$ <span style="float: right;"><u>                    </u></span></p> <p><b>D.</b> Add Lines A and C, and subtract Line B. Enter result on Line 1 above.</p>	
<p><b>CALCULATE GROWTH LIMITATION FACTOR</b></p> <ul style="list-style-type: none"> <li>- Each municipality's Growth Limitation Factor is based on local property growth and statewide income growth.</li> </ul> <p><b>2.</b> Total New Taxable Value of lots (splits), buildings, building improvements, and personal property first taxed on April 1, 2020 (or most recent year available) <span style="float: right;"><u>\$7,043,400</u></span></p> <p><b>3.</b> Total Taxable Value of Municipality on April 1, 2020 (or most recent year available) <span style="float: right;"><u>\$2,078,790,100</u></span></p> <p><b>4.</b> Property Growth Factor (Line 2 divided by Line 3) <span style="float: right;"><u>0.0034</u></span></p> <p><b>5.</b> Income Growth Factor (provided by Office of Policy and Management) <span style="float: right;"><u>0.0330</u></span></p> <p><b>6.</b> Growth Limitation Factor (Line 4 plus Line 5) <span style="float: right;"><u>0.0364</u></span></p> <p><b>7.</b> Add 1 to the Growth Limitation Factor calculated in Line 6. <span style="float: right;"><u>1.0364</u></span></p> <p>(For example, if Line 6 is 0.0362, then enter 1.0362 on Line 7.)</p>	
<b>2022 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET</b>	

## Tax Levy Limit Worksheet - Pg. 2

2022 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET		
<b>CALCULATE 2020-2021 CHANGE IN REVENUE SHARING (previously "NET NEW STATE FUNDS")</b>		
- Determine if revenue sharing increased or decreased. Years refer to municipal fiscal year.		
8. 2020 Municipal Revenue Sharing		\$80,072
9. 2021 Estimated Municipal Revenue Sharing		\$70,857
10. If Line 8 is greater than Line 9, then calculate Line 8 minus Line 9. Enter result at right; skip Line 11.		
11. If Line 9 is greater than Line 8, then complete 11A & 11B below.		
A. Multiply Line 8 by Line 7.		\$82,258
B. Calculate Line 9 minus Line 11A. Enter result at right. (If result is negative, enter "0".)		\$8,599
<b>CALCULATE THIS YEAR'S (2022) MUNICIPAL PROPERTY TAX LEVY LIMIT</b>		
- This year's Property Tax Levy Limit is last year's limit increased by the Growth Factor and adjusted for revenue sharing.		
12 Apply Growth Limitation Factor to last year's limit.	(Line 1 multiplied by Line 7)	\$9,084,514
13 <b>THIS YEAR'S MUNICIPAL PROPERTY TAX LEVY LIMIT</b>		
If Line 9 is greater than Line 8 (revenue sharing increased), you <u>MUST</u> subtract Line 11B from Line 12. This is <u>required</u> .		
OR If Line 9 is less than Line 8 (revenue sharing decreased), you <u>MAY</u> add Line 10 to Line 12. This is <u>optional</u> .		
- Enter result at right.		\$9,055,915
<b>CALCULATE THIS YEAR'S (2022) MUNICIPAL PROPERTY TAX LEVY</b>		
- The information needed for this calculation is on the 2022 Municipal Tax Assessment Warrant, filed in the Valuation Book. Use estimates if necessary.		
A. This year's Municipal Appropriations	(Line 2, 2022 Municipal Tax Assessment Warrant)	\$10,538,319
B. This year's Total Deductions	(Line 11, 2022 Municipal Tax Assessment Warrant)	\$1,739,943
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".)		0
14 <b>THIS YEAR'S MUNICIPAL PROPERTY TAX LEVY</b> (Add Lines A and C, and subtract Line B)		\$8,798,376
15 <b>COMPARE</b> this year's MUNICIPAL PROPERTY TAX LEVY to the LIMIT (Line 13 minus Line 14)		\$257,539
(If the result is <b>negative</b> , then this year's municipal property tax levy is greater than the limit and a vote must be taken.)		
16 Did the municipality vote to <u>EXCEED</u> the limit <u>ONCE</u> (just this year)?	<input type="checkbox"/> NO <input type="checkbox"/> YES	
(Voting to exceed the limit means the municipality will calculate next year's limit based on line 13.)		
If "yes", please describe why:		
17 Did the municipality vote to <u>INCREASE</u> the limit <u>PERMANENTLY</u> (for current and future years)?		<input type="checkbox"/> NO <input type="checkbox"/> YES
(Voting to increase the limit means the municipality will calculate next year's limit based on line 14.)		
If "yes", please describe why:		