

Agenda
Bar Harbor Town Council
March 1, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – Town Council Chambers
 - A. **Excused Absence(s)**
- II. **PUBLIC COMMENT PERIOD** – The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.
- III. **APPROVAL OF MINUTES – February 16, 2016 Regular Meeting**
- IV. **ADOPTION OF AGENDA**
- V. **CONSENT AGENDA** – A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:
 - A. **July Fourth** – Possible adoption of a motion to authorize the Bar Harbor Chamber of Commerce to hold a parade and fireworks on July Fourth, as outlined in their request, and thank them for their continued willingness to organize these events.
 - B. **Parks & Recreation Committee Resignation** – Possible motion to accept the resignation of Alan Mogridge and send him a letter of thanks and wish him well.
- VI. **PUBLIC HEARINGS:**
 - A. **Land Use Ordinance Amendment for June 2016** – Public comment and possible signing of the Orders placing the following amendments on the annual town meeting warrant for June 14, 2016.
 - Downtown Village District(s)**
 - Article 2 (formerly draft a) LUO: to add farmers market
 - Article 3 (formerly draft b) LUO: to add one and two family dwellings
 - Article 4 (formerly draft c) LUO: to add auto sales lot and auto repair garage
 - Article 5 (formerly draft d) LUO: to add home occupation
 - Article 6 (formerly draft e) LUO: to add retirement community
 - Signs, Lighting and Design Review Board**
 - Article 7 (formerly draft aa) LUO: illuminated sign standards

- Article 8 (formerly draft bb) LUO: Design Review Board sign review authority
- Article 9 (formerly draft cc) LUO: Design Review Board overlay district
- Article 10 (formerly draft dd) LUO: move certain sign regulations
- Article 11 (formerly draft ee) LUO: allowable sign area

VII. REGULAR BUSINESS:

- A. **MDI Skatepark** – Update and possible approval of the design.
- B. **Mutual Aid Agreement** – Possible motion to authorize the Fire Chief to sign the automatic mutual aid agreement between Bar Harbor Fire Department and Northeast Harbor Ambulance Service.
- C. **Pay as You Throw** - Update
- D. **Treasurer’s Warrant** – Request of Treasurer to authorize paid bills.

VIII. TOWN MANAGER’S COMMENTS

IX. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

X. EXECUTIVE SESSION: (None Anticipated)

XI. ADJOURNMENT

**In order to assure your full participation in this meeting,
we would appreciate your informing us of any special
requirements you might have due to a disability.**

Please call 288-4098

Manager's Memo

To: Bar Harbor Town Council
cc: Department Heads
From: Cornell Knight, Town Manager
Date: Friday February 26, 2016

Re: **Town Council Meeting of March 1st**

CALL TO ORDER – 7:00 P.M.

I. A. Excused Absences – none that I am aware of however if one arises, it would be appropriate to pass a motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).

V. CONSENT AGENDA – A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:

- A. July 4th Parade:** Possible motion: to authorize the Bar Harbor Chamber of Commerce to hold a parade and fireworks show on July 4th as outlined in the request.
- B. Parks & Recreation Committee Resignation.** Possible motion: to accept the resignation of Alan Mogridge and send him a letter of thanks.

VI. PUBLIC HEARINGS -

- A. Land Use Ordinance Amendments for June 2016-** The Council must hold a public hearing on the 10 article amendments to the Land Use Ordinance that include changes to the Downtown Village Districts and changes to sign standards. Enclosed are the draft articles. Town Planner Robert Osborne will attend and give a brief review of the articles. Following the public hearing a possible motion: to sign the Council Orders placing the proposed ten Land Use Ordinance Amendments on the June 14, 2016 annual town meeting ballot.

VII. REGULAR BUSINESS:

- A. MDI Skate Park Design-** - Enclosed is a letter from Karen Svenson and Katie Churchill of the Skatepark Association requesting approval of the phased design for a skate park at the Ballfield on Park Street. The Association has enough cash on hand for Phase 1 and has signed a contract with a builder. The groundwork will begin in June and construction in September. Enclosed is the design approved by the Parks & Rec Committee. A possible motion: to approve the design of the skatepark as presented by the MDI Skatepark Association dated February 24, 2016.

- B. Pay As You Throw Update:** Enclosed is a memo from Chip Reeves with updated numbers and some suggestions of how the PAYT program would work. Residential customers would purchase bags and commercial accounts would be weighed in and out and would be billed. The cost reduction to the municipal budget would be \$485,713, so \$81,421 would still be covered by the property tax. The median household would see a tax reduction of \$98 and annual bag disposal costs of \$125 (1.2 bags/wk at \$2 per bag). At the December 15th meeting the Council voted to hold a straw poll at the next town meeting. Enclosed is a sample information sheet that WasteZero has used to explain the program benefits. This would be distributed this spring prior to the vote. Also, there is an information sheet on straw polls from the MMA website.
- C. Mutual Aid Agreement-** Enclosed is a memo from Fire Chief Matt Bartlett regarding the need for a mutual aid agreement with Northeast Harbor Ambulance Service in the event of a structure fire. A possible motion: to approve the Agreement for Mutual Aid with the Northeast Harbor Ambulance Service dated March 1, 2016.
- D. Treasurer's Warrant** – I recommend passage of a motion: to sign the Treasurer's Warrants for paid bills.

Minutes
Bar Harbor Town Council
February 16, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; and Town Manager Cornell Knight.
- A. **Excused Absence(s)** – All were present.
- II. **PUBLIC COMMENT PERIOD** – *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – Terri Zabala stated that she did not speak during public comment last meeting; and she corrected her husband, who spoke out loud in the audience, that they too did not receive a broadband survey, when indeed they had. Also, she noted the spelling of her name.
- III. **APPROVAL OF MINUTES** – *February 2, 2016 Regular Meeting* – Mr. Stivers noted his name was incorrectly stated as Mr. Clark. Mr. St. Germain, with second by Ms. Greenlee, moved to approve the minutes of February 2, 2016 as amended by Ms. Zabala and Mr. Stivers. Motion passed 7-0.
- IV. **FINANCIAL STATEMENTS** – *Review and possible adoption of a motion to accept the financial statements as presented.* – Finance Director Stan Harmon gave a brief overview of the monthly statements and amended the Highway expenditures to read \$48,000 less than last year to date and Ambulance revenues are \$14,000 less than last year. Following brief comments, Mr. St. Germain, with second by Ms. Greenlee, moved to accept and file the Finance Director's financial statements dated 2/9/16. Motion passed 7-0.
- V. **ADOPTION OF AGENDA** – Mr. St. Germain, with second by Mr. Stivers, moved to adopt the amended agenda as published. Motion passed 7-0.
- VI. **CONSENT AGENDA** – *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*
- A. **Certification of Property Owners and Abutters Mailing Lists** – *Possible passage of a motion to sign the two certification of the mailing lists used for the notice of the Council's March 1, 2016 public hearings on the Land Use Ordinance Amendments for June 14, 2016.*
- B. **Memorial Day Ceremony** – *Possible motion to approve the Chamber of Commerce request for use of the town pier on May 30 to hold a Memorial Day ceremony.*
- C. **Grant: 2016 Speed Enforcement** – *Possible motion to approve the Police Chief to apply for and participate in the 2016 Speed Enforcement Program grant to cover overtime expenses for speed enforcement.*

Mr. St. Germain, with second by Ms. Greenlee, moved to approve the consent agenda as published. Motion passed 7-0.

VII. **PUBLIC HEARINGS:**

A. **Special Amusement Permit Renewals:**

1. **The Harborside Hotel & Marina**, 55 West Street, for a Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Golden Anchor, LC, Patrick Walsh. – There being no comments, Mr. Stivers, with second by Mr. St. Germain, moved to approve the Harborside Hotel & Marina for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.
2. **The Bar Harbor Regency Hotel**, Inc., 123 Eden Street, request for a Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Patrick Walsh. – There being no comments, Ms. Greenlee, with second by Mr. St. Germain, moved to approve the Bar Harbors Regency Hotel for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.
3. **Bluenose Inn**, 90 Eden Street, request for a Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Lafayette Bluenose, LLC. – There being no comments, Ms. Greenlee, with second by Mr. St. Germain, moved to approve the Bluenose Inn for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.

B. **FY17 Budget:** *Public hearing on and possible adoption of the fiscal year 2017 budget, for the period July 1, 2016 to June 30, 2017.*

1. *Public comment on the proposed budget.*
2. *Possible approval of a motion to adopt the proposed budget, (with or) without change and recommend it to the Warrant Committee.*

Town Manager Cornell Knight identified the largest expenditure increase in operations as the hydrant rental at \$61,892 and in the Capital Improvement Program, it is \$50,000 towards a broadband engineering study. While the Town's portion is up 2.5% over last year, the school and county budget increases result in a blended tax rate of 2.3%. This includes the proposed amended high school budget with a substantially less fuel budget.

At the public hearing, Mr. Roger Innes requested from the water division the formula for the hydrant rentals. It was duly noted it is online along with the Water's rate case report. There being no further comments, Ms. Greenlee, with second by Mr. Barker, moved to adopt the proposed 2017 municipal budget as presented in the Budget Summary dated 2/16/16 and recommend it to the Warrant Committee. Motion passed 7-0.

VIII. REGULAR BUSINESS:

A. **Municipal Review Committee** – *Possible motion to approve the Resolution that the Town continue as a member of MRC, authorizes the Joinder Agreement, and deliver waste to Fiberight, LLC in Hampden.* – Public Works Director Chip Reeves introduced attending members and representatives of Fiberight and Municipal Review Committee who presented the plan and answer questions: George Aronson, Craig Stuart-Paul, and Greg Louder. Following much discussion and questions from the Council; Council opened the floor to the public. Lisa from Sweden who is currently living in Bar Harbor expressed interest in the environmental impact particularly recycling, compositing, and organic processing. There being no further comments, Mr. St. Germain, with second by Mr. Barker, moved to approve the Town Council Resolution Authorizing Execution of the Municipal Joinder Agreement with the Municipal Review Committee dated February 16, 2016. Motion passed 7-0.

B. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. St. Germain, with second by Ms. Greenlee, moved to sign the Treasurer's Warrant for paid bills. Motion passed 7-0.

IX. **TOWN MANAGER'S COMMENTS** – Mr. Knight announced the Warrant Committee will be meeting over the next five weeks ending with a joint meeting with the Town Council to discuss the budget and any suggestions or recommendations.

X. **COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA**

Mr. Barker requested a list of properties and their value that the Jackson Laboratory has taken off the real estate tax rolls. Mr. Knight reported he recently spoke with a Jackson Lab representative inviting them to speak at an upcoming Council meeting to share their master plan and their recent property purchases.

XI. **EXECUTIVE SESSION:** (None)

XII. **ADJOURNMENT** – Mr. Friedmann, with second by Ms. Greenlee, moved to adjourn at 8:57 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk

V 4.



February 19, 2016

Dear Cornell,

I am requesting the following item be placed on the Town Council's agenda.

The Bar Harbor Chamber of Commerce is requesting permission to hold a street parade on July 4, 2015. The parade will start at 10:00 a.m. and last approximately one and a half hours. The parade will start and end at the Athletic Field on lower Main Street, and the parade route will be the same as 2014-- down Main St. to Cottage Street to Eden Street down Mt. Desert Street onto Ledgelawn Avenue.

We are also requesting permission to hold a fireworks display from the town pier at approximately 9:15 p.m. on July 4th with a rain date of July 5th.

Please let me know if you have any questions or need additional information.

Sincerely,

Jenny Bishop
Events Coordinator

P.O. Box 158, Bar Harbor, Maine 04609-0158 * 207/288-5103 Fax 207/667-9080

E-Mail: visitors@barharborinfo.com Web Site: www.barharborinfo.com

VISIT BAR HARBOR & ACADIA NATIONAL PARK ON THE MOST BEAUTIFUL ISLAND IN AMERICA

V B.

Patricia Gray

From: Suzanne Banis (Highway Div) <sbanis@barharbormaine.gov>
Sent: Wednesday, February 24, 2016 1:49 PM
To: pagray@barharbormaine.gov
Cc: 'Jeff Dobbs'; Chip Reeves
Subject: Parks and Recreation Committee YMCA Representative Vacancy

Pat,

This is to inform you that Alan Mogridge has notified the Parks and Recreation Committee of his resignation as Executive Director to the MDI YMCA, and also from the Committee, due to health reasons. By ordinance amendment to Chapter 31, Article V, § 31-22, the Parks and Recreation Committee shall include one representative from the YMCA (who may or may not be a resident). Would you please advise Town Council of this vacancy? Alan's term was due to expire June 2016.

Thank you,
Suzanne

Suzanne Banis
Bar Harbor Highway Division
50 Public Works Way
Bar Harbor, ME 04609
(207) 288-4681 / FAX (207) 288-4463

Order

Of the Bar Harbor Town Council

For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Article 2 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add farmers market use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

**An amendment to add farmers market as a use to the Downtown Village I District,
Downtown Village II District and Downtown Village Transitional District.**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment;

theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio; eleemosynary institution; place of worship; farmers market.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; farmers market.

EXPLANATION: The farmers market use was allowed by permit from the Code Enforcement Officer in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I and Downtown Village II Districts and Downtown Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the farmers market use to those three districts as a use allowed by permit from the Code Enforcement Officer.

Given under our hands and seal at Bar Harbor on this first day of March, 2016

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt O. Barker

David Bowden

J. Clark Stivers

Order

Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Article 3 - LAND USE ORDINANCE AMENDMENT: Downtown Village II District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add single-family dwelling use and two-family dwelling use to the Downtown Village II District” be enacted?

Downtown Village II District

An amendment to add single-family dwelling and two-family dwelling as uses to the Downtown Village II District.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; single-family dwelling; two-family dwelling.

EXPLANATION: The single-family dwelling and two-family dwelling uses were allowed uses by building permit from the Code Enforcement Officer in the Downtown Business Districts and were deleted when the subsequent Downtown Village II District was enacted in 2010 in the same location. The purpose of this amendment is to add single-family dwelling and two-family dwelling to that district as uses allowed by permit from the Code Enforcement Officer.

Given under our hands and seal at Bar Harbor on this first day of March, 2016

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt O. Barker

David Bowden

J. Clark Stivers

Order

Of the Bar Harbor Town Council

For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Article 4 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add automobile sales lot and automobile repair garage to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add automobile sales lot and automobile repair garage as uses to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is stricken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; road construction; automobile sales lot; automobile repair garage.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(2) Uses allowed by site plan review: multifamily dwelling I and II; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage.

EXPLANATION: Automobile sales lot and automobile repair garage were allowed uses by site plan approval in the Downtown Business Districts and were deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the automobile sales lot and automobile repair garage uses to those districts as a use allowed by Planning Board site plan review.

Given under our hands and seal at Bar Harbor on this first day of March, 2016

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt O. Barker

David Bowden

J. Clark Stivers

Order

Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Article 5 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add home occupation use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

**An amendment to add home occupation as a use to the Downtown Village I District,
Downtown Village II District and Downtown Village Transitional District.**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is stricken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio; eleemosynary institution; place of worship; home occupation.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; home occupation.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; home occupation.

EXPLANATION: The home occupation use was an allowed use by building permit in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the home occupation use to those districts as a use allowed by permit from the Code Enforcement Officer.

Given under our hands and seal at Bar Harbor on this first day of March, 2016

Municipal Officers of the Town of Bar Harbor

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Anne R. Greenlee

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David Bowden

J. Clark Stivers

Order

Of the Bar Harbor Town Council

For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Article 6 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add retirement community use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

**An amendment to add retirement community as a use to the Downtown Village I District,
Downtown Village II District and Downtown Village Transitional District.**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; road construction; retirement community.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; retirement community.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(2) Uses allowed by site plan review: multifamily dwelling I and II; all other types of child-care facilities; medical clinics; retirement community.

EXPLANATION: The retirement community use was an allowed use by site plan approval in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the retirement community use to those districts as a use allowed by Planning Board site plan review.

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Peter St. Germain

Anne R. Greenlee

Burt O. Barker

David Bowden

J. Clark Stivers

Order

Of the Bar Harbor Town Council

For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Article 7 - LAND USE ORDINANCE AMENDMENT: Definitions - General Review Standards, Light and glare and Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “Amendments to add terms and definitions for categories of internally illuminated signs, amendments to clarify lighting requirements for signs and amendments to prohibit certain types of internally illuminated signs” be enacted?

125-109 Definitions

An amendment to add terms and definitions for categories of internally illuminated signs to the Definitions.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is stricken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:...

SIGN, INTERNALLY ILLUMINATED - A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are four types as follows:

TYPE 1; CABINET WITH TRANSLUCENT FACE: An internally illuminated sign with a cabinet style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.

TYPE 2; CABINET WITH LIGHT LIMITING FACE: An internally illuminated sign with an opaque surround cabinet style fixture with light limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories.

- A. 20% (or less) translucent face/ 80% (or greater) opaque background field.
- B. 30% (or less) translucent face/ 70% (or greater) opaque background field.

TYPE 3; CHANNEL LETTER: An internally illuminated sign comprised of three dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letter are mounted.

TYPE 4; HALO: An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.

125-67Z Light and glare

An amendment to clarify lighting requirements for signs.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is stricken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67 General Review Standards.

- Z. Light and glare. All site plans shall demonstrate that the proposed development shall comply with the following requirements with respect to exterior lighting. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(4) Additional requirements for commercial and multifamily applications:

(a) Signs and advertising.

- [1] All externally illuminated signs shall be lighted by top-mounted lights pointed downward. No sign may be illuminated with fixtures not shielded from upward transmission of light.
- [2] Signs may be illuminated internally only by nonflashing lights ~~that contain an opaque background, and this provision applies solely for properties with frontage on Route 3 and Route 102. No internally lit signs are allowed in the Downtown Village District.~~ Any lights that flash, pulse, rotate, move, or simulate motion are not permitted.
- [3] All ~~lights~~ lighting for externally illuminated signs shall be shielded to ensure that light sources are not directed toward or directly visible to drivers or from neighboring properties.
- [4] Lighting of signs is further regulated in 125-67BB Signs and advertising and categories of internally illuminated signs are defined in 125-109 Definitions.

Signs and advertising. Prohibitions

An amendment to prohibit certain types of internally illuminated signs.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

(3) Prohibitions...

(h) Internally illuminated signs of Type 1; Cabinet with Translucent Face and Type 3; Channel Letter are prohibited in all districts. ~~in the downtown village districts and historic districts are prohibited.~~

(i) Internally illuminated signs of Type 2B; Cabinet with Light Limiting Face: 30% (or less) translucent face/ 70% (or greater) opaque background field are prohibited in all districts except for lots with frontage on Route 102 or Route 3.

EXPLANATION: The Design Review Board crafted language to define certain types of internally illuminated signs. The purpose of this amendment is to add those categories of internally illuminated signs to 125-109 Definitions. Internally illuminated signs have their light source incorporated into the body of the sign, and some types of internally illuminated signs currently fail to meet the Land Use Ordinance's requirements to direct light away from adjacent properties, streets and the night sky.

The Design Review Board crafted language to make clarifications in the light and glare regulations for signs found in 125-67Z. The added language clarifies the type of signage lighting that is being regulated and directs the reader's attention to the fact that most of the lighting related sign regulation is found in 125-67BB Signs and advertising and numerous definitions related to signs are found in 125-109 Definitions. The language marked with strikethrough is thought to be redundant because similar language is found in 125-67BB Signs and advertising.

The Design Review Board crafted language to make changes to Signs and advertising - Prohibitions regulations found in 125-67BB. The language utilizes the proposed definitions for types of internally illuminated signs. The language is intended to direct sign makers and installers toward the types of internally illuminated signs that make no glare but are easily read both day and night. The proposed amendment would allow the preferred internally illuminated signs in the Downtown Districts where they are currently prohibited. The proposed amendment would prohibit internally illuminated signs with translucent faces that do not mitigate glare town wide. The proposed amendment would prohibit internally illuminated "channel letter signs that do not mitigate glare townwide. (The amendment would not prohibit certain internally illuminated cabinet lights that have either light limiting faces (Type 2A) or halo light signs (Type 4) which outline opaque letters on the sign with a "halo of light").

Given under our hands and seal at Bar Harbor on this first day of March, 2016

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt O. Barker

David Bowden

J. Clark Stivers

Order

Of the Bar Harbor Town Council

For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Article 8 - LAND USE ORDINANCE AMENDMENT: General Review Standards, Signs and advertising. – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify Design Review Board sign review authority” be enacted?

125-67BB Signs and advertising

An amendment to clarify Design Review Board sign review authority.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness. All signs listed below are required to receive a Certificate of Appropriateness from the Design Review Board prior to receiving a building permit if they are located within the identified

districts or are associated with a conditionally permitted use. Signs located in all other districts shall receive a building permit from the Code Enforcement Officer prior to installing the sign.

(a) Building permits required. All signs except those otherwise exempted are required to obtain a building permit as well as the certificate of appropriateness.

[1] All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the following districts or are associated with a conditionally permitted use.

[a] Village Historic.

[b] Bar Harbor Gateway District.

[c] ~~Bar Harbor Historical Corridor~~ Deleted.

[d] Downtown Village I and II Districts.

[e] Educational Institutional.

[f] Lots with road frontage on Routes 102 and 3.

[g] Marine Research.

[h] Scientific Research.

[i] Shoreland ~~Commercial~~ General Development I and II.

[j] Town Hill Business.

[k] Town Hill Residential Corridor.

EXPLANATION: The Design Review Board crafted language to correct and clarify which districts the Design Review Board's authority for sign review includes. The districts noted in this section requiring review of signs is updated in the draft amendment language. Over time the Land Use Ordinance's district names have changed and this section should be corrected with an update. The other proposed change is to clarify that the review authority extends to the entire section (6) *Signs subject to review by the Design Review Board for a certificate of appropriateness* and not just to the subsection [1] that lists the districts.

Given under our hands and seal at Bar Harbor on this first day of March, 2016

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt O. Barker

David Bowden

J. Clark Stivers

Order

Of the Bar Harbor Town Council

For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Article 9 - LAND USE ORDINANCE AMENDMENT: Design Review Board – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the boundaries of the Design Review overlay district” be enacted?

Design Review

An amendment to clarify the boundaries of the Design Review overlay district.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE XIII Design Review

§ 125-112 Applicability of design review.

A. Design Review Overlay Districts.

- (1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."
- (2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Bar Harbor Village Historic District; and the Bar Harbor Historic Corridor District (excluding those corridor districts on Route 3 that are within the area of the Town shown on Tax Map 11D) and the Town Hill Business District. The

district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

(3) The District also includes the districts and area included in the Sign Ordinance, § 125-67BB.

EXPLANATION: The Design Review Board has crafted language to correct and clarify what districts the Design Review Board overlay district is located in. Over time the Land Use Ordinance's district names have changed and this section should be updated. Tax map 11D as cited in the district language is obsolete and the draft language deletes the reference. Appendix A refers to Historic Properties in the Design Review Overlay District. Appendix B refers to Locally Significant Properties in the Design Review Overlay District. This section has other references to Appendix A and B requiring the Design Review Board to review buildings listed in Appendix A and/or B. This language is intended to clarify that Appendix A and B are in fact part of the Overlay District.

Given under our hands and seal at Bar Harbor on this first day of March, 2016

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt O. Barker

David Bowden

J. Clark Stivers

Order

Of the Bar Harbor Town Council

For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.



Article 10 - LAND USE ORDINANCE AMENDMENT: Design Review / Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section” be enacted?



Design Review & Signs and advertising

**An amendment to move certain signage regulations from the Design Review section
to the Signs and advertising section**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE XIII Design Review and Article V Site Plan Review

§ 125-112 Applicability of design review.

C. Activities not subject to design review. The following activities are not subject to design review:

(6) Renovation or new construction which is limited to the following types of improvements:

- (a) Exterior building facade paint color selected from the Design Review Board approved color chart(s). The color chart(s) can be obtained from the Planning Department and may be updated from time to time pursuant to Design Review Board approval. Colors not listed on the color chart(s) require a certificate of appropriateness from the Design Review Board.

- (b) ~~Replacement of one conforming wall-mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged. Deleted. NOTE: Moved to 125-67-BB~~
- (c) ~~A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building. Deleted. NOTE: Moved to 125-67-BB~~
- (d) ~~Installation of one twenty-four inch by thirty-six inch sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night. Deleted. NOTE: Moved to 125-67-BB~~
- (e) Installation of roof-mounted solar collection ~~photovoltaic~~ panels and appurtenant equipment.
- (f) Retractable awnings made of fabric material. Fabric may be striped or solid in color, and must be listed on the approved color chart for awnings in order to be eligible for an exemption. Lettering or wording shall not be printed on the awning unless otherwise approved through the issuance of a certificate of appropriateness.
- (g) Installation of lighting for signage, provided such lighting complies with § 125-67Z.

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness...

(o) Exemptions. The following activities are not subject to Design Review.

- [1] Replacement of one conforming wall-mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged.
- [2] A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.
- [3] Installation of one twenty-four inch-by thirty-six inch (24" x 36") sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night.

[4] Installation of lighting for signage, provided such lighting complies with § 125-67Z.

EXPLANATION: The Design Review Board has crafted language to move certain signage activities not subject to Design Review from the Design Review section to the Signs and advertising section. The draft amendment also includes a modification to the exemption for solar panels that the exemption includes all roof-mounted panels.

Given under our hands and seal at Bar Harbor on this first day of March, 2016

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt O. Barker

David Bowden

J. Clark Stivers

Order

Of the Bar Harbor Town Council

For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.



Article 11 - LAND USE ORDINANCE AMENDMENT: Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the allowable sign area of regulated signs” be enacted?



Signs and advertising.

An amendment to clarify the allowable sign area of regulated signs.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(2) Exemptions. The following signs are exempt from this chapter, shall not be counted towards sign area, and may be installed in any district without a permit, provided they comply as follows:

(d) Fuel pump signs as required by state law are allowed and shall not affect the computation of allowable number of signs or aggregate sign area size on a property.

(4) Conditional signs. Signs noted below are allowed without a Certificate of Appropriateness or a building permit and shall not be counted toward allowable square footage for ~~signs~~ sign area, subject to noted conditions, provided they comply as follows:

- (f) One on-premises real estate sign, and one off-premises directional sign not exceeding six square feet in total sign area, may be erected advertising the sale, lease or rental of the premises upon which the on-premises real estate sign is located and shall be removed by the owner or agent when the property is sold or leased.
- (h) One development or construction sign, not exceeding 20 square feet in sign area, may be erected 30 days prior to construction at the site of a construction project solely to identify the project and contractors and shall be removed within 30 days after completion of the project.
- (i) Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material or display area, not exceeding two square feet in sign area, and not extending higher than three feet above ground level are permitted.
- (j) A sign indicating a business is open or closed, and/or a sign indicating hours of operation, not to exceed one each per entry and not to exceed more than one square foot in sign area each. In the case of a combination sign, it shall not exceed two square feet in total sign area.
- (m) Home occupations. One sign identifying the name, address and profession or occupation of a home occupation is allowed provided that such sign is nonilluminated and does not exceed the maximum sign area requirements ~~allowed~~ for the street on which the home occupation has frontage:

<u>Posted Speed Limit</u> (miles per hour at location of sign)	<u>Maximum Sign Area</u> (square feet)
Less than 30	4
30 to 49	8
<u>50 or more</u> Greater than 49	12

(5) General requirements for all signs.

- (h) Window and door signs. Permanent window sign area and door signs area shall not exceed 30% of the window or door area.
- (i) Freestanding signs shall not extend more than 20 feet above ground level at their base, as defined by the natural contour of the ground. A freestanding sign shall adhere to the following maximum sign area size requirements:

Posted Speed Limit (miles per hour at location of sign)	Maximum Sign <u>Area Size</u> (square feet)
<u>Less than 30</u> 25 or under	24
<u>30 to 49</u> Over 25 and under 50	32
50 or more	50

EXPLANATION: The Planning Board has crafted language to utilize the defined term “sign area” consistently throughout the Land Use Ordinance. The draft amendment also modifies three charts to use consistent terminology throughout.

Given under our hands and seal at Bar Harbor on this first day of March, 2016

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Anne R. Greenlee

Burt O. Barker

David Bowden

J. Clark Stivers



MDISA

VII A.

To: Bar Harbor Town Council
From: MDI Skatepark Association
Re: Approval of skatepark design

24 February, 2016

Dear Bar Harbor Town Council Members,

The MDI Skatepark Association is excited to present to Council our new, redesigned phased skatepark plan. We have met with the Parks and Recreation committee, and it is with their recommendation that we now request Town Council approval for the complete phased plan, with the first phase to be built at the Bar Harbor Athletic field in 2016. Accompanying this letter are 4 documents:

1. Master Plan with 5 Phases – this is the “grand” plan that Parks and Recreation reviewed and recommended for Town approval.
2. A subset 4-phase design with refinements to certain riding features. This version simply focuses on the part that we want to build in 2016. It is essentially the “grand” design without the “blue phase” and includes subtle modifications to improve “ride-ability”, based on community feedback and does not impact cost or site work considerations. We received this after meeting with Parks and Recreation, and want to be sure it is included in the approval process.
3. Site layout for construction
4. Cross-section of how the engineered fill will be used.

This new design will be excellent for both beginner and experienced riders of all ages. Currently, we have the cash funds to completely cover Phase I for \$65,000 plus \$4,128 cash toward our contingency fund of \$6,500. MDISA seeks Town approval for all phases of this plan to enable us to continue fundraising and build the best park possible. With each phase, we will work with the Town of Bar Harbor to coordinate all installations.

MDISA will work with Public Works and the Town to determine the most convenient dates for groundwork of Phase I to start prior to the concrete phases. Pillar Design Studios would like to begin concrete construction September 1st and continue for 3-6 weeks until completion (completion time is dependent on the weather). MDISA has already secured generously donated housing for this time period for the builders which allows more of our budget to go directly towards select concrete features beyond Phase I. The park will be nicely landscaped and finished with gently sloping grass berms from the concrete.

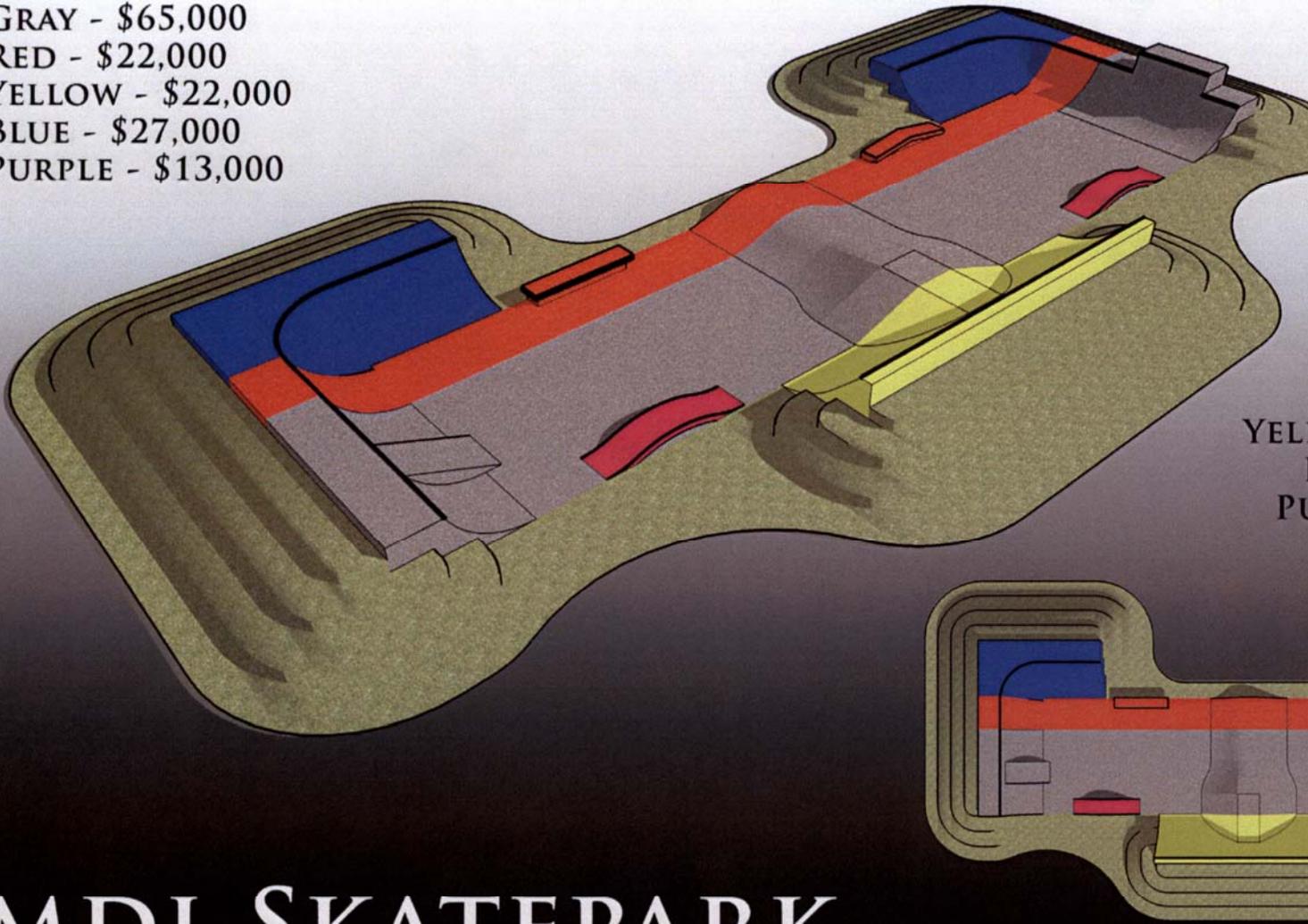
Thank you for your time and support in this project to provide a public space for scootering, biking, skateboarding and in-line skating for our community and visitors! We look forward to answering any questions you have about this project at the next council meeting on March 1, 2016.

Sincerely,

Karen Svenson and Katie Churchill
for MDISA

Mount Desert Island Skatepark Association
181 Norway Drive ~ Bar Harbor, Maine 04609
207.288.0454

GRAY - \$65,000
RED - \$22,000
YELLOW - \$22,000
BLUE - \$27,000
PURPLE - \$13,000

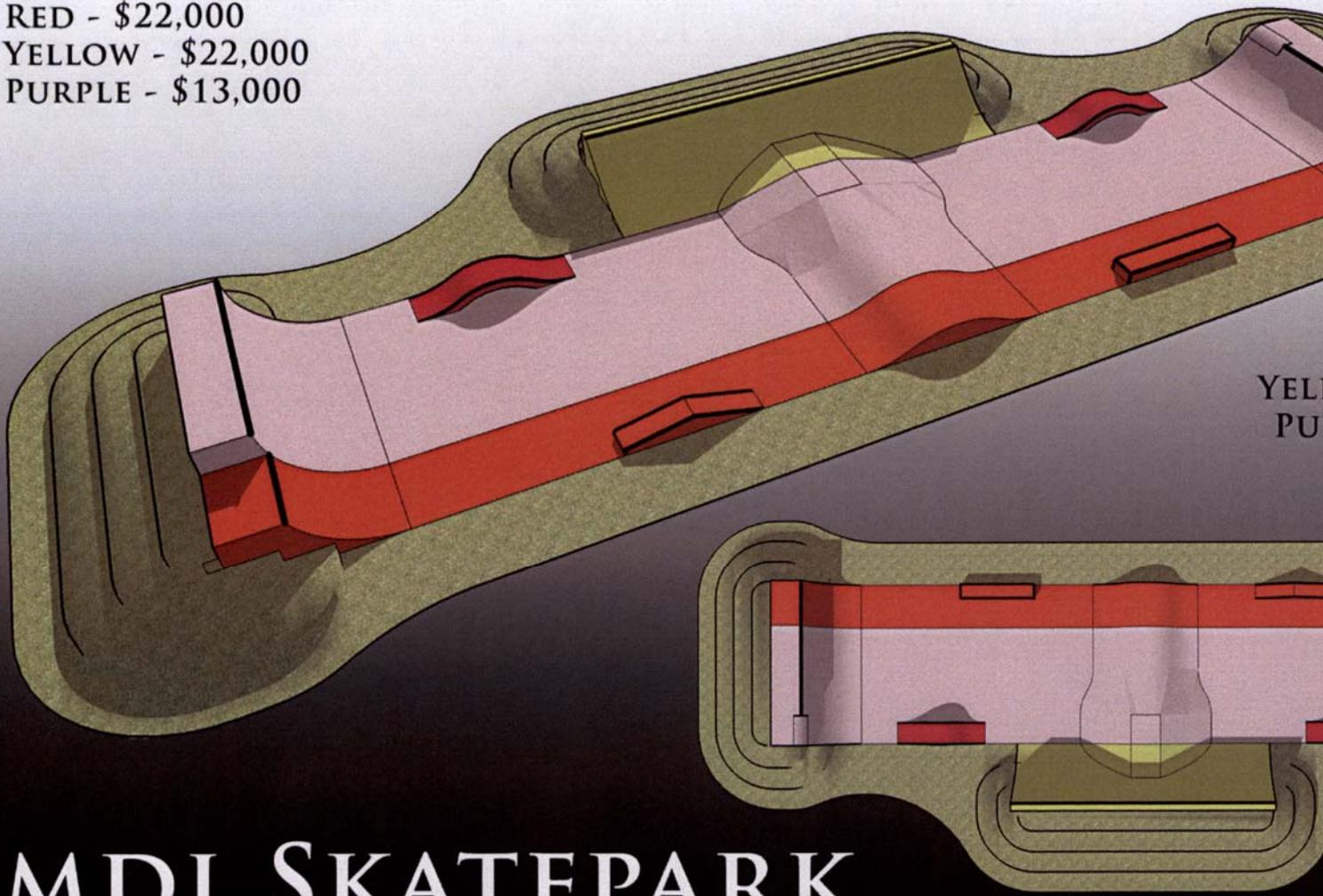


MDI SKATEPARK BAR HARBOR, MAINE

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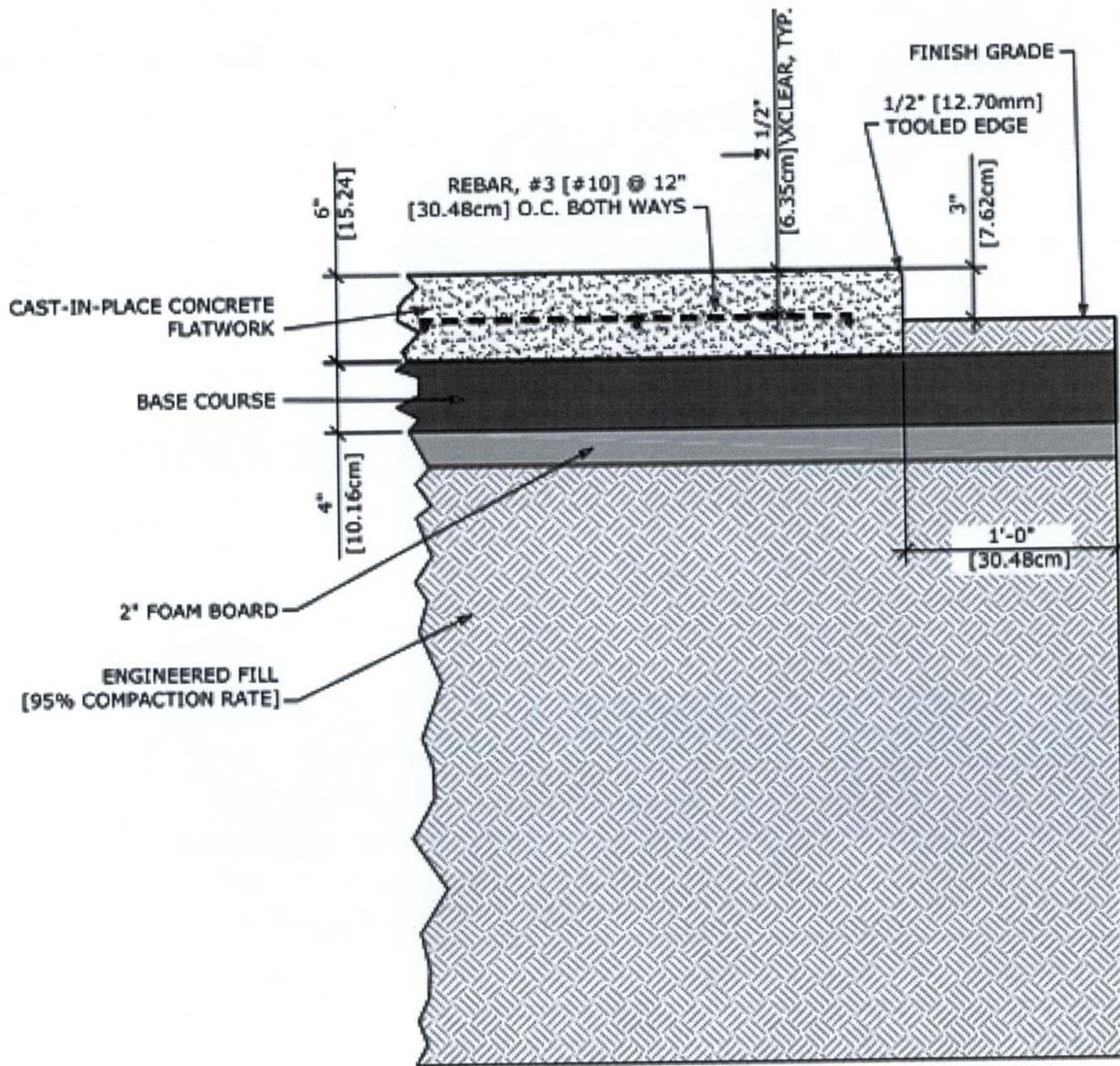


GRAY - \$65,000
RED - \$22,000
YELLOW - \$22,000
PURPLE - \$13,000



MDI SKATEPARK BAR HARBOR, MAINE





● **CROSS SECTION 1 - ENGINEERED FILL CONSTRU**

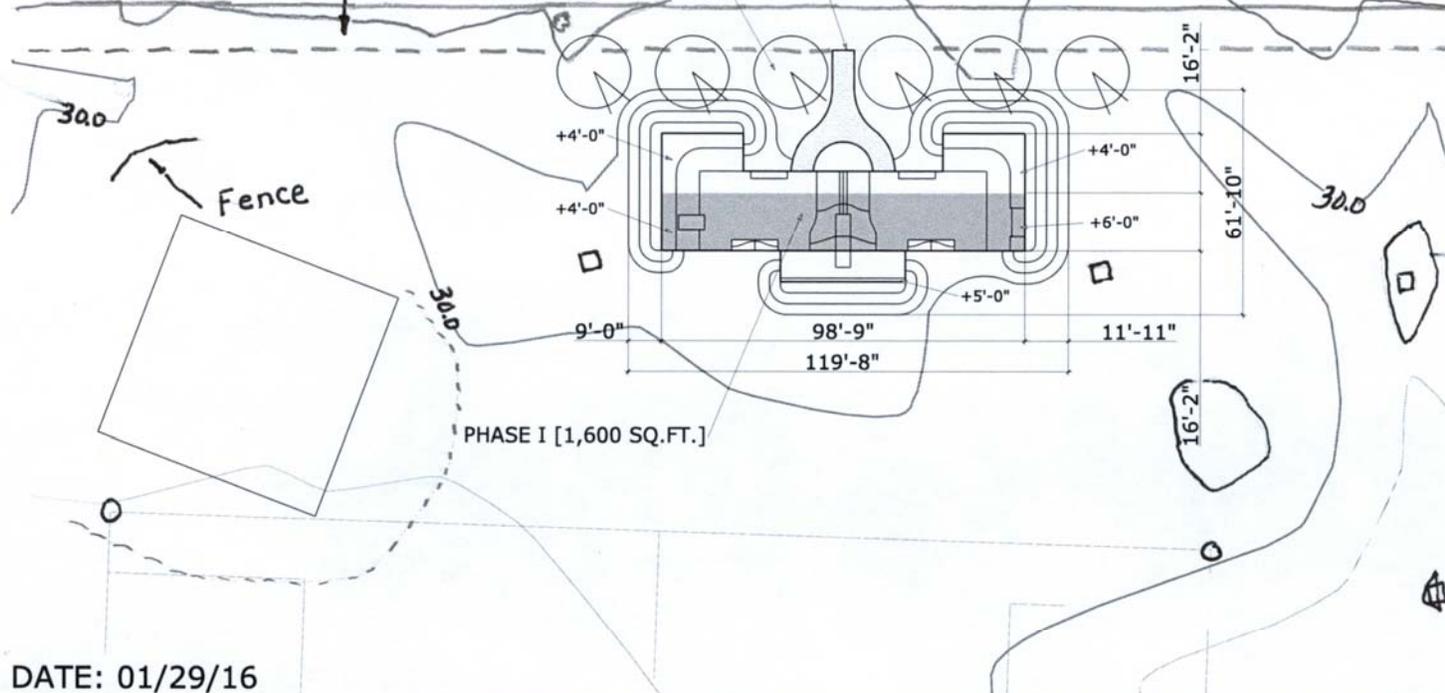
Park St ROW (ROW Width=50')

Street Centerline

Park Street

DONAR WALKWAY / SKATEPARK ENTRANCE

POSSIBLE VEGETATION



DATE: 01/29/16



MD
SKATE PARK I
B

These drawings are an instrument of professional service and the property of Pillar Design Studios L.L.C. Reproduction of these drawings shall not be allowed without the specific written permission of the Landscape Architect. Copyright 2016 Pillar Design Studios.



Bar Harbor Fire Department

37 Firefly Lane
Bar Harbor, Maine 04609
207-288-5554

VII B.

TO: Cornell Knight, Town Manager
FROM: Matthew Bartlett, Fire Chief *MS*
DATE: February 24, 2016
SUBJECT: Automatic Mutual Aid Agreement with Northeast Harbor Ambulance Service

I would like to receive Town Council approval to sign an automatic mutual aid agreement between the Bar Harbor Fire Department, and Northeast Harbor Ambulance Service (NEH).

1. With us adapting to new strategy of transitional attack firefighting, we need alter our response to reported structure fires. Currently, we respond with one engine, ladder truck, and ambulance. Each vehicle has one person per apparatus. With the transitional fire attack it relies on a complete walk around size up of the structure. Our current response does not allow the first responding fire officer on the engine to conduct a proper size up, and get the engine set up at the fire. By requesting automatic aid from NEH it allows for two firefighters to be in the first engine. The on duty shift officer can now do the necessary size up and have a firefighter set up the engine, and perform other timely task to help extinguish the fire. The new response will be one engine, and ladder truck. NEH will provide EMS coverage at the fire, and be available to take all other EMS calls.
2. The automatic mutual aid will also speed up the response time when responding to each other's community.
3. This will also help us meet a council goal of collaborating with other agencies on the Island, which is to improve the effectiveness of the delivery of services.
4. The automatic mutual aid will benefit both communities as it will help deliver needed resources, and assistance when we have large scale or multiple incidents at one time.

Copies: Town Council
Pat Gray, Town Clerk
Basil Mahaney, EMS Director Northeast Harbor Ambulance Service

Bar Harbor Fire Department

37 Firefly Lane
Bar Harbor, Maine 04609
207-288-5554

AGREEMENT FOR MUTUAL AID

Town Of Bar Harbor, Maine

&

Northeast Harbor Ambulance Service

AGREEMENT made this 1st day of MARCH, 2016, by and between the TOWN OF BAR HARBOR and the NORTHEAST HARBOR AMBULANCE SERVICE, Municipal Corporation, and the private ambulance service located in the COUNTY OF HANCOCK, STATE OF MAINE.

For the purpose of improving patient care and maximizing resources the undersigned representatives agree to following general guidelines.

1. Upon receiving notification from the service in need of assistance, said service shall respond to the incident scene, if available, and provide mutual aid.
2. Upon receipt of a reported structure fire, Northeast Harbor Ambulance Service will respond per this agreement, directly to the scene to provide EMS assistance, or be assigned to take any EMS calls that may be requested during the structure fire.
3. The responding crew shall be under the direction of their own Crew Chief unless directed otherwise by Incident Command.
4. In the event that the requested agency is unable to respond, the requesting agency will be notified immediately.

Matthew Bartlett, Fire Chief
Town of Bar Harbor

Date

Basil Mahaney, Service Chief
Northeast Harbor Ambulance Service

Date

Memo

To: Cornell Knight, Town Manager

From: Chip Reeves, Public Works Director
Stan Harmon, Finance Director

Date: February 24, 2016

Re: Pay As You Throw (PAYT) Operations

This memo has been written to update the Council on staff discussions regarding the effects of PAYT on operations at the Town's Transfer Station and Finance Office. Discussions occurred with staff directly affected by the change of policy but we also engaged staff that presently live in communities that have PAYT systems.

The following assumptions were utilized to develop preliminary budgeting and operational analysis:

- Municipal Solid Waste (MSW) reductions- 35% Residential, 8% Commercial
- Commercial Tip Fee- \$95/Ton
- Residential Tip Fee- Blended rate of \$1.63/Bag (\$1.00 & \$2.00 size bags)
- Staffing- Add a part time position in the summer (May – Oct) to manage scales. No additional staffing for recycling.
- Recycling Increase- 27% Increase over CY 2015 actual (Coincides with Waste Zeros assumption but based on actual)
- Recycling Revenues- Blended rate based on 2015 actual
- Labor Costs- FY 17 budgeted labor costs assuming 2/3 of those costs are for recycling.

Attached is a sheet of tables. The upper table labeled **PAYT Solid Waste Budget Analysis** shows costs utilizing the assumptions above which indicates an estimated annual cost for the MSW/Recycling budget. The lower two tables labeled **Recycling Analysis** provide the recycling costs for our present system and the PAYT program.

How Would It Work?

Staff has discussed the logistics of the implementation of PAYT on operations. Installation of a truck scale would be needed at the onset of the program. The location of the scale would need to be determined with reference to the draft master plan previously introduced to the council.

Staff is taking the approach that if it's not in a PAYT bag, we'll weigh it. That being said, commercial haulers (Gotts, Pine Tree) will be weighed, prior to and after dumping. Other

residential and commercial entities that choose not to use bags will need to register at the Finance department and receive a sticker to attach to their vehicle. Weighments will not be done for vehicles that do not have stickers and will be turned away. Finance is recommending a \$200 deposit being placed in addition to bills being due net 20 days after billing. Finance will also provide a list of past due sticker holders to Solid Waste. If a sticker holder or commercial hauler is past due in payment they will not be allowed to dump.

Conclusions:

As you will note in the PAYT Solid Waste Budget Analysis the estimated net cost is \$81,421 compared to \$567,134 (\$642,434 - \$75,300) budgeted for FY 17. A difference of **\$485,713**.

On the recycling side, changes to our existing program do not seem to make economic sense. This is mostly due to changing to a single sort program adds processing costs which eliminates revenues. MRRA reports single sort as a net cost item of approximately \$4 to \$8/ton. The net cost for single sort recycling assuming PAYT recycling increases produced a cost of \$123,664 .

Generally, total Solid Waste costs with this PAYT system would shift more to commercial, including non-profits, and residential customers. For residential customers rather than paying an estimated \$3217 in taxes per household (median home value \$296,800), they would pay approximately \$125/year purchasing bags (1.2 bags/wk/\$2bag), but reducing their taxes to \$3119, or by \$98, and also increase their recycling according to WasteZero. Staff concluded there is no practical way to estimate the effect on commercial customers due to the numerous variables with the handling of MSW commercially that occurs in town.

Implementation of a PAYT program will have certain impacts on present MSW handling practices. Staff has discussed many but offer no definitive list of what changes will be required commercially or residentially.

A solid waste policy would need to be written and adopted by the council.

Other Costs:

Below is a list of costs items not included in the analysis:

- Communication module to facilitate weighment/receivables
- Some sort of enclosure for weigh shack personnel
- Costs for uncollectible billings & collection efforts
- Costs for vehicle stickers
- Costs for public outreach

PAYT Solid Waste Budget Analysis

Assumed Reductions			Est Ave Gross \$/ton	Gross Tip Cost	Ave Hauling	Total Hauling	Est Ave Rebate/	Total Rebate	Net Tonnage Costs	Other Fi Costs *
35%	Residential	1065	\$ 80.89	\$ 355,349.77	\$ 19.36	\$ 85,048.48	\$ 20.21	\$ 88,782.53	\$ 351,615.72	\$ 221,88
8%	Commercial	3328								

Revenues				
Recycling	Recycling Tons	Average Price/Ton	Recycling Revenue	
	940	\$ 62.92	\$ 59,145	
Commercial	\$ 316,126	\$95/Ton		
Residential	\$ 132,812	Ave. Bag cost \$1.63 Using WZ estimated Revenue		
Net Cost	\$ 81,421			

Recycling Analysis

Present System (CY 15 Actual)

Tons Recycled	740
Revenue	\$ 46,561
Operating Supplies	\$ 3,500
Labor	\$ 127,737
Net Cost	\$ 84,676

PAYT

Tons Recycled	940
Revenue	\$ 59,145
Operating Supplies	\$ 4,445
Labor	\$ 127,737
Net Cost	\$ 73,037

Public Meeting on Pay-as-You-Throw in China

Saturday January 30th, Saturday February 27th and Thursday March 17th

Visit <http://www.china.govoffice.com/> for locations and times

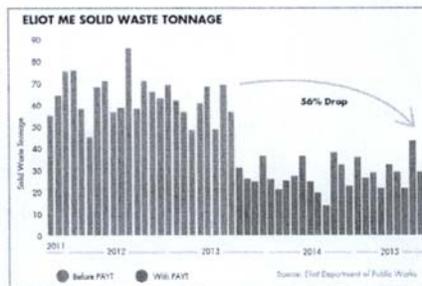
Please attend to learn more about PAYT and have your questions answered

What is Pay-As-You-Throw (PAYT)?

- Under the current program in China, all solid waste is paid for through property taxes.
- With PAYT, residents would dispose of garbage at the transfer station in official trash bags, available at local retail outlets throughout town:
 - 30-gallon large bag \$ _____
 - 15-gallon small bag \$ _____
 - 8-gallon mini bag \$ _____
- PAYT treats solid waste like a utility and brings garbage in line with how people already pay for water, gas, and electricity.
- Residents only pay for the garbage they generate and are encouraged to reuse, recycle and compost, as much as possible.

PAYT programs that work

- Almost a third of Mainers live in PAYT communities, including Bath, Brewer, Eliot, Etna, and Waterville.
 - Eliot, a 6,200 population transfer station community, has cut trash tonnage by 56% in two years of PAYT:



- Other Communities in Maine experience an average of 44% reduction of solid waste.

Why is China considering PAYT?

- PAYT is projected to reduce solid waste in China by 44%:
 - \$43,000 in annual disposal savings
 - 530 tons diverted from the waste stream
 - Increased recycling, composting, and textiles donation
- PAYT is fair and equitable:
 - Allows people to pay only for what they throw away—no more, and no less
 - Frees people from paying for the trash of more wasteful neighbors
 - Gives individuals control over how much they spend for garbage (a control they currently do not have)



Advisory Votes

Search Legal Notes:

Maine Townsman - April, 2015

Question: Are municipalities allowed to conduct non-binding advisory votes (aka "straw" votes), and if so, what procedures apply?

Answer: Maine law does not specifically authorize municipal advisory votes, but neither does it prohibit them, so we're confident they're permissible. (They are in fact fairly common.)

Because advisory votes are not governed by law, no particular procedures are legally required. However, we recommend that, if at all possible, the same procedures as apply to legal elections be used for advisory votes. In other words, if an advisory vote will be by referendum, the vote should be conducted in the same manner as a legal referendum, with preprinted ballots, absentee voting, polling hours, voting booths, and so on. If the vote will be at town meeting, it should be by the same process as for other legal business, with a warrant article, a motion and a second, debate, and a vote of the house. Using the same procedures as for legal elections is less confusing to voters and ensures that the results of an advisory vote are as reliable as possible.

Advisory votes can be very helpful for officials seeking public input on policy questions they must decide. Where a decision is for the voters but there are numerous options, an advisory vote can also help officials narrow the voters' legal choices to a manageable number.

Needless to say perhaps, advisory questions, whether warrant articles or ballot questions, should be clearly labeled as "non-binding" or "advisory" and should use advisory terms such as "should" rather than binding ones such as "shall."

Incidentally, any charge that an advisory vote is illegal is basically meaningless since an advisory vote, by definition, has no legal effect.

For all the details on conducting town meetings and referendum elections, see MMA's Town Meeting & Elections Manual, available free to members at www.memun.org. (By R.P.F.)

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