

Agenda
Bar Harbor Town Council
May 15, 2012

- I. **CALL TO ORDER** – 7:00 p.m.
 - A. **Excused Absence(s)**
- II. **APPROVAL OF MINUTES**
 - A. **May 1, 2012 Regular Meeting**
 - B. **May 1, 2012 Special Meeting**
 - C. **May 8, 2012 Special Meeting**
- III. **ADOPTION OF AGENDA**
- IV. **FINANCIAL STATEMENTS** – Review and possible adoption of a motion “to accept the financial statements as presented”.
- 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. **Bus & Taxi License Renewals:** Possible passage of a motion “to approve four bus licenses for Acadia National Park & Tours, three additional taxi licenses for At Your Service Taxi, one taxi license for Mount Desert Taxi Co., and one taxi license for MOE’Z Taxi”.
 - 1. **Acadia National Park & Tours** - Application of Andrew Cough, National Park Tours & Transport, Inc. for four buses
 - 2. **At Your Service Taxi** – Application of Clare Bingham, CJTL, Inc., for three additional taxi.
 - 3. **Mount Desert Taxi Co.** – Application of David Leeman for one taxi license.
 - 4. **MOE’Z Taxi** – Application of Maureen Leeman for one taxi license.
 - B. **Cruise Ship Committee** – Possible passage of a motion “to accept Alice Long’s letter of resignation from the Cruise Ship Committee and to thank her for her years of service.”
 - C. **Water Division Pump Station Improvements** – Possible passage of a motion “to approve and sign the June 7 Special Town Meeting Warrant”.
 - D. **Water & Sewer Fee Commitment** – Possible passage of a motion “to commit the water and sewer fees to the Town Treasurer for collection”.

VI. PUBLIC HEARINGS:

A. Special Amusement Permit Renewals:

1. **Mad Hatter Pub and Grill**, 116 Cottage Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Anna Hosta.
2. **Bar Harbor Club & Spa**, 111 West Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by BHTC 111, LLC, Richard C. Ade.

VII. REGULAR BUSINESS:

A. Committee Consultations – Discussion of current projects, future plans and any support needed from Town Council

1. **Design Review Board**
2. **Marine Resources Committee**

B. Shellfish Conservation Ordinance – Review and possible introduction of a Town Code amendment proposed by the Marine Resources Committee.

C. Citizens United Petition – Request of Councilor Albert for Town Council adoption of a “Resolution to Remove Corporate Money From Our Elections”.

D. Council Rules of Order:

1. **Public Comment Period** – Request of Councilor Garland
2. **Council-Staff Interactions** – Request of Councilor Disney for amendment of the Town Council’s Rules of Order to create standards for councilor interactions with Town employees.

E. Payments in Lieu of Taxes – Request of Councilors Disney and Walsh for active solicitation of PILTs from tax exempt, non-profit organizations.

F. Regional Fire/EMS Training Facility – Request of the League of Towns for an indication if the Town Council feels that further investigation of a Regional Fire/EMS Training Facility should be pursued.

G. FY12/FY13 Audit – Review and possible acceptance of a proposal from James W. Wadman, CPA, to conduct annual audits of the Town’s financial statements for the years ending June 30, 2012 and June 30, 2013.

H. Maine Municipal Association – Request of MMA for nomination of candidates to serve on the Legislative Policy Committee.

I. Treasurer’s Warrant – Request of Treasurer to authorize paid bills.

VIII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

IX. EXECUTIVE SESSION:

- A. **Town Manager's Contract** – (To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)

X. 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: Dana J. Reed, Town Manager
Date: May 11, 2012

Dana

Re: **Town Council Meeting of May 15**

CALL TO ORDER – 7:00 P.M.

Excused Absences

At this time, no Councilors have advised us that they will be unable to attend the meeting. However, should an absence occur, it would be appropriate to pass a motion to excuse _____ as provided by Town Charter section C-12.B(1)(d).

FINANCIAL STATEMENTS

Finance Director Stan Harmon had more good news this month. He stated the he is “confident that the continuing trends of lower expenses and higher revenues should enable the Town to add at least \$150,000 to fund balance this year.” That really is good news, since the FY13 Budget anticipates using \$115,000 from fund balance to reserve our local share of the Route Three Reconstruction project.

CONSENT AGENDA

A single vote has been scheduled to approve the following items of business without discussion, unless individual agenda item action is requested by a Councilor. I respectfully suggest passage of a motion to approve all items on the consent agenda as published.

Bus & Taxi License Renewals

Police Chief Nate Young has approved these applications and their proof of insurance has been provided to the Town Clerk. Accordingly, I respectfully recommend passage of a motion “to approve four bus licenses for Acadia National Park & Tours, three additional taxi licenses for At Your Service Taxi, one taxi license for Mount Desert Taxi Co., and one taxi license for MOE’Z Taxi”

Water Division Pump Station Improvements

By a vote of nearly three to one, the Warrant Committee voted to recommend Town Meeting approve the additional bond issue of \$925,000 for the water treatment plant upgrade at the Duck Brook pump station. At your last regular meeting, you approved the order to put this matter on the warrant for a special town meeting. Accordingly, all that remains for you to do is pass a motion “to approve and sign the June 7 Special Town Meeting Warrant”.

Water & Sewer Fee Commitment

This item is the routine, quarterly, statutorily required, superfluous formality of endorsing our Town water and sewer billings so that we can pursue collection procedures on unpaid bills at a later date. Assuming that you wish to continue this good business practice, I respectfully request Council action “to commit the water and sewer fees to the Town Treasurer for collection”.

PUBLIC HEARINGS

Special Amusement Permit Renewals

We have advertised public hearings on two Special Amusement Permit renewals: the Mad Hatter Pub and Grill and the Bar Harbor Club & Spa. Police Chief Nate Young has expressed no concerns with either of them. After the public hearing, if you should feel that renewal is warranted, I respectfully suggest passage of a motion to approve the Special Amusement Permits as advertised for the Mad Hatter Pub and Grill and the Bar Harbor Club & Spa.

REGULAR BUSINESS

Committee Consultations

Council has established a schedule for consultation with nearly all Town boards, committees, task forces, commissions and other Council-appointed groups, with the goal of improving communications and assisting them with reaching their own goals. The Design Review Board is on an annual consultation schedule and last met with you in March of last year. The Marine Resources Committee is on a semi-annual consultation schedule and last met with you on November 15. Committee Chair Chris Petersen has indicated that he plans to attend. No action is required on this agenda item, but while he's here, we'd like to discuss the Shellfish Conservation Ordinance.

Shellfish Conservation Ordinance

The Marine Resources Committee has suggested some changes to the clamming ordinance designed to give commercial license preference to those clambers who assist the committee in its efforts to increase clam production. I have integrated my general update of the ordinance into their suggested draft, present it for your consideration and respectfully suggest passage of a motion to introduce the Shellfish Conservation Ordinance dated 5-11-12 and schedule a public hearing for June 19.

Citizens United Petition

Councilor Enoch Albert has asked that Council adopt a "Resolution to Remove Corporate Money From Our Elections". I am extremely reluctant to weigh-in on a purely a political decision, so I will restrict my comments to statutory and administrative procedures. Council is under no legal obligation to adopt the resolution suggested in the petition. Article IX of the Town Charter contains a procedure for getting such a resolution on the warrant for Town Meeting. Section C-43.A. probably has the most relevant language: "Initiative. Qualified voters shall have the power to propose ordinances and resolutions to the Council. If the Council fails to adopt an ordinance or resolution so proposed without any change in substance, the voters may vote to adopt or reject it." However, C-48.B.(1)(a), generally restricts such petitions to the annual Town Meeting in June. Although it does allow Council the discretion to schedule a special town election, I caution that calling a special election for this purpose is not only expensive, but will take staff considerable time to arrange, when we have just finished preparations for the June Town Meeting and are experiencing a serious backlog of other work requested by Council and Town committees.

Council Rules of Order

The only comment that I have on either suggested change would be to respectfully remind Councilors that the amendment procedures for your Rules of Order are contained in Rule 4.J.

Rule Amendments. Non-Charter prescribed rules, or any provision thereof, may be waived on

any occasion by an affirmative vote of five Councilors. After public notice and hearing, these by-laws may be amended by an affirmative vote of five Councilors.

Payments in Lieu of Taxes

Councilors Disney and Walsh have requested more active solicitation of PILTs from tax exempt, non-profit organizations. Your last action on this subject was a motion "that Councilor Walsh write a letter and return to Council requesting payment in lieu of taxes", which passed 5-2 on March 20, 2012. I have not included the previously provided background materials, but would refer you to the Town Council link on our Town website.

<http://www.barharbormaine.gov/xhtml/195/ViewDefault/>

Regional Fire/EMS Training Facility

The League of Towns has requested an indication from each Town as to whether they feel that further investigation of a Regional Fire/EMS Training Facility should be pursued. Background materials have been provided in previous Council packets.

FY12/FY13 Audit

As one of your very important oversight functions, Council must appoint an auditor for each year's financial statements. Accountant Jim Wadman, and his staff have audited the Town's books for quite a number of years, and interact well with our Town employees. It's also important to keep in mind that he audits the AOS #91, so using his firm helps to keep down the audit fees for the Bar Harbor School Department, which must be integrated with our own. Accordingly, I recommend a two year contract, as we had the last time. Should you agree with the recommendation, I respectfully suggest passage of a motion to accept the April 30, 2012 proposal from the firm of James W. Wadman, CPA, to perform Town audits for the fiscal years ending June 30, 2012, in the amount of \$14,495, and for June 30, 2013, in the amount of \$14,855, plus an additional fee of \$1,285 for each year in which our audit is required to comply with Federal Single Audit Act requirements.

Maine Municipal Association

MMA takes its direction on all questions regarding state legislation from seventy municipal officials who are elected by their peers to serve on the Legislative Policy Committee for two year terms. If you would like to serve on the LPC or feel there is someone else who would make a good LPC member, I respectfully suggest passage of a motion to nominate (fill in the blank) to serve on the MMA Legislative Policy Committee.

Treasurer's Warrant

I respectfully request passage of a motion, to sign the Treasurer's Warrants for paid bills.

EXECUTIVE SESSIONS

Town Manager's Contract

Should you prefer to discuss this matter in private, the Maine Freedom of Access Act requires passage of a motion substantially similar to the following: to go into executive session to discuss the employment of an individual public official, as permitted by 1 MRSA 405.6.A. As required by FOAA, a 3/5th vote will be needed.

ADJOURNMENT

DANA

Minutes
Bar Harbor Town Council
May 1, 2012

I. **CALL TO ORDER** – 7:26 p.m. – In attendance were Councilors: Ruth Eveland, Robert Garland, Paul Paradis, Peter St. Germain, Enoch Albert, Christopher Walsh, Jane Disney; and Town Manager Dana Reed.

A. **Excused Absence(s)** – All were present.

II. **PUBLIC COMMENT PERIOD** – *The Town Council will allow up to fifteen minutes of open public comment on any subject, for a trial period ending after its May 1 meeting.* – Residents Naomi Stauber, Ed Snyder, and Stephen Perrin all expressed interest in the Town Council supporting the ‘Citizens United’ petition and feel it is within the Council’s authority and best interest of the Town.

III. **APPROVAL OF MINUTES**

A. *April 17, 2012*

B. *April 26, 2012*

Mr. Paradis, with second by Mr. Garland, moved to approve the minutes of the April 17, 2012 regular meeting and the April 26, 2012 special meeting as presented. Motion passed 7-0.

IV. **ADOPTION OF AGENDA** – Following comments during the Public Comment Period and to address the continuation of this agenda item; Dr. Disney, with second by Mr. Walsh, moved to add to the agenda as item VII. D., Public Comment Period. Following much discussion, the motion was withdrawn. Further, Dr. Disney, with second by Mr. Walsh, moved to set aside Council Policy to discuss Public Comment on tonight’s agenda. Motion failed 2-5(Nay: Mr. Albert, Ms. Eveland, Mr. Garland, Mr. Paradis, Mr. St. Germain).

Mr. Paradis, with second by Mr. St. Germain, moved to adopt the agenda as presented. Motion passed 6-1(Nay: Dr. Disney).

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. **Property Tax Write Offs:**

1. **Small Balances** – *Possible passage of a motion “to grant the Tax Collector and Treasurer the discretionary authority to write off any residual tax balances up to \$10.00”.*
2. **Personal Property Taxes** – *Possible passage of a motion “to abate Personal Property Taxes deemed uncollectible that are listed in the Tax Collector’s 4/24/12 memorandum”.*

- B. **Cable TV Public Access Channel** – *Possible action* “to approve the April 13, 2012 request of Dobbs Productions to use public access Channel 2 through March 2013, as outlined in its request, on the condition that it agrees to abide by the Town Council’s Cable TV Public Access Policy for broadcasting video”.
- C. **Sewer Connection for Multiple Buildings** – *Possible adoption of a motion* “to authorize the Holland Inn to connect more than one building to a single sewer connection at 35 Holland Avenue as permitted with Council permission by Town Code section 165.26”.
- D. **Taxi License Renewal** - *Possible passage of a motion* “to approve one taxi cab license for Occasions Limousine”.
 - 1. **Occasions Limousine** – *Request of James L. Ohmeis, Sr., for one taxi license renewal.*

Mr. Paradis, with second by Mr. St. Germain, moved to approve all items on the consent agenda as published. Motion passed 7-0.

VI. PUBLIC HEARINGS:

A. Special Amusement Permit Renewals:

- 1. **Atlantic Brewing Company, 15 Knox Road, for a Class 3a, three or more musicians with mechanical amplification, as submitted by Barbara Maffucci.**
- 2. **Acadia Café, 39 Kebo Street, for a Class 3a, three or more musicians with mechanical amplification, as submitted by Donna Mitchell.**

There being no comments, Mr. Paradis, with second by Mr. St. Germain, moved to approve the Special Amusement Permit Renewals for Atlantic Brewing Company and Acadia Café as advertised. Motion passed 7-0.

VII. REGULAR BUSINESS:

- A. **School Resource Officer** – *Presentation by Police Officer Tim Bland on his work at Conners-Emerson School.* – Officer Bland and Conners-Emerson school principal, Barb Neilly, reported the positive feedback from students at all grade levels, parents, and staff with the presence of Officer Bland. There are numerous activities the resource officer participates in and most importantly the communication and the level of trust he has created between law enforcement authority and the community. Following the report; Mr. Paradis, with second by Mr. Garland, moved to direct staff to communicate to the School Committee that the Town Council is supportive of the School Resource Officer program being expanded to the MDI High School. Motion passed 7-0.

B. Water Division Pump Station Improvements:

- 1. **Order** – *Review and possible adoption of an order scheduling a special town meeting.*

2. **Recommendation** – *Possible adoption of a recommendation to be published on the Warrant.*

Mr. Paradis, with second by Mr. Garland, moved to approve the explanation suggested on the draft Council Order dated April 27, to sign the Council Order dated April 27 placing the Duck Brook Pump Station article on the Warrant for a special town meeting to be called for June 7, 2012, and to recommend that Town Meeting approve the article as presented. Motion passed 7-0.

- C. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Mr. Garland, moved to sign the Treasurer's warrant for paid bills. Motion passed 7-0.

VIII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. Garland requested the Citizens United petition be placed on the next agenda.

Dr. Disney stated she had offered to assist Councilor Walsh with drafting a letter for payment in lieu of taxes and she will work with him to present a draft letter to Council.

Also, she stated she would like to present information regarding the Council goal to set policy for Council's interaction with staff.

Ms. Eveland reminded everyone that the last regular Town Council meeting is May 15th. The open annual town meeting is June 5th at 7:00 p.m. and the election of officers will be held June 12th.

IX. EXECUTIVE SESSION:

- A. **Union Negotiations: Supervisor Unit** – *(To be held in executive session as permitted by 1 MRSA 405.6.D for discussion of labor contracts and proposals and meetings between a public agency and its negotiators.)* – Mr. Paradis, with second by Mr. Garland, moved to go into executive session at 8:22 p.m., following a break, as permitted by 1 MRSA 405.6.D for discussion of labor contracts and proposals and meetings between a public agency and its negotiators. Motion passed 7-0. Council entered into executive session at 8:35 p.m. and came out of session at 8:41 p.m.

- B. **Town Manager's Contract** – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Mr. Garland, moved to go into executive session at 8:41 p.m. as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 7-0. Council came out of executive session at 9:53 p.m.

- X. **ADJOURNMENT** – Mr. Paradis, with second by Mr. St. Germain, moved to adjourn at 9:53 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk

Minutes
Special Bar Harbor Town Council Meeting
May 1, 2012

I. **CALL TO ORDER** – 6:00 p.m., small Meeting Room – In attendance were Councilors: Ruth Eveland, Robert Garland, Paul Paradis, Peter St. Germain, Enoch Albert, Jane Disney; Town Manager Dana Reed, and Town Attorney Michael Hodgins. Councilor Christopher Walsh arrived at 6:01 p.m.

II. **ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. St. Germain, moved to adopt the agenda as presented. Motion passed 6-0.

Mr. Paradis raised issue of his prior recusal, at his request, in December 2010 and asked that formal action be taken on his recusal at this time. Mr. Garland, with second by Dr. Disney, moved to recuse Councilor Paradis since he has an ownership interest in a parcel of land that is included within the parameters of this lawsuit. Motion passed 6-0-1 (Recused: Mr. Paradis).

III. **EXECUTIVE SESSION:**

A. **Bracale v. Town of Bar Harbor** – *Request of councilors Albert, Disney and Walsh for consultation with legal counsel on the Town Council's rights and responsibilities with regard to the matter of Bracale v. Town of Bar Harbor (To be held in executive session as permitted by 1 MRSA 405.6.E)* – Mr. Walsh, with second by Mr. St. Germain, moved to enter into executive session at 6:15 p.m. as permitted by 1 MRSA 405.6.E for consultations with legal counsel on the Town Council's rights and responsibilities. Motion passed 6-0-1 (Recused: Mr. Paradis). Council came out of executive session at 7:23 p.m.

IV. **ADJOURNMENT** – The regularly scheduled meeting resumed in the Council Chambers at 7:26 p.m.

Patricia A. Gray, Town Clerk

Minutes
Bar Harbor Town Council
May 8, 2012

- I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Ruth Eveland, Robert Garland, Peter St. Germain, Enoch Albert, Christopher Walsh, and Jane Disney. Also, in attendance were: Town Manager Dana Reed, Town Attorney Mike Hodgins, Interim Planning Director Angela Chamberlain, Attorney Bill Dale and Dennis Bracale. At 7:27 p.m. Jake Jagel and Dessa Dancy joined the meeting.
- II. **ADOPTION OF AGENDA** – Mr. Garland, with second by Mr. St. Germain, moved to adopt the agenda as presented. Motion passed 6-0.
- III. **EXECUTIVE SESSION:**
- A. **Bracale v. Town of Bar Harbor** – Consultation with legal counsel on the Town Council's rights and responsibilities with regard to the matter of Bracale v. Town of Bar Harbor (*To be held in executive session as permitted by 1 MRSA 405.6.E*) – Mr. Garland, with second by Mr. St. Germain, moved that Council enter into executive session at 7:02 p.m. as permitted by 1 MRSA 405.6.E for consultation with legal counsel on the Town Council's rights and responsibilities. Motion passed 6-0. Council came out of executive session at 9:37 p.m. Mr. Garland, with second by Mr. St. Germain, moved to thank Jake Jagel, Dessa Dancy, Dennis Bracale and their attorney Bill Dale for meeting with Council in executive session this evening, for participating in the discussions and for their valuable input. Motion passed 6-0-1, with Councilor Paradis previously recused.
- IV. **ADJOURNMENT** – The meeting adjourned at 9:37 p.m. by acclamation.

Patricia A. Gray, Town Clerk

FINANCIAL STATEMENTS

Memo



To: Town Councilors; Dana Reed
 From: Stan Harmon, Finance Director
 CC: Department Heads
 Date: 5/9/2012
 Re: Fiscal Year 2012 – April 30, 2012 – 10 Months Results

General Fund

Attached are the financial results for the 10 months operations of FY 2012. I am confident that the continuing trends of lower expenses and higher revenues should enable the Town to add at least \$150,000 to *fund balance* this year.

Expenditures (83% goal)

The April summary statements show 79.6% spent versus 83.0% of the budget spent last year, favorably below the spending target. 83.2% of the \$3.3 million in budgeted municipal wages are spent year-to-date compared to a higher 84.6% spent through April, 2011, about on target. Because of lesser storm related expenses in Highway, smaller legal expenditures in Code & Planning, less wages in Planning and reduced employee Benefits costs (health ins). I still believe we are on a trend to remain at a minimum of \$130,000 below budget.

Non-Property Tax Revenues (83% goal)

83% of the budget for non-property tax revenues is now collected as compared to 84% at April of last year. With ten months of activity booked we are still on pace to exceed the budgeted revenues by approximately \$25,000-\$50,000. Code Permits revenue is looking favorable (versus budget) along with Recycling, which has been very strong (vs budget) all year.

Ambulance Revenues-billable calls and net revenue collected per run are both higher than last year

FY 2012	10 Months YTD Runs Billed	880	Ave. <u>Gross</u> Billing (per run)	\$599
FY 2011	10 Months YTD Runs Billed	856	Avg. <u>Gross</u> Billing (per run)	\$569
FY 2010	10 Months YTD Runs Billed	941	Avg. <u>Gross</u> Billing (per run)	\$533

FY 2012	10 Months YTD	Runs billed	880	Net Billing (per run)	\$399
FY 2011	10 Months YTD	Runs billed	856	Net Billing (per run)	\$388
FY 2010	10 Months YTD	Runs billed	941	Net Billing (per run)	\$361

		<u>4/30/2012</u>	<u>4/30/2011</u>
Ambulance Accounts Receivable		\$167,884	\$104,185

Excise-Motor Vehicle Revenues-*excise is about on par with the last 2 years activity.*

FY 2012	10 Months YTD	4114 units	\$658,255	= \$160 / per vehicle
FY 2011	10 Months YTD	4124 units	\$656,850	= \$159 / per vehicle
FY 2010	10 Months YTD	4187 units	\$676,107	= \$161 / per vehicle
FY 2009	10 Months YTD	4191 units	\$688,800	= \$164 / per vehicle

Recreational registrations (# of boats, snowmobiles, atv's):

Fiscal Year 2012 - 10 months April fytd	360
Fiscal Year 2011 - 10 months April fytd	339
Fiscal Year 2010 - 10 months April fytd	436
Fiscal Year 2009 - 10 months April fytd	383

Building Permit Revenue-*numbers of permits and revenue are down*

FY 2012	10 Months YTD	235 permits	\$103,812	= \$442 / permit
FY 2011	10 Months YTD	236 permits	\$150,731	= \$638 / permit
FY 2010	10 Months YTD	304 permits	\$104,623	= \$344 / permit
FY 2009	10 Months YTD	173 permits	\$63,452	= \$368 / permit

Capital Improvement Fund

FY2011 CIP Carryover-undesignated from taxes	\$ 41,721
FY2011 CIP Carryover-designated from taxes	\$2,544,365
FY2011 CIP Carryover-from May 2010 bonds	\$1,969,427
FY2012 Transfer in by TC from Cruise Ship Fd	\$ 146,000
FY2012 new budget appropriation	<u>\$1,696,958</u>
Total Gross CIP Project Monies available	<u>\$6,398,471</u>
Spending thru 4/30/2012	\$1,365,582

FY '11 Previously Authorized Council Budget Adjustments or Transfers:

Contingency Fund Activity for FY '12:

Beginning Balance	(Town Meeting Approval)	\$53,366
Minutes-	Town Council- NO ACTIVITY	-\$ 0
Ending Balance	@ 4/30/12 (available #1036-5906)	\$53,366

General Fund Transfers:

From: Expense #1028-xxxx	(No approved transfers)	(\$00)
To: Expense #1034-xxxx		\$00

Capital Improvement Transfers/Adjustments:

Increase: #2177-6308-CIP Exp Land Acq-CSTerminal (2/7/11 TC Transfer)	\$146,000
Increase: #2182-4363-CIP Rev's ME Port Auth	\$ 85,500
Increase: #2188-4364-CIP Rev's CShipFndBalance Transfr in	\$ 60,500

Cruise Ship Fund Transfers:

Increase: Expense-A/C#6510-5356 Ferry Terminal Study (10/18/11 TwnCouncil)	\$32,400
Increase: Revenue-A/C#6565-4367 Ferry Terminal Reimbursements	\$21,600
Revenue-Fund Balance (Town Council 10/18/2011)	\$10,800
Increase: Exp A/C# 6530-6356 Ferry Term Stdy-Transfer to CIP Alloc. (TwnCouncil 2/7/12)	\$60,500
Transfer from CS Fund Balance (#65-3120) to CS Allocated CIP	\$60,500

Property Tax Collection & Receivable Update:

Outstanding current year's taxes at the end of April, as a percent of total uncollected, are higher than last year--from 6.5% outstanding to 8.0% this year, an unfavorable direction, but not significant.

Tax Year	Property Taxes Outstanding Balance	@ 4/30/12 %	@ 4/30/11 Balance	%
2002	\$ 143	0.0%	\$ 342	0.0%
2003	\$ 1,024	0.1%	\$ 1,024	0.1%
2004	\$ 1,232	0.1%	\$ 1,260	0.1%
2005	\$ 2,766	0.1%	\$ 2,766	0.1%
2006	\$ 4,469	0.1%	\$ 5,401	0.1%
2007	\$ 8,485	0.1%	\$ 11,121	0.1%
2008	\$ 13,389	0.1%	\$ 25,702	0.2%
2009	\$ 33,671	0.3%	\$ 245,283	1.9%
2010	\$ 354,561	2.7%	\$ 861,256	6.5%
2011	\$ 1,074,499	8.0%		

Cash Investment and Status Report / Banking

On April 30th, the Town had \$13,050,000 on hand in all funds. \$1,600,000 is unspent bond monies from the *August 2011 sewer & water* bond financing and a similar \$1,600,000 is unspent bond monies from the *May 2010 public works* bonding. Net of these bond monies, cash and investments are approximately \$1.5 million higher than last year. Checking a/c yields are .40% vs. .80% last year.

Wastewater Division Fund

Financials (83% - 10 month Benchmark)

Spending numbers show the following:

Operations & Maint.-FY2012-*this year*

Operations & Maint.-FY2011-*last year*

Annual Budget	Mar. Actual	%Spent
\$1,214,634	\$947,617	- 78%
\$1,151,000	\$907,528	- 79%

Sewer Accounts Receivable

4/30/2012	4/30/2011
\$225,506	\$268,318

April 1st Sewer Billing

The quarterly bills sent out to customers showed a 14% increase over the same quarter last year (April 2011). Good news, but to keep it in perspective, there are two points to keep in mind; one, is that this quarter finally increased enough to match the pre-recession sewer volume of 2007; and two, that all the volume increase was due to Jax Lab usage which must have experienced an increase in mice production.

Water Division Fund

Financials (83% - 10 month Benchmark)	Annual	Mar.
Spending numbers show the following:	<u>Budget</u>	<u>Actual</u> <u>%Spent</u>
Operations & Maint.-FY2012- <i>this year</i>	\$955,472	\$711,810 - 74%
Operations & Maint.-FY2011- <i>last year</i>	\$931,714	\$646,586 - 69%
	<u>4/30/2012</u>	<u>4/30/2011</u>
Water Accounts Receivable	\$136,039	\$166,394

April 1st Water Billing

Similar to the summary of the sewer billing above, the volume billed this past quarter jumped by 8% over the same quarter in 2011. And it was for the same reasons.....increased Jax Lab usage; the highest winter quarter usage since the recession.

Monies Water Fund owes to General Fund	@4/30/2012	\$441,000
	@4/30/2011	\$598,000

Interest is being charged to the *Water Fund* by the *General Fund* for the use of *General Fund* monies.

<u>Cruise Ship Fund</u>	<u>Budget</u>	<u>Actual</u> <u>%Spent</u>
Expenses: Direct Discretionary Exps	\$168,881	\$125,110 - 74%
Oper. Exp Allocations to GF	\$244,909	\$244,909 - 100%
Cap Exp Allocations to CIP	\$251,437	\$251,437 - 100%
Revenues:	\$548,706	\$568,209 - 104%

Technology

In April, Steve Cornell took some well deserved vacation time but also completed the irksome trouble shooting of a bug in the MDC Police *Crimestar* system; performed repairs and re-programming of the wifi access points in various Public Works locations; assisted the Chamber's IT person and Time Warner in placing their fiber/router in the server room (the C of C has rented an office downstairs on a month to month basis) and worked with various Cable Consortium personnel on cable franchise negotiation matters.

Assessing

Steve and Marc finished their field work for the annual tax assessment valuation process. His report expands on that and the fact that the data now has to be processed and inputted into the Vision assessing software system.

Other-Health Insurance

The Town just received a report that its loss ratio for CY2011 was 69%--very good. The Loss Ratio is the comparison of paid premiums to paid claims in a year. Having claims outlay fall below 100% of the premiums paid in is certainly a goal but achieving below 85% usually means that the Town's claims experience will not hurt future premiums. The Town's claims experience influences 1/10th of the future premium rate adjustments. However, it is notable that the one year where the Town had a loss ratio of 61% (2008), the premium costs actually were adjusted downward by 2.3%. Two years before that, the Loss Ratios were in the 85% range and the premiums increased by 12% in 2006. The Town also had 14 large claims in process at that time whereas at the end of 2011 there was only one active large claim. Employees share the premium costs and cost increases in a split of 15%/85% (employee/Town).

Town of Bar Harbor
Expenses - Period Ending
4/30/12

08-May-12

83% of Year Completed

General Fund	Dept	A FY '12 Annual Budget	B FY '12 10 Months Actual	C FY '11 12 Months Actual	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	FY '10 12 Months Actual	Comments on variances
Town Council	10	\$ 40,652	\$ 21,847	\$ 30,188	11,894	53.7%	\$ 36,728	trending under budget
Town Manager	12	\$ 115,718	\$ 96,552	\$ 119,158	(506)	83.4%	\$ 112,683	
Town Clerk	14	\$ 110,388	\$ 83,178	\$ 113,944	8,444	75.4%	\$ 115,786	trending under budget
Finance Dept.	16	\$ 292,406	\$ 245,940	\$ 293,684	(3,243)	84.1%	\$ 289,242	
Town Attorney	18	\$ 23,968	\$ 18,574	\$ 35,304	1,319	77.5%	\$ 26,449	
Elections	20	\$ 14,150	\$ 3,147	\$ 9,199	8,598	22.2%	\$ 11,728	timing
Technology	22	\$ 125,790	\$ 105,127	\$ 112,572	(721)	83.6%	\$ 94,248	
Municipal Building	24	\$ 89,872	\$ 66,355	\$ 82,070	8,239	73.8%	\$ 82,640	timing
Town Offices	26	\$ 33,424	\$ 24,421	\$ 32,277	3,321	73.1%	\$ 34,504	timing
Employee Benefits	28	\$ 1,280,632	\$ 999,473	\$ 1,167,662	63,452	78.0%	\$ 1,105,646	trending under budget
Code Enforcement	30	\$ 92,495	\$ 60,525	\$ 77,031	16,246	65.4%	\$ 71,701	trending under budget-legal
Assessing Dept.	32	\$ 145,406	\$ 115,273	\$ 139,790	5,414	79.3%	\$ 135,857	
Planning Dept.	34	\$ 290,744	\$ 172,539	\$ 285,063	68,779	59.3%	\$ 336,741	trending under-legal & wages
Economic Develmnt	35	\$ 547	\$ -	\$ 983	454	0.0%	\$ 67,977	
Miscellaneous	36	\$ 259,983	\$ 200,606	\$ 225,854	15,180	77.2%	\$ 278,520	trending under budget
Ambulance	40	\$ 381,355	\$ 325,939	\$ 382,025	(9,414)	85.5%	\$ 364,001	trending over budget-overtime
Fire Department	42	\$ 304,125	\$ 248,977	\$ 304,494	3,447	81.9%	\$ 292,954	
Hydrant Rentals	42	\$ 402,968	\$ 402,968	\$ 374,980	(68,505)	100.0%	\$ 346,992	timing
Police Dept.	45	\$ 721,539	\$ 599,588	\$ 696,044	(711)	83.1%	\$ 731,616	
Dispatch Division	47	\$ 190,705	\$ 160,852	\$ 187,665	(2,567)	84.3%	\$ 183,047	
Public Safety Bldg.	49	\$ 37,013	\$ 37,955	\$ 38,060	(7,234)	102.5%	\$ 34,010	trending over budget-
Street Lights	51	\$ 76,868	\$ 57,202	\$ 63,650	6,598	74.4%	\$ 77,248	timing
Harbor Dept.	53	\$ 117,696	\$ 82,178	\$ 114,588	15,510	69.8%	\$ 102,135	timing
Parks & Recreation	59	\$ 198,039	\$ 138,870	\$ 189,679	25,502	70.1%	\$ 191,199	timing
Glen Mary Park	61	\$ 17,841	\$ 14,083	\$ 20,346	725	78.9%	\$ 18,772	
Emrg Mgt & Gen Assis	63/66	\$ 6,314	\$ 799	\$ 1,925	4,442	12.7%	\$ 7,409	
Cooperatng Agency	68	\$ 35,358	\$ 35,358	\$ 38,229	(6,011)	100.0%	\$ 38,229	
Comfort Station	70	\$ 75,533	\$ 64,248	\$ 87,448	(1,556)	85.1%	\$ 56,622	
Public Works	75	\$ 144,114	\$ 115,135	\$ 139,449	4,480	79.9%	\$ 144,606	
Highway Dept	77	\$ 1,024,155	\$ 773,989	\$ 984,158	76,060	75.6%	\$ 926,319	trending under budget
Solid Waste	79	\$ 536,577	\$ 447,791	\$ 514,229	(2,432)	83.5%	\$ 475,017	
Debt Service	84	\$ -	\$ -	\$ 12,388	-		\$ 13,045	
General Fund Totals		\$ 7,186,375	\$ 5,719,489	\$ 6,874,136	\$ 245,202	79.6%	\$ 6,803,671	

payroll periods 26 22 26 84.6% 26
FY12 budget includes \$27,185 in encumbered funds from FY2011

General Fund - Revenues

Town of Bar Harbor
 YTD April 30, 2012
 83% - 10 Months

<u>Department</u>	<u>Budget FY'12 12 Months</u>	<u>Actual FY'12 10 Months</u>	<u>Actual FY'11 12 Months</u>	<u>Bud. Var. Favorable (Unfavorable)</u>	<u>% Rev's Received 100% Goal</u>	<u>Variances From Budget Goal Comments</u>
Town Clerk Fees	\$ 25,354	\$ 19,766	\$ 28,073	(1,278)	78%	
Finance Department	\$ 190,992	\$ 144,642	\$ 154,268	(13,881)	76%	
Municipal Building	\$ 34,000	\$ 15,257	\$ 34,603	(12,963)	45%	lost 2 renters
Code Enforcement Permits	\$ 149,999	\$ 147,448	\$ 224,578	22,949	98%	
Planning Fees	\$ 20,479	\$ 11,263	\$ 23,020	(5,735)	55%	lower trend
Ambulance/Fire Fees	\$ 417,524	\$ 351,944	\$ 403,715	5,399	84%	higher trend
Police Department	\$ 72,611	\$ 73,519	\$ 63,843	13,252	101%	exceeded budget-pk ticks
Harbor Department	\$ 53,850	\$ 46,777	\$ 48,150	2,082	87%	seasonal timing
Parks & Recreation	\$ 500	\$ 850	\$ 720	435	170%	
Highway Division	\$ 8,767	\$ 9,807	\$ 8,400	2,530	112%	timing
Solid Waste-Recycling	\$ 65,310	\$ 108,389	\$ 86,282	54,182	166%	exceeded budget
Departmental	\$ 1,039,386	\$ 929,662	\$ 1,075,652	66,972	89%	
P.I.L.O.T.'s	\$ 103,692	\$ 110,179	\$ 107,126	24,115	106%	exceeded budget
Interest Income	\$ 85,000	\$ 22,044	\$ 59,658	(48,506)	26%	timing/lower yields
Unclassified	\$ 94,569	\$ 99,692	\$ 94,675	21,200	105%	reached budget
Excise & Other Taxes	\$ 886,288	\$ 700,822	\$ 890,768	(34,797)	79%	
Intergovernmental	\$ 383,370	\$ 298,427	\$ 373,323	(19,770)	78%	
Revenues-Subtotal	\$ 2,592,305	\$ 2,160,826	\$ 2,601,202	9,213	83%	
Property Taxes	\$ 13,515,941	\$ 13,522,325	\$ 13,242,085	6,384	100%	
Transfers In-CS & Other Funds	\$ 249,722	\$ 244,909	\$ 271,036	(4,813)	98%	timing
Grand Total-General Fund	\$ 16,357,968	\$ 15,928,060	\$ 16,114,323	(429,908)	97.4%	
Wastewater Revenues	\$ 2,097,265	\$ 1,766,916	\$ 2,110,000	(330,349)	84%	3 qtrs billed
Water Revenues	\$ 1,488,168	\$ 1,472,871	\$ 1,427,048	(15,297)	99%	4 qtrs billed (1 in advance)
CIP Fund Rev's/Transfers	\$ 1,842,957	\$ 1,725,606	\$ 1,843,600	(117,351)	94%	timing - on target
Cruise Ship Fund Rev's	\$ 548,706	\$ 568,209	\$ 751,467	19,503	104%	exceeded budget

TOWN OF BAR HARBOR
CASH / INVESTMENT STATUS @ April 30, 2012

Note	Bank	Acct. No.	Purchase	Maturity	Interest Rate	Amount
**CHECKING ACCOUNTS						
WATER	BHBT	77548556	GL #40-1140		0.40%	\$ 37,000
GENERAL	BHBT	77548521	GL #10-1140		0.40%	\$ 2,535,000
SEWER	BHBT	77548513	GL #35-1140		0.40%	\$ 630,000
Total Checking Accounts						\$ 3,202,000
GENERAL	BHBT	ICS - CDARS	FDIC custodial bank deposits	GL #10-1130	0.47%	\$ 4,554,000
SEWER	BHBT-bond \$	ICS - CDARS	FDIC custodial bank deposits	GL #35-1130	0.47%	\$ 1,336,000
WATER	BHBT-bond \$	ICS - CDARS	FDIC custodial bank deposits	GL #40-1130	0.47%	\$ 759,000
**CERTIFICATES OF DEPOSIT: money market						
Gen Fnd	The First	13 months	27-Jun-11	27-Jul-12	0.75%	\$ 84,871
Gen Fnd	The First	8 months	07-Nov-11	07-Jul-12	0.40%	\$ 106,610
Gen Fnd	BHS&L	18 Months	27-Dec-10	27-Jun-12	1.30%	\$ 108,229
Gen Fnd	BHS&L	2 Years	01-Nov-10	01-Nov-12	1.50%	\$ 108,575
Gen Fnd	MSB	12 Months	25-Oct-11	25-Oct-12	0.50%	\$ 110,852
Gen Fnd	MSB	1 Year-CDARS	21-Jan-12	19-Jan-13	0.50%	\$ 237,136
Gen Fnd	UTC-Camden	18 Month CD	11-Feb-12	11-Aug-13	0.80%	\$ 105,541
Gen Fnd	UTC-Camden	11 Month CD	10-Aug-11	10-Aug-12	0.45%	\$ 105,542
Gen Fnd	UTC-Camden	1 Year-CDARS	07-Apr-11	05-Apr-12	0.50%	\$ 234,071
#10-1160	Total Certificates of Deposit					\$ 1,201,427
CIP Reserves: Bar Harbor Banking & Trust - Trust Department						
GENERAL	COMB-combined funds		Money Mkt Funds Sweep		0.20%	\$ 188,752
	Ally BK Midvale Utah		Cert. of Deposit	7/23/12	1.14%	\$ 250,770
	Tennessee State Bank		Cert. of Deposit	8/20/2013	1.48%	\$ 253,790
	Bank of Nova Scotia		Corp. Note	1/22/2013	2.20%	\$ 304,854
	Vanguard Short Term Treasury		Mutual Fund		0.90%	\$ 1,003,721
#10-1170	Total In Trust Fund					\$ 2,001,887
TOTALS: All CASH & INVESTMENTS						\$ 13,054,314

Notes: Checking Accounts and money markets above \$250,000 are protected by Bar Harbor Bank's collateral (US Gov't or agency securities) that are held in joint custody at the Federal Reserve Bank of Boston.

COMB = Combined General, CIP, School and Cruise Ship Cash Accounts
 SWR = Sewer Fund
 WTR = Water Fund

BHBT = Bar Harbor Bank & Trust Co.
 The First = First National Bank Of Damariscotta
 UTC = Union Trust Company & now Camden National Bank
 BHS&L = Bar Harbor Savings & Loan Co.
 MSB = Machias Savings

Town Bond Rating: Affirmed August '11 Aa2 Moody's
 Affirmed August '11 AA S & P's

State of Maine Bond Rating: May '11 AA S & P's
 State of Maine Bond Rating: May '10 Aa2 Moody's
 Maine Bond Bank Rating August '10 Aa1 Moody's
 Hancock County Rating Jan '11 Aa2 Moody's
 Hancock County Rating Jan '11 AA S & P's

Memorandum



To: Stan Harmon, Finance Director

CC:

From: Steven Weed, Assessor

Date: 4/30/12

Re: April Month End Report

Selected Statistics

	MTD	YTD FY12	YTD FY11	CHANGE	
Value Changes:					
Abatements	\$ -	\$3,947,980	\$4,517,430	(\$569,450)	-13%
Supplements	\$ -	\$446,700	\$695,660	(\$248,960)	-36%
Net Change	\$0	(\$3,501,280)	(\$3,821,770)	\$320,490	-23%
Field Work:					
Site Visits	165	239	328	(89)	-27%
Miles Traveled	1,093	5,757	5,180	577	11%
MISC:					
Deed Changes	15	254	273	(19)	-7%
Map Changes	256	1,145	703	442	63%
E911 Changes	15	124	267	(143)	-54%

With the exception of some call backs and appointments, the fieldwork for the spring review is essentially complete. When we start entering the information into *Vision* we may also need to revisit the prior review of certain properties. In order to enter a structure that is incomplete as of April 1st (the assessment date used for all properties) into *Vision* we have to enter the structure as if it is complete and then reduce it by the completion factor. So, sometimes it is necessary to go back to the property when it is more complete to better determine some of the components that go into the final assessment.

The Planning "Permit Tracker" system is nearly ready for production. I will be traveling to *PeopleGIS* in Massachusetts this week to finalize the initial settings.

May 1, 2012

Starting Monday the 7th the planning staff will start using the new system for data entry and testing. Once Planning staff has had some time to use the system we will be scheduling a two day training and consultation session to finalize the setup.

Also this month I presented at the *MAAO* Spring Training Workshop in Presque Isle. I had on two hats for this: the Assessor for Bar Harbor discussing Web GIS systems and web based document archiving and as the Vice Chair of the *Maine Geolibrary* discussing GIS data available to the public (which includes municipalities) in the *MEGIS* data catalog along with a demonstration of how this information can be used to help Assessor's improve the fairness and accuracy of their assessments. Both talks were well received and generated a lot of discussion and questions

Steve

CRUISE SHIP COMMITTEE
RECEIVED

APR 30 2012

Town of Bar Harbor
Manager/Clerk's Office

P. O. Box 743

Bar Harbor, ME 04609

April 30, 2012

V B.

Pat Gray, Town Clerk

Dear Pat,

This is my official notice that I will be leaving the cruise ship committee effective May 2012. I hope another resident of Bar Harbor will come forward to serve on the committee.

See you soon.

Sincerely,



Alice MacDonald Long

alicelong@gwi.net

THE WARRANT
SPECIAL TOWN MEETING – JUNE 7, 2012
TOWN OF BAR HARBOR

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Bar Harbor, in said County, qualified by law to vote in Town affairs to meet in the Municipal Building, Third Floor Town Council Chambers in said Town on Thursday the seventh day of June, 2012 at seven o'clock in the afternoon, then and there to act on Articles numbered one and two; all of said articles being set out below to wit:

Article 1 ELECTION OF MODERATOR - To choose a Moderator to preside at said meeting.

Article 2 DUCK BROOK PUMP STATION UPGRADE – To see if the Town of Bar Harbor will adopt the following vote to borrow monies to assist in the financing of construction and infrastructure costs for the following:

1. That additional funding in the amount of Nine Hundred Twenty-five Thousand Dollars (\$925,000) for the Duck Brook Pump Station Upgrade Project (the "Project") is hereby approved;
2. That the sum of Nine Hundred Twenty-five Thousand Dollars (\$925,000) is hereby appropriated into the Water Fund to provide for the additional costs of the Project; and
3. That the Treasurer and Chair of the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, are hereby authorized to issue general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Nine Hundred Twenty-five Thousand Dollars (\$925,000); and
4. That the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof, is hereby delegated to the Treasurer and Chair of the Town Council.

FINANCIAL STATEMENT

As of June 7, 2012

1. Total Town Indebtedness- Principal

A. Bonds outstanding and unpaid	\$13,858,474
B. Bonds previously authorized and not yet issued	\$ 2,595,097
C. Bonds to be approved on June 5, 2012	\$ 3,350,000
D. Bonds to be issued if this article is approved:	\$ 925,000

2. Costs

At an estimated interest rate of 4% for a twenty (20) year maturity, the estimated costs for this bond issue will be:

Principal	\$ 925,000
Interest	\$ 435,000
<u>Total Debt Service</u> – (to be repaid by water user fees)	<u>\$1,350,000</u>

3. Validity

The validity of the bond and of the voters' ratification of the bond may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/

Stanley W. Harmon
Treasurer
Town of Bar Harbor

Explanation:

At the annual Town Meeting in June 2011, voters approved a Water Division project to upgrade the Duck Brook Pump Station, including renovations and improvements to water mains, water communication systems, water treatment systems and pumping equipment. Some of the biggest expenses will be to add a new ultraviolet water treatment system, per federal drinking water regulations, and replace the 1930's vintage water pumps with new, more energy efficient designs. Although the general scope of the project was known last June and a conceptual cost estimate had been developed by our engineers, Woodard & Curran, detailed plans and specifications were not available upon which to base a detailed cost estimate. When bids were opened this spring, we found that the amount approved by voters last year was substantially less than the funds needed to complete the

project. As a result, a second Town Meeting has been called to explain this development and to respectfully request a supplemental appropriation in the amount of \$925,000.

Recommendations:

The seven member Town Council recommends approval by a vote of 7 to 0.

The twenty-two member Warrant Committee recommends approval by a vote of 11 to 4.

Given under our hands this fifteenth day of May 2012.

Municipal Officers of the Town of Bar Harbor

Ruth A. Eveland, Chair

Robert E. Garland, Vice Chair

Jane E. Disney, PhD.

Christopher Walsh

Peter St. Germain

Enoch Albert

Paul A. Paradis

Attest:

A true copy _____
Town Clerk of Bar Harbor, ME

CONSTABLE'S RETURN

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting an attested copy of the within Notice on the Bulletin Board, Municipal Offices, being a conspicuous public place within said Town on the _____ day of May in the year of our Lord Two Thousand and Twelve.

Attest: _____

Constable of the Town of Bar Harbor

Attest:

A true copy

Patricia A. Gray, Town Clerk of Bar Harbor, ME

V D

CERTIFICATE OF COMMITMENT FOR WATER & SEWER FEES

To: Stanley W. Harmon, the Treasurer of the **Town of Bar Harbor**, Maine

We, the undersigned municipal officers of the Town of Bar Harbor, hereby certify and commit to you a true list of the water and sewer fees established by us pursuant to 30A M.R.S.A., Section 3406 for those properties required by local and State law to pay a **Water** fee to the municipality for the quarterly billing period in advance beginning April 1, 2012 and ending June 30, 2012 (any excess over the minimum paid in advance is billed in arrears); and to pay a **Sewer** fee billed in arrears for the quarterly service period January 1, 2012 to March 31, 2012. This list is comprised of **1646** accounts on pages 1 to 288; with the last page attached to this Certificate. You are hereby required to collect from each person named in the attached list, the amount as indicated on said list, the sum total of \$ **717,479.11**. You are hereby required to charge interest at a rate of **7.0%** per annum (maximum allowed by State Treasurer) on any unpaid **Sewer** account balance beginning **May 8, 2012** and **11.25%** per annum (maximum allowed by PUC Commission) on any unpaid **Water** balance beginning **May 8, 2012**. You are hereby authorized to collect these fees and any accrued interest by any means legally available to you under State law.

Given under our hands this ___1st___ day of ___April___ 2012__.

_____ Councilor

_____ Councilor

_____ Councilor

_____ Councilor

_____ Councilor

_____ Councilor

_____ Councilor

_____ 4-1-2012 _____ Bill Date

 _____ Treasurer

03/30/2012 09:21
nancy

TOWN OF BAR HARBOR
UB Charge Proof/Register

Run: QB Commitment: 040112
Charge Code: To: ZZZZZZ
Group Code: To: ZZZZ

Summary

Begin: 12/15/2011 End: 03/30/2012
Bill: 04/01/2012 Due: 05/07/2012
Int/Penalty: 05/08/2012

Sequence by ACCOUNT/CHARGE CODE

	Cat	Base/Flat	Usage\$/ Usage	Demand/ Usage	KVAR/ Usage	Rate Adj	Subject To	Net Total	Count

Summary by ACCOUNT TYPE RES/COM/GOV									
BOTH WATER & SEWER	60	373445.12	133492.49	.00	.00	.00		506937.61	4418
			6,756,836	.0000	.0000				
RENTER ACCOUNT-WATER	60	800.93	95.15	.00	.00	.00		896.08	20
			14,034	.0000	.0000				
OWNER ACCOUNT - SEWER	60	1301.25	123.47	.00	.00	.00		1424.72	24
			11,372	.0000	.0000				
WATER ONLY (NO SEWER)	60	202075.18	1375.50	.00	.00	.00		203450.68	243
			173,051	.0000	.0000				
SEWER ONLY (NO WATER)	60	4599.20	170.82	.00	.00	.00		4770.02	72
			8,952	.0000	.0000				

Summary Totals ----->		582221.68	135257.43	.00	.00	.00	.00	717479.11	4777
			6,964,245	.0000	.0000				

Summary by SERVICE TYPE RES/COM/GOV									
COMMERCIAL	60	45131.32	11827.81	.00	.00	.00		56959.13	776
			876,841	.0000	.0000				
RESIDENTIAL	60	140991.53	20390.47	.00	.00	.00		161382.00	2961
			1,935,984	.0000	.0000				
NR - OTHER/RETAIL	60	40874.56	6714.89	.00	.00	.00		47589.45	341
			328,708	.0000	.0000				
NR - RESTAURANT	60	16102.78	1125.85	.00	.00	.00		17228.63	70
			55,366	.0000	.0000				
SPRINKLER	60	61192.42	.00	.00	.00	.00		61192.42	78
			0	.0000	.0000				
NR - ELDERLY HOUSING	60	6693.62	4443.75	.00	.00	.00		11137.37	16
			114,621	.0000	.0000				
NR - GOV/HOS/SCHL	60	6341.42	1132.08	.00	.00	.00		7473.50	38
			46,265	.0000	.0000				
GOVERNMENT	60	5436.95	1410.29	.00	.00	.00		6847.24	41
			165,902	.0000	.0000				
HYDRANT	60	125950.50	.00	.00	.00	.00		125950.50	8
			0	.0000	.0000				
NR - JACKSON LAB	60	49478.05	83263.29	.00	.00	.00		132742.15	109
			3,186,843	.0000	.0000				
NR - LODGING	60	66977.18	2934.29	.00	.00	.00		69911.47	188
			119,798	.0000	.0000				
NR - MULTI FAMILY	60	17050.54	2014.71	.00	.00	.00		19065.25	151
			133,917	.0000	.0000				

Summary Totals ----->		582221.68	135257.43	.00	.00	.00	.00	717479.11	4777
			6,964,245	.0000	.0000				

Summary by CHARGE TYPE									
Service	60	582221.68	135257.43	.00	.00	.00		717479.11	4777
			6,964,245	.0000	.0000				

Summary Totals ----->		582221.68	135257.43	.00	.00	.00	.00	717479.11	4777
			6,964,245	.0000	.0000				

Total Active Accounts: 1646

Draft

As Revised by the Town Manager 5-11-12

Shellfish Conservation Ordinance Amendment

To require completion of conservation hours before a commercial shellfish license is issued and to establish eligibility for a commercial license.

The Town of Bar Harbor hereby ordains that Chapter 170, Shellfish Conservation, of the Bar Harbor Town Code is amended as follows:

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

Chapter 170, SHELLFISH CONSERVATION

§ 170-1. Authority.

This chapter is enacted in accordance with 12 M.R.S.A. § 6671.

§ 170-2. Purpose.

The purpose of this chapter is to establish a shellfish conservation program for the Town of Bar Harbor that will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means including:

- A. Licensing;
- B. Limiting the number of shellfish harvesters;
- C. Restricting the time and area where digging is permitted;
- D. Limiting the minimum size of clams taken; and
- E. Limiting the amount of clams taken daily by a harvester.

§ 170-3. Marine Resources Committee.

- A. The shellfish conservation program for the Town of Bar Harbor will be administered by the Marine Resources Committee, consisting of seven members to be appointed by the Town Council for staggered terms of three years, ~~except for these seats filled in 2005; two members shall be appointed for one-year terms, two members shall be appointed for two-year terms and three members shall be appointed for three-year terms.~~
- B. Committee's responsibilities. The Committee's responsibilities include:
 - (1) Establishing annually, in conjunction with the Maine Department of Marine Resources, the number of shellfish digging licenses to be issued.
 - (2) Surveying each clam-producing area at least once each three years to establish size distribution and density and annually to estimate the status of the Town's shellfish resources.
 - (3) Submitting to the Town Council proposals for the ~~expenditures~~ expenditure of

- funds for the purpose of shellfish conservation.
- (4) Keeping this chapter under review and making recommendations for its ~~amendments~~ amendment.
 - (5) Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.
 - (6) Recommending conservation closures and openings to the Town Council in conjunction with the area biologists of the Department of Marine Resources.
 - (7) Submitting an annual report to the municipality and the Department of Marine Resources covering the above topics and all other Committee activities.
 - (8) Submitting to the Town Council proposals for ordinances that affect land use in areas where shellfish beds will be impacted.
 - (9) Submitting to the Town Council proposals for ordinances that affect water use in areas where shellfish beds will be impacted.
 - (10) Supporting water quality monitoring efforts by local citizen and school groups that are working with the Maine Department of Marine Resources in areas where shellfish beds are located. This includes but is not restricted to:
 - (a) Assisting with selection of monitoring sites;
 - (b) Attending training sessions;
 - (c) Participating in water sample collection;
 - (d) Assisting with watershed surveys;
 - (e) Submitting to the Town Council proposals for the ~~expenditures~~ expenditure of funds for the purpose of addressing water quality related issues;
 - (f) Working with the Conservation Commission to evaluate water quality data; and
 - (g) Making recommendations to the Town Council for changes in land or water use practices that are impacting shellfish beds.

§ 170-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

NONRESIDENT -- Anyone not qualified as a resident under this chapter.

RESIDENT -- A person who has been domiciled in this municipality for at least three months immediately prior to the time his/her claim of such residence is made.

SHELLFISH and CLAMS -- Soft-shell clams, *Mya arenaria*.

§ 170-5. Licensing.

A. Generally.

- (1) License required. It is unlawful for any person to dig or take shellfish from this municipality without having a current license issued by this municipality as provided by this chapter.
- (2) License fees waived. Resident recreational shellfish license fees will be waived

for residents over 65 and under 16 years of age.

- (3) State commercial license. A commercial shellfish harvester must have a valid commercial shellfish license issued by the Maine Department of Marine Resources. This license does not need to be purchased prior to purchase of the Town license.

B. Designation, scope and qualifications.

- (1) Resident commercial shellfish license. The license is available to residents of the Town of Bar Harbor. It entitles the holder to dig, take or possess any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.
- (2) Nonresident commercial shellfish license. The license is available to nonresidents of this municipality. It entitles the holder to dig, take or possess any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.
- (3) Resident recreational shellfish license. The license is available to residents and real estate taxpayers of this municipality and reciprocating municipalities. It entitles the holder to dig, take or possess no more than one peck of shellfish in any one day for personal use. This license is not available, nor valid, to holders of a Maine commercial shellfish license.
- (4) Nonresident recreational shellfish license. The license is available to any person not a resident of this municipality. It entitles the holder to dig, take or possess not more than one peck of shellfish in any one day for personal use. This license is not available, nor valid, to holders of a Maine commercial shellfish license.
- (5) All shellfish licenses. It shall be unlawful for an individual to possess any Bar Harbor shellfish license if their state shellfish harvesters license is under suspension or revocation for any reason for the period of state suspension at a minimum.
- (6) License must be signed and consent to inspection. In order for a Town shellfish license to be valid, it must be signed. Any person who signs a Town shellfish license has a duty to submit to inspection and search for violations related to the licensed activity by the Town Shellfish Warden or other Law Enforcement Officer under the following conditions:
 - (a) Watercraft or vehicles and the equipment located on watercraft or vehicles which are used primarily during shellfish harvesting activity ~~and requiring a Town license~~ may be searched or inspected at any time if the Shellfish Warden or other Law Enforcement Officer has a reasonable suspicion of a violation of the Town Shellfish Conservation Ordinance by the licensed individual.
- (7) Conservation Time Requirements for Commercial Shellfish License. No Resident or nonresident commercial license shall be issued until the applicant has completed the minimum number of mandatory conservation hours. Qualifying conservation time includes attending Marine Resources Committee meetings, clam flat population and recruitment surveys, reseeding and any other approved activity. Any member of the Bar Harbor Marine Resources Committee may veri-

fy hours for approved activities. The minimum required conservation hours will be established by the Marine Resources Committee at least six months prior to current license expiration date. Conservation time must be accumulated in the previous licensing year; however, if an individual obtains the appropriate conservation time, but is unable to obtain a commercial license, their conservation time will rollover to the next year or until they are offered a license.

- (8) Commercial License Eligibility. Individuals possessing Bar Harbor Commercial Shellfish Harvesting Licenses for four (4) of the previous five (5) years and who have accumulated the required conservation time are eligible to obtain their licenses two weeks in advance of the next license year. The Marine Resources Committee shall determine the number of advance licenses available for the next year prior to July 1 no later than twelve months in advance. If the number of eligible individuals exceeds the number of advance licenses available, those licenses shall be assigned through a lottery. Any licenses not issued before the first working day of the new license year will be available to any eligible individual that has met the conservation time requirement.

C. Application procedure. Any person may apply to the Town Clerk, on a form provided by the municipality, for the licenses required by this chapter.

- (1) Contents of the application. The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature, number of conservation hours and any other information the municipality may require.
- (2) Misrepresentation. Any person who gives false information on a license application will cause said license to become invalid.

D. Fees. Fees for the various classifications of licenses shall be established by the Town Council from time to time. License fees must accompany in full an application for any license. The Town Clerk shall transfer all fees received to the Town Treasurer. Fees received for shellfish licensing shall be used by the Town for shellfish management, conservation and enforcement. Fifty cents may be retained by the Town Clerk's office, or a designated agent, at point of purchase.

E. Limitation of diggers. Because the shellfish resources are limited and a commercial or recreational digger can be expected to harvest a certain volume of clams per year, the number of diggers must be controlled. This number will vary from year to year depending upon estimates of the resource capabilities and management requirements consistent with good resource utilization. The following procedures will be followed to exercise the control:

- (1) Number of licenses established. Prior to May 1 the Town Marine Resources Committee, with the approval of the Maine Commissioner of Marine Resources, will establish the number of commercial and recreational licenses to be permitted following the requirements of 12 M.R.S.A. § 6671(3-A).
- (2) Notice to Town Clerk. Prior to June 1 the Town Marine Resources Committee will notify the Town Clerk in writing of the number of licenses to be issued.
- (3) Public notice. Not less than 10 days prior to the period of issuance notice of the

number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, effective in reaching persons affected. Notice shall also be posted in the municipal offices until the period of issuance concludes.

- (4) Dates of issuance. The Town Clerk shall issue licenses to residents and nonresidents as allocated from the first day of July until the 28th day of September, after which licenses shall be issued to residents and nonresidents on a first come, first served basis.
- F. License expiration date. Each license issued under the authority of this chapter expires at midnight on the 30th day of June following the date of issue.
- G. Suspension. Any shellfish licensee convicted of a violation of this chapter shall have his/her shellfish license automatically suspended for a period of 30 days. Any subsequent conviction ~~would~~ shall result in loss of shellfish license for one year.
 - (1) Reapplication. A licensee whose shellfish license has been suspended pursuant to this chapter may reapply for a license only after the suspension period has expired.
 - (2) Effective date of suspension. The suspension shall be effective from the date of mailing of a notice of suspension by the Town Clerk to the licensee.

§ 170-6. Opening and closing of harvest areas.

The Town Council, upon the approval of the Maine Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendation of the Marine Resources Committee and concurrence by the Maine Department of Marine Resources area biologist that the status of the shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Town Council may call a public hearing on 10 days' notice published in a newspaper having general circulation in the Town, stating the time, place and subject matter of the hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Town Council made after the hearing shall be based on findings of fact.

§ 170-7. Limitation on clams to be taken.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

LOT -- The total number of soft-shell clams in any bulk pile. Where soft-shell clams are in a box, barrel or other container, the contents of each box, barrel or other container constitutes a separate lot.

NIGHT DIGGING -- The taking of shellfish during the period from 30 minutes after sunset to 30 minutes before sunrise.

POSSESS -- Dig, take, harvest, ship, transport, hold, buy and sell, retail or whole-

sale, soft-shell clam shell stock.

- B. Tolerance. Any person may possess soft-shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance shall be determined by numerical count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.
- C. Night digging. Shellfish harvesting in Bar Harbor is limited to the period from 30 minutes before sunrise to 30 minutes after sunset, with no night digging of ~~soft-shell~~ soft-shell clams allowed except by special permit.

§ 170-8. Violations and penalties.

A person who violates this chapter shall be punished as provided by 12 M.R.S.A. §6671(6-A) and (10).

§ 170-9. When effective.

~~This chapter, which has been approved by the Maine Commissioner of Marine Resources, shall become effective after its adoption by the municipality, provided a certified copy of this chapter is filed with the Commissioner within 20 days of its adoption.~~
This ordinance amendment has been approved by the Maine Commissioner of Marine Resources. Section 170-5.B(8) of this amendment, Commercial License Eligibility, shall become effective January 1, 2013, with the balance of this amendment effective thirty days following its adoption by the Town Council, provided that a certified copy of this ordinance amendment is filed with the Commissioner within 20 days of its adoption.

LEGISLATIVE HISTORY:

1/18/12	Marine Resources Committee Approved Draft
2/18/12	Dept. of Marine Resources Approved 1/18/12 Draft
5/11/12	Town Manager Revised 1/18/12 Draft
_____	Marine Resources Committee Approved 5/11/12 Draft
_____	Dept. of Marine Resources Approved 5/11/12 Draft
_____	Introduced by Town Council
_____	Revised in response to Council input
_____	Public Hearing
_____	Council Adopted
_____	Filed with Dept. of Marine Resources
_____	Sent for Codification

SHELLFISH CONSERVATION ORDINANCE

Bar Harbor Marine Resource Committee Priority Commercial License Policy 1/18/12

For individuals that had received Bar Harbor commercial shellfish licenses in at least four of the previous five years, could obtain their licenses starting two weeks before the license year begins, given that they had documented the appropriate conservation time.

The committee may decide to limit the number of commercial licenses obtainable before July 1. The committee is charged with balancing the historical commitment of individuals to harvesting clam resources with the need to maintain the potential for new individuals to enter the commercial fishery which is a public resource held for the good of all of the community. If the number of individuals with the required clamming history exceeds what the committee finds appropriate for early licenses, the individuals who will receive early access to licenses would be assigned through a lottery of all eligible clambers conducted at least two weeks before the license year begins. The committee is responsible to give the list of individuals eligible for priority commercial licenses two weeks before they go on sale to the town clerk's office once the list is determined.

Any licenses not obtained by July 1 would go back to the general pool of commercial licenses and be available to any eligible clammer. All other eligible commercial clambers (those that had completed the conservation requirement) would be eligible to get licenses the first working day of the new license year.

^{draft}
In the Bar Harbor Shellfish Ordinance:

(8) Commercial License Eligibility.

Individuals possessing Bar Harbor Commercial Shellfish Harvesting Licenses for four (4) of the previous five (5) years and who have accumulated the required conservation time are eligible to obtain their licenses two weeks in advance of the next license year.

~~The Marine Resources Committee shall determine the number of advance licenses available for the next year prior to July 1. If the number of eligible individuals exceeds the number of advance licenses available, those licenses shall be assigned through a lottery. Any licenses not issued before the first working day of the new license year will be available to any eligible individual that has met the conservation time requirement.~~ DANA

Approved by the Bar Harbor Marine Resource Committee January 18, 2012 4-0.
Edited by DMR, reviewed and verified by the MRC, February 2012.

SHELLFISH CONSERVATION ORDINANCE

Bar Harbor Marine Resource Committee Conservation Time Policy 1/18/12

To obtain a commercial shellfish harvesting license in Bar Harbor you must fulfill a minimum number of conservation hours that are determined by the Bar Harbor Marine Resource Committee (BHMRC) at least six months ahead of the license start date (July 1 for any given year). The BHMRC would determine which actions would constitute conservation time, but it would include attending BHMRC meetings, clamflat surveys, and clamflat conservation actions such as recruitment surveys, reseeding, or any other action deemed appropriate by the committee. Any BHMRC member could verify hours for a potential commercial clammer for an activity approved by the BHMRC. The rule applies to both new and renewal commercial clam license holders.

The number of hours of required conservation time will be determined by the committee at least 6 months prior to new licenses becoming available and will be restricted to 10 or fewer hours. For the first year of this rule (licenses beginning July 1, 2013) conservation time will be set to 5 hours. The BHMRC can raise or lower this level for subsequent years, but are limited to a maximum of 10 conservation hours to qualify for a license. If an individual obtains the appropriate conservation time, but is unable to obtain a commercial license, their conservation time will rollover to the next year or until they are offered a commercial license.

The BHMRC will track conservation hours for individuals seeking a license, and will produce a list by June first of individuals eligible for commercial licenses for the next license year.

The list of conservation events are printed on the committee webpage and will be sent to the local newspapers for inclusion in their community calendars. Any person interested in a commercial clamming license can also have their name added to a mailing list for conservation activities.

In the Bar Harbor Shellfish Ordinance:

(7) Conservation Time Requirements for Commercial Shellfish License.

No Resident or nonresident commercial license shall be issued until the applicant has completed the minimum number of mandatory conservation hours. Qualifying conservation time includes attending Marine Resource Committee meetings, clam flat population and recruitment surveys, reseeding and any other approved activity. Any member of the Bar Harbor Marine Resources Committee may verify hours for approved activities. The minimum required conservation hours will be established by the Marine Resources Committee at least six months prior to current license expiration date. Conservation time must be accumulated in the previous licensing year; however, if an individual obtains the appropriate conservation time, but is unable to obtain a commercial license, their conservation time will rollover to the next year or until they are offered a license.

Approved by the Bar Harbor Marine Resource Committee January 18, 2012 4-0.

CITIZENS UNITED PETITION

BAR HARBOR RESIDENTS ONLY^{sl}

(11)

Remove Corporate Money From Our Elections

A PETITION FOR ACTION TO THE BAR HARBOR TOWN COUNCIL

As citizens of Bar Harbor we are concerned that big money from corporate and other sources unfairly influences our local, state, and federal elections, politicians, and public policy. The winners in these elections write laws that do - or don't - send funds to our town.

We therefore urge the Bar Harbor Town Council to stand with communities across the country to defend democracy from the corrupting effects of undue corporate power by amending the United States Constitution to establish that:

1. Corporations are not entitled to the Constitutional protections or "rights" of natural persons;
2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech,

and to instruct our state and federal representatives to enact resolutions and legislation to advance this effort.

RECEIVED

MAY 10 2012

Town of Bar Harbor
Manager/Clerk's Office

Circulated by Concerned Citizens of Bar Harbor

Name (Print)

Signature

Address/Town

V.T. BURTON	J.V. Burton	6 FIRST SO. ST., B.H.
T. Nelson	Michael Nelson	37 Longard Winding Rd.
Scott McNeil	Scott McNeil	Halls Cove, ME
Stephen Lambert	Stephen Lambert	82 Ledge Lane BH
Dorsey Britt	Dorsey Britt	50 Ledge Lane BH
Sherril Alley	Sherril Alley	358 Main St B.H.
Steve Humphreys	Steve Humphreys	37 School St., BH.
Christian Richard	Christian Richard	103B Old Norway Dr BH
William Korzeanin	William Korzeanin	16B Norris Ave Bar Harbor
Steve Rogers	Steve M. Rogers	21 Edgewood BH
Timothy Bright	Tim Bright	6 Pleasant St. B.H.

RECEIVED

MAY 10 2012

Town of Bar Harbor
Manager/Clerk's Office

Brian Schweitzer, Montana Governor, Throws Support Behind Overturning Citizens United

WASHINGTON -- The state of Montana is ready to embrace its role as the primary opponent of the Supreme Court's decision in Citizens United v. Federal Election Commission and of corporate money in politics, according to its Democratic governor, Brian Schweitzer.

On Thursday, Schweitzer and Lt. Gov. John Bohlinger, a Republican, held a press conference to announce their support for state ballot initiative I-166 that would make it Montana policy that corporations are not people and would ban corporate money in politics.

"Montana's going first, but we have before," Schweitzer told The Huffington Post. "It was Montana in 1912 that banned corporate money from our elections. We don't mind leading and we believe it has to start somewhere. This business of allowing corporations to bribe their way into government has got to stop."

The initiative is part of an effort by Common Cause Montana and other local groups, including the American Independent Business Alliance of Bozeman. The initiative also calls on Montana elected officials -- at the federal and state level-- to do everything within their power to prevent corporate money from entering the political system and to strive to pass legislation to reverse Citizens United, end corporate personhood and establish a level playing field for candidates.

"Corporations are not people," said C.B. Pearson, former president of Common Cause Montana and now treasurer for the campaign in favor of I-166 campaign, during Thursday's press conference. "They do not breathe; they do not have children; they do not die fighting in wars for our country. And they do not vote in elections. We need to act to get their money out of our elections."

"The initiative has very good prospects in Montana, but what we're trying to do is start a prairie fire," Schweitzer said.

RECEIVED

MAY 10 2012

Town of Bar Harbor
Manager/Clerk's Office

Montana is already at the center of a challenge to the Supreme Court's Citizens United decision. In December the Montana Supreme Court upheld the state's century-old ban on corporations' spending, including prohibiting their expenditures independent of candidates and parties.

This ruling, in *Western Tradition Partnership v. Bullock*, is in direct contradiction to the Citizens United finding that independent spending by corporations or any other entity cannot corrupt elected officials or cause the appearance of corruption and therefore cannot be banned. The case is now before the Supreme Court for a possible summary judgment.

The ruling by the Montana Supreme Court found that the state's unique history of corruption involving the early 20th-century mining barons known as the copper kings requires the upholding of Montana's Corrupt Practices Act, the 1912 law that would be partially invalidated by Citizens United.

Reform groups are now organizing in other states to adopt resolutions in support of Montana's challenge to the law, which is being led by Democratic Attorney General Steve Bullock. Resolutions and initiatives are also winding their way through numerous states, cities and municipalities to register opposition to the Citizens United ruling.

For Schweitzer, the primary concern is to prevent corruption in politics. Invoking the Foreign Corrupt Practices Act, a federal law preventing U.S. companies from bribing or using money to influence foreign government officials for specific actions, Schweitzer claims that with corporations free to spend money to influence policymakers in the United States, "we effectively have a monopoly on bribery in this country."

"Once Americans understand that's what's going on here they'll stand up, they'll stand with Montana," Schweitzer said.

from Huffington Post, May 3, 2012

Council-Staff Interactions

VII D. (2)

Memo
5/9/2012
From: Jane Disney
To: Ruth Eveland and Town Council

In our 2012 goal setting session, we committed to

“Explore a policy that details what is appropriate in terms of councilor-staff interactions, such as that described in the “Procedures for City Councilors” for the City of Saco, Maine”.

I encourage everyone to take a look at the “Procedures for City Councilors” manual from Saco. The link is
http://www.sacomaine.org/archives/policies/Council_Procedures_Manual.pdf

This manual spells out lots of detail in areas where we as a council often disagree. I think that our disagreements often stem from a lack of clear policy or procedure. In the future, the “Procedures for City Councilors” for the City of Saco, Maine may provide guidance on other policy items. Below is an excerpt relating to councilor-staff interactions, that I think would be great to add to our council policies. I really think the council would benefit in the development of a procedures manual like the one that Saco has. It would not be difficult to do since a template exists, and would spell out things that we often disagree on. It would be helpful to new councilors too.

New Policy:

Councilor-Staff Interactions

General staff and administrative support to members of the [Town] Council is provided through the Town Manager’s Office. Except for the purposes of inquires, the [Town] Council or any of its members shall deal with [Town] officers and employees who are subject to the direction and supervision of the [Town Manager] solely through the [Town Manager]. [Town] Council or any of its members shall not give orders to any officers or employees either publicly or privately. Sensitivity to the workload of support staff members in the [Town Manager’s] Office is [essential]. Staff members may have other work assigned with high priority. Should requested tasks require significant time commitments, prior consultation with the [Town Manager] is requested.

VII E

PAYMENTS IN LIEU OF TAXES

From: Christopher <dallasisland@netzero.com>
Sent: Thursday, May 10, 2012 6:34 AM
To: Dana Reed
Cc: Ruth Eveland

As previously explored, Jane and I would like to have the letter to the PILT's added to the next agenda. Im tweaking it currently, so the should letter will be available for the packet. If Jane and I cant agree or spend more time together which is proving hard to do, it will be available to put on the council desk. I'm assuming it should be emailed to Pat whereas Dana will be out of town.

Christopher

VII G.

FY12 / FY13 Audit

TOWN OF BAR HARBOR
PROPOSAL FOR AUDITING SERVICES
FOR THE FISCAL YEARS ENDED
JUNE 30, 2012 AND 2013

PROPOSAL SUBMITTED BY:
JAMES W. WADMAN, C.P.A.
295 MAIN STREET
ELLSWORTH, ME 04605
TEL 207-667-6500
FAX 207-667-3636
Email jim@wadmancpa.com
Contact: Jim Wadman

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James W. Wadman

Certified Public Accountant

Telephone 207-667-6500

Facsimile 207-667-3636

wadmancpa.com

LETTER OF TRANSMITTAL

April 30, 2012

To the Town Manager and the Town Council
Town of Bar Harbor
P.O. Box 337
Bar Harbor, ME 04609

The following is our audit proposal for the Town of Bar Harbor for a two year period. We understand that the period of the audit will be for the 12 month periods ending June 30, 2012 and 2013. Our firm presently maintains an independent status and will continue to maintain an independent status with the Town of Bar Harbor.

We will perform our audit in accordance with generally accepted governmental auditing standards established by the American Institute of Certified Public Accountants, the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, and the Governmental Accounting Standards Board. Our audits will also be in compliance with Maine State Statutes as well as Office of Management and Budget Circular A-133, Audits of State, Local Government and Non-profit Organizations, if applicable. We understand that the financial statements will be presented in accordance with the financial model described in Governmental Auditing Standards Board Statement number 34. Our audits will be a financial and compliance audit of all accounts and funds and will contain written opinions of the financial statements of the Town of Bar Harbor.

We will be available to management for consultation regarding matters that arise during the course of the year and we will keep management informed of current developments affecting its operation. If necessary, we will submit a management letter, which will identify internal control and management weaknesses and suggest corrective steps to be taken. Our audits will include an exit conference in which we will review the audit reports, the management letters and any other questions or comments that management may have. Our audits will also include providing opening balances for the following fiscal year.

The contact person for the audit engagement will be James W. Wadman, C.P.A., owner of the firm.

Respectfully Submitted,

James W. Wadman, C.P.A.

James W. Wadman, C.P.A.

FIRM QUALIFICATIONS

James W. Wadman, C.P.A. is a local accounting firm with four licensed professionals and one staff member. Our firm has been auditing a wide range of municipalities, school districts and non-profit organizations for 23 years. We presently audit over 100 municipalities, school systems, and non-profit organizations. Our office is located at 295 Main Street, in Ellsworth.

The senior personnel assigned to the audit will be James W. Wadman, C.P.A., a 1986 graduate of the University of Southern Maine with 23 years of governmental audit experience. Other staff to be involved in all aspects of the audit include; Wanese L. Lynch, C.P.A., a 1992 graduate of the University of Maine with 15 years of governmental audit experience; Kellie M. Bowden, C.P.A., a 1995 graduate of Husson University with 16 years of governmental audit experience; Ronald C. Bean, C.P.A., a 1992 graduate of Husson University with 11 years of governmental audit experience; and Daniel Gray, a 1991 graduate of Husson University with 14 years of governmental audit experience. Approximately 16 hours per year of governmental auditing and accounting continued professional education are obtained by all personnel assigned to the engagement. The majority of this professional education is obtained through seminar participation with nationally renowned experts in governmental auditing.

Enclosed is a copy of our most recent unqualified peer review report on our accounting and auditing practice. The unqualified report signifies that our firm has met the objectives of quality control in accounting and auditing practice.

The Town of Bar Harbor will be notified prior to the commencement of audit fieldwork of any changes in key personnel assigned to the audit engagement. It will be our intention for the benefit of both the firm and the Town of Bar Harbor to keep the same personnel assigned to the engagement year after year.

TECHNICAL APPROACH TO ENGAGEMENT

Our audits will include obtaining an understanding of the accounting system, internal accounting controls and the flow of transactions of the entity. This process will begin with preliminary fieldwork and continue through the audit engagement. We will interview entity personnel, as well as review accounting information and document our understanding of the accounting system and internal control structure.

Our audits will include confirmation of account balances, as well as tests of samples of random and individually significant transactions. Testing procedures will be conducted on both revenues and expenditures for the fiscal year. We will identify areas of risk associated with the entity's operation, and will design our testing procedures based on our assessment of this risk.

Our audit engagement will consist of three phases:

Phase 1 – Preliminary Fieldwork – This phase will involve interview of Town personnel to obtain an understanding of the accounting system, the internal control structure and search for contingencies, related party transactions, fraud, risk assessment, etc. In addition, we will prepare cash and debt confirmations, legal representation information, obtain opening balances, selected substantive testing and budgetary information.

Phase 2 – Year-end Fieldwork – This phase will include the conclusion of testing procedures, account reconciliation and confirmation, conclusion of the search for contingencies and subsequent events, submission of adjusting journal entries and opening balances, the exit conference and the draft of the financial statements and management letter for management review.

Phase 3 – Audit Conclusion – This phase will involve the final report preparation, the inclusion of the "Management Discussion and Analysis", the attendance at any public meetings requested and assistance with any opening balances, etc.

We will require that the accounting staff have available for us, the following information and financial records prior to commencement of the audits:

1. Detailed general ledgers, receipts, warrants, invoices, purchase orders, bank statements with canceled checks, savings account records, employee contracts, and insurance policies
2. Reconciliation of all cash accounts with bank statements and the general ledger
3. Reconciliation of all unpaid property tax receivables with unpaid property tax listings and the general ledger
4. Copies of Assessor's Certificate, Municipal Valuation Return and LD-1 calculation for the year being audited
5. Details of all accounts receivable and accounts payable, which agree to the general ledger
6. Minutes of all town and council meetings
7. Payroll records, including payroll tax returns and W-2 forms, as well as 1099 Forms for contracted services
8. Copies of all State and Federal grant applications, award letters, receipts of grant funds (including check stubs, if applicable), expenditures, cash management reports and applicable adopted policies as

stated in grant applications. Revenue and expense detail reports which agree with the general ledger control accounts.

9. Fixed asset records to comply with Governmental Accounting Standards Board Statement No. 34. These records will contain beginning balances that agree to the previous year audit report, additions, retirements and depreciation computations for the current fiscal year.

In addition, we will require that the opening balances in the general ledger agree to the opening balances from the prior year audit. Receipts, invoices and payroll records selected for testing will be provided by Town personnel.

COMPENSATION

Our fees for these engagements include all costs involved such as postage, travel, etc. Should the entity require additional accounting and consultation services, services will be provided at a our standard hourly rates of \$73.00 per hour for licensed professional personnel and \$47.50 per hour for non-licensed professional personnel. Hourly rates will increase by 2.5% annually. These services will be agreed to prior to commencement of the accounting services. Our annual fees would be as follows:

2011-2012 Audit	Town of Bar Harbor (incl water dept)	not to exceed \$14,495
2012-2013 Audit	Town of Bar Harbor (incl water dept)	not to exceed \$14,855
Single Audit compliance and internal control procedures and reporting (as required, annual cost)		not to exceed \$ 1,285

June 9, 2009

System Review Report

To James W. Wadman, CPA
And the Peer Review Committee of the New England Peer Review

We have reviewed the system of quality control for the accounting and auditing practice of James W. Wadman, CPA (the firm) in effect for the year ended December 31, 2008. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in accordance with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under Government Auditing Standards.

In our opinion, the system of quality control for the accounting and auditing practice of James W. Wadman, CPA, in effect for the year ended December 31, 2008, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency* or *fail*. James W. Wadman, CPA has received a rating of *pass*.

Gordon, Harrington & Osborn, PC

JAMES W. WADMAN, C.P.A.
MUNICIPAL AUDIT REFERENCES

School Systems:

A.O.S. #43 (Milo / Enfield area)
A.O.S. #77 (Calais area)
A.O.S. #91 (Mount Desert Island)
M.S.A.D. #15 (Gray / New Gloucester)
M.S.A.D. #41 (Milo / Brownville and area Towns)
R.S.U. #67 (Lincoln and area Towns)
M.S.A.D. #76 (Swans Island)
Deer Isle / Stonington CSD
Mount Desert Island CSD
Moosabec CSD
Northern Penobscot Tech Region III

Municipal School Departments:

Alexander
Bar Harbor
Beals
Blue Hill
Brooklin
Brooksville
Charlotte
Cranberry Isles
Deblois
Dedham
East Machias
Frenchboro
Isle Au Haut
Jonesport
Mount Desert
Pembroke
Penobscot
Sedgwick
Southwest Harbor
Surry
Tremont
Trenton
Whiting

Other Municipal Engagements:

City of Rockland
County of Knox
Eastport Port Authority
Town of Addison
Town of Alexander
Town of Amherst
Town of Aurora
Town of Bar Harbor
Town of Beddington
Town of Beals
Town of Blue Hill
Town of Brooklin

Other Municipal Engagements (continued):

Town of Brooksville	Town of Waltham
Town of Brownville	Town of Warren
Town of Charlotte	Town of Whiting
Town of Columbia	Town of Winter Harbor
Town of Columbia Falls	Town of Winterport
Town of Cooper	
Town of Cranberry Isles	
Town of Crawford	
Town of DeBlois	
Town of Dedham	
Town of Deer Isle	
Town of Eastbrook	
Town of East Machias	
Town of Edinburg	
Town of Enfield	
Town of Frankfort	
Town of Franklin	
Town of Frenchboro	
Town of Great Pond	
Town of Hampden	
Town of Hancock	
Town of Hudson	
Town of Isle Au Haut	
Town of Jonesport	
Town of Lamoine	
Town of Liberty	
Lucerne-in-Maine Village Corporation	
Town of Maxfield	
Town of Milo	
Town of Montville	
Town of Mount Desert	
Town of Osborn	
Town of Otis	
Town of Owls Head	
Town of Passadumkeag	
Town of Pembroke	
Town of Penobscot	
Town of Prospect	
Town of Robbinston	
Town of Rockport	
Town of Roque Blufs	
Town of Searsmont	
Town of Sedgwick	
Town of Sorrento	
Town of Southwest Harbor	
Town of Springfield	
Town of Sullivan	
Town of Surry	
Town of Swans Island	
Town of Tremont	
Town of Trenton	
Town of Verona Island	



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

VII H.

RECEIVED

MAY 02 2012

Town of Bar Harbor
Manager/Clerk's Office

TO: MMA's Key Municipal Officials
FROM: Sophia Wilson, President, Maine Municipal Association
DATE: May 1, 2012
RE: Nominations to MMA's Legislative Policy Committee

The time has come to begin the process of electing 70 municipal leaders from across the state to the Maine Municipal Association's Legislative Policy Committee (LPC) for the 2012-2014 biennium.

The work of the LPC is central to the mission of this Association. For that reason, I am hoping you will take the time to read the following information and think very seriously about reaching out to interested municipal officials in your town or city (or region) for the purpose of forwarding a nomination as the LPC election process begins.

The LPC is anything but a quiet working group, sounding board or advisory committee. According to the Legislative Policy Committee's by-laws (the "LPC Handbook"), the specific purpose of the LPC is "*to define municipal interests and to maximize those interests through effective participation in the legislative process.*" Operating along the lines of a town meeting system, the municipal officials elected to the LPC directly stake-out each public policy position the Association takes and advocates in the State House.

The first task of the new LPC after it is elected will be to develop the legislative changes Maine's municipal officials believe should be submitted to the next Legislature in January 2013. In addition to MMA's proactive legislative agenda, the LPC also determines MMA's stance on all the municipally-related legislation of statewide significance submitted by the Governor or legislators. The job of MMA's advocacy staff is to communicate the LPC's positions to the Legislature and otherwise carry-out the LPC's directives.

Comprised of two municipal officials from each of Maine's 35 Senate Districts elected by the municipal officers in the District, the LPC is a diverse group of municipal experts by its structure. As a former Chair of the LPC, it is my view that the diversity of the LPC is its strength. In my experience, the deliberations of this policy committee easily represent some of the highest level public policy discourse in the state.

Enclosed is a **Nomination Form** for the July 2012 – June 2014 term of the LPC. What follows is some background information to help prospective nominees get a sense of what would be involved, as well as details regarding the actual nomination process.

Thank you for your attention to this memo. Please recognize this as a very genuine request and seriously consider forwarding the name of a nominee from your community or Senate District.

Background Information. Any elected or appointed municipal official holding office in any MMA member community is eligible to serve on the Committee. There are two seats on the LPC for each State Senate District. Members serve two-year terms, representing their own community and the other municipalities in their Senate District.

LPC activities require a time commitment of approximately ten hours a month during legislative sessions (i.e., during the first 4 months of each calendar year) which includes attendance at the monthly meeting and contacts with other communities and legislators in the district as issues arise. The LPC is also engaged in the development of MMA's legislative agenda during the fall and early winter of each even-numbered year, which typically involves at least one additional meeting in Augusta. All mileage expenses are reimbursed. MMA's strength as a municipal advocate depends on the active help of a dedicated LPC membership.

More information about MMA's Legislative Policy Committee and the Association's entire advocacy program can be found at the Legislative/Advocacy link at MMA's website <http://www.memun.org/public/MMA/svc/SFR/default.htm> . In particular, the *LPC Handbook* describes the Association's overall policy development process and procedures in more detail.

Nomination Process

Your municipality is entitled to nominate a representative to the LPC.

- The nominee may be either elected or appointed, but must be serving currently as a municipal official.
- You may nominate any municipal official from any member town or city within your Senate/LPC District; you do not have to nominate someone from your municipality.
- The names of all municipal officials properly nominated will appear on the LPC ballot, which will be distributed on June 18th.

Nominee Profile

Because the municipal officers may not be familiar with a nominee from another municipality, a brief description of each nominee who completes the enclosed **Nominee Profile Sheet** will be provided with the ballots that are distributed in mid June. Please make sure that the person you nominate has a chance to complete the Nominee Profile Sheet and that it is returned to MMA with the Nomination Form.

Deadline for Submitting Nomination



The Chairman of your Board of Selectman, Council or Assessors (the "nominator") *and the nominee* must sign the nomination form for it to be valid.



The form must be returned to MMA by **5:00 p.m. on June 14, 2012**, to be counted. Ballots will be mailed out immediately after the nomination process closes, so make sure the nomination form is received by MMA by that deadline. Please return the nomination form to **Laura Veilleux** at MMA either by mail (60 Community Drive, Augusta, Maine, 04330) or by FAX (624-0129).

If you have any questions, please call MMA's State and Federal Relations staff at 1-800-452-8786 or 623-8428.

NOMINATION FORM


Maine Municipal Association's Legislative Policy Committee

July 2012 to June 2014


Senate District 28

Bar Harbor	Gouldsboro	Stonington
Blue Hill	Hancock	Sullivan
Brooklin	Isle Au Haut	Surry
Brooksville	Lamoine	Swans Island
Cranberry Isles	Mount Desert	Tremont
Deer Isle	Sedgwick	Trenton
Ellsworth	Sorrento	Winter Harbor
Frenchboro	Southwest Harbor	

The municipal officers of _____ hereby nominate:
Print name of your municipality

Nominee: _____ 
Print name of Nominee


Nominee's municipality: _____ Position: _____

Date: _____ 
Signature of Nominator

Print name of Nominator

Consent

I agree to accept the nomination and to serve if elected to the MMA Legislative Policy Committee:

Date: _____ 
Signature of Nominee

Please return Nomination Form by 5:00 p.m. on June 14, 2012, to:

Laura Veilleux - Maine Municipal Association
60 Community Drive, Augusta, ME 04330
FAX: 624-0129

Nominations Received After 5:00 p.m. on June 14, 2012, Will Not Be Counted

LPC NOMINEE BIOGRAPHY

To: Legislative Policy Committee Nominees

From: Maine Municipal Association

Date: May 2, 2012

To help municipal officials make an informed choice when they vote for their LPC representatives, we ask nominees to provide some background information regarding their municipal service and why they want to be LPC members. A "nominee profile" is included on the ballot for each nominee who provides us with a profile.

Name: _____ Title: _____

Municipality: _____ Years in current position: _____

Mailing Address: _____
(include zip code, please)

Prior (recent) municipal experience: _____

Have you served on the LPC before? No Yes If yes, what years? _____

If you have served on any other MMA Committees, please note them: _____

Please indicate your primary issues of concern, and/or reasons for wanting to serve on the LPC:

Please give this completed form to your Board of Selectmen/Assessors or Council so that it can be returned with the Nomination Form, or send it directly to Laura Veilleux at MMA:

Maine Municipal Association
60 Community Drive
Augusta, ME 04330
FAX: 624-0129

Thank You!