Agenda

Bar Harbor Town Council

August 16, 2016

I. **CALL TO ORDER** – 7:00 p.m. – Town Council Chambers

A. **Excused Absence(s)**

II. **COMMITTEE APPOINTMENTS** –

A. Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:

1. **Parking Solutions Task Force** (Initial terms staggered)

a. Two year term: Erin Early Ward, Martha Searchfield, Mary Booher, Elizabeth Kase

b. Three year term: Jill Goldthwait, Dick Cough, Sherry Rasmussen, Eben Salvatore

c. Acadia National Park Representative John Kelley

2. **Recycling Task Force**

a. One year term: Ted Koffman

3. **Harbor Committee**

a. Three year term: Gary Fagan

III. **PUBLIC COMMENT PERIOD** – The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.

IV. **APPROVAL OF MINUTES** –

A. July 12, 2016 – Joint Workshop with Conservation Commission

B. July 19, 2016 Regular Meeting

C. August 2, 2016 Regular Meeting

V. **ADOPTION OF AGENDA**

VI. **FINANCIAL STATEMENTS** – While staff normally presents financial reports at the second Council meeting every month, they are often delayed in August since we need to close the books on the previous fiscal year and prepare for the annual audit

VII. **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. **Special Amusement Permit: Little A's** – Possible motion to file update status memo from Police Chief.

B. **Certification of Property Owners and Abutters Mailing Lists** – Possible passage of a motion to sign the certification of the mailing list used for the notice of the Town Council's August 16, 2016 public hearings on the Land Use Ordinance Amendments for November 8, 2016.

C. **Town Manager's Evaluation** – Possible motion to approve the format and form to use for the Town Manager's evaluation.

D. **Municipal Quit Claim Deed** - Possible motion to authorize the town manager to sign a quit claim deed to Ariel Bothen and Chelsea Bothen for payment of property taxes, interest, lien charges and fees.

VIII. **PUBLIC HEARINGS:**

A. **November 2016 Special Town Meeting: LUO Amendments** – Public hearing on proposed LUO articles and possible motion to sign Orders placing articles on Special Town Meeting Warrant for November8, 2016.

1. **Article 2 – Parking, definitions and regulatory changes**
2. **Article 3 – Parking, restoring and adding parking garages.**

IX. **REGULAR BUSINESS:**

A. **Police Department**- Possible motion to purchase Tasers for the patrol officers.

B. **Treasurer's Warrant** – Request of Treasurer to authorize paid bills.

X. **TOWN MANAGER'S COMMENTS**

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

XII. **EXECUTIVE SESSION:** (None Anticipated)

XIII. **ADJOURNMENT**

In order to assure your full participation in this meeting, we would appreciate your informing us of any special requirements you might have due to a disability. Please call 288-4098

Manager's Memo

To: Bar Harbor Town Council

cc: Department Heads

From: Cornell Knight, Town Manager

Date: Friday, August 12, 2016

Re: **Town Council Meeting of August 16th**

CALL TO ORDER – 7:00 P.M.

I. A. Excused Absences – None that I am aware of but if there is one, a possible motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).

II. . Committee Appointments

A. Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:

1. **Parking Solutions Task Force** (Initial terms staggered)
    a. Two year term: Erin Early Ward, Martha Searchfield, Mary Booher, Elizabeth Kase
    b. Three year term: Jill Goldthwait, Dick Cough, Sherry Rasmussen, Eben Salvatore
    c. Acadia National Park Representative: John Kelley
2. **Recycling Task Force**
    a. One year term: Ted Koffman
3. **Harbor Committee**
    a. Three year term: Gary Fagan

A nominating motion is in order, no second required.

V. FINANCIAL STATEMENTS – No report in August.

VII. 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. **Special Amusement Permit Update: Little A's** – Possible motion: to accept and file the update status memo from the Police Chief.

B. **Certification of Property Owners and Abutters Mailing Lists** – Enclosed is the mailing list of property owners that were sent a notice of the public hearing. A possible motion: to sign the certification of the mailing list used for the notice of the Town Council's August 16, 2016 public hearings on the Land Use Ordinance Amendments for November 8, 2016.

C. **Town Manager's Evaluation** – This is the same format used last year. Possible motion: to approve the format and form to use for the Town Manager's annual evaluation.

D. **Municipal Quit Claim Deed**-The Robert Bothen estate, parcel # 213-011-000 has paid the property tax balance due. A possible motion: to authorize the town manager to sign a quit claim deed to Ariel Bothen and Chelsea Bothen for payment of property taxes, interest, lien charges and fees.

A possible motion: to approve the Consent Agenda as published

VIII. Public Hearings:

A. **November 2016 Special Town Meeting: LUO Amendments** – Enclosed are the two Orders. As you recall the Planning Board recommended combining the parking garage questions into one question and the Council approved that same method at the last meeting.

1. **Article 2 – Parking, definitions and regulatory changes**- Following the comments at the public hearing, a possible motion: to sign the Order to place Article 2 on the ballot for a vote on November 8, 2016.

2. **Article 3 – Parking, restoring and adding parking garages.** Following the comments at the public hearing a possible motion: to sign the Order to place Article 3 on the ballot for a vote on November 8, 2016.

IX. Regular Business

A. **Taser Purchase**- See the enclosed memo from Chief Willis. The Patrol officers want the Tasers now instead of over several years and are committing one third the cost of the purchase. MDPD has been using them for several years. Chief Willis will attend to answer questions. The initial down payment to cover the first 3 yrs payments will be $15,641.02 and the balance of $10,368 will be paid through annual appropriations in the Capital Improvement Budget in yrs 2019 & 2020. A possible motion: to approve the purchase of 12 tasers from Tasers International through a 5 yr purchase plan to include maintenance and warranty and fund the down pay-

ment by accepting a donation of $8,719 from the Bar Harbor Police Association, use $5,000 from Cruise Ship funds and $1,902.02 from capital improvements account # 2145-6238.

B. **Treasurer's Warrant** – A possible motion: to sign the Treasurer's Warrants for paid bills.

Minutes
Joint Town Council and Conservation Commission Workshop
Tuesday, July 12, 2016
Council Chambers – Municipal Building
93 Cottage Street
6:00 P.M.

I. CALL TO ORDER 6:00 p.m. – In attendance were Councilors: Paul Paradis, Anne Greenlee, Peter St. Germain, Burt Barker, Clark Stivers, Matthew Hochman. Absent: Gary Friedmann

Also in attendance were Conservation Commission members: Jesse Wheeler, Michael Handwerk, Jeff Miller, Erickson Smith, and Planning Director Robert Osborne.

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

III. DRAFT OPEN SPACE PLAN

a. *Revision efforts working toward adoption of the plan.*

b. *Strategy for Validating Goals from Draft Open Space Plan.*

c. *Assignment of responsible party for tasks.*

The Commission went through Chapter by Chapter accepting comments from Council and the public.

It was suggested to add facts and highlight what is currently being done and identify successes and note consequences. The more property in conservation the greater the tax burden on others. Currently, 56% of real estate property is non-taxable in the Town of Bar Harbor. Also suggested to note conflicts such as agriculture and residential development in the area of Northeast Creek watershed. Listing buffer zones that currently exists for scenic vistas. Large landowners: Paul MacQuinn, Chris Maller, and David Bowden were present to shared their history and what they have done to protect their generational properties. They offered ideas that could be shared and included in the Plan and should be given recognition for their stewardship accomplishments.

Following comments and suggestions, the Commission members recognized the need to revise the strategies and goals with input from citizens, large private parcel owners, and discuss with Marine Resources Committee regarding waterfront uses and environmental impact to

watersheds. Assessment of goals and strategies with a volunteer approach to provide education and resources for protection or maintenance in land practices. The members view this as a working document for the Conservation Commission rather than an adopted Plan with policies.

They will continue to rework the Plan and return.

IV. **ITEMS FOR THE NEXT AGENDA** – None were suggested.

V. **ADJOURNMENT** – Mr. St. Germain, with second by Mr. Barker, moved to adjourn at 8:07 p.m. Motion passed unanimously.

_____

Patricia A. Gray, Town Clerk

Minutes

Bar Harbor Town Council

July 19, 2016

I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Matthew Hochman; and Town Manager Cornell Knight.

A. **Excused Absence(s) –** Ms. Greenlee, with second by Mr. St. Germain, moved to excuse Councilors Stivers and Barker as provided by Town Charter section C-12.B(1)(d). Motion passed 5-0.

II. **COMMITTEE APPOINTMENTS –**

A. *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year*:

1. **Recycling Task Force:** (includes one Councilor representative)

   a. Two year term: Martha Searchfield , Michael Handwerk

   b. Three year term: Arnold Lundquist, Ken Smith, Robert Rechholtz

   Mr. St. Germain, with second by Ms. Greenlee, moved to endorse and nominate the Appointments Committee slate of applicants to the Recycling Task Force as presented. Motion passed 5-0.

2. **Cruise Ship Committee:** (All 3 year terms)

   a. CruiseMaine representative: Amy Powers

   b. Scientific Industry representative: Chris Maller

   Mr. St. Germain, with second by Ms. Greenlee, moved to endorse and nominate the Appointments Committee slate of applicants to the Cruise Ship Committee as presented. Motion passed 5-0.

3. **Harbor Committee:**

   a. Three year term: Chris Maller

4. **Appeals Board:**

   a. Three year term: Linda Martin

   Mr. St. Germain, with second by Ms. Greenlee, moved to endorse and nominate the Appointments Committee applicant, Linda Martin, for the Appeals Board as presented. Motion passed 5-0.

B. Council to consider appointments from appropriate nominating authority:

1. **Bar Harbor Housing Authority:**

a. Five year term: Richard Fox

Mr. St. Germain nominated Richard Fox to the Housing Authority for a five year term. There being no further nominations; Richard Fox was unanimously appointed.

2. **Voter Registration Appeals Board Chair:**

a. Four year term: Jennifer McWain

Mr. St. Germain nominated Jennifer McWain to the Voter Registration Appeals Board as Chair for a four year term. There being no further nominations, Jennifer McWain was unanimously appointed.

III. **PUBLIC COMMENT PERIOD** – *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – Ms. Ann Zoidis suggested the Council consider a derelict and empty building tax to provide incentives to maintain or occupy. She pointed out the former Nakorn Thai building on Cottage Street which remains unoccupied and rundown.

IV. **APPROVAL OF MINUTES** –

A. *July 5, 2016 Regular Meeting* – Request of Councilor Greenlee to amend the spelling of her name in item I. A. Mr. St. Germain, with second by Ms. Greenlee, moved to approved the minutes of July 5, 2016 as amended. Motion passed 5-0.

V. **FINANCIAL STATEMENTS** – *Review and possible adoption of a motion to accept the financial statements as presented.* – Following a brief overview from the Finance Director Stan Harmon; Mr. Friedmann, with second by Mr. St. Germain, moved to accept and file the financial statements in the Finance Director's memo dated 7/12/16. Motion passed 5-0.

VI. **ADOPTION OF AGENDA** – Mr. Friedmann, with second by Ms. Greenlee, moved to adopt the agenda as presented. Motion passed 5-0.

VII. **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. **Special Amusement Permit: Little A's** – *Possible motion* to file update status memo from Police Chief.

B. **Maine Municipal Association Annual Election** – *Possible passage of a motion* to vote the slate of candidates for Vice-President and Executive Committee members proposed by the MMA Nominating Committee and authorize the Town Clerk to sign and return the ballot.

C. **Maine Municipal Association** – *Possible passage of a motion* to vote the slate of candidates for MMA's Legislative Policy Committee.

D. **Vehicle for Hire** – *Possible motion* to approve the following taxi licenses:

1. **Moe'z Taxi** request for one additional taxi license as submitted by Maureen Leeman. Proof of Insurance provided. Approved by Police Dept.
2. **Bar Harbor Coastal Cab** request for one additional taxi license as submitted by Craig Wood. Proof of Insurance provided. Approved by Police Dept.

Mr. St. Germain, with second by Ms. Greenlee, moved to approve the consent agenda as published. Motion passed 5-0.

VIII. PUBLIC HEARINGS:

A. **FY17 Sewer Budget Ordinance Amendment** - *Public comment and possible adoption on the proposed FY17 Sewer Budget Ordinance amendment.* – Following a brief explanation from the Finance Director Stan Harmon, who highlighted zero increase in the rates, the same as the previous three years; Ms. Greenlee, with second by Mr. St. Germain, moved to adopt the Sewer Ordinance Amendment, Chapter 165, as proposed. Motion passed 5-0. There were no comments from the public.

Sewer Ordinance Amendment
Town of Bar Harbor
#2016-02

An Amendment to Adopt the Fiscal Year 2017 Sewer Budget, Rates, Fees and Charges.

The Town of Bar Harbor hereby ordains that Chapter 165, Sewers, of the Town Code is amended as follows:

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

Chapter 165 , SEWERS

ARTICLE III, Sewer Budget and Rates

****

§ 165-7.1 Sewer budget, fees and charges.

A. Budget ~~adopted~~ introduced. The fiscal year 2016~~7~~ Sewer Budget, dated ~~August 4, 2015~~ May 13, 2016, is hereby ~~adopted~~ introduced as published and summarized below.

(1) Fund balance. Designated fund balances are estimated as follows:

(a) Estimated starting designated fund balances:

[1] Working Capital: $440,624.

[2] CIP Projects: ~~$1,262,846~~ 1,258,950.

(b) Ending designated fund balance:

[1] Working Capital: ~~$440,624~~ 439,082.

[2] CIP Projects: ~~$1,258,950~~ 1,569,380.

(2) Revenues.

(a) Total revenues and other sources are estimated to be: ~~$2,133,000~~ 2,131,500.

(b) Revenue for the sewer rates shall be calculated from the total operating and capital appropriations minus any non-rate revenues:

[1] Total revenue derived from sewer rate: ~~$2,078,052~~ 2,077,908.

(3) Expenses. Total appropriations shall be:

(a) Operating Fund: ~~$1,330,551~~ 1,328,664.

(b) Capital Fund: ~~$865,500~~ 865,744.

(4) Rates.

(a) Rate of $7.80 per 100 cubic feet of water used.

(b) Minimum bills.

[1] Residential customers: $46.80 for up to 600 cubic feet of water used per quarter.

[2] Nonresidential customers: $132.60 for up to 1,700 cubic feet of water used per quarter.

[3] Unmetered customers: $101.40 per quarter (based on 1,300 cubic feet of water used).

(c) Septic tank pumpage: $11.22 per 100 gallons.

(d) Sludge disposal: $6.72 per 100 gallons.

(e) Connection fee rate (per inch): $100 per inch diameter of the service connection.

(f) Connection fee rate (per gallon): $10.60 per gallon of sewage per day.

(g) Late payment penalty: 7.0% per annum.

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[End of Ordinance]

B. **FY17 Water Budget Ordinance Amendment** - *Public comment and possible adoption on the proposed FY17 Water Budget Ordinance amendment.* - Following a brief explanation from the Finance Director Stan Harmon, who highlighted the FY17 budget reflects no increase, however, there was a water rate increase last January. Revenues are projected to increase by 8% due to the assumption of use based on the January rate increase. The operating expenditure is up by 1.4% due to non-cash depreciation expenses from prior capital upgrades. Mr. Harmon noted a section in the Introduction that speaks of Fire Protection for those who previously had questions.

Ms. Greenlee, with second by Mr. St. Germain, moved to adopt the Water Ordinance Amendments, Chapter 201, as proposed and update the water rates effective January 1, 2016 as approved by the Public Utilities Commission. Motion passed 5-0.

Water Budget Ordinance Amendment
Town of Bar Harbor
#2016-03

An Ordinance Amendment to Adopt the Fiscal Year 2017 Water Budget and update the Water rates effective January 1, 2016 as approved by the PUC.

The Town of Bar Harbor hereby ordains that Chapter 201, Water, of the Town Code is amended as follows:

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

Chapter 201, Water

ARTICLE III, Water Budget, Rates Fees and Charges

§ 201-11 Water Budget.

Article **III**
Water Budget, Rates, Fees and Charges

§ 201-11 **Water budget.**

A. Budget introduced ~~adopted~~. The fiscal year 201~~6~~7 Water Budget, dated June 21,2016 ~~June 16, 2015~~, is hereby introduced ~~adopted~~ as published and summarized below.

(1) Cash. Net cash generated is estimated to be ~~$127,043~~ 37,511.

(2) Revenues.

(a) PUC regulated revenues are estimated to be ~~$1,919,305~~ 2,073,402.

(b) Total water revenues are estimated to be ~~$1,930,105~~ 2,084,202.

(3) Expenses. The following appropriations are hereby approved:

(a) Nonoperating expenses: $4,600.

(b) Salaries and wages: ~~$291,225~~ 297,674.

(c) Payroll benefits: ~~$141,700~~ 143,900.

(d) Contractual services: ~~$254,766~~ 256,667.

(e) Materials and supplies: ~~$107,400~~ 111,500.

(f) Utilities and commodities: ~~$62,100~~ 59,400.

(g) Repairs and maintenance: ~~$140,800~~ 145,300.

(h) Equipment purchases: ~~$21,600~~ 7,150.

(i) Other: insurance, travel, advertising and miscellaneous: ~~$43,200~~ 42,984.

(j) Interest: ~~$119,736~~ 167,021.

(k) Depreciation and amortization: ~~$284,883~~ 301,883.

(l) Capital spending: ~~$1,848,750~~ 248,300.

§ 201-12 **Water rates.**

A. Rates adopted. Effective with the approval of the Maine Public Utilities Commission (PUC), the following rates are hereby established, unless otherwise approved by the PUC:

B. Quarterly and monthly rates for water to metered annual consumers:

(1) Quarterly rate:

(a) For the first 1,200 cubic feet per quarter: ~~$56.43~~ 76.17 per quarter.

(b) For the next 10,800 cubic feet per quarter: ~~$3.28~~ 4.42 per 100 cubic feet.

(c) For the next 78,000 cubic feet per quarter: ~~$1.53~~ 2.07 per 100 cubic feet.

(d) For all in excess of 90,000 cubic feet per quarter: ~~$1.01~~ 1.35 per 100 cubic feet.

(2) Monthly rate:

(a) For the first 400 cubic feet per month: ~~$18.81~~ 25.39 per month.

(b) For the next 3,600 cubic feet per month: ~~$3~~.28 4.42 per 100 cubic

(c) For the next 26,000 cubic feet per month: ~~$1.53~~ 2.07 per 100 cubic feet.

(d) For all in excess of 30,000 cubic feet per month: ~~$1.01~~ 1.35 per 100 cubic feet.

(3) Minimum charges:

Meter Size (inches)	Water Allowance (cubic feet) Quarterly	Water Allowance (cubic feet) Monthly	Minimum Charge Quarterly	Minimum Charge Monthly
5/8	1,200	400	~~$56.43~~ 76.17	~~$18.81~~ 25.39
3/4	1,800	600	~~$76.09~~ 102.69	~~$25.36~~ 34.23
1	3,000	1,000	~~$115.41~~ 155.73	~~$38.47~~ 51.91
1 1/2	6,000	2,000	~~$213.72~~ 288.33	~~$71.24~~ 96.11
2	9,600	3,200	~~$331.69~~ 447.45	~~$110.56~~ 149.15
3	18,000	6,000	~~$501.90~~ 677.72	~~$167.30~~ 225.91
4	30,000	10,000	~~$685.03~~ 926.13	~~$228.34~~ 308.71
6	60,000	20,000	~~$1,142.85~~ 1,547.13	~~$380.95~~ 515.71

(4) Seasonal rates for metered seasonal consumers:

(a) Seasonal rate:

[1] For the first 1,600 cubic feet per season: ~~$149.35~~ 201.63 per season.

[2] For the next 10,400 cubic feet per season: ~~$6.58~~ 8.87 per 100 cubic feet.

[3] For the next 78,000 cubic feet per season: ~~$3.06~~ 4.13 per 100 cubic feet.

[4] For the next 300,000 cubic feet per season: ~~$1.53~~ 2.07 per 100 cubic feet.

[5] For all in excess of 390,000 cubic feet per season: ~~$1.17~~ 1.58 per

100 cubic feet.

(b) Minimum charges:

Meter Size (inches)	Water Allowance (cubic feet)	Minimum Charge
5/8	1,600	~~$149.35~~ 201.63
3/4	2,400	~~$201.97~~ 272.66
1	4,000	~~$307.21~~ 414.73
1 1/2	8,000	~~$570.31~~ 769.92
2	12,800	~~$857.92~~ 1,158.19
3	24,000	~~$1,201.09~~ 1,621.47
4	40,000	~~$1,691.32~~ 2,283.28
6	80,000	~~$2,916.91~~ 3,937.81

(5) Private fire protection:

(a) Availability. This rate is available to customers using the Town water service for private fire protection. The following rates apply to fire protection only and include no allowance for water for other than for fire-fighting purposes.

(b) Rates.

[1] Each private hydrant furnished, installed and maintained by the user for private protection shall be charged for per year: ~~$1,009~~ 1,362.

[2] Private fire service rate for automatic sprinklers, standpipes or hose connections to be used only for fire protection inside buildings: a charge per inch of service pipe diameter of ~~$126.12~~ 170. per year.

(6) Public fire protection:

(a) Availability. This rate is available to the Town of Bar Harbor for municipal fire protection.

(b) Rates.

[1] For the existing 105 hydrants installed as of January 1, 2009<u>16</u>, a total annual amount of ~~$410,492~~ <u>585,602</u>.

[2] Rates for hydrants installed after the effective date of the PUC order shall be determined in accordance with Chapter 690 of the Public Utilities Commission's Rules and Regulations.

[end of ordinance]

IX. REGULAR BUSINESS:

A. **YMCA Fee for Service MOU** – *Annual report of YMCA executive director on the recreation services provided to Bar Harbor residents in 2015 under the terms of our Memorandum of Understanding.* – YMCA Board member Dean Read and new Executive Director Tommy Parham reported 75% of their members are Bar Harbor residents. They serve as the Town's recreational center. As outlined in the MOU, the services they provide were expanded in 2015. An increase in financial aid for summer camp scholarships, free public restrooms; purchased a water fountain with bottle filling station for public use; extended afterschool hours to 5:30 pm to accommodate working families; provide youth t-ball; added another two hours per week of track time use. In 2015, added Free Senior Social, the 'Brew Club', and awarded $21,293 in scholarships for annual membership to Bar Harbor residents.

Following comments and expression of appreciation from Council, Mr. Friedmann, with second by Mr. St. Germain, moved <u>to accept the YMCA annual report. Motion passed 5-0.</u>

B. **Parking Space Requests:** *Parking & Traffic Committee discussed and denied the following requests* -

1. *Request of Joshua Ehrlich to remove one parking space at the corner of Cottage Street and Greeley Avenue.* – The Parking and Traffic Committee denied the request because it did not meet the ordinance requirements and they do not have the authority to waive it.

   Mr. Ehrlich and neighbors stated the need for safety. The site is obstructed with larger vehicles parked in the first space thus hindering view of oncoming traffic. The building at the corner also contributes to the poor line of site and safety is further compromised by the tight entrance to Greeley Avenue.

   Following discussion and comments from the public, Mr. Friedmann, with second by Ms. Greenlee, moved to accept the proposal to eliminate the parking space at the corner of Greeley and Cottage Street.

Motion failed 2-3 (Nay: Mr. Paradis, Mr. St. Germain, Mr. Hochman). Councilors Paradis and St. Germain were reluctant to support the request without changing the standard.

2. *Request of Ann Zoidis to restore non-compliant handicap parking spaces on Cottage Street.* – The Committee also denied this request because it cannot meet the ADA standards. Once a non-conforming space has been removed during road repair, it's required to be upgraded. Ms. Zoidis looked into ADA requirements and suggested checking into waivers. She noted Bar Harbor's number of handicap parking spaces fall short of the ADA requirement of one handicap space for every twenty-five spaces.

Following comments from residents Noreen Hunter, Joe Cough, Jeff Dobbs, Chamber Executive Director Martha Searchfield and Council; Mr. Hochman, with second by Ms. Greenlee, moved to reinstate the two handicap parking spaces on Cottage Street in front of the Criterion Theatre. Motion passed 3-2 (Nay: Mr. Paradis, Mr. St. Germain).

C. **November 2016 Warrant: Land Use Ordinance Amendments** – *Update from Planning Director and possible motion to certify LUO amendments for November 2016 and schedule public hearing for August 16, 2016.* – Planning Director Robert Osborne summarized the Planning Board's public hearing and board debate on the proposed Parking ordinance amendments. The Planning Board recommended by a vote of 3 to 2 in favor of combining draft orders b through e into one article, then order f not be presented in November but in June to see how voters vote in November. Draft order a is recommended to move forward as presented.

The reason for postponing draft order f is because it eliminates the only two districts that allow parking garages, and before eliminating the use to nowhere, it's thought to wait and see if voters vote the use elsewhere.

Combining draft orders b through e eliminates picking and choosing different districts and use, this will first clarify which districts it's allowed. This article restores the use in three districts: Bar Harbor Gateway, Downtown Village I and Downtown Village II districts, and adds the use in two additional districts: Educational Institutional district and Scientific Research for Eleemosynary Purposes district.

Following comments from the public, Planning Board members, and Council; Mr. Friedman, with second by Mr. St. Germain, moved to certify and sign the Parking Ordinance Amendments to the Land Use Ordinance as recommended by the Planning Board for the November 2016 Warrant and schedule a public hearing on the warrant for August 16, 2016 at 7 pm. Motion passed 5-0.

D. **Solar Farm** – *Possible motion to move site from ground mount to pole barn roof.* – Town Manager Cornell Knight provided a brief explanation of wetlands and setback issues which generated the request from ReVision

Energy to relocate the site and the need for one more utility pole. Following comments from the public and Council; Mr. St. Germain, with second by Mr. Hochman, moved to allow the solar farm installation on the roof of the pole barn at the Public Works Facility. Motion passed 5-0.

E. **FY17 Budget** – *Request of Fire Chief Bartlett to combine the FY17 budgets of Fire and Ambulance Division.* – Fire Chief Bartlett's request to combine the two budgets will match actual day to day operations and increases efficiency in payroll. Mr. St. Germain, with second by Ms. Greenlee, moved to consolidate the Ambulance Division budget #1040 into the Fire Department budget #1042. Motion passes 5-0.

F. **Parking Solutions Task Force** – *Possible amendment to Parking Solutions Task Force Bylaws to include representation from Acadia National Park.* – Informal request from ANP Management Assistant John Kelly for a seat on the Parking Solutions Task Force. He stated that ANP is also working on parking solutions and traffic management. Council expressed the need for two-way conversation and equal opportunity to participate in the Park's parking and traffic management plan since decisions made by either entity could potentially impact the other. Discussion ensued, Mr. Friedmann, with second by Mr. Hochman, moved to amend the Parking Solution Task Force Bylaws membership to include one additional seat for a non-voting representative from Acadia National Park. Motion passed 3-2 (Nay: Mr. Paradis, Mr. St. Germain).

Ms. Greenlee moved to amend the motion for voting member. Motion failed due to lack of second.

G. **Appointments Policy Amendment** – *Possible motion to approve the amendment dated 07/15/16, deleting the number of terms a member may serve.* – Mr. Hochman, with second by Ms. Greenlee, moved to amend the Appointments Policy by deleting the sentence that limits serving to three consecutive terms. Motion passed 5-0.

Appointments Policy Town of Bar Harbor

Appointments Policy

The Appointments Committee shall consist of 3 Councilors appointed by the Council Chair annually at the organizational meeting held every June. Terms shall be for one year. Appointments Committee members may serve a maximum of two consecutive terms, and may serve again after a lapse in service of three years. The Town Clerk shall annually advertise all expiring terms on standing boards and committees. The advertising shall be in the local newspaper, on the Town's website and on the cable tv access channel. Service as an alternate member shall not count toward the terms allowed as a regular voting member.

Interested citizens, including incumbents up for reappointment shall fill out an application supplied by the Town Clerk.

~~A citizen may serve up to 3 full consecutive terms as a regular member of a standing board or committee.~~

The Appointments Committee shall seek to meet with all prospective appointees in order to discuss special qualifications, expertise and interest of applicants. A telephone interview is acceptable.

The Appointments Committee recommendations will be in the form of nominations to the Town Council at a regular meeting. The nominations are not limited to the number of vacancies on a given board or committee. The Appointments Committee may also choose not to make nominations and request that the Town Council repost the vacancies. This does not preclude another Councilor from making a nomination from the list of interviewed applicants. A nomination to a board or committee does not require a second.

In the event an incumbent member of a board or committee has not reapplied for a position and the member's term has expired, the position will be considered vacant upon the expiration of the term.

Unless otherwise specified in the Code of the Town of Bar Harbor, the Town Council may remove any board or committee member and appoint a successor for the unexpired term of any member who fails to attend four consecutive regular meetings or fails to attend seventy-five percent of all meetings during the preceding 12 month period. The Town Council may waive attendance provisions for due cause. Attendance records will be part of the Appointments Committee review process.
All newly appointed members of a board or committee shall take the Ethics Ordinance Quiz. The quiz shall be repeated by all members at least every three years.
All members of boards and committees must be sworn in by the Town Clerk prior to the first meeting in order to participate and have voting rights.

H. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Friedmann, with second by Mr. St. Germain, moved to sign the Treasurer's Warrant for paid bills. Motion passed 5-0.

X. **TOWN MANAGER'S COMMENTS** – Mr. Knight reminded Council that next meeting, August 2nd, the workshop with Town Attorney Ed Bearor on roles and responsibilities of Town Councilors starts at 5:45 p.m.

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

Mr. St. Germain suggested contacting the Town Attorney and inquire if he has heard of the ADA waiver for handicap parking.

Mr. Friedmann questioned what happened at the Route 3 Reconstruction Meeting, he was unavailable to attend. Does the design offer a friendly, inviting feel? He questioned if the pedestrian path is something other than asphalt; and if not, can a change order be made? Staff responded; any change order at this stage is a cost to the town. In addition, Mr. Friedmann received comments that people would like to see the planting of trees for a more welcoming look. Staff responded; it is not likely since it would require additional property causing delays and additional costs.

He gave thanks to the Council for once again supporting the efforts of a solar farm.

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

XIII. **ADJOURNMENT** – Mr. St. Germain, with second by Mr. Hochman, moved to adjourn the meeting at 9:50 p.m. Motion passed 5-0.

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Patricia A. Gray, Town Clerk

Workshop

Bar Harbor Town Council

August 2, 2016

I. **CALL TO ORDER** – 5:45 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, Clark Stivers, Matthew Hochman; Town Manager Cornell Knight; Attorneys: Ed Bearor and Erik Stumpfil from Rudman and Winchell Law Firm. Also in attendance were Angel Hochman and Liz Graves.

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

II. **Town Council Workshop** *with Town Attorney on roles and responsibilities of Town Councilors.* – Mr. Bearor and Mr. Stumpfel distributed a memo on the Roles and Responsibilities of Town Councilors and a list of applicable state statutes. They reviewed Legal Aspects of Communications by Town Councilors, the Freedom of Access Law, Conduct of Council's Meetings and Procedures, Executive Sessions, and the relationship of the Town Manager and Council. Questions and Answers followed.

The meeting recessed at 6:50 pm.

Minutes

Bar Harbor Town Council

Regularly Scheduled Meeting Resumed at 7:00 p.m.

III. **COMMITTEE APPOINTMENTS** –

A. *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:*

1. **Marine Resources Committee:** Three year term

    a. Chris Peterson

    Mr. St. Germain nominated Chris Peterson to the Marine Resources Committee. There being no further nominations, Chris Peterson was appointed by a vote of 7-0.

2. **Parks and Recreation Committee:** Three year term

    a. YMCA Representative – Thomas Parham

Mr. St. Germain nominated Thomas Parham to the Parks and Recreation Committee. There being no further nominations, Thomas Parham was appointed by a vote of 7-0.

B. Council to consider appointments:

1. **Hancock County Planning Commission**

a. Robert Osborne, Planning Director

Mr. St. Germain nominated Planning Director Robert Osborne to the Hancock County Planning Commission. There being no further nominations, Robert Osborne was appointed by a vote of 7-0.

IV. **PUBLIC COMMENT PERIOD** – *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – There were no comments.

V. **APPROVAL OF MINUTES** – *Not available at this time*

VI. **ADOPTION OF AGENDA** – Mr. Friedmann, with second by Mr. St. Germain, moved to adopt the agenda as presented. Motion passed 7-0.

VII. **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. **Vehicle for Hire** – *Possible motion* to approve one limousine license for 200E d/b/a Unified Limousine as requested by Dennis Hutchins. Approved by Police Department and insurance provided.

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

VIII. **PUBLIC HEARINGS:**

A. **Special Amusement Permit: Project Social**, *16 Mount Desert St., request for Class 2, two musicians without mechanical amplification as submitted by Cody Gordon. (NEW)* – There being no public comments; Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Application for Project Social for a Class 2 permit without amplification as advertised. Motion passed 7-0.

IX. **REGULAR BUSINESS:**

A. **Broadcasting Board Meetings** – *Consideration and possible approval of contracting with Town Hall Streams to broadcast current board meetings.* – Town Manager Cornell Knight gave a brief overview of the Technical Systems Administrator Steve Cornell's memo outlining the pros and cons. Mr. Barker, with second by Mr. St. Germain, moved to contract with Town Hall Streams for broadcasting town meetings and fund the monthly fee from account #2122-6120. Motion passed 7-0.

B. **Code Enforcement Violations** – *Consideration for possible action to unresolved code violations for the following*:

1. *Bobbi Lynn Hutchins d/b/a Blue Door Restaurant, 135 Cottage Street, Tax Map 104 Lot 029-000* – Code Enforcement Officer Angela Chamberlain gave an overview and the file indicates a violation notice was sent four times and no response. Following a brief discussion, Mr. St. Germain, with second by Mr. Barker, moved to authorize the Town's Attorney to file an enforcement action against Bobby Lynn Hutchins in the Maine District Court or Superior Court pursuant to 30-A MRSA Sec. 4452, immediately. Motion passed 7-0.
2. *RDR Realty d/b/a Olive Park Café, 59 Cottage Street, Tax Map 104, Lot 085-000* – Following a brief overview by the Code Enforcement Officer, the file indicates that the violation notice was returned because the property owner refused the certified mailings. Earlier today, the property owner picked up a permit application. Following discussion, Mr. St. Germain, with second by Mr. Barker, moved to authorize the Town's Attorney to file an enforcement action against RDR Realty in the Maine District Court or Superior Court pursuant to 30-A MRSA Sec. 4452. Motion passed 7-0.

C. **Council Goals** – *Quarterly status report by the Town Manager.* – Discussion ensued for continuing off-site Council meetings. The final thought was Council should try one more in Salisbury Cove in November. Ms. Greenlee, with second by Mr. St. Germain, moved to accept the Council Goals update as presented and file with the Town Clerk. Motion passed 7-0.

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

X. **TOWN MANAGER'S COMMENTS** – No updates this evening.

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

Mr. Barker gave further thought of off-site meetings. He stated at any open meeting no one should be openly attacked, it should be stopped immediately.

State Representative Brian Hubbell requested to speak. He reported that he spent last evening with two Bar Harbor Police Officers getting a taste of their experience. He left with a good feeling, and feels Bar Harbor is in good hands. He will follow-up with a letter to Police Chief Willis.

XII. **EXECUTIVE SESSION:** (None Anticipated)

XIII. **ADJOURNMENT** – Ms. Greenlee, with second by Mr. Hochman, moved to adjourn at 7:35 p.m. Motion passed 7-0.

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Patricia A. Gray, Town Clerk

VII A.

MOUNT DESERT POLICE DEPARTMENT
BAR HARBOR POLICE DEPARTMENT

James K. Willis, Chief of Police
jwillis@mdpolice.org

BHPD
Lt. David Kerns
37 Firefly Lane
Bar Harbor, Maine 04609
Tel: 207-288-3391
dkerns@barharbormaine.gov

MDPD
Lt. Kevin Edgecomb
21 Sea Street, PO Box 248
NE Harbor, ME 04662
Tel: 207-276-5111
kedgecomb@mdpolice.org

Date: August 9, 2016
To: Town Manager Cornell Knight
From: Chief James Willis
Subject: Update on Little A's Special Amusement Permit

Since my July update, no new complaints have been received about the Little A's Special Amusement permit.

Officer Sundberg continues to coordinate our liaison efforts with Little A's and its neighbors. He is currently working day shift, so other Officers are conducting proactive visits during late evening hours and informing him of the results.

Officer Sundberg met with the owner of Little A's on 8/5/16 and learned that he is continuing proactive efforts to mitigate noise. Sal said he recently purchased air conditioning units in hopes of keeping people inside.

If and when necessary, we will use the process outlined in outlined in the town's ordinance relating to Special Amusement Permits, which calls for us to use our noise meter and follow through with warnings for violations. When substantiated violations are documented, Town Council is notified as part of our regular process.

VII B.

Certification

of

Property Owners and Abutters Mailing List

for

Bar Harbor Town Council Notice of Public Hearing for August 16, 2016 on (2) Proposed "Land Use Ordinance amendment: Parking" for November 8, 2016 special town meeting warrant.

Pursuant to the Bar Harbor Town Code Chapter 125-9, The Bar Harbor Town Council hereby certifies that the attached mailing list which contains the list of property owners, abutters and addresses were mailed the notice entitled "Town of Bar Harbor Bar Harbor Town Council Notice of a Public Hearing for proposed amendments to the Bar Harbor Land Use Ordinance" on August 1, 2016 from the Bar Harbor Post Office, 55 Cottage Street, Bar Harbor, Maine.

Given under our hands and seal at Bar Harbor on this _____day of _____, 2016

Municipal Officers of the Town of Bar Harbor

_____	_____
Paul A. Paradis, Chair	Gary Friedmann, Vice Chair
_____	_____
Peter St. Germain	Anne R. Greenlee
_____	_____
Burt O. Barker	David Bowden

_____

J. Clark Stivers

Account Numbe	Location	Grantee	Co_grantee's Name	Mailing Address	Mailing Address 2	City	State	Zip	Country
104-385-000	107 MAIN STREET	107 MAIN STREET PROPERTY GROUP, LLC		141 BEECH HILL ROAD		MOUNT DESERT	ME	04660	
104-182-000	108 COTTAGE STREET	108 COTTAGE ASSOCIATES, LLC		31 HOLLAND AVENUE		BAR HARBOR	ME	04609	
104-100-000	11 RODICK STREET	11 RODICK, LLC	C/O LISA GRELLA, REAL ESTATE TAX DEPT	1000 MARKET STREET	BUILDING ONE	PORTSMOUTH	NH	03801	
104-109-000	12 FEDERAL STREET	12 FEDERAL STREET LLC		9 MOUNTAIN AVENUE		BAR HARBOR	ME	04609	
107-271-000	12 NORRIS AVENUE	12 NORRIS LLC		PO BOX 1123		ELLSWORTH	ME	04605	
104-508-000	118 MAIN STREET	128 MAINE STREET LLC		128 MAINE STREET	BRUNSWICK	BAR HARBOR	ME	04011	
107-270-000	14 NORRIS AVENUE	14 NORRIS AVENUE, LLC	C/O MICHAEL L. ROSS	PO BOX 1123		ELLSWORTH	ME	04605	
107-201-000	14 PLEASANT STREET	14 PLEASANT STREET LLC		49 RODICK STREET		BAR HARBOR	ME	04609	
104-153-000	14 LENOX PLACE	1440 GROUP LLC		1001 EAST ATLANTIC AVE	SUITE 202	DELRAY BEACH	FL	33483	
104-152-000	LENOX PLACE	1440 GROUP, LLC		1001 EAST ATLANTIC AVE	SUITE 202	DELRAY BEACH	FL	33483	
104-102-000	15 RODICK STREET	15 RODICK, LLC		1000 MARKET STREET	BLDG 1 STE 300	PORTSMOUTH	NH	03801	
104-071-000	96 WEST STREET	16 RODICK LLC		1000 MARKET STREET		PORTSMOUTH	NH	03801	
107-200-000	18 PLEASANT STREET	18 PLEASANT STREET, LLC		PO BOX 156		BAR HARBOR	ME	04609	
105-061-000	21 ATLANTIC AVENUE	21 ATLANTIC AVENUE, CORP		5 HANCOCK LANE		BAR HARBOR	ME	04609	
104-374-000	6 COTTAGE STREET	3 AM LLC		20 OAK STREET		ELLSWORTH	ME	04605	
104-184-000	31 HOLLAND AVENUE	31 HOLLAND ASSOCIATES, LLC		31 HOLLAND AVENUE		BAR HARBOR	ME	04609	
108-073-000	321 MAIN STREET	321 MAIN STREET, LLC		37 LADYSLIPPER LN		BAR HARBOR	ME	04609	
115-016-000	35 EAST STRAWBERRY HILL ROAD	35 EAST STRAWBERRY HILL, INC		1141 ABBEYS WAY		TAMPA	FL	33602	
104-358-000	39 RODICK STREET	39 RODICK STREET, LLC		1098 STATE HWY 3		BAR HARBOR	ME	04609	
104-359-000	41 RODICK STREET	41 RODICK STREET LLC		PO BOX 182		MOUNT DESERT	ME	04660	
104-361-000	49 RODICK STREET	4749 RODICK STREET LLC		C/O JOHN E CAMMICK	PO BOX 400	MATLACHA	FL	33993	
104-360-000	47 RODICK STREET	4749 RODICK STREET, LLC		C/O JOHN CAMMICK	PO BOX 400	MATLACHA	FL	33993	
104-189-000	51 HOLLAND AVENUE	52 STRAWBERRY LLC		52 STRAWBERRY LEDGE		BAR HARBOR	ME	04609	
104-237-000	73 MOUNT DESERT STREET	52 STRAWBERRY, LLC		52 STRAWBERRY LEDGE		BAR HARBOR	ME	04609	
223-016-000	525 EDEN STREET	525 EDEN STREET, LLC		1000 MARKET STREET	BUILDING ONE, SUITE 300	PORTSMOUTH	NH	03801	
104-375-000	65 MAIN STREET	65 MAIN STREET, LLC	MAFFUCCI, BARBARA P & DOUGLAS C, TRUSTEE	C/O ATLANTIC BREWING COMPANY	15 KNOX ROAD	BAR HARBOR	ME	04609	
104-373-000	8 COTTAGE STREET	8 COTTAGE STREET LLC		8 COTTAGE STREET		BAR HARBOR	ME	04609	
104-148-000	9 LENOX PLACE	9 LENOX PLACE LLC		1001 E ATLANTIC AVE	SUITE 202	DELRAY BEACH	FL	33483	
104-288-000	9 ROBERTS SQUARE	9 ROBERTS SQUARE LLC	C/O DOUGLAS CHAPMAN ESQ	109 MAIN ST		BAR HARBOR	ME	04609	
101-012-000	98 EDEN STREET	A D C ENTERPRISES LLC		215 HIGH STREET		ELLSWORTH	ME	04605	
107-109-000	45 SCHOOL STREET	AB & JR HODGKINS, INC		PO BOX 156		BAR HARBOR	ME	04609-1732	
104-450-000	26 MOUNT DESERT STREET	ABBE MUSEUM, ROBERT		26 MOUNT DESERT STREET		BAR HARBOR	ME	04609	
104-418-000	3 SHANNON WAY	ABBE, BRIE	NGOIMA, MWAURA JT	PO BOX 1152		SOUTHWEST HARBOR	ME	04679	
104-350-000	8 KENNEBEC STREET	ABBOTT, KENNETH R	ABBOTT, LOLA D	8 KENNEBEC STREET		BAR HARBOR	ME	04609-1804	
221-075-000	625 CROOKED ROAD	ABBOTT, ROBERT W.	ABBOTT, LAWRENCE F.	DIANA L. ABBOTT	PO BOX 835	BAR HARBOR	ME	04609	
103-046-006	2 NORTH WOODBURY ROAD #C	ABBOTT, THOMAS R	ABBOTT, GALE L	2 N WOODBURY ROAD, #C		BAR HARBOR	ME	04609	
207-019-000	119 SEABURY DRIVE	ABBOTT, VINCENT	ABBOTT, MARTHA J.	119 SEABURY DR		BAR HARBOR	ME	04609	
220-028-000	1407 STATE HWY 102	ABDELNOUR, ERNIE		PO BOX 459		MOUNT DESERT	ME	04660	
213-018-001	51 GRANT STREET	ABELL, LUKE A	WRIGHT, EMILY J	PO BOX 108		ISLESFORD	ME	04646	
105-010-000	20 ALBERT MEADOW	ABENDRUH COTTAGE LLC		94 SUMMIT AVENUE		PROVIDENCE	RI	02906	
104-330-000	9 KENNEBEC STREET	ABOLAFIA, RUDOLPH	ABOLAFIA, ADELE E	C/O NORTH AMERICAN CHEM IND	12 TECHNOLOGY DRIVE, SUITE 3	SETAUKET	NY	11733	
216-082-000	135 STATE HWY 3	ACADIA GARDEN COTTAGE LLC		1667 NORTH 800 WEST		MAPLETON	UT	84664	
212-045-003	57 PINE RIDGE ROAD #3	ACADIA GARDENS LLC		PO BOX 806		BAR HARBOR	ME	04609	
104-506-000	6 ALBERT MEADOW	ACADIA LAND, LLC	C/O NORMAN MURPHY	325 RIDGEVIEW DRIVE		PALM BEACH	FL	33480	
115-023-000	47 OLD FARM ROAD	ACADIA NATIONAL PARK		PO BOX 177		BAR HARBOR	ME	04609-0177	
230-001-000	25 VISITORS CENTER ROAD	ACADIA NAT'L PARK VISITORS CTR		PO BOX 177		BAR HARBOR	ME	04609-0177	
104-507-000	128 MAIN STREET	ACADIA REAL ESTATE HOLDING COMPANY LLC		14 WEST EDEN AVENUE		BAR HARBOR	ME	04609	
207-052-000	701 STATE HWY 3	ACADIA/EASTERN BAY, LLC		221 MILL RACE DR		CHAPEL HILL	NC	27514	
237-046-000	NORWAY DRIVE	ACADIAN RIDGE COMMUNITY ASSOC	C/O MICHAEL GURTLER	PO BOX 975		BAR HARBOR	ME	04609	
229-048-000	NORWAY DRIVE	ACADIAN WOODS ASSOCIATION		C/O BARRY SCHWARTZ	PO BOX 417	BAR HARBOR	ME	04609	
229-051-000	ACADIAN WOODS ROAD	ACADIAN WOODS HOME OWNERS ASSOC		C/O BARRY SCHWARTZ	PO BOX 417	BAR HARBOR	ME	04609	
104-460-000	8 MOUNT DESERT STREET	ACADIANA PROPERTIES, LLC	C/O PETER ROY ESQ	775 BELLA VISTA		MIAMI	FL	33156	
212-009-000	71 COUNTY ROAD	ACHORN, JASON P	OSGOOD, JESSICA M	71 COUNTY ROAD		BAR HARBOR	ME	04609	
228-054-000	369 NORWAY DRIVE	ACORN, BARBARA A.		369 NORWAY DRIVE		BAR HARBOR	ME	04609-9746	
107-204-000	6 PLEASANT STREET	ACRE LLC		59 COTTAGE STREET		BAR HARBOR	ME	04609	

Account Numb	Location	Grantee	Co_grantee's Name	Mailing Address	Mailing Address 2	City	State	Zip	Country
235-060-000	111 KITTERIDGE BROOK ROAD	ANDERSON, JUDI L	PITTLE, LEE E	PO BOX 554		BAR HARBOR	ME	04609-2449	
206-009-001	BAY VIEW DRIVE	ANDERSON, MICHAEL R		25 MANTECA DRIVE		BAR HARBOR	ME	04609	
206-014-000	25 MANTECA DRIVE	ANDERSON, MICHAEL R	ANDERSON, FAYELLE H	25 MANTECA DRIVE		BAR HARBOR	ME	04609	
229-023-004	68 MILL BROOK ROAD	ANDERSON, RICHARD	ANDERSON, JOAN JT	33 RIVERVIEW AVENUE		DEEP RIVER	CT	06417	
104-289-000	15 ROBERTS AVENUE	ANDERSON, RICHARD P TRUSTEE	ANDERSON, KARIN M G TRUSTEE	RICHARD P ANDERSON LIVING TR	15 ROBERTS AVE	BAR HARBOR	ME	04609	
105-089-000	3 ATLANTIC AVENUE	ANDREWS, RANDALL F JR	ANDREWS, KATHLEEN Z JT	9258 FULTON AVENUE		LAUREL	MD	20723	
104-496-000	156 MAIN STREET	ANDRO, DAVID		3385 ROSANNA STREET		LAS VEGAS	NV	69117	
206-012-000	20 THOMAS BAY LANE	ANGHINETTI, JOSEPH R & MARY S TRUSTEES	J ANGHINETTI & M S ANGHINETTI TRUSTS	20 THOMAS BAY LANE		BAR HARBOR	ME	04609	
208-096-001	8 OWLS NEST LANE	ANKROM, ERIC A	ANKROM, LAURIE J	8 OWLS NEST LANE		BAR HARBOR	ME	04609	
208-092-000	20 STONY BROOK WAY	ANTONIOU, ERIC	ANTONIOU, MARTINE	11 E 14TH STREET		HUNTINGTON STA	NY	11746-2414	
229-016-000	245 NORWAY DRIVE	APPLEWHITE, JAMES V.	MOULT-APPLEWHITE, KATHLEEN E.	PO BOX 212		HULLS COVE	ME	04644-0212	
104-092-000	67 COTTAGE STREET	APTO HOLDING, LLC		71B COTTAGE ST		BAR HARBOR	ME	04609	
224-016-000	151 EDEN STREET	ARATA, SALLY J		1290 STATE ST		VEAZIE	ME	04401-6904	
104-020-000	101 COTTAGE STREET	ARBACH PROPERTIES LLC		405 LAMOINE BEACH ROAD		LAMOINE	ME	04605	
245-033-000	49 EVERGREEN LANE	ARCHER, JONATHAN R.	C/O JACKSON LABORATORY	600 MAIN STREET		BAR HARBOR	ME	04609	
201-001-000	321 BAY VIEW DRIVE	ARCHIBOLD, LUCIE SCHELLING (50%)	O'CONNOR, BURR, DAND & LEVIN (16.67% EA)	239 EAST 52ND STREET		NEW YORK	NY	10022	
206-041-000	BAY VIEW DRIVE	ARCHIBOLD, LUCIE SHELLING (50%)	O'CONNOR, BURR, DANA & LEVIN (16.67% EA)	239 EAST 52ND STREET		NEW YORK	NY	10022	
105-016-004	17 ALBERT MEADOW #4	ARNOLD, GRACE W.		17 ALBERT MEADOW, UNIT # 4		BAR HARBOR	ME	04609	
234-046-000	ARROWHEAD ROAD	ARROWHEAD, LLC	C/O KEATING PEPPER	PO BOX 367		NORTHEAST HARBOR	ME	04662	
227-018-003	1302 STATE HWY 102	ASTICOU CONNECTION	C/O CHARLES K SAVAGE JR	PO BOX 400		MOUNT DESERT	ME	04660	
220-063-000	22 GILBERT FARM ROAD	ASTLE, CLINTON M	ASTLE, CHERYL L	PO BOX 581		BAR HARBOR	ME	04609-0581	
220-063-001	781 CROOKED ROAD	ASTLE, MICHAEL T	ASTLE, BELINDA S	781 CROOKED ROAD		BAR HARBOR	ME	04609	
107-258-000	42 GLEN MARY ROAD	ATKINSON BUILDERS, INC		PO BOX 122		HULLS COVE	ME	04644	
103-007-000	5 NORMAN ROAD	ATLANTIC EYRIE LODGE	COUGH, BERNARD K.	5 NORMAN ROAD		BAR HARBOR	ME	04609	
101-027-000	6 NORMAN ROAD	ATLANTIC EYRIE LODGE	COUGH, BERNARD K	6 NORMAN ROAD		BAR HARBOR	ME	04609	
209-077-000	191 STATE HWY 3	AUDETTE, RONALD L SR AS TRUSTEE	RONALD L AUDETTE SR REVOCABLE TRUST	191 STATE HWY 3		BAR HARBOR	ME	04609	
103-047-003	27 WEST STREET EXTENSION #3	AUGSBURGER, LARRY L	AUGSBURGER, JEANETTE	3 KAGEE CT		SEVERNA	MD	21146	
229-030-000	MILL BROOK ROAD	AUSFRESSER, MARK G	AUSFRESSER, TERESA A JT	1121 LAFAYETTE DRIVE		ELDERSBURG	MD	21784	
235-020-000	60 PINE HEATH ROAD	AUSTIN, RANDALL S TRUSTEE	AUSTIN, MICHUNG TRUSTEE	RANDALL & MICHUNG AUSTIN	1621 GRANVIA ALTAMIRA	PALOS VERDES EST	CA	90274	
103-046-004	2 NORTH WOODBURY ROAD #A	AVANCENA, ROBERTA J		2 WOODBURY ROAD UNIT A		BAR HARBOR	ME	04609	
202-011-000	21 MUSSELL BED ROAD	AVERILL, BRENT A	AVERILL, DIANE B	52 BUNKER HILL AVENUE		STRATHAM	NH	03885	
215-063-002	10 ZEPHYR RIDGE ROAD	AVILA, JOEL R	SMITH, CHRISTINE M	PO BOX 277		HULLS COVE	ME	04644	
228-027-000	51 FRENCHMANS HILL WEST	AVILA, JOHN	GATZ, LYN	51 FRENCHMAN HILL WEST		BAR HARBOR	ME	04609	
107-260-000	38 GLEN MARY ROAD	AXTELL, DOUGLAS T	AXTELL, JULIA R	38 GLEN MARY ROAD		BAR HARBOR	ME	04609	
233-036-000	448 INDIAN POINT ROAD	AXTMANN, ANN M	PUSZTAI, TIBOR JOZSEF	P.O. BOX 259		MOUNT DESERT	ME	04660	
265-008-000	458 SCHOONER HEAD ROAD	BAER, SUE V		26 TIFANI LANE		SOUTHAMPTON	NJ	08088	
103-015-000	75 EDEN STREET	BAGATELLE MAINE, LLC		2505 METROCENTRE BLVD, STE 301		WEST PALM BEACH	FL	33407	
220-015-000	258 GILBERT FARM ROAD	BAGGETT, WILLIAM J	HUNGERFORD, DOROTHY A	PO BOX 934		WRIGHTSVILLE BEACH	NC	28480	
201-002-000	305 BAY VIEW DRIVE	BAHLER, INGRID TRUSTEE	TRUST OF INGRID BAHLER	30949 PROVIDENCE ROAD		PEPPER PIKE	OH	44124-4914	
104-254-000	57 MOUNT DESERT STREET	BAHR, ROBERT A	BAHR, ANNE M	57 MOUNT DESERT STREET		BAR HARBOR	ME	04609	
213-023-001	247 KNOX ROAD	BAILEY, ROBERT S	BAILEY, SHEILA W	247 KNOX RD		BAR HARBOR	ME	04609	
202-042-000	31 HADLEY POINT ROAD	BAKER REALTY & INVEST MANAGE, LLC		PO BOX 87		SALISBURY COVE	ME	04672	
207-009-000	888 STATE HWY 3	BAKER, FLORENT & ROSEMARIE		PO BOX 93		SALSBURY COVE	ME	04672	
233-011-000	31 CHICKADEE LANE	BAKER, JOHN E		29 VALLEY RD		ARLINGTON	MA	02476	
202-007-000	23 HUMMINGBIRD LANE	BAKER, PAUL E TRUSTEE		PO BOX 87		SALISBURY COVE	ME	04672	
202-059-000	STATE HWY 3	BAKER, ROBERT E.	BAKER, SUZZANNE	146 BAY VIEW DRIVE		BAR HARBOR	ME	04609	
202-050-000	76 HADLEY POINT ROAD	BALLARD, MARGARET S		PO BOX 127		HULLS COVE	ME	04644	
265-001-000	16 WINDSTAR LANE	BALLIETT, BETSY J		PO BOX 518		BAR HARBOR	ME	04609	
104-250-000	46 GREELEY AVENUE	BALTRUSH, KATHLEEN K.	BALTRUSH, JAMES A.	164 HICKORY HILLS DRIVE		WATERBURY	CT	06708	
237-019-000	845 EAGLE LAKE ROAD	BANGOR HYDRO ELEC CO		PO BOX 932		BANGOR	ME	04401	
227-114-000	38 NORWOOD LANE	BANNERMAN, BRIAN	BANNERMAN, TAMARA J.	268 W FRANKLIN ROAD		FRANKLIN	ME	04634	
107-095-000	46 LEDGELAWN AVENUE	BAPTIST CHURCH OF BAR HARBOR		46 LEDGELAWN AVENUE		BAR HARBOR	ME	04609-1306	

VII C.

MEMORANDUM

TO: BAR HARBOR TOWN COUNCIL

FROM: PAUL PARADIS, TOWN COUCILOR CHAIR

SUBJECT: ANNUAL TOWN MANAGER REVIEW

DATE: 7/28/16

CC:

Per the Employment agreement between the Town of Bar Harbor and Town Manager Cornell Knight, the Town Council shall conduct a yearly evaluation of Mr. Knight's performance. I have attached a copy of the employment contract with the appropriate section on page 1 highlighted. I have also attached the evaluation form I propose using for this evaluation. It is the same form used for Mr. Knight's prior evaluations with the exception of date changes to reflect the evaluation period and submission deadlines. The first step in this process is for the Town Council to approve the format and form to be used for the evaluation. I anticipate this form being placed on the August 16, 2016 consent agenda for approval.

Per the draft evaluation form, each Councilor must submit their written evaluation narrative to the Council Chair, via email, prior to September 13, 2016. The compiled evaluation form will be emailed to individual Councilors prior to the September 20, 2016 meeting for their review.

As far as a format for the actual evaluation, it will be conducted as an executive session agenda item on the September 20, 2016 regular meeting agenda. The Council will take a few moments to review the compiled form on its own before presentation to Mr. Knight. Mr. Knight will then be invited into the session where each Councilor will have a chance to provide a brief summary of their written evaluation and additional comments they wish to make.

We will also need to discuss Mr. Knight's salary. His employment contract states "the parties agree that the Manager's salary review shall be on the anniversary date of this agreement." I have highlighted the appropriate section on page 2 of his contract.

As you may remember, Town employees were granted a 1% raise in salary this year. Mr. Knight's salary is currently $107,802. Mr. Knight has suggested he be treated like other Town staff generally and his salary be raised by the same 1% starting October 1, 2016. A 1% increase would raise his salary to $108,880 as of October 1, 2016. I have confirmed with Finance Director Stan Harmon that this salary will keep us with the parameters of the FY17 budget.

Town of Bar Harbor

Town Manager Evaluation – October 1, 2015 thru September 30, 2016

Name: Cornell F. Knight
Start Date: October 1, 2014

Please provide a short evaluation narrative of the Town Manager. Suggested categories and factors to consider are below. Councilors may wish to treat each category individually or simply incorporate applicable categories and factors into a single narrative. Please submit your evaluation narrative to the Chair via email – pparadisbh@gmail.com – prior to September 13, 2016. Evaluations will be compiled into a single document by the Chair and reviewed by the Council with the Town Manager at the September 20, 2016 regular meeting.

1. Work Skills

Factors you may wish to consider:

- Job Knowledge
- Budgeting
- Financial Management
- Use of Technology
- Accuracy
- Actual Output
- Thoroughness

2. Work Habits, Work Relations, & Public Relations

Factors you may wish to consider:

- Dependability
- Punctuality
- Ability to work w/others
- Public Relations
- Media Relations
- Community Relations

3. Relations with Council

Factors you may wish to consider:

- Effective communication with Council, both oral and written
- Plans and organizes materials for presentation to the Council in a concise, clear and comprehensive manner

- Provides recommendations to the Council for specific course of action issues
- Keeps Council informed
- Available and accessible

4. Work Attitudes

Factors you may wish to consider:

- Interest in work
- Effort to improve
- Acceptance of responsibility
- Acceptance of direction
- Acceptance of criticism

5. Management Skills

Factors you may wish to consider:

- Use of time and resources
- Establishing goals and objectives
- Achieving goals and objectives
- Initiative

6. Supervisory Skills

Factors you may wish to consider:

- Leadership
- Effective delegation
- Effective training of employees
- Evaluating performance of subordinates

7. Decision-Making Ability

Factors you may wish to consider:

- Judgment
- Well-timed decisions
- Problem anticipation
- Objectivity
- Effective analysis and use of information

8. Any Additional Comments

Department Head and Key Staff Comments:

The following Department Heads and Key Staff will be interviewed by telephone by Council Chair Paul Paradis: Fire Chief Matthew Bartlett, Planning Director Robert Osborne, Tax Collect Sarah Gilbert (handles many HR functions), Town Clerk Pat Gray, Finance Director Stan Harmon, Harbormaster Charlie Phippen, Public Works Director Chip Reeves, and Police Chief Jim Willis. Those interviewed will not be asked specific questions and will be free to make comments on any subject. Their comments will be summarized by the Town Council Chair.

_____ Date_____

(Chairman)

My signature certifies that I have reviewed this evaluation with the Town Council.

_____ Date_____

(Manager Signature)

VII D.

MUNICIPAL RELEASE DEED

The Inhabitants of the Municipality of the Town of Bar harbor, a body corporate, located at Bar Harbor, Hancock County, Maine, releases to **Ariel L. Bothen** and **Chelsea R. Bothen**, whose mailing address is P. O. Box 539, Mt. Desert ME 04660, as equal tenants in common, those certain premises located in Bar Harbor, Hancock County, Maine, with all improvements thereon, as described in the deed dated April 28, 1999 from John E. Jastrzebski and Casmire John Jastrzebski to Robert Bothen, and recorded in Book 2826, Page 546 of the Hancock County Registry of Deeds, as described in Exhibit A attached hereto and incorporated herein by reference.

Grantor's interest in said premises arose from the foreclosure of municipal liens recorded in said Registry of Deeds.

The Inhabitants of the Municipality of the Town of Bar Harbor have caused this instrument to be signed in its corporate name by Cornell F. Knight, its Town Manager duly authorized, this _____ day of August, 2016.

INHABITANTS OF THE MUNICIPALITY
OF THE TOWN OF BAR HARBOR

By: _____
Cornell F. Knight, Its Town Manager

STATE OF MAINE
HANCOCK, ss.

Dated: August _____, 2016

Personally appeared the above-named Cornell F. Knight, Manager of the Municipality of the Town of Blue Hill, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said municipality.

Before me,

_____
Notary Public

_____
(Print or type Notary's name)

VIII A.1.

Order

Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

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

Warrant Article

Article 2 - LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated June 1, 2016 and entitled "An amendment to parking regulations in the Land Use Ordinance" be enacted?

Parking

An amendment to add the terms parking garage and parking deck with definitions, to add language to the definition of accessory use, to add certain parking uses and accessory uses to certain districts, delete certain accessory parking uses from certain districts and adds provisions for greater utilization of off-site, off-street parking.

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

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

Chapter 125. LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

PARKING DECK - A structure used for parking or storage of automobiles parked at grade and a second level of automobiles parked on a deck supported above grade. Parking decks may utilize site grade differential to access both levels of parking without need for internal ramps. Parking decks may be public or private. A parking deck used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a parking deck but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

~~GARAGE, COMMERCIAL~~ PARKING GARAGE - A multi-story structure used for parking or storage of automobiles, ~~generally available to the public, and involving payment of a charge~~ either public or private, either self-service or valet, for such parking or storage. A garage used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a ~~commercial~~ parking garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

USE, ACCESSORY

A. A use which is:

(1) Subordinate to and serves a principal use;

(2) Subordinate in area, extent and purpose to the principal use served;

(3) Located on the same lot as the principal use served, except as otherwise expressly authorized by this chapter; and

(4) Customarily incidental to the principal use.

B. An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer.

C. Off-street parking shall always be considered a permitted accessory use when required or provided to serve a legally constituted use in any district.

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

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking deck; parking lot; private compulsory school; professional office building;

restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities...

F. Other requirements.
(1) Parking lots shall require buffering and vegetative screening if visible from Route 3. (Also see parking requirements found in 125-67B(4) Off-street parking.).

§ 125-18 Village Historic.

F. Other requirements.
[Amended 11-2-2010]
(1) All new construction and/or changes to facades and signs shall require Design Review Board approval if visible from a public way. Single-family homes are exempt from this provision unless otherwise included in Appendix A or B of this chapter.
(2) The Planning Board shall ensure that parking for bed-and-breakfast I shall be shielded from the view of neighboring properties located to the side and rear of the property where the bed-and-breakfast is located. Shielding shall consist of vegetative screening. (Also see parking requirements found in 125-67B(4))...

§ 125-19 Mount Desert Street Corridor District.

C. Allowed uses.
(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, single- or two-family dwelling; vacation rentals.
(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.
(1) Principal uses allowed by minor site plan approval: wind turbines, offices, all types of schools, bed-and-breakfast I and II.
(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; parking lot; theaters...

F. Other requirements.
(1) Design Review Board approval shall be required for all changes to existing or new facades if the subject property is listed in Appendix A or B of this chapter. (Also see parking requirements found in 125-67B(4))...

§ 125-20 Village Residential.

D. Uses allowed by site plan.
(1) The following uses shall be permitted by site plan review in any part of this district: multifamily I; nursing/convalescent home in a building constructed before June 8, 2010, road construction...

G. Other requirements:
(1) Accessory structures shall be located in the side and rear yard of the property.
(2) The Planning Board shall ensure that parking lots are shielded from the view of neighboring properties by requiring parking lots to provide buffering and vegetative screening. (Also see parking requirements found in 125-67B(4))...

§ 125-21 Downtown Village I.

C. Allowed uses:
(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship.
[Amended 11-5-2013]
(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking deck; parking lot; road construction.
(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure...

E. Other requirements.
(1) All changes to facades and signs require Design Review Board approval.
(2) Parking requirements. (Also see parking requirements found in 125-67B(4)).

§ 125-21.1 Downtown Village II.

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

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking deck; parking lot; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers.
(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure...

E. Other requirements.
(1) All changes to facades and signs require Design Review Board approval.
(2) Parking requirements. (Also see parking requirements found in 125-67B(4))...

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.
(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio.
(2) Uses allowed by site plan review: multifamily dwelling I and II; parking lot; all other types of child-care facilities; medical clinics.
(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure...

E. Other requirements.
(1) All changes to facades and signs require Design Review Board approval.
(2) Parking requirements: (Also see parking requirements found in 125-67B(4)).

§ 125-49.1 Shoreland General Development III.

D. Uses allowed by site plan.
(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot and parking deck, private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

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

APPENDIX C, Table of Permitted Uses

	Downtown Residential	Educational Institution	Emery	Hulls Cove Business	Hulls Cove Residential Corridor	Hulls Cove Rural	Indian Point Residential	Indian Point Rural	Industrial	Ireson Hill Corridor	Ireson Hill Residential	McFarland Hill Residential	McFarland Hill Rural	Marine Research	Otter Creek
~~Parking garage and parking lot~~	~~b~~														
Parking garage															
Parking deck		b													
Parking lot	b	b		b						b					
~~Parking lot with 10 or fewer spaces accessory to permitted uses~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~
~~Parking lot with 10 or more spaces accessory to permitted uses~~		~~b~~		~~c, b2~~					~~c, b2~~					~~c, b2~~	
Uses or structures accessory to ~~permitted~~ legally constituted uses or structures	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1	b	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1
Uses or small structures accessory to ~~permitted~~ legally constituted uses or structures	c	c, b2	c	c	c	c	c	c	c	c	c	c	c	c	c
	Resource Protection	Salisbury Cove Corridor	Salisbury Cove Residential	Salisbury Cove Rural	Salisbury Cove Village	Schooner Head	Scientific Research	Shoreland General Development I	Shoreland General Development II	Shoreland Limited Residential	Stream Protection	Town Hill Business	Town Hill Residential Corridor	Town Hill Residential	Town Hill Rural
~~Parking garage and parking lot~~												~~b~~			
Parking garage															
Parking deck							b								
Parking lot		b					b					b			
~~Parking lot with 10 or fewer spaces accessory to permitted uses~~	~~b 12~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~	~~c~~		~~c~~	~~c~~	~~c~~	~~c~~
~~Parking lot with 10 or more spaces accessory to permitted uses~~		~~c, b2~~	~~b~~									~~c, b2~~			
Uses or structures accessory to ~~permitted~~ legally constituted uses or structures		c, b1	c, b1	c, b1	c, b1	c	c, b1,2	c, b1	c, b1	c, b1	b5	c, b1	c, b1	c, b1	c, b1
Uses or small structures accessory to ~~permitted~~ legally constituted uses or structures	c	c	c	c	c	c	c	c	c	c	c	c	c	c	c

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

ARTICLE V, Site Plan Review

§ 125-67 General review standards.

D. Parking requirements. Any ~~site plan for an~~ activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.
[Amended 11-5-1991; 5-2-1994; 11-4-1997; 3-24-1998; 5-5-2003; 11-4-2003; 5-3-2004; 5-2-2005; 6-13-2006; 6-8-2010; 11-2-2010]
(1) Off-street parking shall always be considered a permitted accessory use when required or provided to serve a legally constituted use ~~conforming use~~ in any district.
(2) Required off-street parking shall be located on the same lot as the principal building or use that it serves, except that ~~in the Downtown Village and Shoreland General Development Districts~~, with site plan approval and subject to such conditions as the Planning Board may impose, off-street parking spaces may be located on land or premises of the same ownership as the lot containing the principal building or use if said land or premises is dedicated for ~~free public~~ parking ~~and is located anywhere within the aforesaid districts~~.
(a) If parking spaces are on an off-site parking lot, such parking lot may not be farther than 500 feet from each entity requesting utilize those spaces. This distance shall be measured following a reasonable, safe walking route between the primary use and the parking lot being utilized.

EXPLANATION: The term commercial garage is defined but not found in any district, this warrant replaces that term with parking garage. The term parking deck is coined and defined to provide a structural alternative somewhere between parking lot and parking garage. This proposal adds language to the definition of accessory use stating that parking shall always be considered a permitted accessory use. This warrant adds parking uses approved by Site Plan review in the following districts: Bar Harbor Gateway, Mount Desert Street Corridor, Downtown Village I, II and Transitional, Shoreland General Development III, Downtown Residential, Education Institution, Hulls Cove Business, Ireson Hill Corridor, Scientific Research, Town Hill Business. This warrant removes redundant accessory parking language from Appendix C. This warrant makes provisions for off-site, off-street parking through Site Plan approval.

Given under our hands and seal at Bar Harbor on this sixteenth day of August, 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair	Gary Friedmann, Vice Chair
Peter St. Germain	Anne R. Greenlee
Burt O. Barker	Matthew A. Hochman
J. Clark Stivers	

VIII 4.2

Order

Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

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

Warrant Article

Article 3 - LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated July 6, 2016 and entitled "An amendment to restore parking garage use to Bar Harbor Gateway district, Downtown Village district I, Downtown Village II district, and add parking garage use to the Educational Institutional district and Scientific Research for Eleemosynary Purpose district in the Land Use Ordinance" be enacted"?

Parking

An amendment to add parking garage use, to the Bar Harbor Gateway District.

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

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

Chapter 125 LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking garage; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities...

F. Other requirements.
(1) Parking lots shall require buffering and vegetative screening if visible from Route 3

EXPLANATION: This warrant adds parking garage use approved by Site Plan review in the Bar Harbor Gateway district. Parking garage use was previously allowed in the district that preceded the Bar Harbor Gateway district.

Parking

An amendment to add parking garage use, to the Downtown Village I District.

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

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

Chapter 125: LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

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

[Amended 11-5-2013]
(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking garage; road construction.

E. Other requirements.
(1) All changes to facades and signs require Design Review Board approval.
(2) Parking requirements.

EXPLANATION: This warrant adds parking garage use approved by Site Plan review in the Downtown Village I district. Parking garage use was previously allowed in the business district that preceded the Downtown Village I district.

Parking

An amendment to add parking garage use, to the Downtown Village II District.

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

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

Chapter 125 LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21.1 Downtown Village II.

C. Allowed uses.
(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio
(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking garage; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers.

E. Other requirements.
(1) All changes to facades and signs require Design Review Board approval.
(2) Parking requirements.

EXPLANATION: This warrant adds parking garage use approved by Site Plan review in the Downtown Village II district. Parking garage use was previously allowed in the business district that preceded the Downtown Village II district.

Parking

An amendment to add parking garage use, to Educational Institutional district and Scientific Research for Eleemosynary Purposes district.

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

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

Chapter 125 LAND USE ORDINANCE

APPENDIX C, Table of Permitted Uses

	Educational Institution	Scientific Research
Parking garage	b	b

EXPLANATION: This warrant adds parking garage use approved by Site Plan review in the Educational Institutional district and Scientific Research for Eleemosynary Purposes district. The Educational Institutional district is in the area of College of the Atlantic and the Scientific Research district is in that area of The Jackson Laboratory. Parking garages are considered a tool to accommodate parking with reduced lot coverage. This is a new use for both districts.

Given under our hands and seal at Bar Harbor on this sixteenth day of August, 2016

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair	Gary Friedmann, Vice Chair
Peter St. Germain	Anne R. Greenlee
Burt O. Barker	Matthew A. Hochman

J. Clark Stivers

IX A.

MOUNT DESERT POLICE DEPARTMENT
BAR HARBOR POLICE DEPARTMENT

James K. Willis, Chief of Police
jwillis@mdpolice.org

BHPD
Lt. David Kerns
37 Firefly Lane
Bar Harbor, Maine 04609
Tel: 207-288-3391
dkerns@barharbormaine.gov

MDPD
Lt. Kevin Edgecomb
21 Sea Street, PO Box 248
NE Harbor, ME 04662
Tel: 207-276-5111
kedgecomb@mdpolice.org

Date: August 9, 2016
To: Town Manager Cornell Knight
From: Chief James Willis
Subject: Authorization for Taser Purchase and Contracting

Our FY17 CIP budget includes $3,000.00 to purchase Tasers. Our original plan was to start this year, purchase 2 units a year, building up to each of our 12 full time officers having individually assigned Tasers. I'm proposing that because of a donation from the Bar Harbor Police Association, we purchase 12 Tasers, which is enough to equip each officer with their own individually assigned Taser.

Mount Desert PD has issued Tasers to their Officers since 2012, each Officer has a Taser individually assigned. Officer Soren Sundberg of Bar Harbor PD recently became certified as a Taser Instructor will be providing our Officers with training if this purchase is approved.

Recently, several of our Police Officers approached me to stress belief in the importance of having individually assigned Tasers. They offered to donate money from the Bar Harbor Police Association's funds to help facilitate the purchase. They have since agreed to donate 1/3 of the total purchase price, or $8719 toward the purchase of 12 Tasers. A copy of the memo submitted to me is attached for reference.

I've been in contact with Taser International and learned they will contract with us, without additional fees or finance charges, to spread our payments over 5 years. The contract includes full warranties, holsters, spare power packs, and extra cartridges to include all cartridges needed for recertification for five years for all 12 units. In summary this contract is designed to be everything we need for these 12 Tasers for five years, including full warranty coverage. The total for the 5 year contract is $26159.02, 1st payment is $15641.02, 2nd payment due in 2019 is $5,184.00, 3rd payment due in 2020 is $5184.00. A copy of the quote is attached for reference.

For our first payment I propose we utilize $8719 from the Bar Harbor Police Association, $5000 from cruise ship funds which you referred to when we discussed this purchase and $1902.02 of the $3000 budgeted in the CIP for this purchase. The remaining payments will be planned and saved for in our CIP, we'll need to plan for $3090 a year in FY's 18, 19 and 20, the current CIP plan currently has $3000 a year forecasted for those years.

Bar Harbor Police Department

Memo

To: Bar Harbor Town Council

From: Bar Harbor Police Association

Date: August 3rd 2016

Re: **Use of Police Association funds to purchase Tasers**

On July 28th the Bar Harbor Police Association took a vote to donate $8,719 of its available fund for the purchase of Taser Electronic Control Weapons (ECW) and supplies by the Town of Bar Harbor. The results of the vote were 14 in favor of donating the money and 3 abstaining from voting.

The Bar Harbor Police Association hereby has agreed to donate $8,719 dollars to the Town of Bar Harbor.

Nicole M. Seavey

Nicole M Seavey

Bar Harbor Police Association Treasurer

TASER

TRAINING ACADEMY

TASER Conducted Electrical Weapon

INSTRUCTOR CERTIFICATION

Soren Sundberg

This certifies that the above named individual has completed the training required and has passed a written examination in the use and instruction of the TASER X26, X26P, X2 Conducted Electrical Weapon(s). The above named individual is hereby certified as a TASER CEW Instructor and may certify others as users under the guidelines of the TASER Training Academy.

By accepting this Instructor Certificate, the Student accepts the terms of the Training Materials License Agreement, incorporated herein by reference, and agrees to be bound by its terms as a Licensee of TASER International, Inc. This certification is good for two years from Jul 20, 2016

In witness whereof, TASER International, Incorporated has caused this certificate to be signed by its duly authorized representative.

Certifying Master Instructor Bryan Smith

TASER International

Protect Life. Protect Truth.

17800 N 85th St.
Scottsdale, Arizona 85255
United States
Phone: (800) 978-2737
Fax: (888) 855-5281

Soren Sundberg
(207) 288-3391
ssundberg@barharbormaine.gov

Quotation

Quote: Q-77988-2
Date: 8/9/2016 8:08 AM
Quote Expiration: 8/31/2016
Contract Start Date*: 9/12/2016
Contract Term: 5 years

AX Account Number:
480528

Bill To:
Bar Harbor Police Dept. - ME
37 Firefly Lane
Bar Harbor, ME 04609
US

Ship To:
Soren Sundberg
Bar Harbor Police Dept. - ME
37 Firefly Lane
Bar Harbor, ME 04609
US

SALESPERSON	PHONE	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Ashley Bittl	800-978-2737	abittl@taser.com	Fedex - Ground	Net 30

*Note this will vary based on the shipment date of the product.

Years 1-3 Upfront Payment Net 30

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
12	22003	HANDLE, YELLOW, CLASS III, X2	USD 0.00	USD 0.00	USD 0.00	USD 0.00
12	85175	TASER 60 X2	USD 0.00	USD 0.00	USD 0.00	USD 0.00
12	85186	TASER 60 YEAR 1 PAYMENT: X2 PREMIUM	USD 432.00	USD 5,184.00	USD 0.00	USD 5,184.00
12	85187	TASER 60 YEAR 2 PAYMENT: X2 PREMIUM	USD 432.00	USD 5,184.00	USD 0.00	USD 5,184.00
12	85188	TASER 60 YEAR 3 PAYMENT: X2 PREMIUM	USD 432.00	USD 5,184.00	USD 0.00	USD 5,184.00
13	22501	HOLSTER, BLACKHAWK, RIGHT, X2, 44HT01BK-R-B	USD 0.00	USD 0.00	USD 0.00	USD 0.00
24	22012	TPPM, BATTERY PACK, TACTICAL, PINKY EXTENDER, X2/X26P	USD 0.00	USD 0.00	USD 0.00	USD 0.00
120	22157	CARTRIDGE, PERFORMANCE, SMART, TRAINING, 25'	USD 0.00	USD 0.00	USD 0.00	USD 0.00
120	22151	CARTRIDGE, PERFORMANCE, SMART, 25'	USD 0.00	USD 0.00	USD 0.00	USD 0.00

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
2	22155	CARTRIDGE, PERFORMANCE, SMART, INERT SIM, 25'	USD 44.51	USD 89.02	USD 0.00	USD 89.02

Years 1-3 Upfront Payment Net 30 Total Before Discounts:	USD 15,641.02
Years 1-3 Upfront Payment Net 30 Net Amount Due:	USD 15,641.02

Year 4 Payment 2019

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
12	85189	TASER 60 YEAR 4 PAYMENT: X2 PREMIUM	USD 432.00	USD 5,184.00	USD 0.00	USD 5,184.00

Year 4 Payment 2019 Total Before Discounts:	USD 5,184.00
Year 4 Payment 2019 Net Amount Due:	USD 5,184.00

Year 5 Payment 2020

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
12	85190	TASER 60 YEAR 5 PAYMENT: X2 PREMIUM	USD 432.00	USD 5,184.00	USD 0.00	USD 5,184.00

Year 5 Payment 2020 Total Before Discounts:	USD 5,184.00
Year 5 Payment 2020 Net Amount Due:	USD 5,184.00

Subtotal	USD 26,009.02
Estimated Shipping & Handling Cost	USD 150.00
Grand Total	USD 26,159.02

TASER 60 Sales Terms and Conditions

This quote contains a purchase under the TASER 60 Plan. If your purchase only includes the TASER 60 Plan, CEWs, and CEW accessories, then this purchase is solely governed by the TASER 60 Terms and Conditions posted at: http://www.taser.com/legal, and the terms and conditions of TASER's Master Services and Purchasing Agreement do not apply to this order. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to TASER that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

TASER International, Inc.'s Sales Terms and Conditions for Direct Sales to End User Purchasers

By signing this Quote, you are entering into a contract and you certify that you have read and agree to the provisions set forth in this Quote and TASER's Master Services and Purchasing Agreement posted at www.taser.com/legal. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to TASER that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

Signature: _____ **Date:** _____

Name (Print): _____ **Title:** _____

PO# (if needed): _____

Quote: Q-77988-2

Please sign and email to Ashley Bittl at abittl@taser.com or fax to (888) 855-5281

THANK YOU FOR YOUR BUSINESS!

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