

AGENDA
Bar Harbor Town Council
February 4, 2020

- I. **CALL TO ORDER – 7:00 P.M.**
 - A. **Excused Absence(s)**
- II. **PUBLIC COMMENT PERIOD** - The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person
- III. **APPROVAL OF MINUTES –**
 - A. **January 21, 2020 Regular Meeting**
 - B. **January 23, 2020 Special Meeting**
 - C. **January 28, 2020 Special Meeting**
- IV. **ADOPTION OF AGENDA**
- V. **CONSENT AGENDA** - A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:
 - A. **Certification of Property Owners and Abutters Mailing Lists** – Possible motion to sign the certification of the mailing list used for notice of the Town Council’s Public Hearing February 18, 2020 for five LUO Amendments for the June 9, 2020 annual town meeting warrant.
 - B. **Maine Service Centers Coalition** - Possible motion to adopt the resolution to renew membership in the Service Center Coalition and appoint the Town Manager as representative.
 - C. **Statutory Officers** – Possible motion to appoint Patrick Lessard as Deputy Local Plumbing Inspector and Deputy Electrical Inspector.
- VI. **REGULAR BUSINESS:**
 - A. **Cruise Ship Committee** – Review of the 2019 Annual Report by Committee Chair Eben Salvatore and possible motion to accept and file report.
 - B. **Rules of Order** – Possible motion to approve amendments.
 - C. **Combined Middle School** – Clarification on straw poll wording for June 2020 ballot.
 - D. **Treasurer’s Warrant** - Request of Treasurer to authorize paid bills.
- VII. **TOWN MANAGER’S COMMENTS**
- VIII. **COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS**
- IX. **EXECUTIVE SESSION:** (None Scheduled)
- X. **ADJOURNMENT**

To ensure your full participation in this meeting, please inform us of any special requirements you might have due to a disability. Call 288-4098

Manager's Memo

To: Bar Harbor Town Council
cc: Department Heads
From: Cornell Knight, Town Manager
Date: Friday, January 31, 2020
Re: **Town Council Meeting of February 4th**

I. **A. Excused Absence(s)** – 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).

V. **CONSENT AGENDA**

- A. **Certification of Property Owners and Abutters Mailing Lists** – the Certifications are enclosed. I've only included one page of the addresses as a sample. If you would like to see all 45 pages, Sharon will have them at the meeting. A possible motion to sign the certification of the mailing list used for notice of the Town Council's Public Hearing February 18, 2020 for five LUO Amendments for the June 9, 2020 annual town meeting warrant.
- B. **Maine Service Centers Coalition** - – Enclosed is information regarding the Service Center Coalition. The town has been a member for many years. A possible motion: to adopt the resolution to renew membership in the Service Center Coalition and appoint the Town Manager as representative.
- C. **Statutory Officers** –see the enclosed memo from Angela Chamberlain, Code Enforcement Officer regarding Deputy Code Officer Patrick Lessard passing his state exam for Plumbing Inspector. A possible motion: to appoint Patrick Lessard as Deputy Local Plumbing Inspector and Deputy Electrical Inspector.

A possible motion: to approve the Consent Agenda as published.

VI. **REGULAR BUSINESS:**

- A. **Cruise Ship Committee** – Enclosed is the annual report from the Cruise Ship Committee. Chair Eben Salvatore will attend to review and answer questions. Air monitoring details and costs are on page 5 and there is an environmental fact sheet from CLIA enclosed. Also enclosed is an informal study done in 2015 by the Maine DEP to see if cruise ships effect the air quality in Bar Harbor. Eben will recap the Congestion study (also enclosed) done by Professor Gabe from the University of Maine. A possible motion: to accept the 2019 Cruise Ship Committee's Annual Report and place the report on file.
- B. **Rules of Order** – Enclosed are Rules of Order with the additions and deletions discussed at the last meeting, see Sections 1 E (policy review) and 5, B, 1 (appointment voting) . A possible motion: to approve the Rules of Order as presented.

- C. Combined Middle School** – See the enclosed memo from Sharon Linscott, Town Clerk requesting clarification on the middle school straw poll question approved by the Town Council in December. A possible motion: to (not) add the note of clarification to the straw poll question for a district wide middle school.
- D. Treasurer's Warrant** – A possible motion: to sign the Treasurer's Warrants for paid bills.

Minutes
Bar Harbor Town Council
January 21, 2020

- I. CALL TO ORDER** – 7:00 P.M.-In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Erin Cough, Jill Goldthwait, Joe Minutolo; and Town Manager Cornell Knight.
- A. Excused Absence(s)** – all present.
- II. PUBLIC COMMENT PERIOD** - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – None.
- III. APPROVAL OF MINUTES** – *January 7, 2020 Regular Meeting*
Mr. Hochman, with second by Ms. Cough, moved to approve the minutes of the January 7, 2020 Regular Meeting as presented. Motion passed 7-0.
- IV. ADOPTION OF AGENDA** – Mr. Dobbs, per Mr. Knight’s request, asked that Regular Business items A & B be reversed to accommodate Mr. Wadman. Mr. Hochman, with second by Ms. Cough, moved to approve the agenda as amended. Motion passed 7-0.
- V. FINANCIAL REPORT** - *Review and possible adoption of a motion to accept the financial statements as presented.* Finance Director Stan Harmon presented his report. Ms. Cough identified a date error on page 2 under Contingency Fund Activity. 10/15/10 should be 10/15/19. Mr. Hochman, with second by Ms. Cough, moved to accept the financial statements as presented. Motion passed 7-0.
- VI. CONSENT AGENDA** - *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*
- A. Working Capital Designation** – *Possible motion* that the Town, in accordance with its Fund Balance Policy, designate in the Assigned Fund Balance section of the General Fund an amount equal to \$2,165,000 to be labeled Assigned For Working Capital.
- B. Emera** – *Possible motion* to authorize the town manager to sign the bill of sale and easement with Emera Maine for an electrical connection at the ferry terminal lot.
- C. Shellfish Grant** – *Possible motion* to participate in the Restoration and Resilience Fund and apply for and accept grant funding if awarded to help the wild clam population and commercial clammers.
- Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as presented. Motion passed 7-0.
- VII. REGULAR BUSINESS:**
- A. FY19 Audit Review** – *Possible motion to accept the 2019 fiscal year audit by James Wadman, CPA.* Mr. Wadman provided a handout, summarized the audit and answered Council questions. Mr. Hochman, with second by Ms. Cough,

moved to accept the 2019 fiscal year audit by James Wadman, CPA and file in town records and thank Mr. Wadman. Motion passed 7-0.

- B. Rules of Order – Tabled from 1/7/2020. Discussion for possible amendments.** Mr. Hochman, with second by Ms. Cough, moved to remove this item from the table for discussion. Motion passed 7-0.

Per Item 4K, “these bylaws may be amended by an affirmative vote of five Councilors.”

Ms. Cough, with second by Mr. Hochman, moved to amend the Rules of Order to add “Council will review all policies at the first full agenda meeting each fiscal year, typically the 2nd meeting in June.” as Item 1E. Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved to add “Councilors will submit, in writing or email, a list of their Board of Directors membership for both nonprofit and private companies as well as any current employment at the Council Organizational meeting in June” as Item 1F. Motion failed 4-3 (Nay: Minutolo, Friedmann, Dobbs).

Mr. Coston, with second by Mr. Hochman, moved to amend the Rules of Order #2 by moving III Public Comment Period to be between VIII and IX. Motion failed 1-6 (Nay: Friedmann, Dobbs, Hochman, Minutolo, Goldthwait, Cough.)

Ms. Cough, with second by Mr. Hochman, moved to amend 4C Public Comment Period to strike “not on the agenda”, then add “on agenda items” and “Council can extend the time by majority vote.” Motion failed 3-4 (Nay: Goldthwait, Minutolo, Friedmann, Dobbs.)

Mr. Hochman would also like to make a procedural change to #5B(1) Boards, Committees and Commissions/Simple Voting Method. This change will be presented at the next meeting.

- C. Fire Prevention Ordinance Amendment - Possible motion to schedule a public hearing for February 18, 2020 to hear comments on an amendment to Chapter 85 of the Municipal Code.** Mr. Hochman, with second by Ms. Cough, moved to schedule a public hearing for February 18, 2020 to hear comments on an amendment to Chapter 85 Fire Prevention of the Municipal Code. Motion passed 7-0.

- D. LUO Amendments June 2020 – Possible motion to sign the Certifications and schedule a public hearing for February 18, 2020 for the following amendments:**

1. Addressing Officer

Mr. Hochman, with second by Ms. Goldthwait, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Addressing Officer Amendment. Motion passed 7-0.

2. Permitting Authority etc.

Mr. Hochman, with second by Ms. Goldthwait, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Permitting Authority Amendment. Motion passed 7-0.

3. Employee Living Quarters

Mr. Hochman, with second by Ms. Cough, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Employee Living Quarters Amendment. Motion passed 7-0.

4. Shared Accommodation

Mr. Hochman, with second by Mr. Coston, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Shared Accommodations Amendment. Motion passed 7-0.

5. Boundary Map Amendment & New Uses in Hulls Cove

Planner Michele Gagnon, Code Enforcement Officer Angie Chamberlain and Planning Board Chair Tom St. Germain addressed Council questions. Following discussion, Mr. Hochman, with second by Mr. Coston, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Boundary Map Amendment. Motion passed 6-1 (Nay: Cough).

Ms. Goldthwait, with second by Mr. Friedmann, moved to take Item F next and move Item E after Item F. Motion passed 7-0.

E. Climate Task Force – *Possible motion to approve Task Force formation.* COA student Ania Wright presented proposed changes to the wording. Students from MDIHS read a prepared statement regarding the task force. A lengthy discussion ensued. During discussion, Mr. Coston called the question. Vote was 1-6 and discussion continued. Mr. Hochman, with second by Ms. Cough, moved to establish the Task Force on the Climate Emergency as presented. Motion passed 6-1 (Nay: Coston).

F. Employee Living Quarters & Shared Accommodations – *Update on licensing process.* Ms. Gagnon stated that through the public hearing process there was interest in having licensing for ELQ and SA ready before a vote. The Planning Department has been working on this and will have something to present to Council in the next few months. No action taken.

G. Police Department – *Possible motion to fund renovation project.* Police Chief Jim Willis reviewed the process to date and the current plan. He addressed Council questions and concerns. Mr. Friedmann, with second by Mr. Coston, moved that the Treasurer transfer \$60,000 from the Town's CIP undesignated account #2182-6190 to the Public Safety Building Renovation account #2149-6246. Motion passed 7-0.

H. FY21 Budget – *Town Manager's introduction of the proposed FY21 Budget.* Mr. Knight presented his budget memo. The Council budget workshops start Thursday at 6pm. No action taken.

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

VIII. TOWN MANAGER'S COMMENTS – Mr. Knight stated we had this long discussion on allowing people to speak on agenda items. Then you have an agenda item, nothing has changed, but you allow five people to speak on the item. He stated he is not following; the rules say there isn't going to be outside discussion and there is. He made a proposal to allow comments on agenda items and that was declined. In response to a Councilor's comment, he replied that he doesn't know where in the rules it says it is Chair's discretion.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Coston quoted the budget memo "Utilizing the Parking and Cruise Ship Funds for some town operational costs, I anticipate that the municipal portion of the tax commitment will drop by 1.3% over last year." Well said. A lot of people took a lot of flak over parking and there's always a circus around cruise ships. This is one really positive aspect. Lots of people worked really hard making those situations work out in this way.

Mr. Friedmann congratulated the Fire Department for the technology improvements they are incorporating into their operations. Please pass on my praise to Chief Bartlett, since he has already left.

Mr. Hochman agreed with Stephen, the Parking Solutions Task Force took a lot of flak. People did not believe we'd realize any tax savings. Think about what the increase would be without that revenue, it's startling. He also stated that since we approved a bump out in front of the Criterion, we haven't heard from them. They needed to discuss it, but we should reach out to the board to see if they still want it and will help pay for it.

Mr. Minutolo thanked Cornell, Stan and staff for a nice tight budget and keeping our finances in check.

Ms. Goldthwait expressed it is interesting getting back into these issues and the process. She is reminded her favorite part is people with whom she has a different opinion. I really like people speaking up, it makes it an interesting challenge to do this work. Thank you all for expressing your opinions. She also asked about Council goal updates. Mr. Knight responded that Council will receive updates quarterly.

Ms. Cough thanked Council and everyone who sat here all night. I try to do the right thing for the town; it's not always the most appreciated thing. Thank you all. She also thanked Dr. Petersen for bringing the grant for seeding the clam flats, for different ways to look at shellfish and hopefully improving those areas.

Mr. Dobbs commented that at every meeting it's always fun to listen. I changed my mind 3 times tonight as I listened to people. The items you want to fight for, you fight for. He asked if there was parking money going to sidewalks. Mr. Knight responded yes, in reserve funds. Mr. Dobbs also offered something to think about, if we have concerns about which way cruise ships are going, we have to remember that Charlie takes reservations six or so years in advance. What Council says today won't be enacted tomorrow. If we want the Cruise Ship Committee to do something, we need to make it an agenda item to start. Eben Salvatore, Cruise Ship Committee Chair, added that Council will get the committee's annual report at a meeting in February.

X. EXECUTIVE SESSION: (none)

- XI. ADJOURNMENT** – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 10:16 p.m. Motion passed 7-0.

Sharon M Linscott, Town Clerk

Minutes
Special Bar Harbor Town Council
January 23, 2020

I. **CALL TO ORDER** – 6:00 pm – In attendance were Councilors Stephen Coston, Gary Friedmann, Jeff Dobbs, Matt Hochman, Joe Minutolo, Jill Goldthwait, Erin Cough; and Town Manager Cornell Knight.

II. **GENERAL GOVERNMENT BUDGET COST CENTER:**

	<u>Page</u>
A. Cooperating Agencies (Tab #9)	
Expenses	Expenses 9
<p>Since Community Health and Counseling Services never submitted their application, Mr. Friedmann, with second by Mr. Hochman, moved to <u>strike item 1068-5948 Community Health and Counseling Services in the amount of \$568.</u> <u>Motion passed 7-0.</u></p>	

B. Miscellaneous Agency	
Island Explorer	Expenses 5
Chart (Tab #7)	Charts 18

Council considered all Miscellaneous Expenses. Mr. Friedmann, with second by Ms. Goldthwait, moved to take \$20,000 from the savings realized from streetlight replacement with LEDs and add to Miscellaneous for the Climate Task Force just created. Motion passed 4-3 (Nay: Coston, Hochman, Cough.)

Additional discussion around Polco. No action taken.

C. Cruise Ship Fund (Tab #4)	
Revenues	CS-1
Expenses	
Operations	CS-2
Capital	CS-3

Per Mr. Knight’s request, Mr. Coston, with second by Mr. Hochman moved that Cruise Ship Fund be moved to Tuesday, January 28 under Harbor. Motion passed 7-0.

D. **Planning Department**
 Councilor Minutolo has continued recusal in this matter and left the room for this section.

Revenues & Fees Schedule	
Code Enforcement Division	Revenues 1
Planning Department	Revenues 1
Fees Schedule	Rev: Fees 10-11
Expenses	

Code Enforcement Division Expenses 3-4
 Planning Department Expenses 4
 Planner Michele Gagnon and Code Enforcement Officer Angie Chamberlain addressed Council questions and comments regarding vacation rentals, staffing changes, enforcement, permitting, customer service and the Conservation Commission. No action taken.

Capital Improvement Program
 Code Enforcement CIP Expenses 2
 Planning CIP Expenses 2
 Narrative CIP Narrative 11, 12
 Mr. Knight answered CIP questions. No action taken.

E. Finance Director's Department

Revenues & Fees Schedule
 Finance Department Revenues 1
 Municipal Building Revenues 1
 Unclassified Revenue Revenues 3
 Operating Transfers Revenues 3
 Taxes (other than property) Revenues 4
 Finance & Assessing Rev: Fees 7
 Municipal Building Rev: Fees 8-9
 Expenses
 Finance Department Expenses 1
 Technology Division Expenses 2
 Municipal Building Expenses 2
 Employee Benefits Expenses 3
 Assessing Division Expenses 4

Finance Director Stan Harmon, Technology Systems Administrator Steve Cornell and Assessor Steve Weed addressed Council questions and comments regarding rents, cable TV franchise fees, fiber engineering and overtime wages. No action taken.

Capital Improvement Program
 Technology Division
 Expenses CIP Expenses 2
 Narrative CIP Narrative 9-10

Mr. Cornell addressed questions about the security camera system. No action taken.

Municipal Building
 Expenses CIP Expenses 2
 Narrative CIP Narrative 10-11

Discussion regarding boilers, energy audits and heat pumps. Mr. Friedmann, with second by Ms. Cough, moved to put \$10,000 for doing energy audits and possible improvements recommended in FY21 CIP Municipal Building Account #24. Motion passed 7-0.

Assessing Division

Expenses	CIP Expenses 2
Narrative	CIP Narrative 11
List of Equipment	CIP 22

F. Town Clerk’s Department

Revenues & Fees Schedule

Revenues	Revenues 1
Fees Schedule	Rev: Fees 5-6

Expenses

Town Clerk’s Department	Expenses 1
Elections	Expenses 2
Town Offices	Expenses 3
General Assistance	Expenses 8

Town Clerk Sharon Linscott addressed Council comments and questions regarding vital records requests and archival services. No action taken.

G. Town Manager’s Department

Revenues

Intergovernmental Revenues	Revenues 4
Fund Balance	Revenues 4

Mr. Harmon addressed questions about Homestead Reimbursement. No action taken.

Expenses

Town Council	Expenses 1
Town Manager	Expenses 1

Item 1012-5334 is mainly for union negotiations.

Legal Counsel
About ½ the amount is for litigation and we are not allowed to get reimbursed.

Expenses 1

Miscellaneous
see Item B above

Expenses 4-5

Capital Improvement Program

Revenues	CIP Revenues 1
Town Debt Service	CIP Expenses 5
Narrative	CIP Narrative 8-9

Mr. Knight and Mr. Harmon addressed questions about debt service and parking funds. Parking Fund is on the agenda for 1/30.

III. ADJOURNMENT – Mr. Hochman, with second by Mr. Coston, moved to adjourn at 7:50 p.m. Motion passed 7-0.

Sharon M. Linscott, Town Clerk

Minutes
Special Bar Harbor Town Council
January 28, 2020

I. **CALL TO ORDER** – 6:00 pm – In attendance were Councilors Stephen Coston, Gary Friedmann, Jeff Dobbs, Matt Hochman, Joe Minutolo, Jill Goldthwait, Erin Cough; and Town Manager Cornell Knight.

II. **HARBOR & PUBLIC WORKS BUDGET COST CENTER:**

Page

A. **Harbor Master’s Department**

Harbor Master Charlie Phippen provided a brief overview of the departmental budget. For the following items, Mr. Phippen, along with Mr. Knight, addressed Council questions and comments for the topics listed:

Revenues & Fees Schedule

Revenues

Revenues 2

Fees Schedule

Rev: Fees 7-8

Topics of discussion: yacht visitation, public floats.

Expenses

Harbor Department

Expenses 7-8

Topic of discussion: submerged land lease for the ferry terminal property.

Capital Improvement Program

Harbor Department

CIP Expenses 3

Narratives

CIP Narrative 15-16

List of Equipment

CIP 24-25

Topics of discussion: 2 new fisherman’s floats, town pier renovations, heating system at Port Authority building, float damage and repairs, storm effects, the breakwater, sea level rise, paving and underground conduits at the ferry terminal property, consultant to assess pier at the ferry terminal.

No action taken.

B. **Cruise Ship Fund** (Tab #4)

Councilor Coston disclosed he is on the board of the Chamber of Commerce, which partners with the town regarding cruise ships. Mr. Hochman, with second by Ms. Cough, moved to recuse Councilor Coston for the appearance of conflict of interest. Motion failed 0-6-1 (Abstain: Coston).

Mr. Phippen and Mr. Knight addressed Council questions and comments on the topics listed below:

Revenues CS-1
 Topics of discussion: projections, cancellations, use of passenger fees, passenger caps, industry phasing out old ships and building new ones, tendering, efficient fuels and scrubbers, emissions, trends.

Expenses
 Operations CS-2
 Capital CS-3
 Topics of discussion: fund balance, monies toward streetscapes, environmental monitoring (water and air).

No action taken.

**C. Public Works Director’s Department
 Parks & Recreation**

Revenues & Fees Schedule
 Revenues Revenues 2
 Fees & Schedule Rev: Fees 9

No discussion.

Expenses
 Parks & Recreation Expenses 8
 Highway Superintendent Rich Jamison stated the decrease for flowers and gardens was due to a new contractor following a rebid last year. Mr. Knight passed along suggestions from a resident regarding lifeguards at Glen Mary, spraying for ants, better snow removal for ice skating and a warming hut. Mr. Jamison spoke to snow removal and ice.

 Non-Profit Agencies (Tab #8)
 4th of July Events Expenses 8
 Bar Harbor Band Expenses 8
 Jesup Memorial Library Expenses 8
 Village Holidays Decorations Expenses 8
 Mr. Hochman would like to see increased support for holiday decorations. Discussion followed, including comments on winter activities in general.
 YMCA Expenses 8

Capital Improvement Program
 Parks Section CIP Expenses 4
 Narratives CIP Narrative 16-17
 Topics of discussion: skatepark, tennis courts, downtown signage, Village Green bandstand, Harborview Park.

No action taken.

Public Works Department

Public Works Director Bethany Leavitt and Solid Waste Superintendent Ron Graves, along with Mr. Jamison, addressed Council questions and comments on the topics listed below:

Revenues & Fees Schedule

Revenues

Highway Division Revenues 3

Solid Waste Division Revenues 3

Fees Schedule

Highway Division Rev: Fees 8

Solid Waste Division Rev: Fees 9

Expenses

Comfort Stations Expenses 9

Public Works Expenses 9

Highway Division Expenses 10-11

Solid Waste Division Expenses 11

Topics of discussion: recyclables and single sort, Fiberight, dump permits, change in hours, salt brine for roads, computer licensing and support, un-leaded vs diesel gas for PW Director’s vehicle.

Capital Improvement Program

Comfort Stations CIP Expenses 4

Highway Division CIP Expenses 4

Solid Waste Division CIP Expenses 5

Narratives CIP Narrative 17-20

List of Equipment CIP 25-27

Topics of discussion: road improvements, sidewalks and ADA compliance, MDOT responsibilities and projects, biking and West St. Ext, road grader usage and replacement, solar panels for solid waste, Eden Path lighting.

No action taken.

III. **ADJOURNMENT** – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 8:10 pm. Motion passed 7-0.

Sharon M. Linscott, Town Clerk

Certification

of

Property Owners and Abutters Mailing List

for

Bar Harbor Town Council Notice of Public Hearing for February 18, 2020 for the following proposed Land Use Ordinance amendments for the June 9, 2020 annual town meeting warrant: Addressing Officer, Permitting Authority, Employee Living Quarters, Shared Accommodations and Boundary Map Amendment & New Uses in Hulls Cove.

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 "Bar Harbor Town Council Notice of a Public Hearing for proposed amendments to the Bar Harbor Land Use Ordinance for June 9, 2020 Town Meeting" on February 3, 2020 from the Bar Harbor Post Office, 55 Cottage Street, Bar Harbor, Maine.

Given under our hands and seal at Bar Harbor on this fourth day of February, 2020

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Stephen Coston

Erin E. Cough

Jill Goldthwait

OWNER_1	CO_OWNER	MAIL_ADDR	MAIL_ADDR2	MAIL_CITY	MAIL_STATE	MAIL_ZIP
RHODES, THOMAS E	RHODES, KIMBERLY M	UNIT 3400 BOX 104		DPO	AA	34060-0104
HOPPE, LINDA L		PO BOX 2589		HOMER	AK	99603
JOHNSON, MARY ANN TRUSTEE		3407 W MARGARET PLACE		ROGERS	AR	72756
OVERLY, HEATHER M & ROBERT D TRUSTEES	HOBO FAMILY LIVING TRUST	2416 W YAHOO TRL		PHOENIX	AZ	85085
LEWIS-CLAPPER, R CASKIE TRUSTEE	CLAPPER, GERARD F TRUSTEE	13562 EAST JENAN DRIVE		SCOTTSDALE	AZ	85259
MULLIGAN, KATHLEEN M		4806 NORTH 78TH PLACE		SCOTTSDALE	AZ	85251-1616
MULLIGAN, KATHLEEN M		5335 E SHEA BLVD #1055		SCOTTSDALE	AZ	85254
SERONDE FAMILY LLC	C/O JOSEPH A SERONDE	345 LONGWOOD DR		SEDONA	AZ	86351
SERONDE FOREST LLC	C/O J ANTOINE SERONDE	345 LONGWOOD DR		SEDONA	AZ	86351
WHEATON, STEVE & GILTNER, MARY TRUSTEES		2640 EAST 7TH STREET		TUSCON	AZ	85716
RICCI, ELIZABETH E		27 HULSEA		ALLSO VIEJO	CA	92656
HOUGAN, MATTHEW E	MURRAY, SARA K	102 THE UPLANDS		BERKELEY	CA	94705-2817
HUMPHREYS, MICHAEL TRUSTEE	HUMPHREYS, SHEILA M TRUSTEE	22 TANGLEWOOD ROAD		BERKELEY	CA	94705
JAUCH, ANDREW J JR	GOWER, LAURA L	2911 CANDILL PLACE		CARLSBAD	CA	92009
FULWEILER, SPENCER B JR	ZURN RENA M	122 SHADEWELL DRIVE		DANVILLE	CA	94506
ROBINSON, KIM S TRUSTEE	NOWELL, LISA H TRUSTEE	2414 ELENLIL LN		DAVIS	CA	95616
CADDLE, DONALD R TRUSTEE	CADDLE, SUZANNE TRUSTEE	120 PROMONTORY DRIVE		EL CAJON	CA	92021
BENNETT, MARK L	BENNETT, ROXANNE	PO BOX 6611		EUREKA	CA	95502
WASGATT, SANDRA		5029 CYRINA CT		FAIR OAKS	CA	95628-3404
BAXTER, KATE D		PO BOX 928		INVERNESS	CA	94937
ELOYAN, AVETIK	AVANESYAN, LIA	1028 2ND ST APT 17		LAFAYETTE	CA	94549
RALL, JONATHAN D TRUSTEE	JONATHAN DAID RALL TRUST	226401 TWEED		LAKE FOREST	CA	92630
SOARES, HARRIET H TRUSTEE	HARRIET H SOARES TRUST	459 S BENTLEY AVENUE		LOS ANGELES	CA	90049-3512
EVERETT LEGACY, LLC		4327 VIA CERRITOS		NEWBURY PARK	CA	91320
BARMETTLER, BRADD C TRUSTEE	BARMETTLER, KELLY TRUSTEE	2421 EAST 16TH ST #5		NEWPORT BEACH	CA	92663
HANCOCK, ELLEN TRUSTEE	HILLMAN MATHER ADAMS NORBERG TRUST	2496 E WAYNE ROAD		PALM SPRINGS	CA	92262
TASCA, DIANE & BEAMER, NORMAN TRUSTEES		1005 UNIVERSITY AVENUE		PALO ALTO	CA	94301
KUEHNERT MARY TRUSTEE		PO BOX 99814		SAN DIEGO	CA	92169
CORBUS, BARCLAY F TRUSTEE	CORBUS, ELIZABETH E H TRUSTEE	543 PRESIDIO BLVD		SAN FRANCISCO	CA	94129
HARRIS, MELISSA S	HARRIS, PETER B	288 PACIFIC AVE APT 6B		SAN FRANCISCO	CA	94111
HARRIS, SHEPARD	HARRIS, MELISSA S	555 CALIFORNIA ST STE 3400		SAN FRANCISCO	CA	94104
IKEMIYA, MIWA DAWN		169 CHATTANOOGA STREET		SAN FRANCISCO	CA	94114
KALES, WILLIAM R TRUSTEE		2634 BRODERICK STREET		SAN FRANCISCO	CA	94123
PARK LAND REALTY PARTNERS LLC	HARRIS, MELISSA S	1340 CLAY ST #401		SAN FRANCISCO	CA	94109
DANIEL GOLD AND WEI MENG		3223 SANTIAGO STREET		SAN FRANCISCO	CA	94116
GLOVER, ANDREW J	GLOVER, EMILY W	2676 EVORA DRIVE		SAN JOSE	CA	95124-1502
BANYS, CHRISTOPHER	BANYS, BAMBI	4950 DAVENPORT CREEK ROAD		SAN LUIS OBISPO	CA	93401
KALE, CLINT L	ZHANG, GUOZHU	564 FATHOM DR APT 107		SAN MATEO	CA	94404
COX, JAMES E	NEWMAN, ELINOR T	PO BOX 2697		SANTA CRUZ	CA	95063
CROCK, SALLY S		2121 DEWEY STREET		SANTA MONICA	CA	90405
DWORMAN, ROSS		PO BOX 5775		SANTA MONICA	CA	90409
SMITH, LANA JOY	SMITH-MCBRIDE, TINA	3644 GARNET STREET		TORRANCE	CA	90503
STUMP, H THEODORE	STUMP, DIANNE	22083 EAST PEAKVIEW DRIVE		AURORA	CO	80016
STRIEFEL, JOSEPH H		PO BOX 1836		CARBONDALE	CO	81623
WEBER, DEBORAH & DENNIS TRUSTEES		4611 TIMBER WOLF TRAIL		COLORADO SPRINGS	CO	80920
CONN, IRA M	CONN, HOLLY L	PO BOX 4163		CRESTED BUTTE	CO	81224-3715
COCHRAN, JOHN CARLYLE		135 BELLAIRE ST		DENVER	CO	80220
EIDLEN, LAWRENCE G	EIDLEN, DENISE M	13427 KUEHSTER ROAD		LITTLETON	CO	80127
MURDAUGH ET AL, SARA H	MURDAUGH, C/O BETH	PO BOX 2696		MONUMENT	CO	80132-2696
HAGER, DAVID W	HAGER, LOIS B	8 DUNCASTER ROAD		BLOOMFIELD	CT	06002-1504
FROST, KAREN		18 FERNWOOD DRIVE		BOLTON	CT	06043
COULIBALY, JESSICA	COULIBALY, WALARIGTON	91 NORTHFORD RD		BRANFORD	CT	06405
ACKERMAN, MARK B	ACKERMAN, LAUREL L	50 BARBER HILL ROAD		BROAD BROOK	CT	06016

MEYERJACK, JUDITH S		75 WILLIAMSBURG DR	CHESHIRE	CT	06440
WIELER, KIM ZARRA LT		19 SOUTH BROOKSVALE ROAD	CHESHIRE	CT	06410
ANDERSON, RICHARD	ANDERSON, JOAN	33 RIVERVIEW AVENUE	DEEP RIVER	CT	06417
KAUFFMAN, WILLIAM S	KAUFFMAN, NANCY A	3 HEATHER LN	EAST GRANBY	CT	06026
BIALLAS, GRACINDA S TRUSTEE		25 CLOVER LANE	EAST HARTFORD	CT	06118
KELLOGG, NEAL B TRUSTEE ET ALS		96 BROWN ROAD	EAST HAVEN	CT	06512
LYNES, MICHAEL A	LYNES, KRISTINE E	118 KENNERSON RESERVOIR	EASTFORD	CT	06242
LOON POINT ASSOCIATES, LLC		98 BROWN ROAD	EAT HAVEN	CT	06512
SEABURY, RICHARD R		38 BOOTH ROAD	ENFIELD	CT	06082
TURNBULL, CARY TRUSTEE	TURNBULL, CLAUDIA TRUSTEE	15 EAST PUTNAM AVENUE, #413	GREENWICH	CT	06830
BOYER, JAMES L	BOYER, PHOEBE B	65 LAUREL RD	HAMDEN	CT	06517
MIHAI, GEORGE M		1680 SHEPARD AVENUE	HAMDEN	CT	06518
WAGNER, WILBUR F	FERRUCCI, JOHN R	247 GIRARD AVENUE	HARTFORD	CT	06105
OLIVER, DONLAD B	OLSEN, SANDRA L JT	417 HIGH STREET	MIDDLETOWN	CT	06457
SPRING, ELIZABETH	SPRING, JAMES & CLARKE, THOMAS	24 GERRISH LANE	NEW CANAAN	CT	06840
BERLINER, NANCY	PLATTUS, ALAN J	416 YALE AVE	NEW HAVEN	CT	06515
FORREST, JOHN & CATHERINE TRUSTEES	JOHN FORREST JR REV TRUST	140 MCKINLEY AVENUE	NEW HAVEN	CT	06515
DRCP GROUP, LLC		22 WEST MAIN STREET	NIANTIC	CT	06357
LANGE, CARROL M		56 CROOKED TRAIL ROAD	NORWALK	CT	06853-1106
KINNEY, TERRI	KINNEY, STEPHEN JT	20 CROMWELL PLACE	OLD SAYBROOK	CT	06475
MAUCK, KRISTIN ET ALS	VAN SUMMERN, PAMELA A & MARK A	25 CHALBURN ROAD	REDDING	CT	06896
NOLAN, KIM E	SERVAS, THERESE	36 TOPSTONE ROAD	REDDING	CT	06896
KEHRA, SURENDRA P	DAW, MANJAREE	3 KELLY FARM ROAD	SIMSBURY	CT	06070
CRISAFI, LAURIE A ET AL		63 CARRIAGE DRIVE	SOMERS	CT	06071
NOWINSKI FAMILY TRUST		67 HIGH RIDGE DR	TOLLAND	CT	06084
MEGHAN KHAIRALLAH REV TRUST	JOHN KHAIRALLAH REV TRUST	140 GRIER ROAD	VERNON	CT	06066
BALTRUSH, KATHLEEN K	BALTRUSH, JAMES A	164 HICKORY HILLS DRIVE	WATERBURY	CT	06708
GERSTNER, CATHRYN C		15 HIGHLAND STREET # 213	WEST HARTFORD	CT	06119
NAIR, AUROBINDO	VENUGOPALAN, PRIYA	258 SOUTH MAIN STREET	WEST HARTFORD	CT	06107
SEYMOUR, FRANCES WATERMAN		73 LEDYARD ROAD	WEST HARTFORD	CT	06117-1706
NORBY, STEPHANIE L		3020 DENT P1 NW	WASHINGTON	DC	20007-2970
STONE, STEVEN W	STONE, JULIE B	5623 POTOMAC AVE NW	WASHINGTON	DC	20016
TROTTER, ANDREW F	TROTTER, DAPHNE W	5015 44TH ST NW	WASHINGTON	DC	20016
OWL RETURN, LLC		17836 MEADOW DRIVE	BIDGEVILLE	DE	19933
HADLEY POINT FAMILY TRUST	C/O MICHELLE Y SKILTON	175 OLIVINE CIRCLE	TOWNSEND	DE	19734
DUDLEY FAMILY LTD PARTNERSHIP	C/O WILMINGTON TR COMPANY	1100 NORTH MARKET ST	WILMINGTON	DE	19890
NORTHERN LIGHTS HULLS COVE, LLC	C/O WILMINGTON TRUST CO ATTN: ALLISON MASCI	1100 N MARKET ST	WILMINGTON	DE	19890
OLSEN, MICHAEL J	SPISAK-OLSEN, DENISE	1914 KYNWYD RD	WILMINGTON	DE	19810
BETESH, ALAN R		19101 MYSTIC POINTE DR APT 1109	AVENTURA	FL	33180
ALBERT MEADOW #2, LLC	C/O JAMES H & LYNN NOBIL	582 NW DICKENS CT	BOCA RATON	FL	33432-3812
BHC ACADIA, LLC		5944 CATESBY STREET	BOCA RATON	FL	33433
COSTIGLIOLA, CHARLES	COSTIGLIOLA, MARTHA	115 OREGON LANE	BOCA RATON	FL	33487-1523
MERRILL, GEORGE W		175 SW 6TH AVENUE	BOCA RATON	FL	33486
MARGARET D EMPLER REV TRUST, 4/8/13		7129 FALLS ROAD EAST	BOYNTON BEACH	FL	33437
ALLT, STEVEN A TRUSTEE		11104 BELLE MEADE CT	BRADENTON	FL	34209
FISK, ELAINE W		80 SPYGLASS ALLEY	CAPE HAZE	FL	33946-2419
SALISBURY LLC		2663 SABAL SPRINGS CIRCLE #105	CLEARWATER	FL	33761
TRANQUILITY RENTALS, LLC	MOYA, FRANK	1450 MADRUGA AVE STE 207	CORAL GABLES	FL	33146-3163
121 COTTAGE, LLC		1001 E ATLANTIC AVE STE 202	DELRAY BEACH	FL	33483
131 EDEN STREET, LLC		1001 E ATLANTIC AVE STE 202	DELRAY BEACH	FL	33483
1440 GROUP LLC		1001 E ATLANTIC AVE STE 202	DELRAY BEACH	FL	33483
9 LENOX PLACE LLC		1001 E ATLANTIC AVE STE 202	DELRAY BEACH	FL	33483
BARRAIN, LLC		1001 E ATLANTIC AVE STE 202	DELRAY BEACH	FL	33483
ERTEL, CLAUS TRUSTEE		2175 RABBIT HOLLOWE CIR	DELRAY BEACH	FL	33445-6685

V B

MAINE SERVICE CENTERS COALITION

60 Community Drive • Augusta, Maine 04330 • (207) 623-8428

Christine Landes, Chair
City of Gardiner
(207) 582-4800

Catherine Conlow, Vice Chair
City of Bangor
(207) 992-4204

January 23, 2020

Mr. Cornell Knight, Town Manager
Town of Bar Harbor
93 Cottage Street, Ste I
Bar Harbor, ME 04609-1400

Scott Morelli, Secretary
City of South Portland
(207) 767-3201

James Bennett, Treasurer
City of Biddeford
(207) 284-9313

Dear Cornell:

As the second session of 129th Maine Legislature begins we are asking that you renew your dues support of the Maine Service Centers Coalition. Your municipal revenue received significant and long overdue increases in the 2019 Maine Legislative Session. Our efforts along with MMA and other interested parties resulted in the increase in Revenue Sharing from the original \$74 million in 2019 to approximately \$105 million in FY 2020 and \$143 million in FY 2021.

The budget enacted last June also included a fully State funded expansion of the homestead exemption from \$20,000 to \$25,000. Obviously the new Administration and bipartisan majorities in the Maine Senate and House deserve part of the credit for this dramatic turnaround in Maine's budget priorities and for their support in numerous other areas including local aid to education funding, county jails, workers compensation reform and the critical need for the \$100 million transportation bond package approved by Maine's voters in November.

Your membership and support are now even more important to our continued success. It will take a collective effort to maintain and continue the restoration and protection of municipal revenue as the new Administration and Legislature continue to repair the damage from the recent twelve years of band aids in biennial budgets. Recent revenue figures show that Maine ended the recent fiscal year with a budget surplus of \$168 million. Unfortunately, this legislative session began with more than \$250 million in carried over bond proposals and worthy state agency and municipal program needs.

Full funding of Revenue Sharing is part of the base budget that the next legislature will begin 2021 with. In addition to protecting last session's gains our major priorities include addressing the need for permanent solutions to county jail funding, local share of marijuana revenue to compensate municipalities for administrative costs, more responsive Tax Increment Finance rules and regulations and some overdue changes to the General Assistance burden for many of Maine's Service Centers.

The need for your participation in the Maine Service Centers Coalition's advocacy efforts has never been greater. We will continue to work with a group of organizations to restore full funding of all revenue to municipalities. Our strategy includes holding every Maine legislator accountable for every vote that impacts municipal revenue or impairs our ability to provide property tax relief to our citizens. However, as always we will need your help support and input.

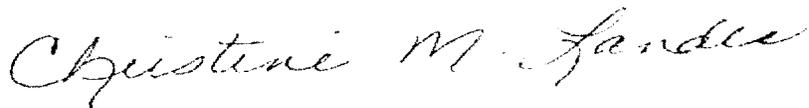
Given the obvious advantage of experienced political advice and relationships, the Maine Service Centers Coalition leadership and staff will again rely upon Richard Trahey and his firm of Maine Governmental Relations for professional lobbying staff support. I believe that this relationship with Richard has benefited the Coalition greatly in providing us access to policy makers, sound policy advice and effective advocacy services.

We are enclosing the MSCC Membership Dues invoice for 2020 and hope you will respond favorably. Membership dues are set at twelve cents per capita based on your community's population (established by the latest State Revenue Sharing data available) with a minimum dues payment of \$500 per community. Also enclosed please find an informational form that we ask you to update and return to us. Please be sure to note to whom we should rely upon as the principal REPRESENTATIVE and ALTERNATE for your community.

In addition, please feel free to contact me directly at the Gardiner City Hall (207.582.4200) or by e-mail at clandes@gardinermaine.com.

Once again, thank you for your municipality's past support. Together we can make 2020 a productive year for the Maine Service Centers Coalition.

Sincerely,



Christine Landes
Chairperson
Maine Service Centers Coalition

Enclosures (3)

MAINE SERVICE CENTER COALITION

**2020 Resolution for Membership and
Appointment of Voting Delegate Representative and Alternate**

BE IT RESOLVED that the _____
(City/Town Council or Board of Selectmen)

hereby authorizes membership in the Maine Service Center Coalition and designates:

(name) (position in municipality)

to be the appointed REPRESENTATIVE for the Maine Service Centers Coalition and is therefore authorized to vote at the Maine Service Centers Coalition business meetings.

BE IT FURTHER RESOLVED that the designated ALTERNATE is:

(name) (position in municipality)

Dated

Attested To By:

Please return this Resolution as soon as possible to:

Maine Service Centers Coalition
c/o Theresa Chavarie, Manager, Member Relations
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
E-mail: tchavarie@memun.org

MAINE SERVICE CENTERS COALITION

VOTING DELEGATES - 2020

Membership Information Sheet

MSCC REPRESENTATIVE	MSCC ALTERNATE
NAME:	NAME:
TITLE:	TITLE:
MUNICIPALITY:	MUNICIPALITY:
MAILING ADDRESS:	MAILING ADDRESS:
CITY/ST/ZIP:	CITY/ST/ZIP:
TOWN OFFICE PHONE:	TOWN OFFICE PHONE:
WORK PHONE:	WORK PHONE:
HOME PHONE:	HOME PHONE:
FAX PHONE:	FAX PHONE:
E-MAIL ADDRESS:	E-MAIL ADDRESS:

RETURN TO:

Maine Service Centers Coalition
c/o Theresa Chavarie, Manager of Member Relations
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358
E-MAIL: tchavarie@memun.org

Maine Service Centers Coalition
 60 Community Drive
 Augusta, Maine 04330-9486

INVOICE

Bill To: 000000000155-0

Town of Bar Harbor
 93 Cottage St Ste I
 Bar Harbor, ME 04609-1400

Order Number: 1000295955
 Order Date: 01/21/2020
 Invoice Date: 21-Jan-2020
 Due Date: 20-Feb-2020
 Employee Code: 09030

Product	Ship To Name	LineStatusCode	Qty	Base Amount	Adjustment	Total
MSCC - MSCC Active Membership 01-Jan-2020 to 31-Dec-2020	Town of Bar Harbor	Proforma	1	500.00	145.60	645.60
".12 cents per capita - \$500.00 minimum"						
Shipping:						0.00
Total :						645.60
Paid To Date						0.00
Current Amount Due :						645.60

Please detach the lower portion and return it with your payment. Thank you.

Customer: 000000000155-0 Town of Bar Harbor
 Order No.: 1000295955

Balance Due(USD): 645.60

Amount: _____

Send payments to:

Maine Service Centers Coalition
 60 Community Drive
 Augusta, Maine 04330-9486



VC

MEMORANDUM

TO: Town Council Members ✓
CC: Cornell Knight, Town Manager
Michele Gagnon, Planning Director
FROM: Angela M Chamberlain, Code Enforcement Officer *AC*
DATE: January 28, 2020
SUBJECT: Deputy Local Plumbing Inspector

.....

I am pleased to report that Patrick Lessard, Deputy Code Enforcement Officer has passed his state exams and is now recognized by the State of Maine as a Local Plumbing Inspector.

He will need to be appointed as the Deputy Local Plumbing Inspector by the Town Council before assuming the duties of a Plumbing Inspector.

In addition, I'd like to request that the Town Council appoint him as the Deputy Electrical Inspector so that he may also perform those duties.

Thank you for your attention to this matter.

State of Maine

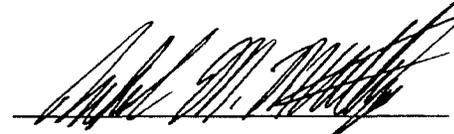
Office of State Fire Marshal Code Enforcement Officer Training and Certification Program

Certifies

Patrick Lessard

To perform duties as Local Plumbing Inspector

**Certification No.:1335
Certification Expiration Date:1/31/2026**



**Richard M. McCarthy
Assistant State Fire Marshal
Prevention and Inspection Division**

State of Maine

Office of State Fire Marshal Code Enforcement Officer Training and Certification Program

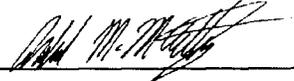
Certifies

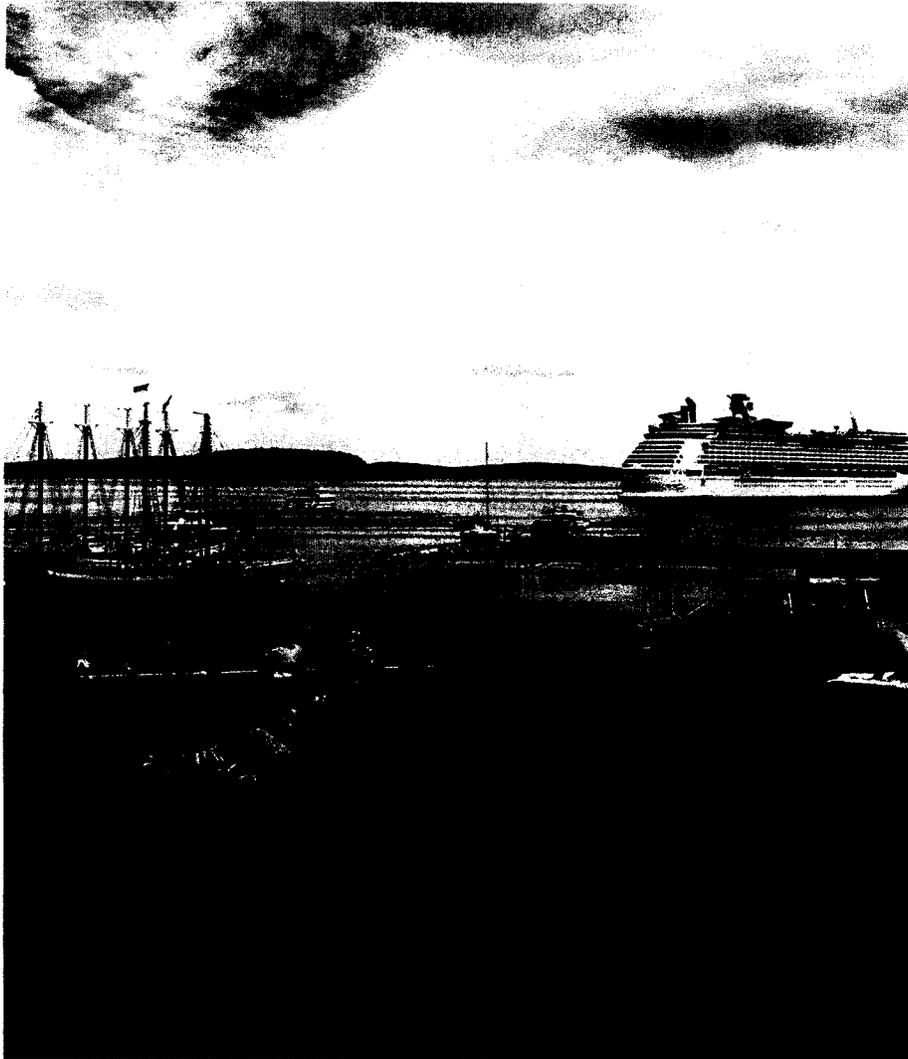
Patrick Lessard

To perform duties as Code Enforcement Officer in the areas of:

Subsurface Wastewater Disposal- Residential Building Code-
Commercial Building Code- Residential Energy Code- Commercial
Energy Code- Residential Radon Code- Residential Ventilation Code-

**Certification No.: 1190
Certification Expiration Date: 01/31/2020**


Richard M. McCarthy
Assistant State Fire Marshal
Prevention and Inspection Division



2019 Cruise Ship Committee Annual Report

Per the adopted Cruise Ship Committee Mission we advise the Town Council as follows:

A. “Conduct a yearly review of Cruise Season to identify operational and environmental issues”

Operational-

- We have received and reviewed a report titled “Cruise Tourism & Traffic Report” submitted by Operations & Maritime LLC. This report was commissioned by CLIA as a result of several meetings with Town officials. Some of the items were implemented on a trial basis during the 2019 Fall season. Several stakeholders worked with the Town during this trial period with the common goal of improving the operation for all. We are working on making these improvements permanent by updating the Ground Ops SOP prior to the 2020 season.
- The Committee passed a motion (September 12 meeting) to engage Tom Crikelair in providing assistance with the long term recommendations identified in the CLIA report and coordinate with Acadia National Park’s Transportation Plan. This motion can be incorporated into the subsequent Council action of deferring an almost identical request from the Chamber to study the same.
- There are some longer term improvements that were part of the CLIA report we have not yet reviewed.
- Several other minor operational items were discussed and addressed through-out the season.

Environmental-

- We conducted a preliminary review of Air Quality Monitoring at your request. The detail of that are addressed below. There are no other environmental issues to report on at this time.
- MDEP representatives toured the Zaandam on July 19th. They were guided by Michael Kaczmarek, SVP of Marine Technology for Carnival Cruise Lines.

- B. "Conduct a yearly review of passenger service fees, port development fees, and the use and allocation of these funds"
- We have reviewed the FY 20 budget and recommend approval as presented.
 - We do not recommend a fee increase for FY20 at this time.
- C. "Maintain and further industry relations and communications"
- Committee Member Skip Strong and Charlie Phippen continue to monitor the possibility of improving the breakwater. The Army Corp of Engineers has surveyed the site and will report back with their findings.
 - Committee Members Sarah Flink, Amy Powers and Gregg Gordon attended the 2018 CCNE Symposium
 - Committee Members Sarah Flink, Amy Powers and Gregg Gordon attended the 2019 Sea Trade conference in Florida.
- D. "Provide Yearly Report to Council"
- included
- E. " Make recommendations to the Town Council regarding Cruise Ship visitation"
- We are not recommending any change regarding visitation at this time. We anticipate that the implementation of some of the longer term improvements identified in the CLIA report will require Council discussion and action. We should have these on paper soon for discussion.

2019 re-cap

- There were 177 ship visits reserved with a total LBC of 275,198 Passengers
- 54 of the ships were foreign arrivals
- We had 18 ships that canceled (mostly poor weather)- 23,498 passengers

2020 season

- There are 197 ships booked
- Total LBC reserved is 296,046
- 61 Foreign Arrivals
- First ship April 25 (Victory II)
- Last ship November 3 (Silver Whisper)
- There are 4 Maiden Voyage calls
 - Norwegian Pearl -5/27 965' 2376 pax
 - Norwegian Breakaway -9/2 1068' 3963 pax
 - Sky Princess -9/22 1083' 3560 pax
 - Azora -9/29 620' 298 pax

2019 Cruise Ship Committee Activity:

1. The Committee met 9 times in 2019
2. Reviewed *Cruise Tourism & Traffic Report* per Council request
 - a. Identified and implemented many short term items
 - b. Identified long term items for future discussion
 - c. Dismissed items for no further action
3. Received updates from the Harbor Master and Captain Skip Strong on the potential Breakwater Repair project
4. A 10 mile extension of the approach to the existing shipping channel was implemented by the Penobscot Bay & River Pilots and CLIA member lines

per organized discussions with Me Dept of Marine Resources representatives and local fishermen. The extensions to both the eastern and southern approaches to Frenchman Bay have made it on to both - the raster and vector charts.

5. Received request from Council regarding Air Quality
 - a. Reviewed a Maine DEP Air Emissions Study
 - b. Received several updates and data regarding the existing station on Mcfarland Hill
 - c. Reviewed cost estimates on monitoring equipment as provided by MDEP's Andy Johnson.
 - d. Reviewed monitoring efforts done by other ports
 - e. Reviewed CLIA provided exhibits regarding Air emissions data provided by CLIA regarding design, operation and oversight of Air Emissions and Advanced Gas Scrubber Technology.
 - i. "Sustaining the Seas we Sail" (attached)
 - ii. Several other informative documents regarding air emissions.

6. Reviewed "Effects of Cruise Ships on Sidewalk Pedestrian Traffic in Bar Harbor?", a study done by Professor Todd Gabe. This was a Council request from 2017.

Air Monitoring Program Details

Motion from Council Aug 6 2019 meeting- *"Ask the Town Manager to work with the Cruise Ship Committee on an air-monitoring program and report back to the Town Council."*

We first discussed this request at our August 15 meeting. Cornell reported that he had discussed the idea of Bar Harbor installing an Air Quality station near the Town Pier with Andy Johnson of Maine DEP. Mr. Johnson is the Director of Air Quality Assessment Division with the DEP. Mr. Johnson met with Cornell in Bar Harbor on September 5th and reviewed the concept, as well as possible locations for monitoring equipment.

As Cornell gathered information he made contact with several other DEP individuals that had already reviewed how Cruise Ships impact air quality in Bar

Harbor, using data from an air quality station that already exists in Bar Harbor. We were provided a copy of a 2015 analysis conducted by the DEP of the possible impacts from cruise ships. The report analyzed data each day for 5 ½ months. The end result was summarized as “there wasn’t a consistent enough signal at this site to warrant a more thorough analysis of the data”. A copy of the report is attached.

We were also provided cost estimates of \$86,000 for the base line equipment needed to conduct our own testing, along with a variety of sources for the equipment.

So far a suitable site to house the equipment has not been identified. In addition to the equipment cost there would need to be regular calibrating and monitoring of the station. DEP would help analyze the data but not provide daily monitoring.

The report used data from the air monitoring site on McFarland Hill. There is a second station on Cadillac Mountain.

The wind direction is almost always away from town.

We anticipate the Maine Department of Environmental Protection will release a Vessel Air Emissions Study in early 2020. This report will likely provide better details on the issue which we will review and advise.

Impact Study Details

- This was requested by Council on January 17, 2017 during a discussion regarding the future planning for cruise ships and whether our current caps were aligned with the industry trends. 4 dates were approved to exceed the summer caps and it was agreed that the Cruise Ship Committee would formulate a way to measure the impact.
- Professor Gabe personally conducted over 2000 collections of data. (report attached)
- The impact of cruise ships in general decreases as you move away from Harborplace.

- At 250 feet away the impact of the Anthem of the Seas vs. the current cap is 1 person per 100 feet (figure 5).
- For every 100 passengers the sidewalk traffic increases .09 people per 100 feet.
- The busiest data points were in the evenings after the ships had departed.

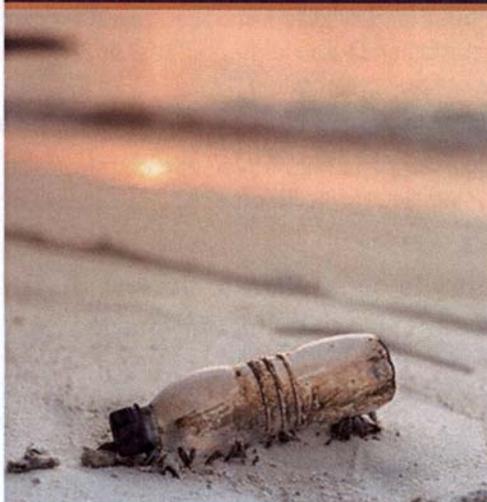
Respectfully Submitted

Eben Salvatore- Chair

Bar Harbor Cruise Ship Committee

SUSTAINING THE SEAS WE SAIL

The Cruise Industry's Commitment to Protecting and Preserving the Environment



Sustainability lies at the heart of all we do. Every day, the global cruise industry is hard at work protecting and sustaining the environment through bold leadership, innovative stewardship, and strong strategic partnerships.

The global cruise industry has committed to reduce the rate of carbon emissions across the industry fleet 40 percent by 2030 over a 2008 baseline.

We embrace the International Maritime Organization (IMO)'s ambition for carbon-free shipping as soon as possible this century. Our commitment to reduce the rate of carbon emissions is the first step toward that goal.

CLIA Cruise Lines are pursuing emissions reductions through a host of ambitious goals and new innovations.

- Carnival Corporation & plc achieved its 25% carbon intensity reduction goal in 2017, three years ahead of its 2020 target date. Carnival Corp. & plc encompasses major brands including Carnival Cruise Line, Princess Cruises, Holland America Line, Seabourn, Cunard, AIDA Cruises, Costa Cruises, P&O Cruises and P&O Australia.
- Royal Caribbean Cruises Ltd. has committed to reduce the rate of carbon emissions by 35% by 2020. RCL encompasses major brands: Royal Caribbean International, Celebrity Cruises, Silversea, TUI Cruises, Pullmantur, and Azamara Club Cruises.
- Royal Caribbean Cruises Ltd is also working with the Swiss-Swedish leading power technology company ABB to develop and deploy the world's first fuel cell system, an emissions-free approach to electricity, on a luxury cruise ship.
- AIDA Cruises launched the first cruise ship to be fully powered by liquefied natural gas (LNG) in December 2018. It is the first of 25 LNG ships on order industry-wide.
- When possible, CLIA Cruise Lines use electric shore power when in port – significantly reducing ship emissions. The Port of Montreal recently invested more than \$11 million dollars to install shore power capabilities for wintering vessels and cruise ships with an expected reduction of 2,800 tonnes of greenhouse gas emissions per year.

What other industries do on land, we must do at sea – a challenge that requires constant innovation.

- CLIA Cruise Lines use advanced water treatment systems and never discharge untreated sewage at sea – a policy which exceeds international maritime regulations.
- Cruise ships recycle 60 percent more waste per person than the average person does on land. In fact, CLIA Cruise Lines recycle 80,000 tons of paper, plastic, aluminum and glass each year.
- Many cruise lines conserve water by capturing condensation and recycling it for uses such as deck washing, machine operations and laundry. Water-reduction technology, including sink aerators, reduced-flow dishwashers and low-consumption laundry also help conserve water.

- 93% of the cruise industry has eliminated plastic straws or provides them only on demand.**
- Many CLIA Cruise Lines have made a commitment to reducing or eliminating single use plastics.
 - MSC Cruises replaced plastic straws with 100% compostable or biodegradable alternatives and has committed to replacing all single-use plastics with available alternatives by March 2019.
 - Silversea and Oceania produce water on board, eliminating the need for plastic water bottles.
 - Many CLIA Cruise Lines have moved away from single-use toiletries in staterooms.
- Waste cooking oil is typically strained to remove debris and then collected and brought ashore for recycling in the bio-diesel market where feasible.

No industry has a stronger interest in protecting the oceans we sail and the destinations we visit than the cruise industry. It is not simply our responsibility: operating sustainably is a business imperative.

To advance environmental sustainability, the global cruise industry has forged significant partnerships with global conservation groups and NGOs.

- Carnival Corporation has supported The Nature Conservancy's Mapping Ocean Wealth program since 2014. The program measures the benefits of ocean habitats, like coral reefs and mangroves, to local economies and promotes environmental conservation of these valuable resources.
- Seabourn's partnership with UNESCO promotes sustainable tourism at World Heritage sites. Seabourn provides guests with onboard educational talks by experts, offers guided tours of these sites, and coordinates financial support from the tours to UNESCO's World Heritage Fund.
- MSC Cruises has partnered with Marevivo, an Italian marine conservation association that works worldwide to advance sustainable development, biodiversity conservation and marine protected areas.
- Norwegian Cruise Line partnered with relief organization All Hands and Hearts to raise over \$2.5 million for hurricane recovery in the Caribbean,

supporting community relief efforts such as the rebuilding of pre and primary schools in Morne Prosper Village, Dominica.

- As part of their five-year partnership, Royal Caribbean Cruises Ltd. and the World Wildlife Fund are collaborating on campaigns to build greater passenger awareness about ocean conservation.
- CLIA is a member of United for Wildlife and the U.S. Wildlife Trafficking Alliance to help travelers recognize and avoid purchasing illegal wildlife products.

The cruise industry is committed to the health of the world's oceans, marine life, and marine environments.

CLIA Cruise Lines lead a range of efforts to sustain and improve ocean health, marine life, and marine environments.

- Norwegian Cruise Line is helping restore severely degraded coral reefs in the Great Stirrup Bay, Cayman Islands. Norwegian supports local efforts to grow reef fragments in nurseries which will help renew local reefs, and is working with researchers to collect crucial data and implement proven restoration techniques.
- In 2018, Silversea launched a partnership with ORCA, one of the UK's leading marine conservation charities. Silversea is assisting ORCA by helping them collect critical sightings data of whales, dolphins, and porpoises.
- Holland America Line teamed up with NOAA and the University of Alaska Southeast to offer guests a unique experience to view humpback whales and other wildlife aboard small research vessels. While guests gain an understanding of the local wildlife from guides, plankton samples, feeding patterns, and other data is collected and used to further the organizations' understanding of the species and habitat.
- Royal Caribbean, in partnership with WWF, conducted Fishery Improvement Projects in Peru and Ecuador, establishing better standards for mahi-mahi fishing in the region, and helping these communities achieve Marine Stewardship Council certification.

* In the U.S.

** By capacity for fleets with greater than 2,000 cabins.

Informal Cruise Ship Analysis

I used the data from McFarland Hill
from May 1 2015 through current

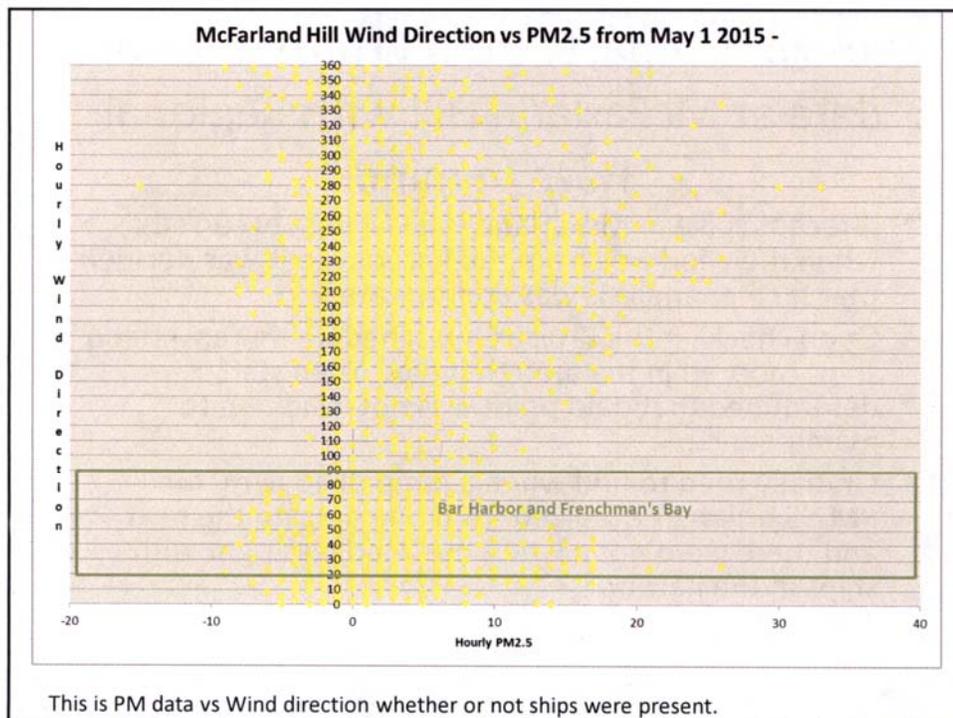
Current data through
9/20/2015
Martha Webster

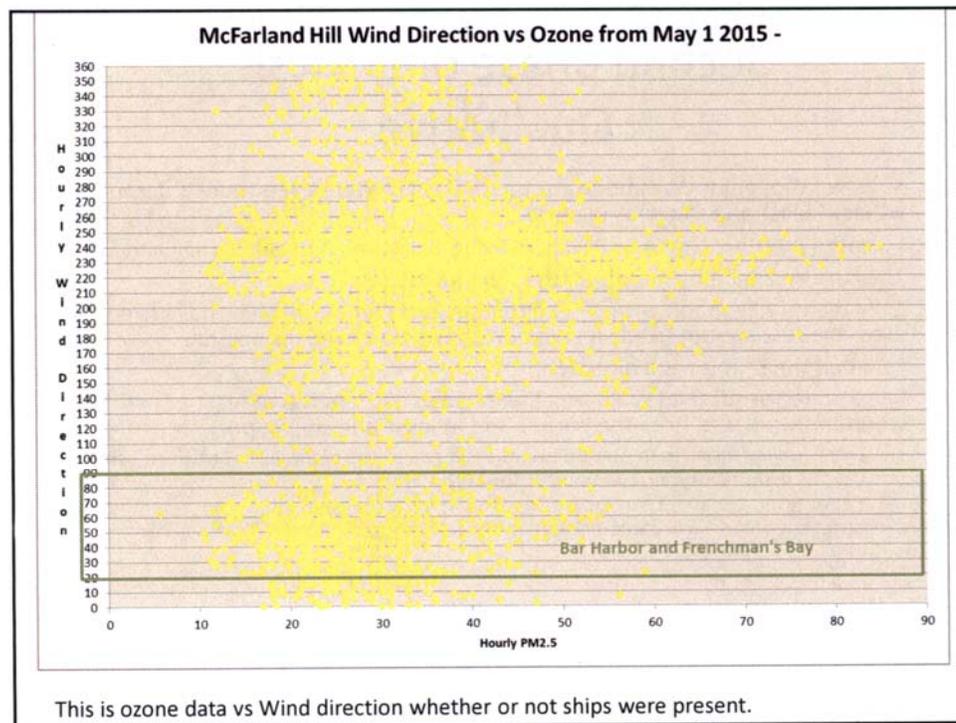
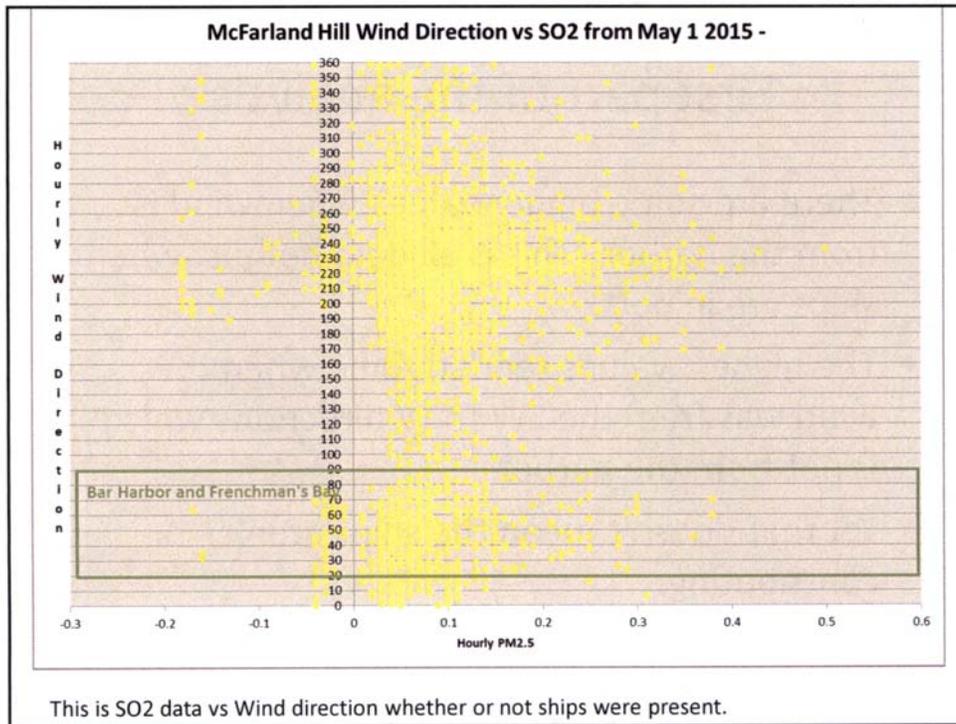
Possible impacts from Cruise ships on data at McFarland Hill with Regional Haze in mind

- A recent spike in McFarland Hill PM data occurred when the wind was from the harbor. So it was decided that further analysis was appropriate.
- Upon checking the Cruise Ship schedule there were no ships moored in the area that day. Then staff determined that data point was not valid due to maintenance.
- I initially tried to find when a jump of $15 \mu/m^3$ for PM2.5 or larger occurred from one hour to the next and there were none when the wind was right with ships in the harbor.

First Phase of Analysis

- So I began to figure out ways to see if there were more subtle influences by cruise ships on the PM2.5 and other data.
- In checking the map I assumed any wind between 20 and 90 degrees was from the mooring locations of the ships.
- I gathered the McFarland Hill data for most of the continuously monitored pollutants and compiled that with information from the Bar Harbor Cruise Ship schedule.
- D.D. mentioned that the larger ships might have more controls and/or be operated by more experienced staff so it might be the medium and smaller ships that contributed more.
- Tom mentioned doing a multi-year analysis but I wanted to just handle the current year and see what I found out before going further.





First part of the analysis

- There are some higher values when wind is from the harbor. This is all data not just when ships are in port.
- The highest values tended to be when the wind was from the SW to W directions which is not from the harbor.
- Yet that doesn't mean the ships aren't contributing.

Second phase of analysis, Qualitative

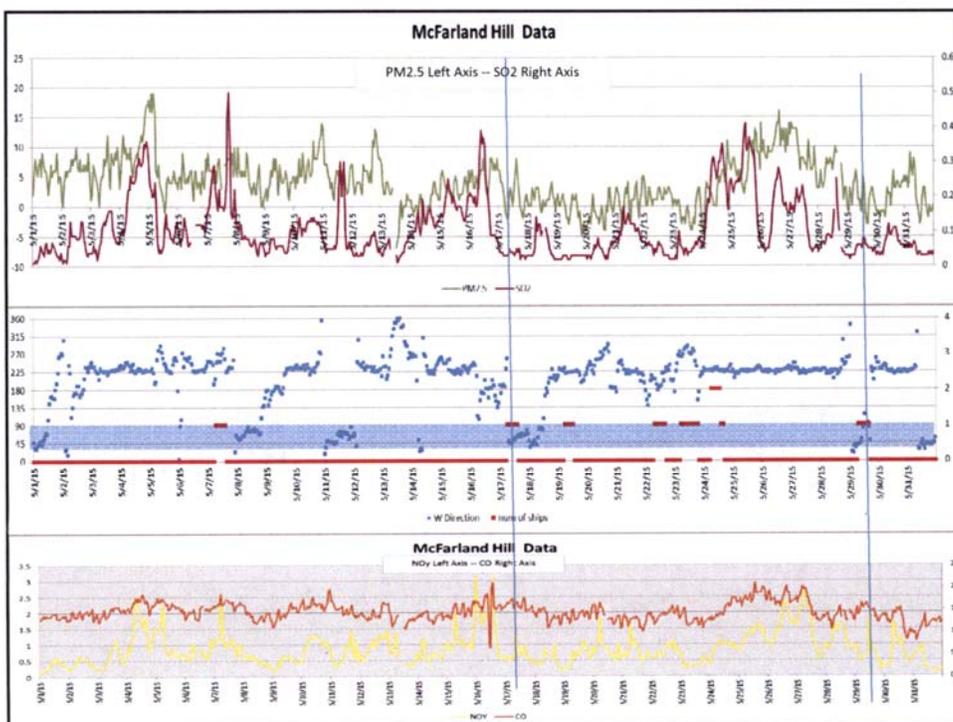
- So now I thought it was important to see if there were even small differences when at least one ship was in port.
- I created monthly charts of PM, SO₂, wind direction, # of ships, NO_y and CO.
- They are arranged by month on the next few slides.
- Only the middle graph with wind direction and number of ships have fixed max axes, the rest are not fixed so variation shows up as well as possible.
- I shaded the prime wind direction.
- I also added vertical lines where at least one pollutant has at least a small spike when the wind was from the harbor and at least one ship in port.
 - Occasionally more than one pollutant will peak at the same hour but most often other pollutants are not peaking at the same time.
 - Other times the wind is right and there is at least one ship in port yet the pollutants don't show any noticeable peaks.

Second Phase cont. and things to keep in mind while viewing the slides

- [According to the info on a harbor web site no more than 3 ships will be in port at a time yet I found two days when 4 ships were scheduled to be in port for at least few hours of overlap.]
- At first it was just the number of ships but when I noticed some 'repeat offenders' I went on to ID the ships in port for each time there was a jump or spike in any pollutant when winds were from the harbor.
- This information follows each monthly chart.

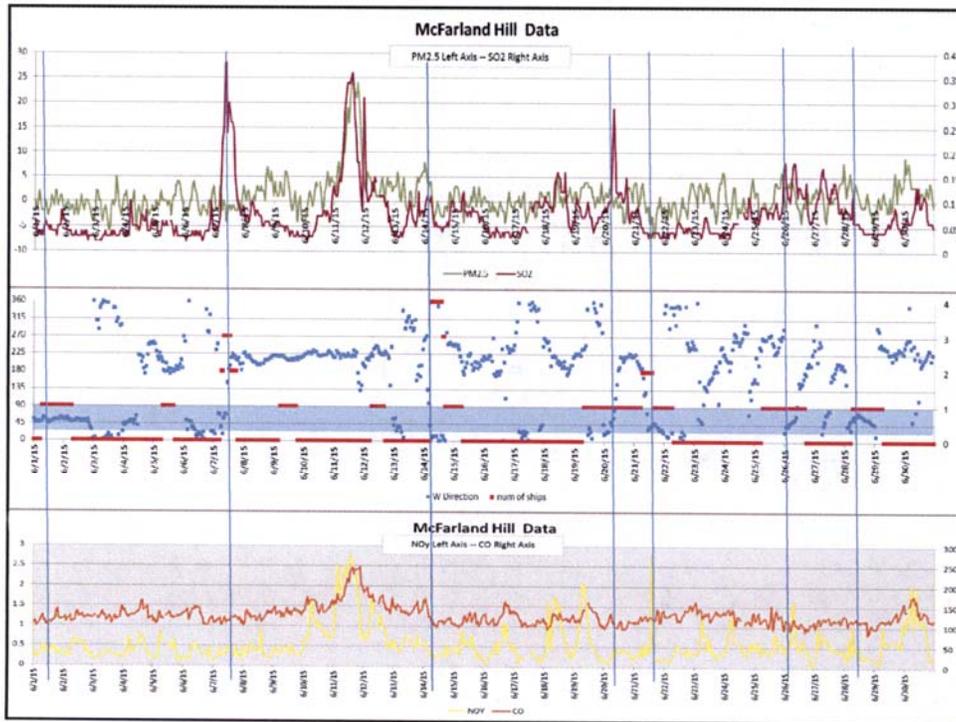
When viewing the slides:

- Over the next several slides SO2 and NOy had some larger and some smaller spikes when ships were in port and the wind was from the harbor.
- The smaller 'spikes' are within the normal variation. Are they really significant?
- PM2.5 showed less obvious influences.
- CO showed little to no influence from the harbor.



Summary of Second Phase slides

- May – small jumps on the 17th and 29th both times it was the Veendam in port.

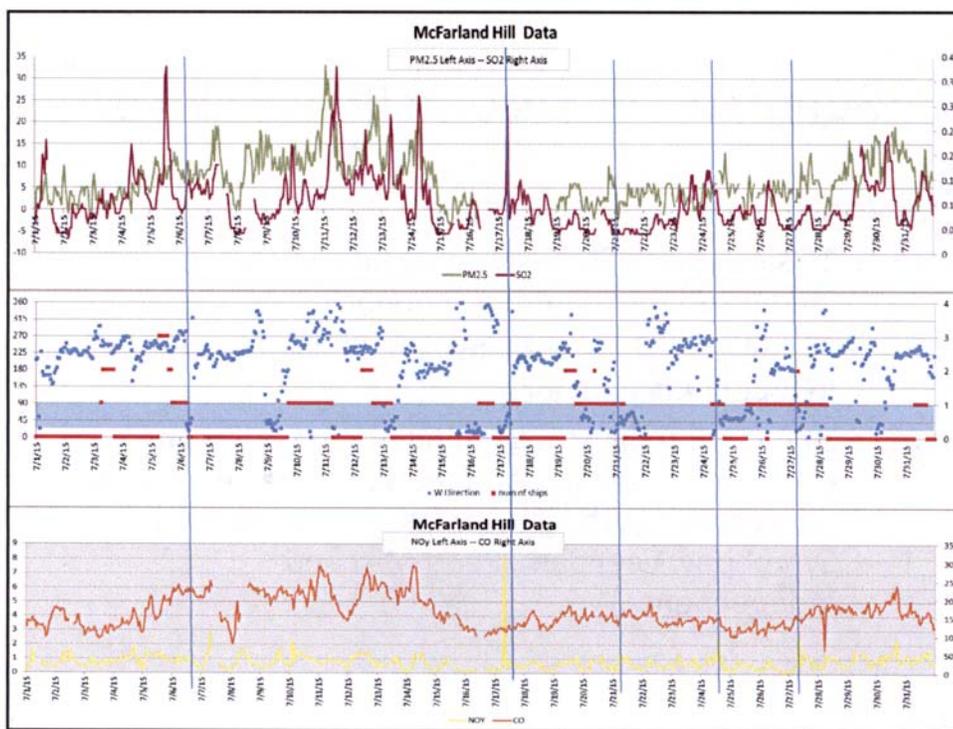


Summary of Second Phase slides

- June –
 - 1st small jump SO₂, NO_y may be somewhat influenced, Independence in port.
 - 7th larger SO₂ spike Maasdam, St. Laurent and Independence in port.
 - 14th small spike at beginning of port call then, even though winds continued from harbor, values dropped off with FOUR ships in port! (Crystal Symphony, Veendam, Pearl Mist and Independence)

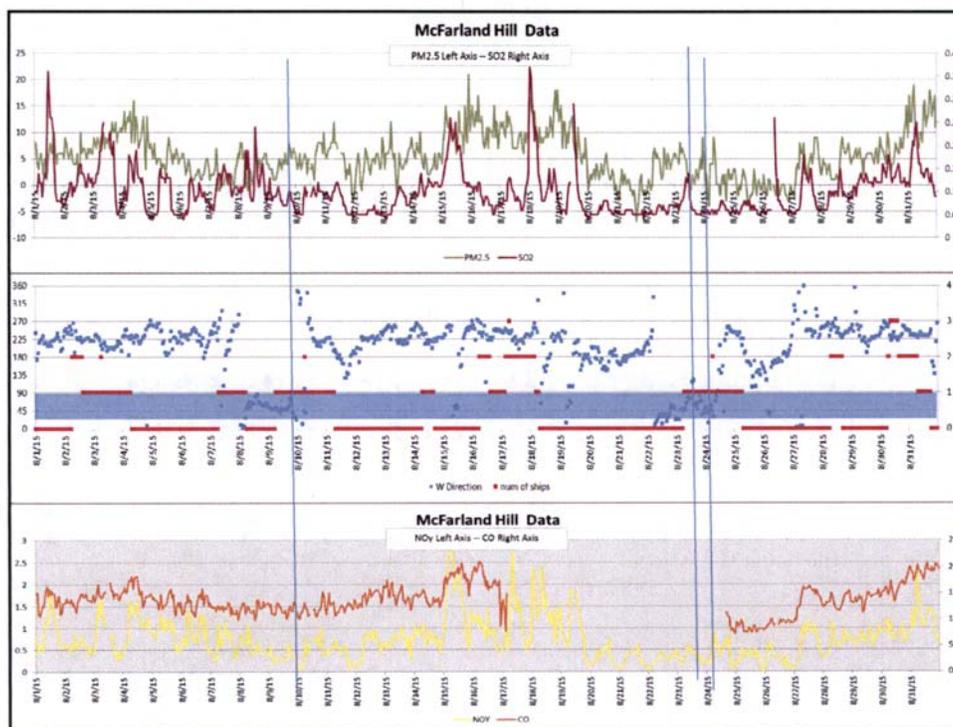
Summary of Second Phase slides cont.

- June
 - 20th SO₂ spike, American Glory in port
 - 21st large NO_y spike Maasdam and Independence in port.
 - 26th double SO₂ spike with NO_y spike, Veendam in port.
 - 28th small SO₂ spike with Independence in port.



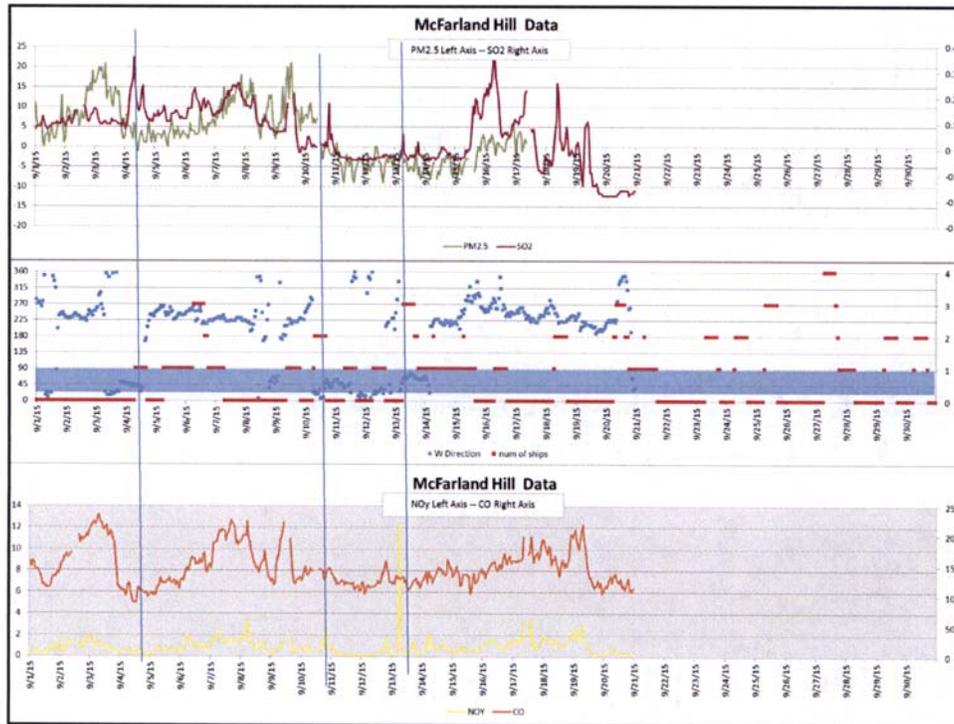
Summary of Second Phase slides cont.

- July
 - 6th small SO₂ and PM spikes with Independence leaving port.
 - 17th large SO₂ spike with Maasdam in port.
 - 21st small NO_y spike with American Glory in port. There were several other spikes of SO₂ and PM while AG in port but winds not from harbor.
 - 27th small NO_y spike with Independence and American Glory in port. SO₂ spike on the 28th with American Glory still in port.



Summary of Second Phase slides cont.

- August
 - 9th PM2.5 values slightly higher and SO2 spike while the Independence in port.
 - 23rd early 24th PM2.5, SO2 increases with only the Independence in port overnight but NOy spiked when the American Glory arrived.



Summary of Second Phase slides cont.

- September
 - 4th SO₂ spike with Veendam in port
 - 10th small NO_y spike with Summit and Seabourn Quest in port.
 - 13th small SO₂ spike with Liberty of the Seas, Maasdam and Independence in port.

Ship info

SHIP	LINE	AGENT	LENGTH	PASS.	CREW	# port calls 2015
American Glory	American Cruise Lines	ACL	161'	49	18	14
Grande Caribe	Blount Small Ship Adventures	Blount Small Ship Adventure	184'	96	17	4
Independence	American Cruise Lines	ACL	215'	100	25	18
Saint Laurent	Halmark Line	Chase, Leavitt & Co.	283'	204	90	3
Pearl Mist	Pearl Seas Cruises, LLC	Chase, Leavitt & Co.	325'	210	65	9
Seabourn Quest	Seabourn Cruises	Inter cruises	650'	450	335	5
Seven Seas Navigator	Prestige Cruises	Chase, Leavitt & Co.	560'	490	324	2
Insignia	Oceania Cruises	Chase, Leavitt & Co.	592'	684	400	1
Regatta	Prestige Cruises	Chase, Leavitt & Co.	594'	684	400	3
Albatros*	Phoenix Reisen Co.	Chase, Leavitt & Co.	583'	812	300	1
Crystal Symphony	Crystal Cruises	Chase, Leavitt & Co.	781'	940	545	5
Maasdam	Holland America	Inter cruises	718'	1258	602	24
Veendam	Holland America	Inter cruises	720'	1350	580	14
Grandeur of the Seas	Royal Caribbean	MLSBCC	916'	1950	760	4
Summit	Celebrity	MLSBCC	965'	2038	997	3
AIDAdiva	AIDA Cruises	Inter cruises	816'	2050	646	4
AIDA luna	AIDA Cruises	Inter cruises	819'	2050	646	1
Brilliance of the Seas	Royal Caribbean	MLSBCC	962'	2100	859	5
Norwegian Dawn	Norwegian Cruise Line	Inter cruises	965'	2224	1200	2
Norwegian Gem	Norwegian Cruise Line	Inter cruises	965'	2394	1101	3
Serenade of the Seas	Royal Caribbean	MLSBCC	962'	2500	859	4
Queen Mary 2	Cunard Line Ltd.	Chase, Leavitt & Co.	1132'	2600	1253	1
Caribbean Princess	Princess Cruises	Chase, Leavitt & Co.	950'	3110	1142	2
Regal Princess	Princess Cruises	Chase, Leavitt & Co.	1079'	3600	2000	4
Liberty of the Seas	Royal Caribbean	MLSBCC	1112'	3634	1360	4

Ships listed from fewest # passengers to largest. Yellow highlights for ships that were in port for more than one 'spike'.

Second Phase Review

- Of the ships in port when at least small spikes occurred, four were 'frequent flyers'.
- The frequent flyer ships were not the largest ships.
- The frequent flyer ships also visited port often, so are they 'dirty' or just unlucky?
- There were only 4 'larger' SO₂ spikes and one 'larger' NO_y spike when ships could have contributed.
- Most of the time the pollutant change was minor and within normal variation from other wind directions.
- Important note: this is just cruise ship data. There are a lot of small boats that frequent the harbor and moor there. I don't know if there is any way to determine their influence.

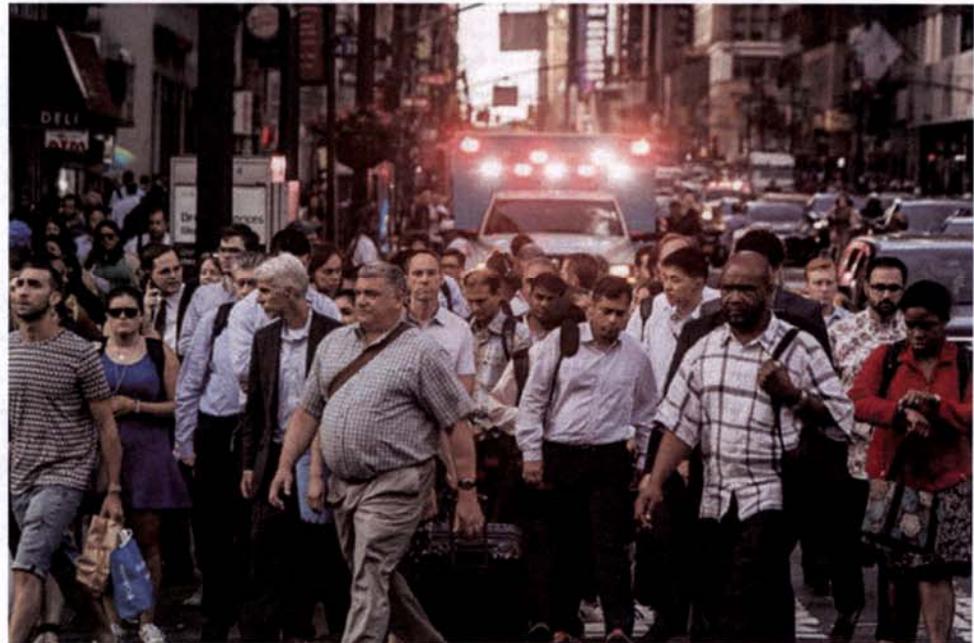
My thoughts at this point

- With so few 'events' attributable to ships is this analysis complete?
- Or, since there are small jumps at times when ships are in port is it worth quantitatively reviewing those changes?
- Yet, if we do attempt quantitative analysis we would also need to somehow keep the perspective that the same degree of changes occur when the wind is from other directions as well which would be sources more remote from the monitor than the harbor.
- My concern is we could be putting more emphasis on ships visiting the port than is justified in the grand scheme of things.

Effects of Cruise Ships on Sidewalk Pedestrian Traffic in Bar Harbor

This is NOT Bar Harbor...
it's New York!

Todd Gabe
Bar Harbor Cruise Ship Committee
December 10, 2019



Source: New York Times

Think about the last “big event” you attended



Source: Daily Free Press



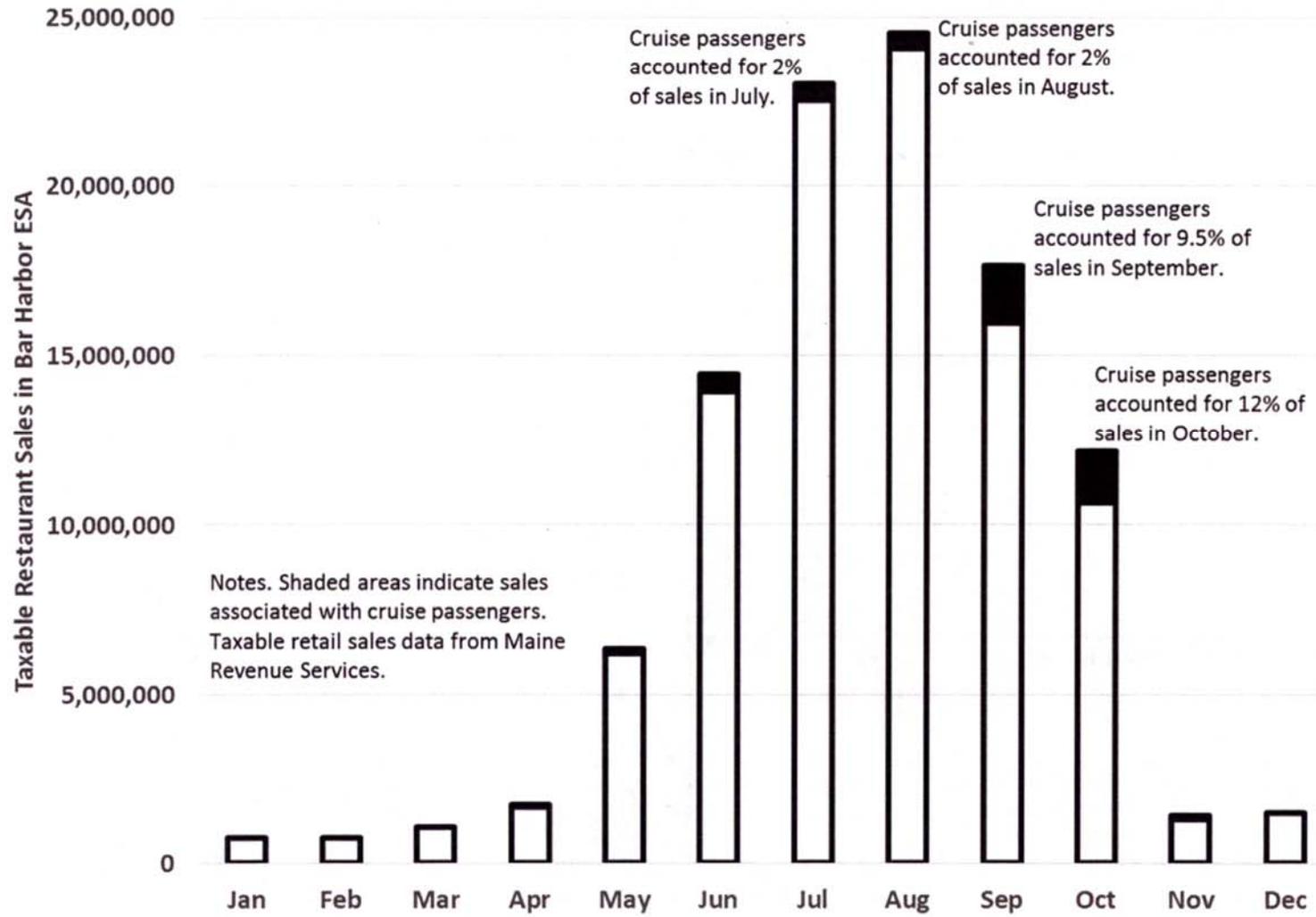
Source: Associated Press

Cruise passengers in Bar Harbor

- About 180 ships in 2018, with about 250,000 passengers
- Over 60 percent of passengers in September and October
- Daily cap of 3,500 passengers in July and August
- “Demonstration project” of 4,180 passengers on August 27, 2018



Figure 1. Cruise Passengers and Bar Harbor Restaurant Sales, 2018



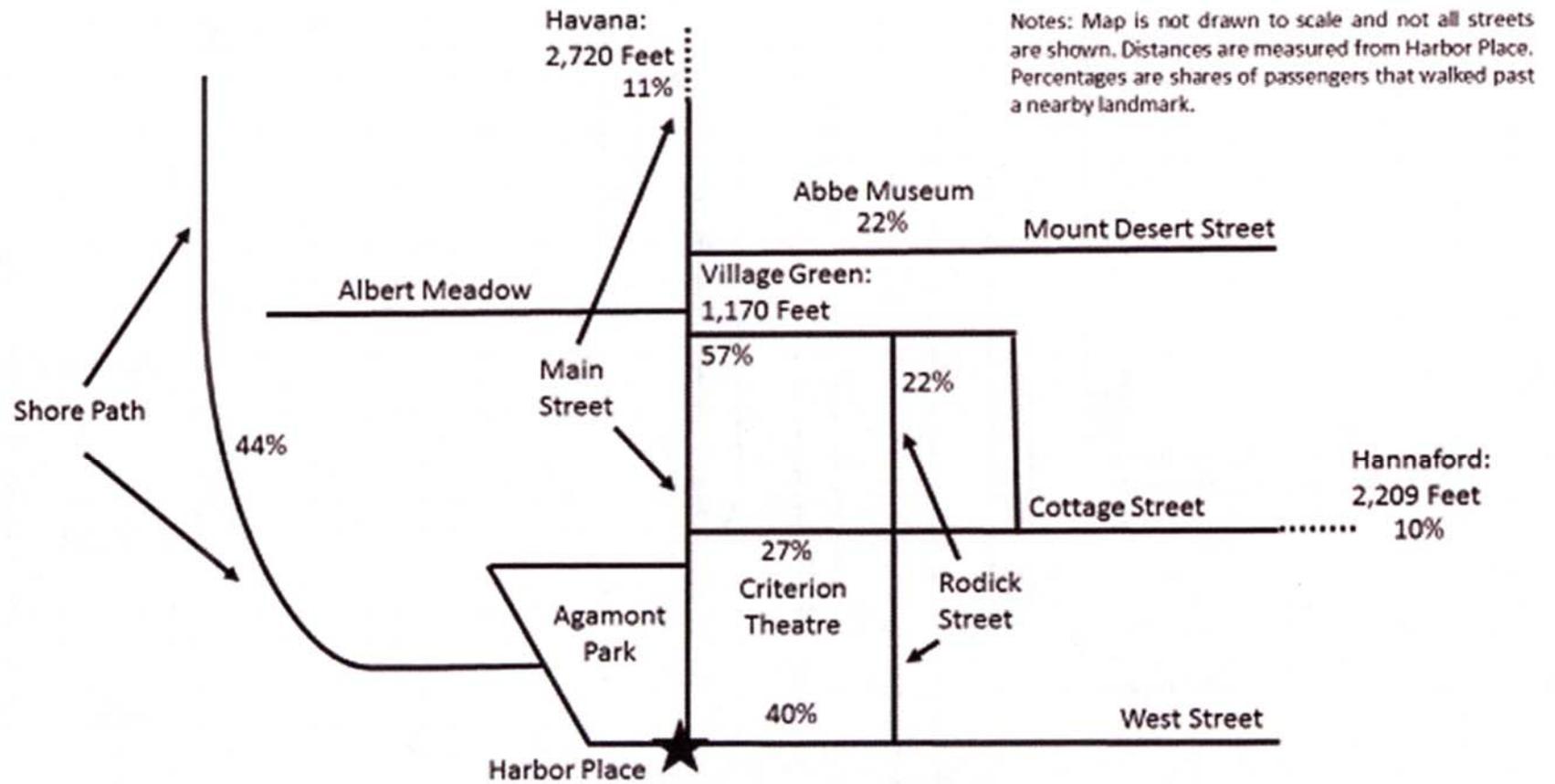
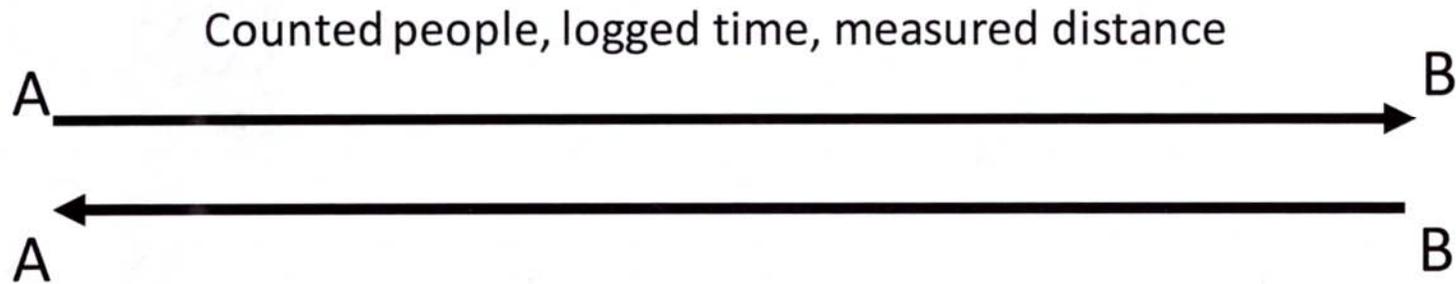


Figure 2. Bar Harbor Landmarks that Passengers "Walked Past" while in Port

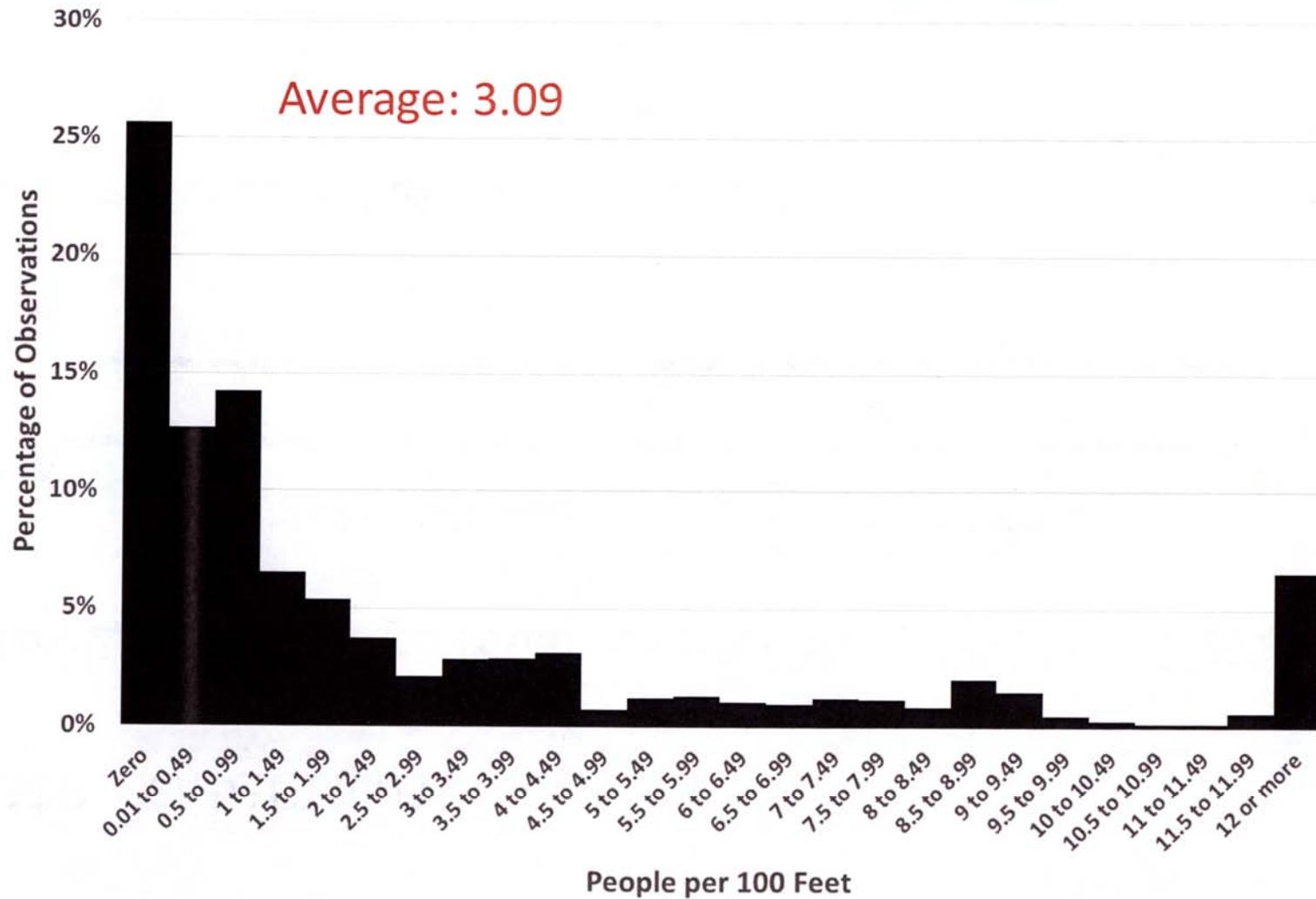
Data collection

- Over 2,000 pedestrian counts on sidewalks, 7/2017 to 12/2018.



- Average speed of 4.88 feet per second

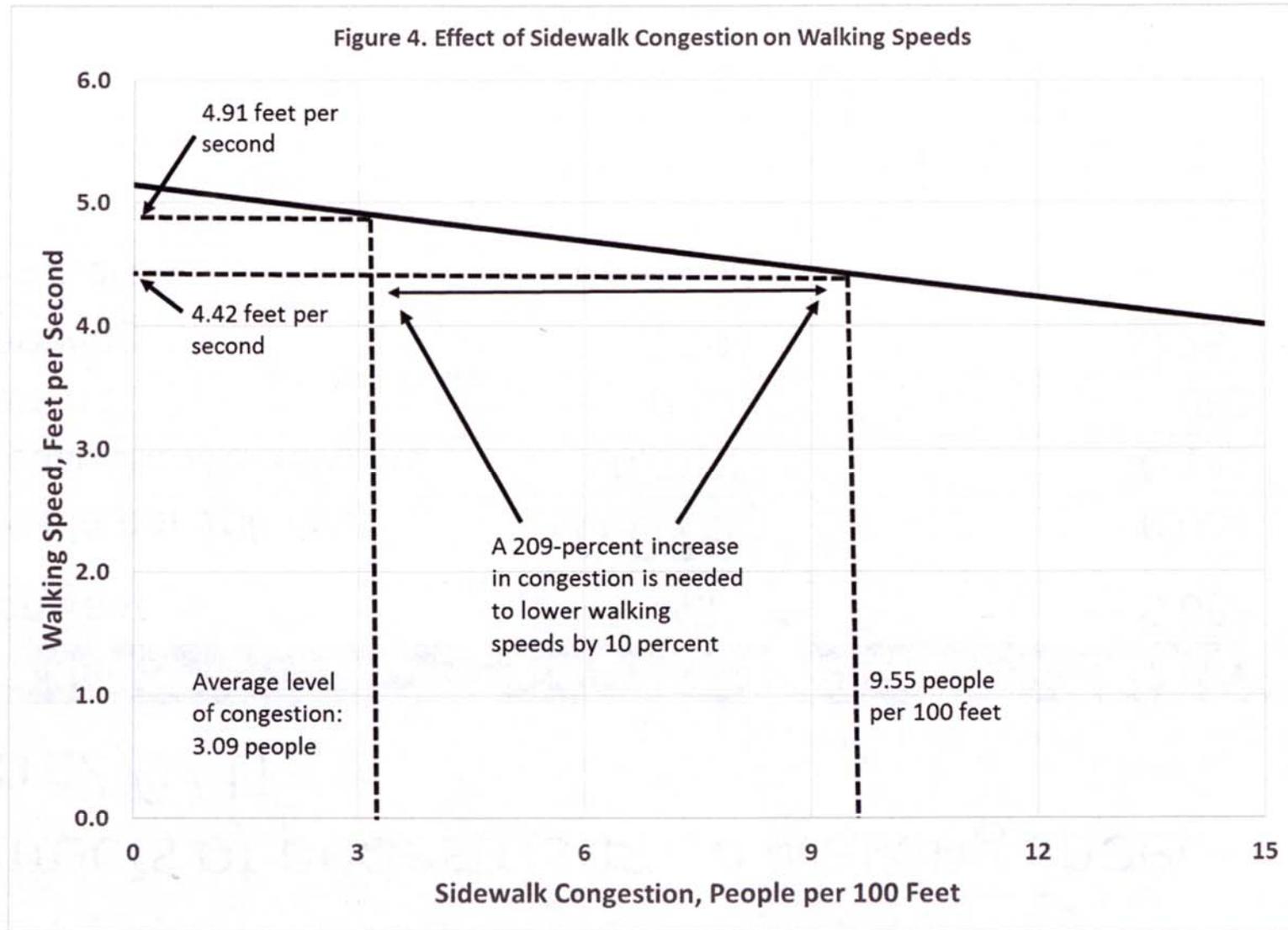
Figure 3. Pedestrians Counted per 100 Feet of Bar Harbor Sidewalks



Effects of pedestrians on walking speeds (n=2,031)

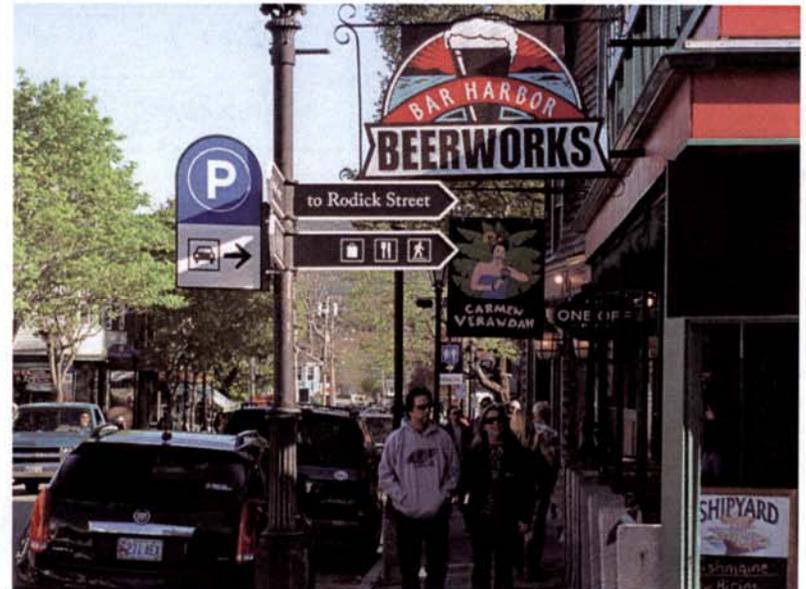
Variable	Estimated Coefficient	Standard Error
Constant	5.145***	0.038
People per 100 Feet	-0.076***	0.004
Treacherous Sidewalks	-0.610***	0.143
Raining	-0.122	0.082
Snowing	0.104	0.253
R-squared	0.280	

Figure 4. Effect of Sidewalk Congestion on Walking Speeds



Effects of passengers on sidewalk pedestrian traffic

- Dependent variable: People per 100 feet
- Explanatory variables: Time of day, street, number of cruise passengers in port, distance from Harbor Place, passengers x distance, day-specific dummy variables (66 different days)



Effects of passengers on sidewalk pedestrian traffic (n=2,031)

	Model 1	Model 2	Model 3	Model 4
Passengers, 100s	0.087***	0.178***	0.079**	0.165***
	(0.006)	(0.015)	(0.033)	(0.035)
Passengers x Dist	NA	-0.00008***	NA	-0.00008***
		(0.00001)		(0.00001)
Day Dummies	No	No	Yes	Yes
R-squared	0.466	0.494	0.662	0.694

Effect equals "zero" at about 2,000 feet from Harbor Place... e.g., near McKay's (on Main Street)

Effects of passengers on sidewalk pedestrian traffic

- 100 additional passengers increases sidewalk traffic by 0.09 people per 100 feet across entire tourism district (model 1)

- Impacts are 0.14, 0.12, 0.08 and 0.04 at 250, 500, 1,000 and 1,500 feet from Harbor Place (model 4)
- | | | |
|--|---------|---------------|
| | Testa's | CherrySTONES |
| | Geddy's | Stone
Soup |

Effects of passengers on walking speeds (n=2,031)

	Model 1	Model 2	Model 3	Model 4
Passengers, 100s	-0.004	-0.014***	-0.003	-0.013**
	(0.002)	(0.003)	(0.006)	(0.006)
Passengers x Dist	NA	0.00001***	NA	0.00001***
		(0.000002)		(0.000002)
Day Dummies	No	No	Yes	Yes
R-squared	0.123	0.133	0.280	0.290

Effect equals "zero" at about 1,400 feet from Harbor Place... e.g., near Window Panes (on Main Street)

Demonstration project

- Daily cap of 3,500 passengers in July and August
- August 27, 2018
- Anthem of the Seas
- 4,180 passengers

Figure 5. Walking Speeds at 250 Feet from Harbor Place on August 27, 2018

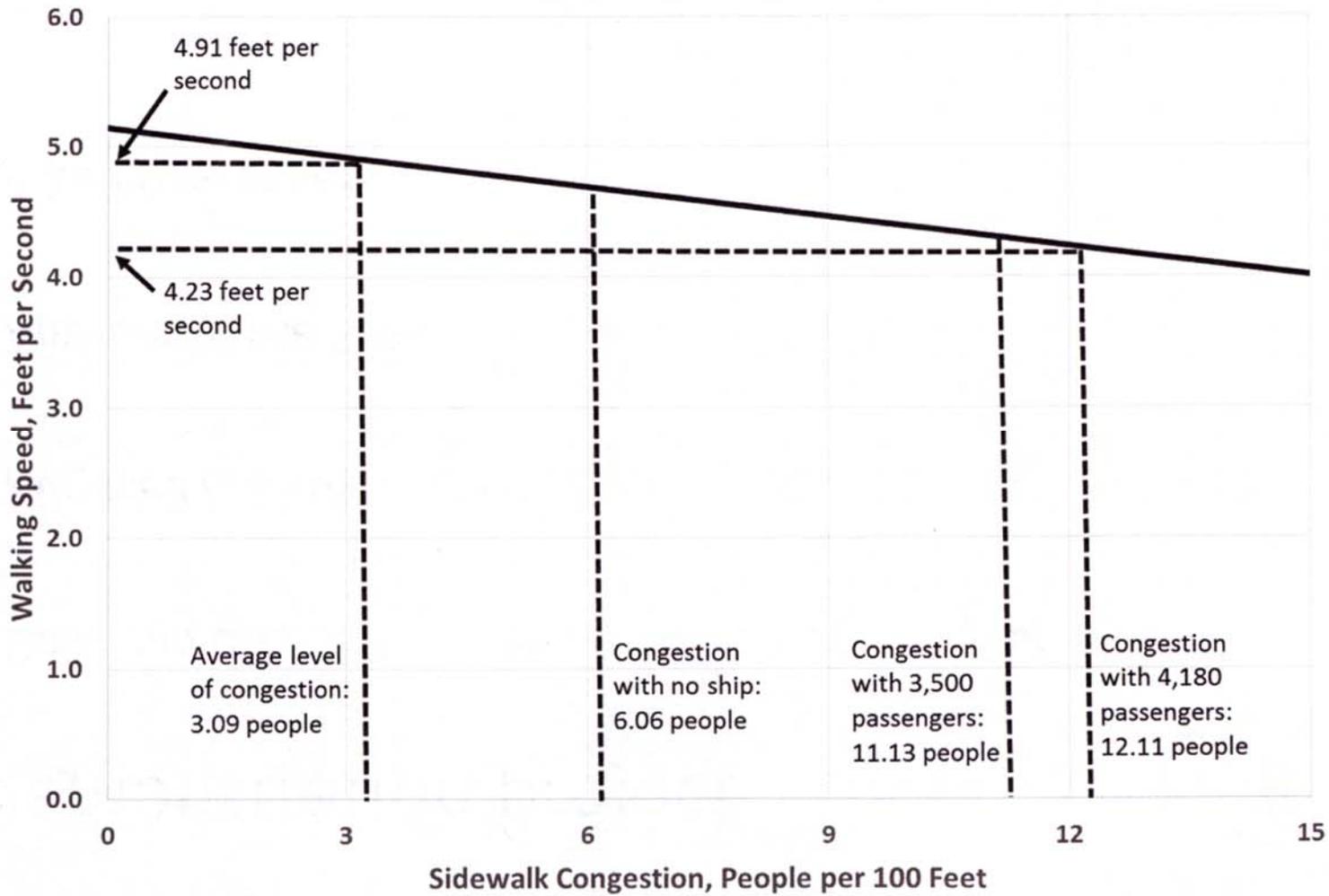
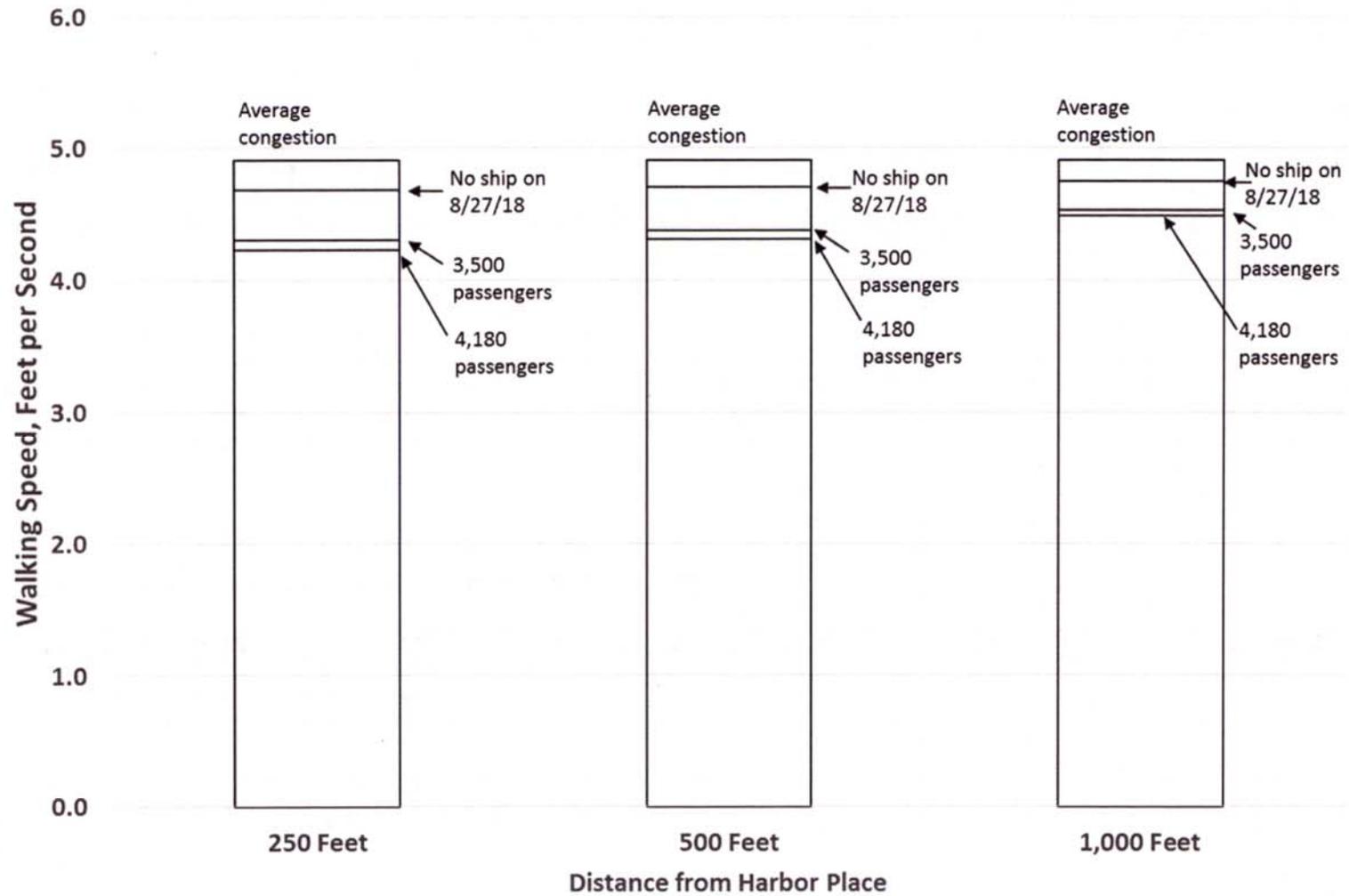


Figure 6. Effects of Cruise Ships on Walking Speeds: August 27, 2018



Time to walk 100 feet...

- At average level of sidewalk congestion, it takes 20.4 seconds to walk 100 feet (at 4.91 feet per second)
- With no ship on 8/27/18, it takes 22.0 seconds to walk 100 feet (from Harbor Place up Main Street)—about 8 percent longer
- With 4,180 passengers on 8/27/18, it takes 24.8 seconds to walk 100 feet (from Harbor Place up Main Street)—about 22 percent longer

Conclusions

- Sidewalk congestion, in general, decreases walking speeds
- Cruise passengers increase sidewalk congestion, but effect depends on location relative to where passengers enter port
- Effects of passengers on walking speeds decrease at greater distances from Harbor Place

Extensions

- Conduct experiments about preferences for sidewalk congestion. Shop and restaurant owners may like seeing people on sidewalks? Residents and visitors may or may not like seeing people on sidewalks?
- While logging pedestrian counts, I counted parked cars around Bar Harbor... Bar Harbor installed parking meters in summer 2019!

Rules of Order

Bar Harbor Town Council

Parliamentary Authority

The rules contained herein shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the Statutes, the Town Charter or any special rules of order which the Council may adopt.

Special Rules of Order

~ Rules shown in italics are mandated by the Town Charter ~

1. Meetings

- A. ***Rules and Journal.*** *The Council shall annually determine its own rules and order of business and shall provide for keeping a record of its proceedings, which shall be kept for public record.*
- B. ***Meetings.*** *The Council shall meet regularly at least once in every month at such time and place as the Council may prescribe by rule.*
- C. **Regular Meetings.** Regular Meetings shall be held on the first and third Tuesdays of each month at 7:00 PM in the Municipal Building, except that by vote of the Council one regular meeting may be omitted in any month, and the time and place of meetings may be changed. Public notice of any such change shall be given as far in advance as is practicable.
- D. **Special Meetings.** *Special meetings may be held on the call of the Council Chairman, Town Manager or three or more members. To the extent practicable Council members shall be consulted as to a convenient time.*
- E. **Policies.** Council will review all policies at the first full agenda meeting each fiscal year, typically the 2nd meeting in June.

2. Order of Business.

At regular meetings the following shall be the normal order of business:

- I. Call to Order
- II. Committee Appointments
- III. Public Comment Period
- IV. Approval of Minutes
- V. Adoption of Agenda
- VI. Financial Reports
- VII. Public Hearings
- VIII. Regular Business
- IX. Town Manager's Comments

DRAFT

- X. Council Comments and Suggestions for Future Agendas
- XI. Matters for Possible Executive Session
- XII. Adjournment

3. Agenda

- A. **Preparation.** The agenda for regular meetings shall be prepared by the Town Manager in consultation with the Chair.
- B. **Distribution.** Copies of the Agenda shall, if possible, be distributed to members not less than three days before the meeting and shall at the same time be delivered for posting on the bulletin board in the Municipal Building, and shall at the same time be e-mailed to others who have requested such copies in writing.
- C. **Deadline.** Items for inclusion on the agenda shall be given to the Town Manager not later than 5:00 p.m. on the Wednesday preceding a Tuesday Council Meeting or, if the meeting is on another day, at a corresponding time. Thereafter no items may be added; except that by the affirmative vote of a majority of the members present, the Council may add items where:
 - (1) Significant inconvenience may result if the matter is postponed or
 - (2) The routine nature of the request is expected to be of little public interest.
- D. **Amendment.** Upon the vote of a majority of members at any point in the meeting, Council may change the order of business.

4. Procedure. All meetings shall be conducted in accordance with the latest version of Robert's Rules of Order, except as modified or clarified in the following respects:

- A. **Quorum.** *Four members of the Council shall constitute a quorum for purposes of conducting an official meeting and transacting municipal business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council.*
- B. **Majority.** *Except as otherwise provided in the Charter, the required majority to effectuate the passage, adoption or enactment of an item shall be a simple majority of a quorum.*
- C. **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.
- D. **Public Hearings** – The following guidelines will be read prior to opening a public hearing.

The Town Council strives to give everyone an equal opportunity to be heard, therefore:

DRAFT

- (1.) During public comment you are allowed three minutes to speak with a two minute follow up after everyone has spoken once, and if time allows. An exception is: if Council has a question for the speaker, their response is excluded in this time limit.
- (2.) A countdown device is visible to those making comment so that speakers will be aware of time and will not be interrupted during their presentation with warnings.

Upon being recognized to speak:

- (1.) Step up to the microphone and state your name and address.
- (2.) Please be brief and to the point.
- (3.) Be respectful.
- (4.) That includes not applauding or other audible reaction to speakers.
- (5.) Please refrain from side conversations and other distractions.
- (6.) Remember that a public hearing is a chance to comment on an item and not a forum for debate or questions and answers.

- E. **Informal discussion** of a subject is permitted even while no motion is pending.
- F. **Chair Votes.** The Chair shall have all the rights and duties as to voting as any other member, may make motions, and may speak in discussion without leaving the chair.
- G. **Limiting Debate.** There is no limit to the number of times a member may speak on any question, except when action has been taken to limit or close debate.
- H. **Tied Votes.** In the event of a tied vote, the motion fails to pass. Accordingly, a motion to reconsider is not required prior to the making of a subsequent motion.
- I. **Executive Sessions.** The Maine Freedom of Access Law, 1 MRSA 405, states that “Executive sessions may be called only by a public, recorded vote of 3/5 of the members present and voting. . . . A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business.” Accordingly, the following chart shall apply:

Members Present & Voting	3/5	Affirmative Votes Required
7	4.2	5
6	3.6	4
5	3.0	3
4	2.4	3

- J. **Vote Required.** *Each Councilor in attendance shall vote on all issues and questions presented for vote except when a valid conflict of interest clearly exists. If any Councilor does abstain from a vote other than because of a recognized conflict of interest, they shall be considered to have cast a vote with the majority and the record shall so show.*
- K. **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 bylaws may be amended by an affirmative vote of five Councilors.

5. Boards, Committees and Commissions

- A. **Advertisement.** Before the Council shall fill a vacancy in any Board, Committee, or Commission of the Town, notice shall be given by publication in a newspaper of general circulation in the community, inviting applications or recommendations. Such applications should include information as to the interests and qualifications of the person concerned. The Town Clerk shall see that the Chair of the agency is notified, and opportunity shall be given for recommendation from the agency or from its members.
- B. **Alternate Appointment Procedures.** In making appointments, one of the two voting methods described below shall be used: the "simple voting method" or the "ballot voting method". As required by the state Right to Know Law, each Councilor's vote shall be publicly announced.
- (1) **Simple Voting Method.** When the Council proceeds to the appointment, the Chair shall entertain nominations. Each Councilor shall be entitled to nominate one candidate for each open seat. No nomination requires a second. After all Councilors have had the opportunity to make a nomination, the Chair shall close the floor to nominations, recite the names of the ~~first named~~ candidate(s) and ask for a vote of those in favor of ~~this~~the candidate(s). Immediately thereafter, the Chair shall repeat the process for each ~~candidate~~board/committee. No Councilor may vote for more than one candidate for each open seat. The Chair shall declare appointed the candidate(s) receiving a majority of the votes. If no candidate receives a majority [*see definition of a majority*], a runoff election shall be held for the candidates having received the two highest numbers of votes.
- (2) **Ballot Voting Method.** In the event of the annual June appointments and upon the request of any Councilor to the Town Manager prior to the agenda deadline, the ballot method of voting shall be used.
- (a) Prior to the Town Council meeting, the Town Clerk shall prepare a ballot for each open seat which shows:
- [1] the name of the agency,
 - [2] the term of the appointment,

DRAFT

[3] In alphabetical order down the left side of the page, the names of the candidates who have submitted written applications by the agenda deadline,

[4] In columns across the page, the names of each of the Councilors.

- (b) When the Council proceeds to the appointment, the Town Manager shall display the ballot for each open position on a projection screen to make them visible to the public.
- (c) The Chair shall call the name of each Councilor, who shall then name the candidate of their choice. No Councilor may vote for more than one candidate.
- (d) The Manager shall mark the ballot and display each Councilor's vote on the projection screen.
- (e) The Chair shall declare appointed the candidate receiving a majority of the votes.
- (f) If no candidate receives a majority [*see definition of a majority*], a runoff election shall be held for the candidates having received the two highest numbers of votes.

6. Manager Communications to Councilors.

- A. **General Rule.** As time and workloads permit, the Town Manager shall endeavor to provide all Councilors with the same information at the reasonably same time.
- B. **Meeting Background.** The Friday prior to each Council meeting, the Town Manager shall prepare a packet of background materials designed to give Councilors a clear, yet concise, understanding of the issues surrounding the decisions to be made at the meeting. A packet of identical background materials shall be delivered by Town personnel to each Councilor's home. If no one is at home, the packet shall be left at a location previously designated by the Councilor.
- C. **Last Minute Information.** If it comes to the attention of the Manager that an agenda item will be added after the packet has been distributed and additional background material is to be provided for the meeting, those materials suitable for distribution by email shall be e-mailed to all those Councilors who use email, as well as to Town staff and news media as appropriate. In addition, photocopies of all emailed background materials shall be set on the Council table at least one half hour prior to the Council meeting. This rule shall not preclude distribution of background materials to non-email-using Councilors as time and workloads permit.

DRAFT

LEGISLATIVE HISTORY

- 12-16-86 – Original "Rules of Order" adopted
 - 2-3-87 – Amendment regarding appointments to committees
 - 7-7-87 – Amendment regarding posting of agendas
 - 8-4-87 – Amendment regarding "Order of Business"
 - 5-18-04 – Amendment adding Ethics Enforcement (to take effect on effective date of Ethics Ordinance)
 - 6-21-05 – General update, specifically including appointments and adding Charter requirements
 - 10-2-07 – Amendment to delete Ethics Enforcement which conflicts with new Ethics Ordinance
 - 1-29-08 – Amendment to formalize communications policy of staff to Council
 - 2-12-08 – Amendment to adopt Roberts Rules of Order
 - 3-18-08 – Amendment to clarify several procedural matters
 - 6-19-12 – Amendment to add a Public Comment Period as a standing agenda item
 - 8-6-13 – Amendment to streamline the committee appointment process for volunteers
 - 5-20-14 – Amendment to streamline distribution of agendas.
 - 7-1-14 -- Amendment adding Town Manager's Comments as a standing agenda item
 - 4-7-15 – Amendment adding Public Comment and Public Hearing procedures; and updated Rules and Journal
 - 2-5-19 – Amendment to 3C deadline, 4D countdown clock and remove H. Motion to Lay on the Table
 - 2-4-20 – Amendment to add 1E and change 5B(1).
-

VI C

memo

Town of Bar Harbor

To: Town Council
From: Sharon Linscott, Town Clerk
CC: Cornell Knight, Town Manager
Date: 1/28/2020
Re: Clarification re: Combined Middle School Straw Poll

On December 3, 2019 Council moved "to add a straw poll question for a consolidated middle school to the June 2020 town meeting warrant." Since I have never done a straw poll I consulted MMA Legal. Attached is the reply from MMA Legal with their recommendations. MMA Legal recommends we do not include the portion that tells voters what a yes or no vote will do. Dr. Marc Gousse wants that wording included. I need direction from the Town Council on whether you want that section included in the warrant and on the ballot or not.

Thank You.

Sharon Linscott

From: Legal Services Department <legal@memun.org>
Sent: Friday, December 6, 2019 2:02 PM
To: slinscott@barharbormaine.gov
Subject: RE: Bar Harbor - How to put a straw poll on town ballot

Follow Up Flag: Follow up
Flag Status: Flagged

Sharon,

Straw polls are neither specifically authorized nor prohibited by state law. Because such advisory votes are not governed by law, no particular procedures are legally required. A straw poll must be on the warrant in order to be held at a Town Meeting, however. The warrant article should specify that the poll is a non-binding, advisory vote, for example:

To gauge the Town's interest, as an advisory vote, in having the School Board continuing planning efforts for a combined, district-wide middle school.

I would not include the subsequent "note" telling voters what a yes or no vote will do, because it gives the impression that the result of the vote will carry more weight than it actually does.

I would also add that, while counting the ballots on the night of Election Day is not legally required for an advisory vote, we recommend it nevertheless. If the advisory vote/straw poll is not subject to the same procedures as a regular election, then the results are more easily called into question.

Please do not hesitate to call or email if you have additional questions.

Sincerely,

Michael Lichtenstein, Staff Attorney
Legal Services Department

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
1-800-452-8786 (in-state)
207-623-8428
FAX 207-624-0187
legal@memun.org

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

From: Sharon Linscott [<mailto:slinscott@barharbormaine.gov>]
Sent: Friday, December 6, 2019 10:40 AM
To: Legal Services Department <legal@memun.org>
Subject: Bar Harbor - How to put a straw poll on town ballot

Hello,

Our municipal officers just approved putting the following straw poll on our town ballot for June 9, 2020:

Are you in favor of the School Board continuing planning efforts for a combined, district-wide middle school?

NOTE:

A "Yes" vote will tell the local school board to continue their planning efforts, including, but not limited to, developing conceptual drawings, cost estimates, potential locations, and a future referendum question.

A "No" vote will tell local school boards to cease planning efforts for a combined, district-wide middle school.

Yes No

I have not put a straw poll on a ballot yet and I was wondering if there are any rules/guidelines I need to follow. Any help you can provide is greatly appreciated.

Sincerely,

Sharon Linscott
Town Clerk
Town of Bar Harbor
93 Cottage St
Bar Harbor, ME 04609
207-288-4098

A. Consolidated Middle School – *Update by Superintendent Marc Gousse and possible motion for a straw poll.* Marie Yarborough from the School Committee gave an overview and answered Council questions. School Committee Chair Kristi Losquadro also participated. The committee uses the word “combined” instead of “consolidated”. Ms. Losquadro requested Council add working with the school board to their goals. Following discussion, Mr. Friedmann, with second by Mr. Hochman, moved to add a straw poll question for a consolidated middle school to the June 2020 town meeting warrant. Motion passed 7-0.

B. Bar Harbor Chamber of Commerce – *Request and possible motion to form a task force to plan for transportation changes in ANP.* Mr. Coston announced he is now on the Chamber board and Mr. Dobbs announced he is on the Chamber’s marketing committee.

Ms. Cough, with second by Mr. Hochman, moved to recuse Councilor Coston for his special interest in regards to being a board member for the Chamber of Commerce. Motion passed 6-0-1 (Recused: Coston).

Mr. Hochman, with second by Ms. Cough, moved to recuse Councilor Dobbs for a possible appearance of conflict of interest. Motion failed 0-5-2 (Recused: Coston, Abstained: Dobbs).

Chamber Director Alf Anderson provided an introduction. Following discussion, Mr. Friedmann, with second by Mr. Hochman, moved that the Council thanks the Chamber and the Business Round Table for their letter and is willing to appoint a representative to a task force for this purpose should the Chamber wish to form it. Motion passed 6-0-1 (Recused: Coston).

C. Police Department – *Possible motion to negotiate with a contractor for renovations.* Architect Geoff Fraser summarized the process to date and the scope of work. Mr. Fraser, along with Chief Willis, answered Council questions. Mr. Hochman, with second by Mr. Friedmann, moved to authorize the architect to negotiate with a general contractor to complete the renovation project at the Police Station. Motion passed 6-1 (Nay: Cough).

D. Ethics Ordinance – *Request to amend recusal section.* Residents Basil Eleftheriou, Jr. and Rob Jordan expressed concerns with the conflict/recusal and training sections respectively. Discussion followed. Regarding conflict/recusal, Mr. Coston, with second by Mr. Hochman, moved to request that the Town Manager ask the Town Attorney to review our ethics ordinance as it pertains to personal financial interests, special interests, abutters’ notices, and board/committee membership. Motion passed 7-0. Regarding training, Mr. Coston moved to ask the Town Attorney to provide an opinion on the appropriateness of the ethics training requirements. Motion died for lack of second. Nina St. Germain commented. No action taken.

E. Council Goals for FY20-FY25 – *Review and possible motion to approve as presented (amended).* Mr. Coston expressed concerns with the wording of Strategy 2d. Mr. Coston, with second by Ms. Cough, moved to change the wording to “Convene stakeholders, including local business leaders, relevant committees and task forces, and residents to ensure the maintenance of a growing and sustainable tourism industry”. Motion failed 2-5 (Nay: Dobbs, Friedmann, Minutolo, Goldthwait, Cough). Ms. Goldthwait, with second by Mr. Hochman, moved to

VIA

Cornell Knight

From: Dr. Marc Edward Gousse <marc.gousse@mdirss.org>
Sent: Wednesday, November 20, 2019 4:36 PM
To: Kristi Losquadro; Cornell Knight; Todd Graham; Durlin Lunt; John Bench; Justin VanDongen; Heidi Lawson; Christopher Saunders; Christina Shuey; Chris Hodgkins; Jennifer Bonilla; Carol Walsh; Amy Palmer; James Fortune; Cc: Denise McCormick; Tammy Tripler
Cc: Marie Yarborough; Ingrid Kachmar; Lilea Simis; Gary Burr; Huyen Tran & John Izenour; Teresa King-LeClair; Jessica Stewart; heather jones; MDIRSS AOS 91 Board; Dr. Marc Edward Gousse; Selena Dunbar; MDIRSS ATEAM
Subject: Consolidated MDIRSS Middle School presentation and request

Good Afternoon,

Please allow this email to serve as a follow up to the topic of considering a consolidated (MDIRSS grade 7-8) middle school. School Board chairs from each MDIRSS member school will be contacting you soon to request scheduling a brief presentation to councils/select boards in your communities within the next two months.

School board members will be prepared to present a brief presentation at upcoming select board/council meetings and to request the following straw poll question be placed on town meeting ballots for consideration:

"Are you in favor of the School Board continuing planning efforts for a combined, district-wide middle school?"

Note: A vote "yes" will tell the local school board to continue their planning efforts, including, but not limited to, developing conceptual drawings, cost estimates, potential locations, and a future referendum question.

A vote "no" will tell local school boards to cease planning efforts for a combined, district-wide middle school.

Thank you for your consideration of this information and request, please contact me with any questions.

Sincerely,

Marc Edward Gousse, Ed.D.

Superintendent of Schools

Mount Desert Island Regional School System-AOS 91
P.O. Box 60
1081 Eagle Lake Road
Mount Desert, Maine 04660

telephone: 207.288.5049

"Education cannot be *for* students in any authentic way, if it is not *of* and *by* them."
-William H. Schubert