AGENDA
Bar Harbor Town Council
By Zoom Webinar
July 21, 2020

The public can monitor by watching Spectrum channel 1303 or by live streaming on the town's website, www.barharbormaine.gov

I. CALL TO ORDER – 4:00 P.M.

- **A. Excused Absence(s)**

II. ORGANIZATIONAL MATTERS

- **A. Election of Officers**
  1. Chair
  2. Vice-Chair
- **B. Council Committee Appointments –** all terms are for one year.
  1. Appointments Committee – Appointment of three Councilors.
  2. Cruise Ship Committee – Appointment of one Council representative.
  3. Parking Solutions Task Force – Appointment of one Council representative.
  4. Task Force on the Climate Emergency – Appointment of one Council representative.
  5. Joint (School) Budget Advisory Committee – Appointment of two Councilors.
  6. MD/BH Joint Police Chief Sharing – Appointment of two Council representatives

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

1. **Age Friendly Committee: Three-year term**
   a. Allie Bodge, expiring 2023
2. **Appeals Board: Three-year terms**
   a. Anna Durand, expiring 2023
   b. Robert Webber, expiring 2023
3. **Board of Assessment Review: Three-year term**
   a. Terence O'Connell, expiring 2023
4. **Cruise Ship Committee: terms as listed**
   a. John Kelly ANP Representative, expiring 2021
   b. Amy Powers Rep w/knowledge of cruise industry in ME, expiring 2023
   c. Greg Gordon Shore Excursion Representative, expiring 2023
5. **Design Review Board: Three-year term**
   a. Barbara Sassaman, expiring 2023
6. **Harbor Committee: Three-year terms**
   a. Francis "Pancho" Cole, expiring 2023
   b. Robert Garland, expiring 2023
   c. Lynne Williams, expiring 2023
7. **Housing Authority Board – Four-year term**
   a. Denise Beaudoin, Tenant-at-Large, expiring 2024
8. **Marine Resources Committee: Three-year terms**
   a. Natalie Springuel, expiring 2023
   b. Scott Swann, expiring 2023

9. **Parking Solutions Task Force: Three-year term**
    a. Heather Sorokin, expiring 2023
10. **Parks & Recreation Committee: Three-year terms**
    a. Jeff Dobbs, expiring 2023
    b. Amy Schwartz, expiring 2023
11. **Planning Board: Three-year terms**
    a. Joseph Cough, expiring 2023
    b. Millard Dority, expiring 2023

IV. PUBLIC COMMENT PERIOD - The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Public comment will be allowed through the Zoom webinar. Comments can also be emailed in advance to council@barharbormaine.gov

V. APPROVAL OF MINUTES

A. June 16, 2020 Regular Meeting

B. July 7, 2020 Special Meeting

VI. ADOPTION OF AGENDA

VII. FINANCIAL REPORT - Review and possible motion to accept the financial report as presented.

VIII. 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. Auditor for FY20 & FY21 – Possible motion to appoint James W. Wadman, CPA as auditor for FY20 and FY21.

B. Climate – Possible motion to approve the submission of grant funding for sea level rise impacts as presented.

C. Vehicles for Hire – Police Department approved and proof of insurance provided. Possible motion to approve:

1. **Amy's Taxi and Tours** request for 1 taxi license renewal as submitted by Amy Walton.

IX. PUBLIC HEARINGS:

A. Shellfish Conservation Ordinance Amendment #2020-10 – Public comment and possible adoption of the amendment to Chapter 170 of the Municipal Code.

B. New Special Amusement Permits

1. **Mainely Meat BBQ Dreamwood Hill**, 369 State Hwy 3, request for Class 3, three or more musicians without mechanical amplification, as submitted by Laura Johnson.
2. **Choco-latte Cafe**, 240 Main St, request for Class 2, two musicians without mechanical amplification, as submitted by Michael Boland.
3. **Ivy Manor Inn**, 194 Main St, request for Class 1, single musician without mechanical amplification, as submitted by Peter Hastings.

C. Special Amusement Permit Renewal

1. **MaMa DiMatteos**, 34 Kennebec Pl, request for Class 3, three or more musicians without mechanical amplification, as submitted by Eric Olson (asking for a reduced level from last year's 3a with amplification).

X. REGULAR BUSINESS:

A. Tabled from 7/7/2020 – COVID Mask Ordinance – Possible motion to prepare ordinance.

B. LUO Amendment Vacation Rental for November 2020 - Possible motion to sign the Certification of Ordinance and schedule a public hearing for August 18, 2020.

C. Review of the Community Policing Forum – Nina St. Germain and Police Chief Jim Willis.

D. Annual Review of Council Policies:

1. Acquired Property
2. Alcoholic Beverage
3. Appointments
4. Banking
5. Cable TV Public Access
6. Consent Agreement
7. Cooperating Agencies
8. Council – Staff Interaction
9. Cruise Ship Fee
10. Cruise Ship Tour Bus
11. Curb Cut
12. Debt Compliance
13. Debt Management
14. Fund Balance
15. Grants
16. Investment
17. Land Acquisition
18. Liquor Licensing
19. Outside Water Discount
20. Permit and Paid Parking
21. Poverty Abatement
22. Purchasing
23. Road Acceptance
24. Road and Sidewalk Opening
25. Road Discontinuance
26. Rules of Order
27. Safety
28. Severance Clause
29. Snow Removal
30. Speed Limit
31. Storm and Sewer Backup
32. Street Light
33. Surplus Property
34. Tax Payment
35. Tobacco Free Recreation
36. Utility Location Permits

E. MDI YMCA – Permission to facilitate a public fitness initiative.

F. Treasurer's Warrant - Request of Treasurer to authorize paid bills.

XI. TOWN MANAGER'S COMMENTS

XII. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

XIII. EXECUTIVE SESSION: (None Scheduled)

XIV. 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

Please click the link below to join the webinar to make public comment or speak during the public hearings:
https://us02web.zoom.us/j/81061492580?pwd=M1JiQVNjbGV3QmVtWHYyU3MzcFFKZz09
Password: 918202

Or iPhone one-tap :
US: +13126266799,,81061492580# or +19292056099,,81061492580#
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International numbers available: https://us02web.zoom.us/u/kdYXEpzf6P

Manager's Memo

To: Bar Harbor Town Council

cc: Department Heads

From: Cornell Knight, Town Manager

Date: Friday, July 17, 2020

Re: **Town Council Meeting of July 21st**

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

II. **Organizational Meeting-** Sharon Linscott, Town Clerk will open the meeting and conduct the election of the Chair.

III. **Committee Appointments-** Nominations do not need a second.

VII. **FINANCIAL REPORT** - Finance Director Stan Harmon has enclosed his report covering the full 2020 fiscal year. He will review the highlights. If acceptable, a possible motion: to accept the Financial Report as presented.

VIII. **Consent Agenda-**

A. **Auditor for FY20 & FY21** – See the memo and information from Stan Harmon Finance Director regarding the hiring of the audit firm. A possible motion: to appoint James W. Wadman, CPA as auditor for FY20 and FY21.

B. **Climate** – The Council previously approved applying for a climate grant targeting sea level rise but it was not funded. Funding opportunities can sometimes come up quickly. Attached is a general description of the program prepared by A Climate to Thrive. Approving the overview now will allow the group to apply on behalf of the League of Towns when funding is available. FYI, my wife serves on the board of Sewall Co. A possible motion: to approve the submission of grant funding for sea level rise impacts as presented.

C. **Vehicles for Hire** – A possible motion: to approve **Amy's Taxi and Tours** application for 1 taxi license renewal as submitted by Amy Walton.

IX. **PUBLIC HEARINGS-** The public can click on the Zoom link and use the "raise hand feature" and the chair will unmute to speak.

A. **Shellfish Conservation Ordinance Amendment #2020-10** – Enclosed are the amendments and Chris Petersen's email explaining the changes. Following public comment, a possible motion: to approve the amendments to Chapter 170 of the Municipal Code, Shellfish Conservation Ordinance as presented.

B. **New Special Amusement Permits** –

1. **Mainely Meat BBQ Dreamwood Hill**, following public comment a possible motion: to approve a Class 3 special amusement permit for Mainely Meat BBQ Dreamwood Hill.
2. **Choco-latte Cafe**, 240 Main St, following public comment a possible motion: to approve a Class 2 special amusement permit for Choco-latte Café.
3. **Ivy Manor Inn**, 194 Main St, following public comment a possible motion: to approve a Class 1 special amusement permit for Ivy Manor Inn.

C. **Special Amusement Permit Renewal**

1. **MaMa DiMatteos**, 34 Kennebec Pl, following public comment a possible motion: to approve a Class 3 special amusement permit.for MaMa DiMatteos.

X. REGULAR BUSINESS:

A. Tabled from 7/7/2020 – COVID Mask Ordinance – a motion is needed to remove this from the table before discussion. The mask distribution is going well and signs have been posted throughout the downtown. Compliance appears to be very good so I question the need for an ordinance. Enclosed is an email from Lt. Dave Kerns regarding the police enforcement. Also enclosed is an Order adopted by the City of Rockland. A regular ordinance process would take until October 1 for the effective date or an emergency ordinance could be done immediately and last for 60 days. A possible motion: to have staff prepare a mask ordinance for review at the August 4th Council meeting.

B. LUO Amendment Vacation Rental for November 2020 – Enclosed is a memo from Michele Gagnon, Planning Director regarding the Vacation Rental Land Use Ordinance Amendments. Also enclosed are the ordinance amendments, the Certification, council's housing goal and public comments received. The Planning Board held a public hearing and voted to send it to the Council for consideration. The next step is to call a public hearing for August 18, 2020 before deciding whether to put it on the November ballot. A possible motion: to sign the Certification of Ordinance Land Use Amendment Vacation Rental and schedule a public hearing for August 18, 2020.

C. Review of the Community Policing Forum – Nina St. Germain, Engagement Coordinator and Police Chief Jim Willis will review the forum held last week.

D. Annual Review of Council Policies- The Council voted in January to review policies at the Organizational meeting normally in June. Enclosed are copies of the 36 policies. Stan Harmon, Finance Director recommends that adjusting the Purchasing Policy spending levels to account for inflation (60% since 1996). So the ranges would be $0-$4000, $4000-$12,000, $12,000-$40,000 and over $40,000. A possible motion: to amend the Purchasing policy as presented.

E. Treasurer's Warrant – A possible motion: <u>to sign the Treasurer's Warrants for paid bills.</u>

Council Appointments from 2019-2020

II B

Committee	Councilor
Appointments Committee	Gary Friedmann
Appointments Committee	Joseph Minutolo
Appointments Committee	Erin Cough
Cruise Ship Committee	Stephen Coston
Parking Solutions Task Force	Matthew Hochman
Joint Budget Advisory Committee	Matthew Hochman
Joint Budget Advisory Committee	Stephen Coston
MD/BH Jt. Police Chief Sharing	Gary Friedmann
MD/BH Jt. Police Chief Sharing	Jeff Dobbs

Minutes
Bar Harbor Town Council
By Video Conference
June 16, 2020

I. **CALL TO ORDER** – 4:00 P.M.- In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Joe Minutolo, Erin Cough, Jill Goldthwait; 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. Public comment will be allowed in the Municipal Building with social distancing. Seating will be in the auditorium* – Chair Dobbs read two emails. First from Alison Lawrence regarding masks, which will be discussed under regular business COVID. Second from Dessa Dancy regarding issues around making public comment on the town meeting warrant articles.

III. **APPROVAL OF MINUTES –**

A. ***June 2, 2020 – Regular Meeting***

Mr. Hochman, with second by Ms. Cough, moved to approve the June 2 Regular Meeting minutes as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

B. ***June 3, 2020 – Special Budget Meeting***

Mr. Hochman, with second by Ms. Cough, moved to approve the June 3 Special Budget Meeting minutes as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

IV. **ADOPTION OF AGENDA** – Mr. Hochman, with second by Ms. Cough, moved to approve the agenda as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y

Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
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 highlighted his report and answered Council questions. Public Works Director Bethany Leavitt answered questions regarding the water and sewer financials. Mr. Hochman, with second by Ms. Cough, moved to accept the financial report as presented. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
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. **Annual Town Meeting 2020** – *Possible motion*:
   1. To sign the Municipal Officers' Return regarding the posting of the Notice of Public Hearing.
   2. To sign and post the Annual Town Meeting Warrant.

B. **FY21 Sewer Spending** – *Possible motion* to approve a Continuing Resolution that authorizes staff to continue spending Wastewater Division funds at the current levels until a sewer budget is approved.

C. **FY21 Water Spending** – *Possible motion* to approve a Continuing Resolution that authorizes staff to continue spending Water Division funds at the current levels until a water budget is approved, except that wages may be increased on July 1 as for other Town employees.

D. **Black Friar Inn Lease Renewal** – *Possible motion* to renew the one-year lease.

E. **Vehicles for Hire** – *Police Department approved and proof of insurance provided. Possible motion* to approve:
   1. **Wild Iris Farm** request for 2 carriage license renewals as submitted by Sandra Read.
   2. **At Your Service Taxi** request for 1 taxi license renewal as submitted by Clare Bingham Broad.
   3. **Oli's Trolley** request for 7 trolley license renewals as submitted by Denise Morgan.

Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

VII. PUBLIC HEARINGS- *Public comment will be allowed in the Municipal Building with social distancing. Seating will be in the auditorium. Maximum of 3 minutes per person.*

A. New Special Amusement Permit

1. **Kampgrounds of America,** *1453 State Hwy 102, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Gretchen Chauncey.* Michael Good and Kimberly Wolf spoke. Councilor Goldthwait read email comments from Barbara Pretorius and Victoria Hamblen. Gretchen Chauncey, General Manager, spoke and answered Council questions. After the public hearing, Councilor Hochman stated that the request as submitted violates Town Code Chapter 14-6 which states amplified music out of doors is categorically declared to be in violation of this article. Additional discussion followed. Mr. Hochman, with second by Ms. Cough, moved to deny the Special Amusement Permit for a 3a for KOA. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	N
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 6-1 (Nay: Coston).

B. Annual Town Meeting 2020 – *Public comment on the following warrant articles*:

1. Article 2 – LUO Amendment – Addressing Officer
   No public comment.
2. Article 3 – LUO Amendment – Permitting Authority etc.
   Diane Vreeland spoke. Chair Dobbs read a comment from Arthur Greif. Town Planner Michele Gagnon and Code Enforcement Officer Angie Chamberlain also spoke.
3. Article 4 – LUO Amendment – Employee Living Quarters
   Diane Vreeland and Michael Good spoke. Chair Dobbs read a comment from Arthur Greif. Michele Gagnon also spoke.
4. Article 5 – LUO Amendment – Shared Accommodations
   Diane Vreeland spoke. Chair Dobbs read a comment from Arthur Greif. Michele Gagnon also spoke.

5. Article 6 – LUO Amendment – Boundary Map and New Uses Hulls Cove
   Diane Vreeland and John Cochran spoke. Chair Dobbs read a comment from Arthur Greif. Angie Chamberlain answered Council questions.
6. Article 7 – Citizens' Initiative – Definition of Vacation Rentals in LUO
   Diane Vreeland spoke.

C. Employee Living Quarters Licensing Ordinance #2020-08 - *Public comment and possible motion to enact Chapter 76 of the Municipal Code.* No public comment. Angie Chamberlain addressed Council concerns. Mr. Hochman, with second by Mr. Friedmann, moved to enact Chapter 76 Employee Living Quarters Licensing Ordinance of the Municipal Code as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

EMPLOYEE LIVING QUARTERS LICENSING
Town of Bar Harbor
#2020-08

An Amendment to the Town Code to Enact Chapter 76: Employee Living Quarters Licensing

CHAPTER 76. Employee Living Quarters Licensing Ordinance

§ 76-1 Title and Purpose

A. Title. This chapter shall be known and may be cited as the "Employee Living Quarters Licensing Ordinance of the Town of Bar Harbor."

B. Purpose. The purpose of this ordinance is to ensure that Employee Living Quarters do not become dilapidated, a fire hazard, overcrowded with occupants, unsanitary, vermin infested, or a detriment to the health, safety, and welfare of the people of Bar Harbor.

§ 76-2 Definitions

Employee Dining Room
A space, for employees only, managed by the employer, the employers parent company, or a subsidiary company, where the employee may consume food or beverages provided or purchased on site.

Habitable Floor Area
The total area of a room as measured from interior wall to interior wall. Bathrooms, closets, halls, storage or utility space, and similar areas, are not considered habitable floor area.

Licensee
Any person, individual, partnership, firm, association, corporation or other legal entity acting as an agent or employee of any holder of an Employee Living Quarters license.

Management Personnel
A person or individual with authority to make decisions related to the operations and control of the Employee Living Quarters and responsible to ensure compliance with the terms of the license, and who is available in accordance with §76-6H.

Shift Meal

A meal provided to an employee by their employer for consumption on-site or off-site.

Violation, First
A first violation is deemed to have occurred when the Code Enforcement Officer concludes that a violation of this Chapter has occurred but within the immediately preceding 12 months, no written warning has been issued to the licensee for a violation of this Chapter.

Violation, Second
A second violation is deemed to have occurred when the Code Enforcement Officer concludes that a violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has been issued a written warning of a first violation of this Chapter.

Violation, Third
A third violation is deemed to have occurred when the Code Enforcement Officer concludes that another violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has been issued a written warning of a second violation of this chapter.

§ 76-3 License Required

No person shall rent, lease, operate or otherwise allow, under their ownership or control, any Employee Living Quarters without first obtaining a license from the Town Council.

§76-4 Application for license; procedure

A. Applications for all Employee Living Quarters shall be made in writing to the Town Clerk on forms provided by the Clerk for that purpose and shall contain the following information:

   (1) The full name, address, telephone number, and email address of the person in whose name such license is to be issued.

   (2) The full name, address, telephone number, email address of the owner of the property. If the owner of the property is a business entity, the applicant shall provide the name, address, telephone number, and email address of the person who is the owner, director, or manager of the business entity.

   (3) If an applicant is not the owner of the property for which the license has been applied, the applicant must provide a written letter of authorization allowing them to act on behalf of the property owner.

   (4) Each application shall be accompanied by a full set of to-scale floor plans, clearly labeled with the intended use of each room in the building, including any spaces to be used as storage.

   (5) The application shall include the names and contact information of two separate management personnel who are available 24 hours a day and are normally available to be on site within 30 minutes of contact.

   (6) The applicant shall provide written documentation that demonstrates compliance with all requirements of §76-6.

   (7) The application must bear the signatures of the Fire Chief and Code Enforcement Officer indicating that the Employee Living Quarters have satisfactorily passed the annual life-safety inspection.

B. Within 30 days of the Town Clerk's receipt of a complete application for an Employee Living Quarters license, the Town Council shall hold a public hearing, at which time the testimony of the applicant and any interested member of the public shall be taken. At least 14 days prior to the public hearing, notice of the hearing shall be mailed by first-class mail to all owners of property within 300 feet of the outer boundary of the property in question. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. Failure of any property owner to be sent or actually receive notice shall not necessitate another hearing or invalidate any actions of the Town Council taken.

C. The Town Council, after hearing and upon such terms and conditions as it reasonably deems necessary to protect the public interest and to fulfill the purposes of this chapter, shall grant or renew a license unless it finds that issuance of the license will be detrimental to the public health, safety or welfare or would violate municipal ordinances.

D. The Town Council may revoke an Employee Living Quarters license if the use of the premises or building does not fully comply with all ordinances of the Town of Bar Harbor.

E. A license shall be valid for one year, at which time the applicant shall reapply for a renewal license. A renewal license application shall not be considered by the Town Council unless the Fire Chief and Code Enforcement Officer have indicated in writing that the Employee Living Quarters has satisfactorily passed the annual life-safety inspection, occurring no more than 60 days prior to consideration of the application.

F. A renewal license shall not be considered by the Town Council until the Police Chief or their designee has provided a written report describing any violations of Chapter 64 "Disorderly Houses". The Town Council may consider any prior violations of Chapter 64 as a finding for denial of a renewal license application.

§76-5 Fees

License fees. Each application for an Employee Living Quarters license shall be accompanied by the administrative fee and public notice fee, which shall, from time to time, be set by the Town Council.

§76-6 General Requirements

A. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be less than 7 feet in any horizontal direction.

B. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows shall be provided to each occupant by the property owner or management personnel.

C. Bathing facilities. There shall be a minimum of one toilet for every 5 occupants, and one shower for every 5 occupants.

D. Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first 8 occupants. For every 1-12 additional occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided (two on-site community kitchen facilities for cooking, refrigeration, and washing shall be provided for 9-20 total occupants, three such on-site community kitchens shall be provided for 21-32 total occupants, etc.). If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.

E. Outdoor storage. The keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours shall be screened from public view and abutting neighbors by a fence, wall, roof, and/or landscaping.

F. Clothes washer and dryer. On-site access to a minimum of one clothes washer and dryer must be provided.

G. Pest Control. All structures on the premises shall be kept free from insect and rodent infestation. In the event an infestation of insects or rodents is found, the licensee shall promptly exterminate such insects or rodents by approved processes that will not be injurious to human health.

H. Management. If management is located off-site, they must be available to be present on-site within 30 minutes of being contacted.

I. Trash and recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.

J. Property Maintenance. The lot where the Employee Living Quarters is located shall be maintained in compliance with Chapter 109 "Health and Sanitation" of the Bar Harbor Town Code, as enforced by the Bar Harbor Health Officer.

K. Emergency key Box. An emergency key box shall be provided via a Knoxbox located on the site in a location approved by the Fire Chief or his designee.

L. Tenants. A list of the last names of all tenants occupying the Employee Living Quarters shall be visibly posted in a conspicuous location inside the building for emergency personnel use.

M. Interior Signage. Directional signage shall be placed within the building to direct emergency personnel to bedrooms, mechanical areas, and storage spaces; and all interior doors shall be labeled to indicate the use of the space. The Fire Chief, or his designee, shall approve the location of the signage.

§76-7 Inspections

Prior to the issuance, or re-issuance, of a license for Employee Living Quarters, the building must satisfactorily pass an annual life safety inspection conducted by the Fire Department and Code Enforcement Officer. The inspection shall be conducted in accordance with the standards and requirements of the life safety code as adopted by the Town in Chapter 85 of the Bar Harbor Town Code.

§76-8 Enforcement; violations and penalties

A. Enforcement authority. The provisions of this chapter shall be enforced by the Code Enforcement Officer of the Town of Bar Harbor.

B. Violations. Each violation of this chapter following a written warning issued by the Code Enforcement Officer shall constitute a separate violation.

(1) Warning for first violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.

(2) Warning for second violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.

(3) Action for a third violation. Should the Code Enforcement Officer conclude that a third violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises. The Code Enforcement Officer shall provide a copy of all pertinent documentation to the Town Clerk, who shall place the matter on the next available Town Council agenda for action under §76.8 B.(3)(a).

(a) Town Council action.

[1] Upon being informed of a third and subsequent violation, the Town Clerk shall provide written notice to the licensee, by certified mail, return receipt requested, and by first-class mail to all owners of land within 300 feet of the licensee's premises, that the Town Council shall conduct a public hearing to consider whether the licensee committed a violation. Neither the failure of any landowner to receive notice or the licensee's refusal to accept certified mail shall necessitate another hearing or invalidate any action taken by the Council at such hearing.

[2] Following a hearing, the Council by a preponderance of the evidence, shall make a determination of whether the licensee committed a violation of this article. If the Council finds that the licensee committed a third violation, the Council shall revoke the licensee's license for an Employee Living Quarters.

§76-9 Appeals

Any applicant who has applied for a license and has been denied or a licensee whose permit has been revoked may, within 30 days of the denial or revocation, appeal the decision to the Bar Harbor Board of Appeals.

[End of Ordinance]

D. Shared Accommodations Licensing Ordinance #2020-09 - *Public comment and possible motion to enact Chapter 168 of the Municipal Code.* No public comment. Mr. Hochman, with second by Mr. Friedmann, moved to enact Chapter 168 Shared Accommodations Licensing Ordinance of the Municipal Code as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

SHARED ACCOMODATIONS LICENSING
Town of Bar Harbor
#2020-09

An Amendment to the Town Code to Enact Chapter 168: Shared Accommodations Licensing

CHAPTER 168. Shared Accommodations Licensing Ordinance

§ 168-1 Title and Purpose

A. Title. This chapter shall be known and may be cited as the "Shared Accommodations Licensing Ordinance of the Town of Bar Harbor."
B. Purpose. The purpose of this ordinance is to ensure that Shared Accommodations do not become dilapidated, a fire hazard, overcrowded with occupants, unsanitary, vermin infested, or a detriment to the health, safety, and welfare of the people of Bar Harbor.

§ 168-2 Definitions

Habitable Floor Area

The total area of a room as measured from interior wall to interior wall. Bathrooms, closets, halls, storage or utility space, and similar areas, are not considered habitable floor area.

Licensee
Any person, individual, partnership, firm, association, corporation or other legal entity acting as an agent or employee of any holder of a Shared Accommodations license.

Management Personnel
A person or individual with authority to make decisions related to the operations and control of the Shared Accommodations and responsible to ensure compliance with the terms of the license, and who is available in accordance with §168-6H.

Violation, First
A first violation is deemed to have occurred if the Code Enforcement Officer concludes that a violation of this Chapter has occurred but within the immediately preceding 12 months, no written warning has been issued to the licensee for a violation of this Chapter.

Violation, Second
A second violation is deemed to have occurred when the Code Enforcement Officer concludes that a violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has been issued a written warning of a first violation of this Chapter.

Violation, Third
A third violation is deemed to have occurred when the Code Enforcement Officer concludes that another violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has been issued a written warning of a second violation of this chapter.

§ 168-3 License Required

No person shall rent, lease, operate or otherwise allow, under their ownership or control, any Shared Accommodations without first obtaining a license from the Town Council.

§168-4 Application for license; procedure

A. Applications for all Shared Accommodations shall be made in writing to the Town Clerk on forms provided by the Clerk for that purpose and shall contain the following information:
   (1) The full name, address, telephone number, and email address of the person in whose name such license is to be issued.
   (2) The full name, address, telephone number, email address of the owner of the property. If the owner of the property is a business entity, the applicant shall provide the name, address, telephone number, and email address of the person who is the owner, director, or manager of the business entity.
   (3) If an applicant is not the owner of the property for which the license has been applied, the applicant must provide a written letter of authorization allowing them to act on behalf of the property owner.
   (4) Each application shall be accompanied by a full set of to-scale floor plans, clearly labeled with the intended use of each room in the building, including any spaces to be used as storage.
   (5) The application shall include the names and contact information of two separate management personnel who are available 24 hours a day and are normally available to be on site within 30 minutes of contact.
   (6) The applicant shall provide written documentation that demonstrates compliance with all requirements of §168-6.
   (7) The application must bear the signatures of the Fire Chief and Code Enforcement Officer indicating that the Shared Accommodations have satisfactorily passed the annual life-safety inspection.
B. Within 30 days of the Town Clerk's receipt of a complete application for a Shared Accommodations license, the Town Council shall hold a public hearing, at which time the testimony of the applicant and any interested member of the public shall be taken. At least

14 days prior to the public hearing, notice of the hearing shall be mailed by first-class mail to all owners of property within 300 feet of the outer boundary of the property in question. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. Failure of any property owner to be sent or actually receive notice shall not necessitate another hearing or invalidate any actions of the Town Council.

C. The Town Council, after hearing and upon such terms and conditions as it reasonably deems necessary to protect the public interest and to fulfill the purposes of this chapter, shall grant or renew a license unless it finds that issuance of the license will be detrimental to the public health, safety or welfare or would violate municipal ordinances.

D. The Town Council may revoke a Shared Accommodations license if the use of the premises or building does not fully comply with all ordinances of the Town of Bar Harbor.

E. A license shall be valid for one year, at which time the applicant shall reapply for a renewal license. A renewal license application shall not be considered by the Town Council unless the Fire Chief and Code Enforcement Officer have indicated in writing that the Shared Accommodation has satisfactorily passed the annual life-safety inspection, occurring no more than 60 days prior to consideration of the application.

F. A renewal license shall not be considered by the Town Council until the Police Chief or their designee has provided a written report describing any violations of Chapter 64 "Disorderly Houses". The Town Council may consider any prior violations of Chapter 64 as a finding for denial of a renewal license application.

§168-5 Fees

License fees. Each application for a Shared Accommodations license shall be accompanied by the administrative fee and public notice fee, which shall, from time to time, be set by the Town Council.

§168-6 General Requirements

A. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be less than 7 feet in any horizontal direction.

B. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows shall be provided to each occupant by the property owner or management personnel.

C. Bathing facilities. There shall be a minimum of one toilet for every 5 occupants, and one shower for every 5 occupants.

D. Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first 8 occupants. For every 1-12 additional occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided (two on-site community kitchen facilities for cooking, refrigeration, and washing shall be provided for 9-20 total occupants, three such on-site community kitchens shall be provided for 21-32 total occupants, etc.). If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.

E. Outdoor storage. The keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours shall be screened from public view and abutting neighbors by a fence, wall, roof, and/or landscaping.

F. Clothes washer and dryer. On-site access to a minimum of one clothes washer and dryer must be provided.

G. Pest Control. All structures on the licensed premises shall be kept free from insect and rodent infestation. In the event an infestation of insects or rodents is found, the licensee shall promptly exterminate such insects or rodents by approved processes that will not be injurious to human health.

H. Management. If management is located off-site for a SA-1, they must be available to be present on-site within 30 minutes of being contacted. Management for SA-2 and SA-3 must be on-site between the hours of 9:00 PM and 3:00 AM; and between 3:00

AM and 9:00 PM, the management must be available to present on-site within 30 minutes of being contacted.

I. Trash any recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.

J. Property Maintenance. The lot where the Shared Accommodations is located shall be maintained in compliance with Chapter 109 "Health and Sanitation" of the Bar Harbor Town Code, as enforced by the Bar Harbor Health Officer.

K. Emergency key Box. An emergency key box shall be provided via a Knoxbox located on the site in a location approved by the Fire Chief or his designee.

L. Tenants. A list of the last names of all tenants occupying the Shared Accommodations shall be visibly posted in a conspicuous location inside the building for emergency personnel use.

M. Interior Signage. Directional signage shall be placed within the building to direct emergency personnel to bedrooms, mechanical areas, and storage spaces; and all interior doors shall be labeled to indicate the use of the space. The Fire Chief, or his designee, shall approve the location of the signage.

§168-7 Inspections

Prior to the issuance, or re-issuance of a license for a Shared Accommodations, the building must satisfactorily pass an annual life safety inspection conducted by the Fire Department and Code Enforcement Officer. The inspection shall be conducted in accordance with the standards and requirements of the life safety code as adopted by the Town in Chapter 85 of the Bar Harbor Town Code.

§168-8 Enforcement; violations and penalties

A. Enforcement authority. The provisions of this chapter shall be enforced by the Code Enforcement Officer of the Town of Bar Harbor.

B. Violations. Each violation of this chapter following a written warning issued by the Code Enforcement Officer shall constitute a separate violation.

(1) Warning for first violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.

(2) Warning for second violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.

(3) Action for a third violation. Should the Code Enforcement Officer conclude that a third violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises. The Code Enforcement Officer shall provide a copy of all pertinent documentation to the Town Clerk, who shall place the matter on the next available Town Council agenda for action under §168.8 B.(3)(a).

(a) Town Council action.

[1] Upon being informed of a third and subsequent violation, the Town Clerk shall provide written notice to the licensee, by certified mail, return receipt requested, and by first-class mail to all owners of land within 300 feet of the licensee's premises, that the Town Council shall conduct a public hearing to consider whether the licensee committed a violation. Neither the failure of any landowner to receive notice or the licensee's refusal to accept certified mail shall necessitate another hearing or invalidate any action taken by the Council at such hearing.

[2] Following a hearing, the Council by a preponderance of the evidence, shall make a determination of whether the licensee committed a violation of this article. If the Council finds that the licensee committed a third violation, the Council shall revoke the licensee's license for a Shared Accommodations.

§168-9 Appeals

Any applicant who has applied for a license and has been denied or a licensee whose permit has been revoked may, within 30 days of the denial or revocation, appeal the decision to the Bar Harbor Board of Appeals.

[End of Ordinance]

VIII. REGULAR BUSINESS:

A. Jackson Laboratory – *Update by Catherine Longley, Chief Operating Officer.* Ms. Longley presented her annual report to Council, which included Jax's COVID-19 Response, their economic impact and their plans for year round workforce housing. Council thanked Ms. Longley. No action taken.

B. Coastal Resources- *Update on the Hampden waste plant operation.* Public Works Director Bethany Leavitt provided an update on the situation at the Hampden facility. Bar Harbor's msw is being diverted to Juniper Ridge and single sort is being recycled by Casella in Old Town. MRC has stepped in and the goal is to have the plant up and running by July 4. MRC has scheduled a Town Hall at 10am tomorrow and Bethany will participate. No action taken, but Council requested Bethany provide a summary to Council after MRC's town hall and if the plant is not running by July 4 to have MRC come to the next Council meeting on July 21.

C. Bar Harbor Police Department- *Possible motion to schedule a facilitated forum on Community Policing.* Police Chief Jim Willis stated the Mount Desert selectmen met last night and are also interested in participating. The forum would be facilitated by Nina St. Germain. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to schedule a facilitated forum on July 7. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

D. Parade/Rally Permit Request

Sirohi Kumar spoke about events that have already happened and their plans for the upcoming event on the 21st. Chief Willis also participated. Following discussion, Mr. Coston, with second by Ms. Goldthwait, moved to approve the rally request and route as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	N

Motion passed 6-1 (Nay: Cough).

E. COVID-19 Updates.

1. *Superintendent of Schools – Dr. Marc Gousse.* Dr. Gousse was unable to stay and will provide an update via email.

2. *Meetings – public or video conference.* Mr. Knight led the discussion. Ms. Goldthwait, with second by Ms. Cough, moved to use the webinars as an opportunity to figure out public input and Council meetings stay on Zoom through August. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	N
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 6-1 (Nay: Coston).

3. *Polco Results.* Nina St. Germain emailed the preliminary results from the 2nd business survey to Council prior to the meeting. She will be sending the results to the DECD. No action taken.

4. *Town Meeting.* Mr. Knight announced we can safely hold town meeting June 30 at 7pm and meet the guidelines the state just put out. It will be a drive-in similar to graduation with a stage, tent and audio system. Registered voters stay in their cars except to comment or ask questions. They will vote by holding their voter card out their window. Mr. Knight will look into streaming on radio. No action taken.

5. *Governor's Keep ME Healthy Campaign.* Mr. Hochman, with second by Mr. Coston, moved to authorize the submittal of a grant application to the Maine Dept of Health and Human Services for a public education program and expend the funds if awarded. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y

Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.
A discussion around masks followed the vote. No action taken.

6. *Forums*. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to schedule a forum on July 28 with details to follow. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

F. Town Manager's Contract – *Possible motion to renew*. Mr. Coston, with second by Mr. Hochman, moved to renew a 3-year employment agreement with the town manager and thank him for his excellent work over the past 6 years on behalf of the Town of Bar Harbor. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

G. 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. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

IX. TOWN MANAGER'S COMMENTS – Mr. Knight reminded people they can pick up an absentee ballot and drop it in the box in the lobby, you don't have to have it mailed.

X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Minutolo commented that Bar Harbor has always been a place where people want to live and articles 2, 3, 4, and 5 are going to help us with that. We need to look at an economic development strategy and get a little more creative to attract another employer of the caliber of the Jackson Lab. These articles that were developed by our town are really important. We need to evolve, look at broadband, other industries, and have a strategy to a sustainable year round economy.

Mr. Hochman, as this is the last meeting of the current Council before the election, thanked Stephen, Jill, Erin and Judie. It's been a pleasure serving with you. He also wished Erin (and Joe) a very happy anniversary.

Ms. Cough added that it is their 5th anniversary. She stated it has been a pleasure working with this Council. Whether or not I'm re-elected, the town is in good hands. I'm very proud of the work we've done over the past three years. Thank you.

Ms. Goldthwait checked out Northern Light Home Care and got all her questions answered, she is good with them. She bid a fond farewell to all at the end of my crazy six-month term. I appreciate the warm welcome from all of you as a newbie in the middle of a term. Thank you for your patience with my novice status on issues. I was honored to be asked.

Mr. Coston thanked Matt and congratulated Erin.

Mr. Friedmann thanked Cornell for an incredibly well done job. This is one of the most challenging times anyone could be leading a town and trying to keep operations going smoothly. He has kept morale up with department heads and town staff. Thank you for your service to the town and congratulations on another three-year term.

Mr. Dobbs echoed Gary. He hopes to see everybody back here. We work hard. We don't always agree but we get things done. Most people appreciate us. I received feedback about charging for parking during the pandemic. Merchants think it is overkill with hardly anybody showing up. At least think about it, find out what other people are thinking. I told them I would bring it up at the end of the meeting.

XI. EXECUTIVE SESSION: (none)

XII. ADJOURNMENT – Mr. Hochman, with second by Mr. Coston, moved to adjourn at 8:14 p.m. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

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Sharon M Linscott, Town Clerk

Minutes
Bar Harbor Town Council
Special Meeting by video conferencing
July 7, 2020

I. CALL TO ORDER – 7:33 p.m. In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Joe Minutolo, Jill Goldthwait, Erin Cough; and Town Manager Cornell Knight.

II. REGULAR BUSINESS:

A. Cruise Ships- Paul Taiclet from American Cruise Lines reviewed the company's plan to begin cruises to New England including a stop in Bar Harbor. There would be 7 cruises this season on the Constitution with up to 60 passengers and 40 crew on the ship. He reviewed the covid-19 testing, disembarkation and the protocols for reducing the spread of the virus. The Maine CDC has to approve their plan before starting operations.

Motion by Mr. Coston to support ACL plan to visit Bar Harbor contingent upon Maine CDC approval. No second.

Motion by Friedmann Seconded by Hochman that the Town Council close Bar Harbor to cruise ships for the 2020 season. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	N
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 6-1.

B. Mask Ordinance

Motion by Mr. Coston Seconded by Mr. Hochman to table this item until the July 21st Town Council meeting. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

III. ADJOURNMENT

Mr. Hochman, with second by Ms. Cough moved to adjourn at 9:05pm. Roll Call Vote:

Dobbs	Y
Hochman	Y

Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

Cornell Knight, Town Manager

VII

Memo

To: Town Councilors; Cornell Knight

From: Stan Harmon, Finance Director

CC: Department Heads – S.L.

Date: 7/14/2020

Re: Fiscal Year 2020 – June 30, 2020 – 12 Months Preliminary Results

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General Fund

Attached are the financial results for 12 months of operations for FY 2020 through June. I am now optimistic that the Town will remain within its appropriation spending limits for the year but we certainly won't have the surplus in revenues this year due to the COVID19 impact. Because of the Council's policies in place and adherence to those policies, the Town has not experienced a "cash crisis" this Spring in any of its funds. There will be no finance report in August due to staff preparing for the FY20 audit and to load the FY21 budgets.

Expenditures (100% goal)

The June summary statements show preliminary YTD at 95.7% spent versus 98.7% of the budget spent last year; favorable results because of the COVID19 impact but also due to the typical lag of June invoices not booked at this point. 96.7% of the $4.1 million in budgeted municipal wages are spent year-to-date compared to 98% in June 2019. Legal remained higher, along with Town Offices, Employee Benefits and the COVID19 cost center. Savings in Streetlight electricity trended favorably due to the LED streetlight conversion. Public Works, Highway & Solid Waste all are ending up lower than last year and below budget at year end. At end of June, the Town has expended just over $58,000 due to the Coronavirus outbreak which is mostly covered by the Council's Contingency monies, but in all likelihood will be first covered by Federal and State programs. We remain aware of the higher expense hit beyond the budgeted amount for the uncompensated absences budget line item in the Miscellaneous department due to many of the Town staff working and cancelling their vacations---thus increasing significantly the liability expense to the budget. This should be at least a $60,000 hit, but offset from over $100,000 in underspending in direct and overtime wages in the various departments. Overall, when the audit is completed we should remain comfortably below the appropriations budget for the year.

Non-Property Tax Revenues (100% goal)

105% of the budget for non-property tax revenues is now collected versus 109% at the end of June. We do anticipate a negative audit adjustment during the audit when analysis is completed after the August tax collections—however, it appears we will still reach the total budget goal. Other than unfortunate higher budgeted volume levels of Vacation rentals and less runs in Ambulance due to COVID19 and the loss of *Sonogee* the Town managed to reach almost all its budget targets- some thanks to conservative budgets that can stand one year's budget shock such as has occurred with COV19.

Ambulance Revenues - *Loss of Sonogee & COVID19 explains the lower runs*

FY 2020	12 Months YTD Runs Billed	557	Ave. Gross Billing (per run)	$720
FY 2019	12 Months YTD Runs Billed	798	Avg. Gross Billing (per run)	$679
FY 2018	12 Months YTD Runs Billed	828	Avg. Gross Billing (per run)	$650
FY 2020	12 Months YTD Runs billed	557	Net Collections (per run)	$339
FY 2019	12 Months YTD Runs billed	798	Net Collections (per run)	$425
FY 2018	12 Months YTD Runs billed	828	Net Collections (per run)	$386

	6/30/2020	6/30/2019
Ambulance Accounts Receivable	$223,506	$297,848

Excise-Motor Vehicle Revenues- *down 11% in units and 6% in revenue due to COVID19 impact*

FY 2020	12 Months YTD	4733 units	$1,018,607	=$215 / per vehicle
FY 2019	12 Months YTD	5333 units	$1,085,709	=$204 / per vehicle
FY 2018	12 Months YTD	5133 units	$957,540	=$205 / per vehicle
FY 2017	12 Months YTD	5042 units	$913,997	=$200 / per vehicle

Building Permitting Revenue-*reached the annual budget target*

FY 2020	12 Months YTD	308 permits	$156,143	=$507 / permit
FY 2019	12 Months YTD	299 permits	$137,744	=$460 / permit
FY 2018	12 Months YTD	258 permits	$107,757	=$417 / permit
FY2017	12 Months YTD	301 permits	$128,849	=$428 / permit

Vacation Rentals-*rentals expire & renew May 31st*		Budget	Actual
FY2020	12 Months YTD *(502 reg's)*	$175,000	$125,450
FY2019	12 Months YTD	$ 900	$ 20,150

FY '20 Previously Authorized Council Budget Adjustments or Transfers:

Contingency Fund Activity for FY '20:

Beginning Balance	(Town Meeting Approval)	$53,366
Minutes-10/15/10-Park St. School Landscape Design (cancelled)		- 0
Minutes-11/19/19-Ambulance Billing software (to #1042-5368)		-7,188
Minutes-1/7/20-FireAlarm System-Kids Corner (not to exceed)		-8,721
Minutes-3/16/20-Prelim Transfer for Emerg Mgt exps-CV19 (#1063)		-37,457
Ending Balance	@ 6/30/20 (available #1036-5906)	$ - 0-

Other General Fund Transfers: Town Council 10/1/2019

	From: #1022-5700 -TSA Comp. Eqpmt	-$ 10,000
	Town Council 1/21/2020	
	To: #1053-5830 Marine Resource Com	$ 3,800
	Rev:#1053-4512 MCF Clam Grant	$ 3,800

Capital Improvement Transfers/Adjustments:

	To: #2122-6117 -PD-Virtual Desktops	$ 5,000
	To: #2122-6124 -PD-Car Video Storage	$ 5,000
	From: 2142-6214-Fire Tr#2	-$173,005
	From: 2142-6218-Ladder Tr	-$ 36,865
	To: 2142-6220-Fire Eng Tr #5	$209,870
TC 1/21/20	From: 2182-6190-Undesignated	-$ 60,000
	To: 2149-6246-PSBldg Renov.	$ 60,000

Cruise Ship Fund Transfers: NONE

Parking Fund Transfers: NONE

Property Tax Collection & Receivable Update:

The 2019 taxes outstanding exceeded the prior year by $95,000 at the end of June, there was further improvement compared to the $1 million collection shortfall we saw at the end of March. Tax liens were placed on June 29th for the unpaid 2019 taxes. Tax Collector Sarah Gilbert indicated that 142 liens were recorded with a value of $646,298 compared to 133 liens recorded last year with a value of $551,058; showing increases of 7% in units and 17% in dollars.

Tax Year	Property Taxes Outstanding Balance	@ 6/30/20 %	@ 6/30/19 Balance	%
2006-12	$ 19,866	0.1%	$ 20,176	0.1%
2013	$ 2,870	0.1%	$ 3,084	0.1%
2014	$ 3,071	0.1%	$ 3,071	0.1%
2015	$ 3,728	0.1%	$ 3,727	0.1%
2016	$ 3,565	0.1%	$ 3,725	0.1%
2017	$ 11,301	0.1%	$ 161,937	1.0%
2018	$ 232,397	1.3%	$ 599,873	3.4%
2019	$ 695,120	3.9%		

2020 Tax Bills – Now that the Town has a budget, the Assessor and Tax Collector will be finishing the tax commitment process in later July and we will be able to send the tax bills out in early August. Please note that because of the increase in the Homestead exemption this, those qualifying homeowners will see their tax bills drop if their home is valued at $600,000 or less. The Homestead exemption changed from $20,000 to $25,000 this year.

Cash Investment and Status Report / Banking

On June 30th, the Town had $16,500,000 on hand in all funds—approximately $2.1 million more than last year's total balances at this same time period, due to new Parking fees received, the timing of CIP payments and higher fund balances. Checking interest rates have dropped to .75% vs. 2% last year.

Wastewater Division Fund

Financials (100% - 12 month Benchmark)

Spending shows the following:	**Annual Budget**	**June YTD Actual**	**% Spent**
Oper & Maint-FY2020-this year-prelim	*$1,505,039*	*$1,414,844*	*94%*
Oper & Maint-FY2019-last year	*$1,469,846*	*$1,377,076*	*94%*

	6/30/2020	**6/30/2019**
Accounts Receivable-Wastewater	$57,304	$60,166

Sewer Billing:
Preliminary volume data from the July 1st billing indicates that on a comparative basis with last year's 2nd quarter usage, sewer volume dropped by 32%, mostly in the food, lodging and retail customer base, but even the Jax volume fell by 25%. The overall quarterly revenue booked decreased by 27%.

Water Division Fund

Financials (100%-12 month Benchmark)

Spending shows the following:	**Annual Budget**	**June YTD Actual**	**% Spent**
Oper & Maint-FY2020-this year-prelim	*$1,126,055*	*$1,105,783*	*99%*
Oper & Maint-FY2019-last year	*$1,106,634*	*$1,014,496*	*92%*

Main & Service repairs has exceeded budget in FY20.

	6/30/2020	**6/30/2019**
Accounts Receivable-Water	($1,226)	($8,255)

Water Billing:
Preliminary volume data from the July 1st billing indicates that on the comparative basis with last year's 2nd quarter usage, water volume dropped by 22% with commercial properties falling by 41% and the Jax decreasing by 19%. Oddly enough, residential volume increased by 5%. As to revenue, the reduction came in at 14% less than last year.

Technology
In June Steve built a new *Toughbook* and installed a video system in the new PD patrol car, updated all *Cradlepoint* firmware, built a new *Watchguard* upload server and program wireless uploads for same; wire and program a new camera for the Evidence Locker, install and program the new camera for Town Hill Fire, build new camera profiles for Harbor, assist with meeting broadcasts and Zoom webinars, migrate to new WAN switches at Wastewater, build and install cameras at the Transfer Station, update the VNC's at the Public works locations, training on a pending MUNIS upgrade in Finance, design/set up/test public comment system for Council meetings and rebuild all VEEAM backups.

Assessing

In June Assessing focused on chasing down the last of the annual tax commitment issues. Steve indicated Deed changes for May only showed 4 changes where a typical month might be over 25 transfers. However, Steve reported that June deed activity seemed to now be returning to normal. The office has also been in the field taking photos to update the assessing database which is the 1st thing needed to continue the valuation review for all residential properties.

Regarding GIS/map work, one property owner in June contacted the office about a possible map error of their property. When Steve completed a detail review of the deed(s) he had to change the assessing tax map but the change also impacted nine abutting properties on his maps. He also receives calls periodically why certain new Town identified roads are not on Google Maps. His answer is typically that once the road is named (public or private) he then adds it to the 911 addressing system which is shared with the State and that is the database that is continuously updated and available to Google. Google apparently just does not update their mapping software as frequently, especially when smaller private roads are involved.

Other Funds:
Discretionary Direct spending

		Budget	Actual-June	
Cruise Ship Fund – Direct Expenses:	FY20	$173,139	$96,461	55%
Chamber, Dues, Ins., Isl Explor, etc.	FY19	$150,112	$118,768	79%

		Budget	Actual-June	
Parking Fund – Direct Expenses:	FY20			
Wages, signs, IPS lic fees, supplies etc.		$142,865	$112,132	78%

Town of Bar Harbor

Expenses - Period Ending 6/30/20

13-Jul-20

100% of Year Completed

General Fund	Dept	A FY '20 Annual Adj'd Budget	B FY '20 12 Months Pre-Audit	C FY '19 12 Months Audit	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	FY '18 12 Months Actual	Comments on variances
Town Council	10	$ 39,992	$ 36,324	$ 35,212	3,668	90.8%	$ 33,267	
Town Manager	12	$ 131,109	$ 127,035	$ 124,862	4,074	96.9%	$ 120,121	
Town Clerk	14	$ 126,986	$ 117,492	$ 118,345	9,494	92.5%	$ 111,685	
Finance Dept.	16	$ 357,476	$ 352,849	$ 352,773	4,627	98.7%	$ 322,520	
Town Attorney	18	$ 47,950	$ 64,185	$ 54,220	(16,235)	133.9%	$ 18,858	V.Rental Lawsuit
Elections	20	$ 18,734	$ 14,142	$ 13,189	4,592	75.5%	$ 18,326	
Technology	22	$ 165,474	$ 161,664	$ 155,231	3,810	97.7%	$ 125,165	
Municipal Building	24	$ 79,511	$ 74,325	$ 86,046	5,186	93.5%	$ 73,551	
Town Offices	26	$ 42,745	$ 56,628	$ 43,163	(13,883)	132.5%	$ 37,465	Various line items
Employee Benefits	28	$ 1,606,159	$ 1,629,170	$ 1,505,015	(23,011)	101.4%	$ 1,436,019	MSRS & H. Ins.
Code Enforcement	30	$ 101,923	$ 102,285	$ 74,430	(362)	100.4%	$ 65,125	
Assessing Dept.	32	$ 151,158	$ 144,071	$ 137,892	7,087	95.3%	$ 126,884	
Planning Dept.	34	$ 221,203	$ 199,890	$ 126,426	21,313	90.4%	$ 134,624	
Miscellaneous	36	$ 201,938	$ 155,279	$ 201,464	46,659	76.9%	$ 209,267	Accruals to come
Fire / Ambulance Dept	42	$ 941,785	$ 922,106	$ 885,013	19,679	97.9%	$ 800,244	
Hydrants-Public Fire	43	$ 585,602	$ 585,604	$ 585,604	(2)	100.0%	$ 585,604	
Police Dept.	45	$ 1,283,376	$ 1,208,234	$ 1,272,780	75,142	94.1%	$ 1,036,534	
Dispatch Division	47	$ 234,854	$ 229,797	$ 220,185	5,057	97.8%	$ 214,261	
Public Safety Bldg.	49	$ 49,904	$ 46,290	$ 45,930	3,614	92.8%	$ 35,282	
Street Lights	51	$ 73,575	$ 41,039	$ 65,925	32,536	55.8%	$ 71,608	LED conversion
Harbor Dept.	53	$ 129,558	$ 120,393	$ 126,722	9,165	92.9%	$ 111,474	
Parks & Rec & Glen M	59	$ 438,577	$ 429,110	$ 416,358	9,467	97.8%	$ 236,375	
COVID19/Gen. Assist	63/66	$ 38,644	$ 58,239	$ 496	(19,595)	150.7%	$ 1,700	COVID19
Cooperating Agencies	68	$ 57,681	$ 57,681	$ 45,092	-	100.0%	$ 40,038	
Comfort Station	70	$ 99,728	$ 95,155	$ 100,368	4,573	95.4%	$ 93,438	
Public Works	75	$ 153,081	$ 129,914	$ 148,951	23,167	84.9%	$ 143,258	
Highway Dept	77	$ 1,125,114	$ 1,049,175	$ 1,082,238	75,939	93.3%	$ 1,033,837	
Solid Waste	79	$ 727,340	$ 623,258	$ 773,154	104,082	85.7%	$ 641,258	Lag in invoices
General Fund Totals		$ 9,231,177	$ 8,831,334	$ 8,797,084	$ 399,843	95.7%	$ 7,877,788	
payroll periods		26	26	26		100.0%	26	

FY20 Budget Includes $55,776 in carryover encumbrances from FY2019; $3800 MCF Clam grant in Harbor, less $10,000 transfer from Technology to CIP

General Fund - Revenues

Town of Bar Harbor
YTD June 30, 2020
100% - 12 Months -Pre-Audit

Department	Budget FY'20 12 Months	Prelim-Actual FY'20 12 Months	Audited FY'19 12 Months	Bud. Var. Favorable (Unfavorable)	% Rev's Received 100% Goal	Variances From Budget Goal Comments
Town Clerk Fees	$ 24,320	$ 20,319	$ 28,186	(4,001)	84%	Budget shortfall
Finance Department	$ 179,396	$ 183,529	$ 181,058	4,133	102%	Budget met
Municipal Building Rents	$ 33,000	$ 36,041	$ 36,705	3,041	109%	Budget met
Code Enforcement Permits	$ 328,800	$ 362,491	$ 214,213	33,691	110%	Permits Up/Vaca Rental down
Planning Fees	$ 16,550	$ 26,932	$ 29,347	10,382	163%	Budget met
Ambulance/Fire Fees	$ 333,200	$ 204,184	$ 342,354	(129,016)	61%	Budget shortfall-less runs
Police/Dispatch Department	$ 170,727	$ 174,672	$ 216,286	3,945	102%	Budget met
Harbor Department	$ 62,700	$ 69,525	$ 68,841	6,825	111%	Budget met
Public Works & Prks & Rec	$ 12,585	$ 17,698	$ 14,342	5,113	141%	Budget met
Solid Waste-Recycling	$ 420	$ 5,362	$ 10,275	4,942	1277%	Budget met
Departmental	**$ 1,161,698**	**$ 1,100,753**	**$ 1,141,607**	(60,945)	**95%**	
P.I.L.O.T.'s	$ 137,265	$ 156,339	$ 147,061	19,074	114%	Budget met
Interest Income	$ 54,000	$ 100,162	$ 149,787	46,162	185%	Budget met
Misc, Cable Franch., other	$ 124,910	$ 135,690	$ 135,699	10,780	109%	Budget met
Excise & Other Taxes	$ 1,035,000	$ 1,123,886	$ 1,167,836	88,886	109%	Budget met
Intergovernmental	$ 396,369	$ 444,773	$ 336,068	48,404	112%	Budget met-Rev Sharing
Revenues-Subtotal	**$ 2,909,242**	**$ 3,061,603**	**$ 3,078,058**	152,361	**105%**	
Property Taxes	$ 17,892,429	$ 17,917,087	$ 17,241,788	24,658	100%	Negative Adjst @ audit
Transfers In-CS & Other Funds	$ 435,692	$ 429,568	$ 363,941	(6,124)	99%	
Fund Balance Used	$ 55,000	$ -	$ -	(55,000)	0%	
Grand Total-General Fund	**$ 21,292,363**	**$ 21,408,258**	**$ 20,683,787**	115,895	100.5%	
				-		
Wastewater Revenues	$ 2,144,400	$ 2,125,305	$ 2,411,183		99%	Budget shortfall
Water Revenues	$ 2,151,302	$ 2,289,843	$ 2,295,858		106%	Budget met
CIP Fund Rev's/Transfers	$ 3,774,090	$ 3,810,337	$ 7,328,506		101%	Budget met
Cruise Ship Fund Rev's	$ 1,133,839	$ 930,055	$ 1,023,708		82%	Budget shortfall
Parking Fund (net of Trans Fees)	$ 510,750	$ 1,362,152	$ 315,765		267%	Offset fees not yet booked

TOWN OF BAR HARBOR
CASH / INVESTMENT STATUS @ June 30, 2020

Note	Bank	Acct. No.	Purchase	Maturity	Interest Rate	Amount
****CHECKING ACCOUNTS**						
GENERAL	BHBT	77548521	**GL #10-1140**		0.75%	$ 5,982,000
SEWER	MACHIAS SB	8100333860 / 930	**GL #35-1135**		0.05%	$ 32,000
PARKING	MACHIAS SB	100184337	**GL #64-1140**		0.25%	$ 19,000
SEWER	BHBT	77548513	**GL #35-1140**		0.75%	$ 1,850,000
WATER	BHBT	77548556	**GL #40-1140**		0.75%	$ 1,808,000
	Total Checking Accounts					**$ 9,691,000**
GENERAL	The 1st		collaterized securities	**GL #10-1145**	1.26%	**$ 1,205,000**
GENERAL	The 1st		collaterized securities	**GL #10-1146**	1.26%	**$ 1,049,000**
PARKING	MACHIAS SB	ICS - CDARS	FDIC custodial bank deposits	**GL #64-1120**	1.10%	**$ 1,084,000**
SEWER	MACHIAS SB	ICS - CDARS	FDIC custodial bank deposits	**GL #35-1120**	1.10%	**$ 527,000**
****CERTIFICATES OF DEPOSIT: money market**						
Gen Fnd	The First	17 months	27-Apr-20	27-Sep-21	0.15%	$ 91,057
Gen Fnd	BHS&L	18 Months	28-Jun-19	28-Dec-20	2.05%	$ 116,933
Gen Fnd	BHS&L	18 Months	19-Jun-19	19-Dec-20	2.05%	$ 117,242
Gen Fnd	UTC-Camden	12 Month CD	11-Feb-20	11-Feb-21	0.35%	$ 110,347
Gen Fnd	UTC-Camden	12 Month CD	10-Feb-20	10-Feb-21	0.20%	$ 109,546
Gen Fnd	UTC-Camden	6 Mos.-CDARS	26-Mar-20	26-Sep-20	0.15%	$ 244,452
#10-1160		Total Certificates of Deposit				**$ 789,577**
CIP Reserves: Bar Harbor Banking & Trust - Trust Department				*@ 3/31/20*		
GENERAL	COMB-combined funds		Money Mkt Funds Sweep		1.51%	$ 253,287
	Toyota Motor Credit Corp		Bond - AA- S&P	4/13/2021	2.95%	$ 101,756
	JP Morgan Chase Co.		Bond - A- S&P	10/29/2020	2.55%	$ 101,077
	Mead Johnson		Bond - A- S&P	11/15/2020	3.00%	$ 70,657
	Apple, Inc.		Bond - AA+ S&P	11/13/2020	2.00%	$ 111,277
	Bank America Corp.		Bond - A- S&P	10/21/2022	2.52%	$ 101,368
	ABBVIE Inc.		Bond - A- S&P	11/6/2022	2.90%	$ 102,258
	Qualcomm Inc.		Bond - A- S&P	5/20/2020	2.27%	$ 100,806
	Boeing		Bond - BBB S&P	10/30/2021	2.35%	$ 47,873
	Morgan Stanley		CD	1/5/2021	2.00%	$ 151,725
	US Treasury Note		Note - Aaa -Moody's	9/30/2020	2.75%	$ 202,608
	Goldman Sachs Bank		CD -	2/6/2023	1.80%	$ 175,942
	IBM Credit LLC		Bond - A S&P	11/30/2021	3.51%	$ 104,580
	Wells Fargo Co.		Bond - A- S&P	7/22/2027	2.60%	$ 100,517
	Canadian Natl Rwy Co.		Bond - A S&P	12/15/2021	2.85%	$ 98,997
	Intercontinental Exchange		Bond - A S&P	12/1/2020	2.74%	$ 101,046
	Wells Fargo Bank NA		CD	9/8/2021	3.06%	$ 102,697
	UBS AG		Bond - A+ S&P	3/13/2023	2.20%	$ 100,017
#10-1170	Total In Trust Fund		***(45/50-1170)***			**$ 2,128,488**
	TOTALS: All CASH & INVESTMENTS					**$ 16,474,065**

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

GENERAL = Combined General, CIP, School and Cruise Ship Cash

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

Town Bond Rating:	Affirmed	March '19	Aa2	Moody's
	Affirmed	March '19	AAA	S & P's
State of Maine Bond Rating:		May '12	AA	S & P's
State of Maine Bond Rating:		June '14	Aa2	Moody's
State of Maine Bond Rating:		Jan '13	AA	Fitch
Hancock County Rating		Jan '11	Aa2	Moody's
Hancock County Rating		Jan '11	AA	S & P's
U.S. Government Rating		August '11	AA	S & P's

VIII A

Memorandum

To: Town Council, Cornell Knight

CC:

From: Stan Harmon, Finance Director

Date: 6/16/2020

Re: Selection of Auditor for FY20 & FY21

Attached is a two year proposal from Mr. Wadman, which is traditionally what we have asked for. Also, included within the proposal, is the firm's Peer Review certification letter. As Finance Director, I endorse the proposal and fees as presented. I consider the fees on the low side, considering the quality audit received and this is partly because our own skilled staff and *Munis* software enables the finance department to prepare many of the reconciled schedules.

Mr. Wadman's firm has successfully audited the Town's books for many years and they also audit the school's portion of the books under AOS #91. This creates savings/efficiencies with the audit process. Jim's staff turnover has been very stable over the years and they know and work well with Bar Harbor's finance employees. They also audit over 20 Downeast communities. Their latest "peer" review audit, included in this proposal, received a passing grade and relates to their abilities and adherence to the professional standards of the audit industry. The one deficiency in the Peer review letter relates to new clients or Single Audits (special audit procedures for entities receiving over $750,000 in Federal funds) where additional quality review work was not highlighted in the firm's procedure manual. This does not apply to the Town, but Mr. Wadman did add the 2 line policy statement referencing these procedures in his manual two years ago.

The FY2020 fee is set *not to exceed* $17,*665* and FY2021 is set *not to exceed $18,108*. The fees have increased by 2.5% each year over the last several years. If the Town is subject to the *Single Audit* compliance there will be additional fees of $1,545, but this comes into play only if the Town receives federal grants in excess of $750,000 during its fiscal year.

TOWN OF BAR HARBOR
PROPOSAL FOR AUDITING SERVICES
FOR THE FISCAL YEARS ENDED
JUNE 30, 2020 AND 2021

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

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James W. Wadman
Certified Public Accountant

Telephone 207-667-6500
Facsimile 207-667-3636

James W. Wadman, C.P.A.
Ronald C. Bean, C.P.A.
Kellie M. Bowden, C.P.A.
Wanese L. Lynch, C.P.A.
Amy E. Atherton, C.P.A.

LETTER OF TRANSMITTAL

June 11, 2020

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

The following is our audit proposal for the Town of Bar Harbor for a two year period. We understand that the period of the audit will be for the 12 month periods ending June 30, 2020 and 2021. Our firm presently maintains an independent status and will continue to maintain an independent status with the Town of Bar Harbor.

We will perform our audit in accordance with generally accepted governmental auditing standards established by the American Institute of Certified Public Accountants, the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, and the Governmental Accounting Standards Board. Our audits will also be in compliance with Maine State Statutes as well as Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards at 2 CFR 200 (Uniform Guidance), if applicable. We understand that the financial statements will be presented in accordance with the financial model described in Governmental Auditing Standards Board Statement number 34 and related subsequent statements. Our audits will be a financial and compliance audit of all accounts and funds and will contain written opinions of the financial statements of the Town of Bar Harbor.

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

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

Respectfully Submitted,

James W. Wadman, C.P.A.

James W. Wadman, C.P.A.

295 Main Street • P.O. Box 889 • Ellsworth, Maine 04605 • wadmancpa.com

FIRM QUALIFICATIONS

James W. Wadman, C.P.A. is a local accounting firm with five licensed professionals and two staff members. Our firm has been auditing a wide range of municipalities, school districts and non-profit organizations for 31 years. We presently audit over 125 municipalities, school systems, and non-profit organizations. Our office is located at 295 Main Street, in Ellsworth.

The senior personnel assigned to the audit will be James W. Wadman, C.P.A., a 1986 graduate of the University of Southern Maine with 31 years of governmental audit experience. Other staff to be involved in all aspects of the audit include; Wanese L. Lynch, C.P.A., a 1992 graduate of the University of Maine with 23 years of governmental audit experience; Kellie M. Bowden, C.P.A., a 1995 graduate of Husson University with 24 years of governmental audit experience; Ronald C. Bean, C.P.A., a 1992 graduate of Husson University with 19 years of governmental audit experience; Amy E. Atherton, C.P.A., a 2000 graduate of the University of Southern Maine with 5 years of governmental audit experience: and Daniel R. Gray, a 1991 graduate of Husson University with 22 years of governmental audit experience.

Approximately 16 hours per year of governmental auditing and accounting continued professional education are obtained by all personnel assigned to the engagement. The majority of this professional education is obtained through seminar participation with nationally renowned experts in governmental auditing.

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

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

TECHNICAL APPROACH TO ENGAGEMENT

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

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

Our audit engagement will consist of three phases:

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

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

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

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

1. Detailed general ledgers, receipts, warrants, invoices, purchase orders, bank statements with canceled checks, savings account records, employee contracts, and insurance policies.

2. Reconciliation of all cash accounts with bank statements and the general ledger.

3. Reconciliation of all unpaid property tax receivables with unpaid property tax listings and the general ledger.

4. Copies of Assessor's Certificate, Municipal Valuation Return and LD-1 calculation for the year being audited.

5. Details of all accounts receivable and accounts payable, which agree to the general ledger.

6. Minutes of all town and council meetings.

7. Payroll records, including payroll tax returns and W-2 forms, as well as 1099 Forms for contracted services.

8. Copies of all State and Federal grant applications, award letters, receipts of grant funds, expenditures, drawdown requests and applicable adopted policies as stated in grant applications. Revenue and expense detail reports which agree with the general ledger control accounts.

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

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

COMPENSATION

Our fees for these engagements include all costs involved such as postage, travel, etc. Should the entity require additional accounting and consultation services, services will be provided at our standard hourly rates of $92.00 per hour for licensed professional personnel and $60.00 per hour for non-licensed professional personnel. Hourly rates will increase by 2.5% annually. These services will be agreed to prior to commencement of the accounting services. Our annual fees would be as follows:

2019-2020 Audit	Town of Bar Harbor (incl water dept)	not to exceed $17,665
2020-2021 Audit	Town of Bar Harbor (incl water dept)	not to exceed $18,108
Single Audit compliance and internal control procedures and reporting (as required, annual cost)		not to exceed $ 1,545

VACHON CLUKAY
& COMPANY PC

CERTIFIED PUBLIC ACCOUNTANTS
608 Chestnut Street • Manchester, New Hampshire 03104
(603) 622-7070 • Fax: (603) 622-1452 • www.vachonclukay.com

Report on the Firm's System of Quality Control

July 19, 2018

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

We have reviewed the system of quality control for the accounting and auditing practice of James W Wadman, CPA (the firm) in effect for the year ended March 31, 2018. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aipcp.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an engagement performed under *Government Auditing Standards,* including a compliance audit under the Single Audit Act.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Deficiency Identified in the Firm's Design of its System of Quality Control

We noted the following deficiency during our review:

1. The firm's quality control policies and procedures has not been suitably designed to establish criteria for engagement quality control reviews to be performed. No finding(s) were noted on the engagements reviewed because of the design deficiency in the Quality Control. This is a repeat finding.

Opinion

In our opinion, except for the deficiency previously described, the system of the quality control for the accounting and auditing practice of James W Wadman, CPA in effect for the year ended March 31, 2018 has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass, pass with deficiency(ies), or fail.* James W Wadman, CPA has received a peer review rating of *pass with deficiency.*

Vachon Clukay & Company PC

Robert L Vachon, Team Captain

VIII B

Visualizing the Complex Impacts of Flooding on Coastal Communities 2020

Lead Project Partners: A Climate to Thrive (ACTT), Gulf of Maine Research Institute(GMRI), Sewall and Treadwell Franklin Infrastructure Capital (TFIC)

Project Concept: To support future planning and projects across Mount Desert Island (MDI) and surrounding towns, this project proposes to map current economic, social, and environmental resources against projected coastal climate scenarios. Through partnerships with the towns on and surrounding MDI, local community and education organizations, as well as infrastructure and GIS specialists, we will develop a publicly accessible data visualization tool that illuminates the complex impacts of coastal flooding on these coastal communities. This tool will provide municipal staff and community leaders with the data and tools that they need to inform coastal adaptation decisions as well as build public awareness of and support for coastal adaptation projects.

We will accomplish this by creating a mapping tool that illuminates the impacts of coastal flooding by aggregating and/or developing and geo-referencing currently disconnected data sources, including but not limited to: waterfront infrastructure, land use-zoning, transportation routes, sewer and stormwater systems, grocery stores, hospitals, schools, parks and projected sea level rise scenarios. This tool will support towns in identifying shared resources that are critical to their socio-economic success and that are increasingly vulnerable as sea levels rise. Identifying vulnerable coastal assets will support towns in planning, prioritizing, and collaborating on adaptations solutions. This mapping tool will also provide a flexible platform for towns to expand upon and use to engage their community to build understanding of and support for coastal adaptation projects.

Proposed Project Partners/Roles:

- MDI and surrounding towns: participate in meetings to support project design and development, provide relevant existing GIS data layers and/or provide information to support the development of data layers, support community engagement.
- GMRI: lead proposal development, project management, lead content development, reporting, co-lead community engagement
- ACTT: support communication and coordination between towns, support content development, co-lead community engagement
- TFIC/Sewall: lead the development of GIS data layers, develop mapping tool
- MCHT: provide case studies for relevant adaptation options related to storm water/culvert tool
- COA and MDIHS: support students in providing data for and/or creating GIS data layers, support students in collecting and/or creating content, support community engagement

Example Mapping Tools:

DRAFT South Portland Community Resilience Map
https://gmri.maps.arcgis.com/apps/MapSeries/index.html?appid=dd1f5ae7892a4d7d8a5eda68c3f0fe59
Developed by South Portland Sustainability Office and Gulf of Maine Research Institute

Machias Bay Storm Surge Viewer
https://machias.maps.arcgis.com/home/webmap/viewer.html?webmap=e650fd66cd694d0bafe49cf01d074fc5
Developed by the Town of Machias and Tora Johnson, USM

Coastal Risk Explorer
https://maps.coastalresilience.org/maine/
The Nature Conservancy, Maine

VIII C1

Town of Bar Harbor

Application for Bus/Carriage-for-Hire/Limousine/Taxicab/Pedicab License

FEE SCHEDULE	
Taxi, Carriage-for-Hire and Pedicab (1 – 14 passengers)	$65
Limousine and Bus (15 or more passengers)	$119

Owner's Name: Amy Walton d/b/a: Amy's Taxi & Tours

Address: 25 pine St. Apt A. Bar Harbor ME. 04609

Phone: 479-9053 Email: flowerchild2430@Yahoo.com

List all drivers and their Maine Driver's License Number below (use back of application if more space is necessary)

Name: Amy Walton ME Driver's Lic #

Name: Phillip Larry ME Driver's Lic #

Name: ME Driver's Lic #

Name: ME Driver's Lic #

List all the vehicles you wish to include in this application (use additional sheet if more space is necessary)

Type of Vehicle Bus/Carriage/Limo/Taxi/Pedicab	Year/Make/Model/Serial or VIN	# Seats	Own or Lease
Taxi	2011 Chevy HHR 3GNBABFW2BS501455	5	OWN

I hereby agree to abide by Chapter 40 of the Bar Harbor Town Code as well as all applicable laws, statutes, ordinances and regulations related to the operation of Buses, Carriages-for-Hire, Limousines, Taxicabs and Pedicabs.

Owner's Signature Amy Walton Date 6-28-2020

For official use:

Approvals: Police Department [signature] Date 06/28/2020

Town Clerk, Fee Paid Shawn M Lunt Date 06/29/2020

Proof of Insurance (DEC page with VIN) Shawn M Lunt Date 06/29/2020

Copy of Chapter 40 of the Bar Harbor Town Code provided ☒

Revised 05/01/2020

IX A

Sharon Linscott

From:	Chris Petersen <cpetersen@coa.edu>
Sent:	Thursday, May 21, 2020 8:48 AM
To:	Charlie Phippen; slinscott@barharbormaine.gov; Heidi Leighton; Scott Swann
Subject:	change in ordinance for BHMRC
Attachments:	Shellfish Conservation 170 approved changes 5.20.20.docx; Bar Harbor change in allocation 2020 approved.docx
Follow Up Flag:	Follow up
Flag Status:	Flagged

Sharon and Charlie,
Attached are the changes in the ordinance voted on by the marine resources committee and approved by the DMR.
In addition there was a second vote on the timing of licenses for next year

Starting with the changes in licenses, in consultation with MEDMR, we voted to delay the start of the 2020-21 license season to Sept. 1, 2020. That means that anyone with a current license (recreational or commercial) can harvest through August 31. The reasoning behind this is that the restrictions on being around others has restricted the ability of people to do conservation hours, and most towns are either removing the requirement for this year or delaying the date of this year's license, we chose the latter.
The second change in our license involves two things.
1. We have defined a new class of license, a junior commercial license (resident and non-resident). For anyone under 18, they can get a commercial license for half of the price. Unti they are 17 they will not have to do conservation hours (by ME Dept of Labor rules). Once 18, they would move over to the commercial license category.
2. We are defining a new classification for licenses, an unlimted class. This allows us to remove the fixed number of licenses in a category. For example, currently we have 4 commercial resident licenses. If we do not sell all 4, any remaining become open for anyone, without conservation hours, after 90 days. By leaving it unlimited, anyone would have to do conservation time for a regular commercial license (resident or non-resident).
If we sell 6 or more licenses, the state 10% rule states that we would have to offer at least one non-resident license. This seems highly unlikely, since we have only had 1-4 active clammers over the last decade, and that number seems to be decreasing.
Both of these changes were approved unanimously by the committee, but now need approval by the town council. I believe multiple individuals from the committee would be willing to attend the town council meeting to present or answer any questions.
I have attached the document in track changes, so that you can see the approved changes, but am happy to send it in any other form.
I've also attached the allocation that the committee approved for 2010-11. That document is separate from the ordinance, and I do not believe needs council approval, but is to make the information complete.
Happy to answer any questions, I can also send along minutes in a day or so once we have edited them if that would be helpful.
Thanks,
Chris

Shellfish Conservation Ordinance Amendment

Town of Bar Harbor
#2020-10

An Amendment to define a new junior commercial license class and a new unlimited classification for licenses.

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

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

CHAPTER 170 – SHELLFISH CONSERVATION

***

§ 170-4 Definitions.

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

<u>JUNIOR</u>

<u>A person who is under 18 on the first day of the licensing period.</u>

NONRESIDENT

Anyone not qualified as a resident under this chapter.

RESIDENT

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

SHELLFISH and CLAMS

Soft-shell clams, Mya arenaria.

§ 170-5 Licensing.

***

B. Designation, scope and qualifications.

(1) Resident commercial shellfish license. The license is available to residents of the Town of Bar Harbor. It entitles the holder to dig, take or possess any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.

(2) Nonresident commercial shellfish license. The license is available to nonresidents of this municipality. It entitles the holder to dig, take or possess any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.

<u>(3) Resident junior commercial license. This license is available to any resident, who has attained his or her 13th birthday, but has not yet attained their 18th birthday as of the first day of the</u>

current licensing year. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.

(4) Nonresident junior commercial license. This license is available to any nonresident, who has attained his or her 13th birthday but has not yet attained their 18th birthday as of the first day of the current licensing year. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.

(~~3~~5) Resident recreational shellfish license. The license is available to residents and real estate taxpayers of this municipality and reciprocating municipalities. It entitles the holder to dig, take or possess no more than one peck of shellfish in any one day for personal use. This license is not available, nor valid, to holders of a Maine commercial shellfish license.

(~~4~~6) Nonresident recreational shellfish license. The license is available to any person not a resident of this municipality. It entitles the holder to dig, take or possess not more than one peck of shellfish in any one day for personal use. This license is not available, nor valid, to holders of a Maine commercial shellfish license.

(~~5~~7) All shellfish licenses. It shall be unlawful for an individual to possess any Bar Harbor shellfish license if their state shellfish harvesters license is under suspension or revocation for any reason for the period of state suspension at a minimum.

(~~6~~8) License must be signed and consent to inspection. In order for a Town shellfish license to be valid, it must be signed. Any person who signs a Town shellfish license has a duty to submit to inspection and search for violations related to the licensed activity by the Town Shellfish Warden or other Law Enforcement Officer under the following conditions:

(a) Watercraft or vehicles and the equipment located on watercraft or vehicles which are used primarily during shellfish harvesting activity may be searched or inspected at any time if the Shellfish Warden or other Law Enforcement Officer has a reasonable suspicion of a violation of the Town Shellfish Conservation Ordinance by the licensed individual.

(~~7~~9) Conservation time requirements for commercial shellfish license. No ~~resident or nonresident~~ commercial license shall be issued until the applicant has completed the minimum number of mandatory conservation hours. Qualifying conservation time includes attending Marine Resources Committee meetings, clam flat population and recruitment surveys, reseeding and any other approved activity. Any member of the Bar Harbor Marine Resources Committee may verify hours for approved activities. The minimum required conservation hours will be established by the Marine Resources Committee at least six months prior to current license expiration date. Conservation time must be accumulated in the previous licensing year; however, if an individual obtains the appropriate conservation time, but is unable to obtain a commercial license, their conservation time will rollover to the next year or until they are offered a license to the next year or until they are offered a license. Conservation time requirements are waived for anyone ~~17~~16 and under at the end of the previous licensing year.

(~~8~~10) Commercial license eligibility. Individuals possessing Bar Harbor commercial shellfish harvesting licenses for four of the previous five years and who have accumulated the required conservation time are eligible to obtain their licenses two weeks in advance of the next license

year. The Marine Resources Committee shall determine the number of advance licenses available for the next year no later than six months in advance. If the number of eligible individuals exceeds the number of advance licenses available, those licenses shall be assigned through a lottery. Any licenses not issued before the first working day of the new license year will be available to any eligible individual that has met the conservation time requirement.

***

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

(1) Number of licenses established. Prior to May 1 the Town Marine Resources Committee, with the approval of the Maine Commissioner of Marine Resources, will establish the number of commercial and recreational licenses to be permitted following the requirements of 12 M.R.S.A. § 6671(3-A).

(2) Notice to Town Clerk. Prior to June 1 the Town Marine Resources Committee will notify the Town Clerk in writing of the number of licenses to be issued.

(3) Public notice. Not less than 10 days prior to the period of issuance notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, effective in reaching persons affected. Notice shall also be posted in the municipal offices until the period of issuance concludes.

(4) Limited License Sales. The number of licenses issued may be limited and will be issued according to the Municipal License Allocation Request as approved by DMR. The Town Clerk shall issue licenses to residents and nonresidents as allocated for the first 90 days of the period of issuance after which any unsold licenses shall be made available to residents and nonresidents alike on a first-come, first-served basis or by lottery, at the approved fee per available license class.

(5) Unlimited License Sales. When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year, it can change to unlimited license sales within a category. The Town Clerk shall issue licenses as allocated. On the first day of license sales, the total number of non-resident commercial licenses shall be issued in accordance with DMR Regulations Chapter 7.4 section 1. Thereafter, non-resident licenses will be issued in accordance with the 10% rule as described in 12 M.R.S.A. §6671(3-E) and DMR Regulations Chapter 7.4, Section 2, Table 1.

(~~4~~6) Dates of issuance. The Town Clerk shall issue licenses ~~to residents and nonresidents~~ as allocated from the first day of July. Categories with limited license sales shall be offered until the 28th day of September, after which licenses in these categories shall be issued to residents and nonresidents on a first come, first served basis.

***

[End of Ordinance]

IX B1

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee
$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 6/26/2020 Application Type: New ✓ Renewal _____ Permit Number: _____ (assigned by Town)

Applicant Name: Laura Johnson Business Name: Mainely Meat BBQ Dreamwood TH

Business Address: 369 State Hwy 3 (Physical Address in Bar Harbor) Mailing Address: PO Box 172 Hulls Cove, Me 04644 (If different)

Type of Business: Restaurant (Restaurant, Bar, Nightclub, etc.) Location to be used: outside deck – (Where on the premises will the amusement take place? Use back of page if necessary.)

Phone: 207-288-1100

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No ✓
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No ✓
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☑ Class 3 – Three or more musicians

With Mechanical Amplification

- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☐ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ☐ Class 3ad – Three or more musicians

Other Entertainment or Amusement

- ☐ Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

*Dancing also requires a state permit & Fire Marshall inspection

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

_____
Applicant's Signature

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on _____
Date

_____
Sharon M Linscott, Town Clerk

Revised 07/08/2019

TOWN OF BAR HARBOR
Town Clerk's Office
93 Cottage Street, Suite I
Bar Harbor, Maine 04609-1400
Tel. 207-288-4098 Fax 207-288-4461

Sharon M. Linscott, Town Clerk email: clerk@barharbormaine.gov

July 13, 2020

NOTICE OF PUBLIC HEARING

New Special Amusement Permit Request

The Bar Harbor Town Council will hold a public hearing **Tuesday, July 21, 2020 at 4:00 pm** by Zoom webinar to consider a request for a Class 3 Special Amusement Permit, three or more musicians without mechanical amplification as submitted by:

Mainely Meat BBQ Dreamwood Hill
369 State Hwy 3

Please click the link below to join the webinar to speak during the public hearing:
https://us02web.zoom.us/j/81061492580?pwd=M1JiQVNjbGV3QmVtWHYyU3MzcFFKZz09
Password: 918202

Or iPhone one-tap :
US: +13126266799,,81061492580# or +19292056099,,81061492580#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782
Webinar ID: 810 6149 2580
International numbers available: https://us02web.zoom.us/u/kdYXEpzf6P

As an abutting property owner within 300 feet of the boundary of the above property, you are hereby notified that this hearing will take place. You may wish to participate in the hearing where you will be given an opportunity to make comments or ask questions. The Town Council strives to hold meetings that are accessible to all. In order to ensure your complete participation in this meeting, we would appreciate your informing us of any special requirements you might have due to a disability.

IX B2

$129

Town of Bar Harbor
Application for Special Amusement Permit

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 6/27/2020 Application Type: New X Renewal _____ Permit Number: _____ (assigned by Town)

Applicant Name: Michael Boland Business Name: Choco-Latte Cafe

Business Address: 240 Main St. (Physical Address in Bar Harbor) Mailing Address: P.O. Box 10 Bar Harbor (If different)

Type of Business: Restaurant (Restaurant, Bar, Nightclub, etc.) Location to be used: 240 Main Street (Where on the premises will the amusement take place? Use back of page if necessary.)

Phone: 207 801 9179

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ___ No X
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ___ No X
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- [ ] Class 1 – Single musician
- [x] Class 2 – Two musicians
- [ ] Class 3 – Three or more musicians

With Mechanical Amplification

- [ ] Class 1a – Single musician
- [ ] Class 2a – Two musicians
- [ ] Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- [ ] Class 1ad – Single musician
- [ ] Class 2ad – Two musicians
- [ ] Class 3ad – Three or more musicians

Other Entertainment or Amusement

- [ ] Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

*Dancing also requires a state permit & Fire Marshall inspection

I certify that this application is true and correct, that I have received a copy of the Special ~~Amusement Ordinance~~ and that I will read said ordinance prior to offering any special amusement.

M. Boland
Applicant's Signature

The Municipal Officers of Bar Harbor hereby [ ] approve [ ] deny this application on _____
Date

Sharon M Linscott, Town Clerk

Revised 07/08/2019

TOWN OF BAR HARBOR
Town Clerk's Office

93 Cottage Street, Suite I
Bar Harbor, Maine 04609-1400
Tel. 207-288-4098 Fax 207-288-4461

Sharon M. Linscott, Town Clerk

email: clerk@barharbormaine.gov

July 13, 2020

NOTICE OF PUBLIC HEARING

New Special Amusement Permit Request

The Bar Harbor Town Council will hold a public hearing **Tuesday, July 21, 2020 at 4:00 pm** by Zoom webinar to consider a request for a Class 2 Special Amusement Permit, two musicians without mechanical amplification as submitted by:

Choco-Latte Cafe
240 Main Street

Please click the link below to join the webinar to speak during the public hearing:
https://us02web.zoom.us/j/81061492580?pwd=M1JiQVNjbGV3QmVtWHYyU3MzcFFKZz09
Password: 918202

Or iPhone one-tap :
US: +13126266799,,81061492580# or +19292056099,,81061492580#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782
Webinar ID: 810 6149 2580
International numbers available: https://us02web.zoom.us/u/kdYXEpzf6P

As an abutting property owner within 300 feet of the boundary of the above property, you are hereby notified that this hearing will take place. You may wish to participate in the hearing where you will be given an opportunity to make comments or ask questions. The Town Council strives to hold meetings that are accessible to all. In order to ensure your complete participation in this meeting, we would appreciate your informing us of any special requirements you might have due to a disability.

IX B3

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee
$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 6/30/20 Application Type: New X Renewal _____ Permit Number: _____ (assigned by Town)

Applicant Name: Henry Hotels Inc. Business Name: The Ivy Manor Inn

Business Address: 194 Main street (Physical Address in Bar Harbor) Mailing Address: Box 551 : 04609 (If different)

Type of Business: Lodging (BnB II) (Restaurant, Bar, Nightclub, etc.) Location to be used: 194 Main st. (Front lawn) (Where on the premises will the amusement take place? Use back of page if necessary.)

Phone: 207·841·1586

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No X
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No X
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- [X] Class 1 – Single musician
- [ ] Class 2 – Two musicians
- [ ] Class 3 – Three or more musicians

With Mechanical Amplification

- [ ] Class 1a – Single musician
- [ ] Class 2a – Two musicians
- [ ] Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- [ ] Class 1ad – Single musician
- [ ] Class 2ad – Two musicians
- [ ] Class 3ad – Three or more musicians

Other Entertainment or Amusement

- [ ] Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

*Dancing also requires a state permit & Fire Marshall inspection

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Applicant's Signature

The Municipal Officers of Bar Harbor hereby [ ] approve [ ] deny this application on _____ (Date)

Sharon M Linscott, Town Clerk

Revised 07/08/2019

TOWN OF BAR HARBOR
Town Clerk's Office
93 Cottage Street, Suite I
Bar Harbor, Maine 04609-1400
Tel. 207-288-4098 Fax 207-288-4461

Sharon M. Linscott, Town Clerk email: clerk@barharbormaine.gov

July 13, 2020

NOTICE OF PUBLIC HEARING

New Special Amusement Permit Request

The Bar Harbor Town Council will hold a public hearing **Tuesday, July 21, 2020 at 4:00 pm** by Zoom webinar to consider a request for a Class 1 Special Amusement Permit, single musician without mechanical amplification as submitted by:

Ivy Manor Inn
194 Main Street

Please click the link below to join the webinar to speak during the public hearing:
https://us02web.zoom.us/j/81061492580?pwd=M1JiQVNjbGV3QmVtWHYyU3MzcFFKZz09
Password: 918202

Or iPhone one-tap :
US: +13126266799,,81061492580# or +19292056099,,81061492580#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782
Webinar ID: 810 6149 2580
International numbers available: https://us02web.zoom.us/u/kdYXEpzf6P

As an abutting property owner within 300 feet of the boundary of the above property, you are hereby notified that this hearing will take place. You may wish to participate in the hearing where you will be given an opportunity to make comments or ask questions. The Town Council strives to hold meetings that are accessible to all. To ensure your complete participation in this meeting, please inform us of any special requirements you might have due to a disability.

IX C1

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee
$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 7-6-20 Application Type: New _____ Renewal ✓ Permit Number: _____ (assigned by Town)

Applicant Name: Eric Olson Business Name: MaMa D. Mattias

Business Address: 34 Kennebec *Physical Address in Bar Harbor* Mailing Address: 34 Kennebec Pl *If different*

Type of Business: Restaurant *Restaurant, Bar, Nightclub, etc.* Location to be used: 34 Kennebec Pl *Where on the premises will the amusement take place? Use back of page if necessary.*

Phone: _____

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ___ No ✓
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ___ No ✓
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- [ ] Class 1 – Single musician
- [ ] Class 2 – Two musicians
- [x] Class 3 – Three or more musicians

With Mechanical Amplification

- [ ] Class 1a – Single musician
- [ ] Class 2a – Two musicians
- [ ] Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- [ ] Class 1ad – Single musician
- [ ] Class 2ad – Two musicians
- [ ] Class 3ad – Three or more musicians

Other Entertainment or Amusement

- [ ] Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

*Dancing also requires a state permit & Fire Marshall inspection

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

_____
Applicant's Signature

The Municipal Officers of Bar Harbor hereby [ ] approve [ ] deny this application on _____
Date

_____
Sharon M Linscott, Town Clerk

Revised 07/08/2019

X A

Cornell Knight

From: David Kerns
Sent: Tuesday, July 14, 2020 11:17 AM
To: Cornell Knight
Cc: 'Jim Willis'
Subject: Re: Mask Ordinance/Executive Order

From the beginning of the Governors Executive Orders, we along with the rest of law enforcement and prosecutors in Maine, have been encouraged to take and educational/informative approach for enforcement. The message was coming from DPS and the AG's Office. This is not to say we couldn't write a summons if necessary, and we had that conversion with the D.A.'s office for repeat offenders and egregious violations. However, up to this point we have not gone beyond educational enforcement.

Executive Order 55 FY 19/20 clarified Enforcement for Face Covering
This Order is subject to all available methods of enforcement including, but not limited to, those identified in Executive Orders 14, 19, 28 and 34 FY 19/20.

Executive Order 34 FY 19/20 makes the best clarifying statement to law enforcement
Pursuant to 37-B M.R.S. sec. 786, this Order shall be enforced by law enforcement, as necessary, including through means of community policing.

From: Cornell Knight <cknight@barharbormail.org>
Sent: Tuesday, July 14, 2020 10:41 AM
To: David Kerns <dkerns@barharbormail.org>
Cc: 'Jim Willis' <jwillis@barharbormaine.gov>
Subject: FW: Mask Ordinance/Executive Order

Does the PD have a response to the enforcement question? Or does Dept of Public Safety?

From: Matthew Hochman <mhochman@barharbormaine.gov>
Sent: Friday, July 10, 2020 10:40 AM
To: Council <council@barharbormaine.gov>; Cornell Knight <manager@barharbormaine.gov>
Subject: Mask Ordinance/Executive Order

Cornell or Jeff.

Now that we have the executive order, I would love to get some clarity on one point before we discuss an ordinance on the 21st,

The order looks like it puts the onus of enforcement on the businesses themselves, but partially on us/police, The order states " This Order ***may*** also be enforced by any governmental department" (emphasis added) Not This order SHALL be enforced. and " this Order ***may*** also be enforced by law enforcement as necessary"

So how is the governors office contemplating enforcement? I don't know if this is something that we need to get answered by our Attorney or the Governors office, But I would like a clearer understanding of the intent before the meeting if possible as enforcement/enforceability has been a question all along.

ORDER Requiring the Wearing of Masks or Face Coverings

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT in accordance with Executive Orders issued by Governor Janet Mills and guidelines from the Maine CDC, all entities/businesses that have received council authorization to use public space for their business shall require all owners, employees, clients, customers and guests to wear a mask or other face covering while conducting business on such public space until such time as the Civil State of Emergency has been lifted. All pedestrians in the Downtown Zone must wear face covering while in public spaces because social distancing cannot be maintained. All individuals in the City of Rockland shall wear face covering while in any indoor space accessible to the public, unless eating or drinking, or otherwise exempted under the Governor's Executive Order #49.

CITY OF ROCKLAND, MAINE

ORDER #27

(As Amended 07/06/2020

IX B

Town of Bar Harbor Planning & Code Department

Memorandum

To:	Town Council
Copy:	Planning Board, Cornell Knight, Sharon Linscott, Angie Chamberlain, and Steve Fuller, VR ZAG
From:	Michele Gagnon, Planning Director MG
Re:	Draft Order for Vacation Rental Land Use Ordinance Amendments
Date:	July 14, 2020

Attached is the proposed Vacation Rental Land Use Ordinance amendment draft order for the Town Council to:

1. Review and adjust the language (should you find it necessary)
2. Sign the Certification of proposed amendments
3. Tentatively place the order on the Town Warrant for November 3, 2020
4. Call for a public hearing on August 18, 2020

Draft Order – On the first page of the attached draft order is a summary explanation of the proposed amendment. The proposal has changed since it was last presented to you, as the result of a vote by the Planning Board at its public hearing on this proposal on July 8. Below are some of the elements of the proposal that deserve particular attention.

- **Max number of VR-2 licenses** – Initially, the ZAG had proposed a cap of 175 VR-2 with a 3:1 re-entry ratio. From the comments received, people felt that 175 was a random number. They instead asked for a number that was associated with the town's housing stock. As written, the maximum number of VR-2 licenses that may be issued shall not exceed 7.5% (initially presented at 5%) of the town's total number of dwelling units.

  Per the Assessor's database, there are 2,795 homes (housing units) in town presently and there are about 438 VR licenses (15.6% of total number of dwelling units), with an estimated 268 that would qualify as VR-2 (9.6% of total number of dwelling units).

  A 7.5% VR-2 target would translate into 210 VR-2 licenses. This means a present surplus of about 58 VR-2 licenses; therefore, we would not be able to issue any new VR-2 licenses. If the VR-2 license exists and is transferable (runs with the land), as presented below, the most realistic way to meet the 7.5% target and be able to issue new VR-2 licenses (go from surplus to deficit) is to increase the housing stock. Attrition is not likely to happen quickly.
    - **Is 7.5% an appropriate percentage?**

(Continued on the following page →)

- **Transferability** - The transferability of VR-1 is noted as not applicable. It was initially listed as not transferable, but we received feedback saying that was confusing to some people. From the comments received, people feel it is unfair that VR-2 is transferable but VR-1 is not. We proposed "not applicable" because successive owners can have a VR-1 permit for a particular property, so long as it is their primary residence. Otherwise, it isn't VR-1.

  The ZAG was not in favor of transferability for VR-2. It came up during the review by the Planning Board, as people were concerned that they would lose money when selling a property if the new owner would not be able to operate as a VR-2 (again, that new owner could do a VR-1 if it was their primary residence). Initially, there was no transferability provision; then, transferring the VR-2 license with the land was limited to five years from the adoption of the ordinance; and as written now a VR-2 runs with the land forever.
    - **Is transferability for VR-2, as presented, appropriate?**

- **VR-3** – From comments received, people felt there was a price point that was simply out of reach to the workforce so we created a VR-3 license which is a dwelling unit valued at twice the median assessed value of all dwelling units in town which is 2 X $297,500 = $595,000.
    - **Does this formula produce the right price point for VR-3?**

History – Staff developed the proposed amendment with assistance from a six-member Zoning Advisory Group (ZAG). We gathered background information, held three listening sessions and summarized the comments received. From there we drafted a goal and 10 policy objectives (attached), which were presented to the Town Council for an OK to move forward. This was the basis for the development of regulatory approaches. We refined these several times based on comments received at the March joint workshop of the Town Council and Planning Board, the April Zoom joint workshop, the May Zoom public information Session, additional ZAG meetings and several meetings with the Planning Board.

Comments – Per the requirement of the Land Use Ordinance, on June 24, we sent a town-wide mailing (3,700 parcels/about 3,200 owners) informing taxpayers of the July 8, 2020 Planning Board public hearing. The notice included the draft warrant article question and the explanation. Over this 14-day period, we received written comments from 11 people (including comments sent to the Town Manager) and we had 10 people comment at the hearing. Attached are comments received and my notes of the comments received at the hearing.

Legal Review – Attorney Bearor reviewed the draft order found it "to be reasonable."

Planning Board Vote - The Planning Board voted 3-2 to send it to the Town Council, after extensive discussion before and after the public hearing portion of the July 8, 2020 meeting. This is obviously a very polarizing issue.

Draft Order

of the Bar Harbor Town Council
For the November 3, 2020, Town Meeting

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

Warrant Article

Article XX LAND USE ORDINANCE AMENDMENT – Vacation Rental - Shall an ordinance, dated June 18, 2020, and entitled "An amendment to Vacation Rental allowing currently registered vacation rentals to continue operating as long as the registration is renewed annually; creating three types of vacation rentals (VR-1, VR-2, and VR-3) allowed in the same 34 zoning districts where vacation rentals are presently allowed; creating definitions for primary residence and vacation rental license; and regulating the rental of the entire dwelling unit or a part of thereof, the rental period (minimum number of nights), the maximum number of licenses that may be issued, and the transferability of licenses;" be enacted?

EXPLANATION

- It would allow all currently registered vacation rentals to continue operating as long as the registration/license is renewed annually.
- It would create three different types of vacation rentals (VR-1, VR-2, and VR-3).
- It would allow VR-1, VR-2, and VR-3 in the same 34 zoning districts where vacation rentals are presently allowed.
- VR-1: In the primary residence or at the location of the primary residence.
  May be an entire dwelling unit or part of a dwelling unit.
  No minimum rental period/number of nights restriction (i.e. nightly rental would be allowed).
  Maximum number of VR-1 licenses would be two – it may be in the primary residence and/or at the location of the primary residence.
  Transferability: not applicable
- VR-2: Not in the owner's primary residence.
  Must be an entire dwelling unit.
  Minimal rental period of four nights.
  The maximum number of licenses issued would be 7.5% of the town's total number of dwelling units.
  Transferable to a new owner (runs with the land).
- VR-3: Not in the owner's primary residence.
  The value must be more than twice the median assessed value of all dwelling units in the town.
  Must be an entire single-family dwelling unit.
  Minimal rental period of four nights.
  There is no maximum number of licenses.
  Not transferable.

Vacation Rental

An amendment to Articles III, V, and XII

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

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

Chapter 125, LAND USE ORDINANCE

Article III. Land uses Activities and Standards

§ 125-17 **Bar Harbor Gateway.**

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3; single-family dwelling and two-family dwelling.

***

§ 125-18 **Village Historic.**

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

***

§ 125-19 **Mount Desert Street Corridor District.**

***

C. Allowed Uses

(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, single- or two-family dwelling; vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-20 **Village Residential.**

***

C. Allowed Uses

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; roadside stand; vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-21 **Downtown Village I.**

***

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public

information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

***

§ 125-21.1 **Downtown Village II.**

***

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

***

§ 125-21.2 **Downtown Village Transitional.**

***

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; farmers market; home occupation.

***

§ 125-22 **Downtown Residential.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-23 **Emery District.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-24 **Hulls Cove Business.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-26 **Hulls Cove Residential Corridor.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-27 **Hulls Cove Rural.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-28 **Indian Point Residential.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-29 **Indian Point Rural.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-31 **Ireson Hill Corridor.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-32 **Ireson Hill Residential.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-33 **McFarland Hill Residential.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

§ 125-34 **McFarland Hill Rural.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-35 **Otter Creek.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued

by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-37 **Salisbury Cove Corridor.**

****

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-38 **Salisbury Cove Residential.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-39 **Salisbury Cove Rural.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-40 **Salisbury Cove Village.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-41 **Schooner Head.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-43 **Town Hill Business.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-44 **Town Hill Residential Corridor.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-45 **Town Hill Residential.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-46 **Town Hill Rural.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-47 **Shoreland General Development I.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-48 **Shoreland Limited Residential.**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

§ 125-49 **Shoreland General Development II (Hulls Cove).**

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

§ 125-49.1 **Shoreland General Development III.**

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3; single-family dwelling and two-family dwelling.

***

§ 125-49.2 **Shoreland General Development IV.**

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, cabins and cottages, ~~all~~ vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3, artist studio, home occupation, government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

***

§ 125-51.1 **Educational Institution.**
***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

***

Vacation rentals: vacation rental-1, vacation rental-2 and vacation rental-3.

***

Article V. Site Plan Review

125-69 Standards for particular uses, structures or activities

***

Y. Vacation Rentals

(1) VR-1 Specific Standards.

(a) Maximum number of licenses. A maximum of two VR-1 licenses per Tax Assessor property ID number for the rental of an entire dwelling unit or a portion thereof may be issued.

(b) Renting of rooms (renting part of the dwelling). All persons or groups renting a portion of a dwelling shall have access to cooking, bathing and sanitary facilities.

(c) Transferability. Not applicable.

(2) VR-2 Specific Standards

(a) Maximum number of licenses. The town-wide maximum number of VR-2 licenses that may be issued shall not exceed 7.5% of the town's total number of dwelling units, as determined by the Assessor at the start of each calendar year.

At the start of the calendar year, using a wait list of received complete vacation rental license applications, the Code Enforcement Officer will inform the applicant at the top of the wait list, through registered mail, that a license is available. The applicant will have 30 days from the mailing date to call the Code Enforcement Officer and schedule an inspection. The inspection shall take place within 45 days of the mailing date. The license shall be issued within three months of the mailing (meaning that if the applicant cannot meet the inspection requirements within three months, the license shall be offered to the next person on the wait list). A property owner cannot hold multiple places/slots on the wait list.

(b) Protection Clause. At the time of the passing of this ordinance, a duly licensed (registered) vacation rental may continue operating as long as the license is renewed annually. If the license is not renewed within 12 months from the date of issuance, than the license expires and may not be renewed.

(c) Transferability. A VR-2 license runs with the dwelling unit and is transferable to a new owner.

(3) VR-3 Specific Standards

(a) Maximum number of licenses. There is no maximum on the number of VR-3 licenses that may be issued.

(b) Transferability. A VR-3 license is not transferable.

Article XII. Construction and Definition

§ 125-109 **Definitions.**
The following terms shall have the following meanings:

***

PRIMARY RESIDENCE

A primary residence is the primary location that a person inhabits and is where the owner resides most of the year. The property owner uses this address as their legal address listed for tax returns, or on their driver's license, or on their voter registration card.

***

VACATION RENTAL
~~The use of a dwelling unit or portion thereof for rent to a family for a period of less than 30 days and a minimum of five days. Time-share property, as most recently defined in 33 M.R.S.A § 591, is also included in this definition.~~

Vacation Rental-1 (VR-1): A dwelling unit, or portion thereof, that is rented to a person or a group for less than 30 days and a minimum of 1 night. A property owner may only be eligible for a VR-1 license if that property owner can demonstrate that the dwelling unit or another dwelling unit, on the lot where the VR-1 is located, qualifies as their primary residence. The rental of a portion of the dwelling, as in a bedroom, cannot be a room that is detached from the dwelling unit.

Vacation Rental-2 (VR-2): An entire dwelling unit that is not the primary residence of the property owner and is rented to a person or a group for less than 30 days and a minimum of 4 nights.

Vacation Rental-3 (VR-3): An entire single-family dwelling unit that is not the primary residence of the property owner and is rented to a person or a group for less than 30 days and a minimum of 4 nights. To be a VR-3, the value of the dwelling unit (real property) shall be more than twice the median assessed value of all dwelling units (real property) in Bar Harbor, as determined by the assessor.

VACATION RENTAL LICENSE
A written permission given to a property owner to operate a vacation rental in compliance with Chapter 190. Vacation Rental Licensing.

***

Given under our hands and seal at Bar Harbor this XXXX day of XXXX, 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Friedmann	Joseph Minutolo
Valerie Peacock	Erin E. Cough

Jill Goldthwait

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

LAND USE ORDINANCE AMENDMENT — Vacation Rental, dated June 18, 2020.

The Bar Harbor Town Council hereby certifies to the Town Clerk that the attached Ordinance, "**Vacation Rental**", is scheduled for public hearing on August 18, 2020 at 4:00 p.m. by video conferencing for public comment and Town Council's consideration to sign the Order for the November 3, 2020 special town meeting warrant.

Given under our hands and seal at Bar Harbor this twenty-first day of July 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Friedmann	Joseph Minutolo
Valerie Peacock	Erin E. Cough

Jill Goldthwait

01. Goal

Builds on the FY 2020 Council Vision, Goals and Strategies and on the 2019 Housing Policy Framework.

To develop vacation rental regulations that balance the needs of the Town of Bar Harbor and protect public interests including housing affordability, health and safety, and neighborhood quality, while still allowing for residents to earn supplemental income from vacation rentals.

02. Policy Objectives

Based on housing and vacation rental data and the listening sessions

1. To establish clear definitions, appropriate locations, and minimum length of stay.
2. To classify the types of use (residential or commercial).
3. To maximize the supply and affordability of year-round housing options.
4. To address speculation and conversion from year-round housing to short-term lodging.
5. To prioritize residential use and neighborhood quality.
6. To balance the playing field with transient accommodations, B&Bs, etc.
7. To establish a pathway to successful and consistent enforcement.
8. To ensure guest safety.
9. To identify possible incentives to assist in retaining and creating year-round housing.
10. To develop regulations that are politically acceptable, legally and practically enforceable, and financially affordable.

Bar Harbor Planning Board
Wednesday, July 8, 2020 at 4:00 PM

Public Hearing – Draft Warrant Article LAND USE ORDINANCE AMENDMENT – VACATION RENTAL.

M. Gagnon's notes of comments received

(*this is not the official record*)

1. **Norman Beamer – Wants to know how we will determine the sale price for VR-3.**
2. **Michael Farkas – Wants to know how will the Town treat pending applications.**
3. **Sean Sweeney – Feels that we are creating two classes; that by taking away the ability to sell their home as a VR we are taking money away from them. Wants Planning Board to table this and not send it to Town Council.**
4. **Ed Damm – Thinks that the VR-1 language pertaining to not being transferable is bad English; that VR-3 is unfair; that during the pandemic is not the right time to deal with this.**
5. **Kimberly Wolfe – Questions why is VR-2 not transferable to a new owner; why are we restricting VR-2 to 4 nights; that during the pandemic it is not the time right time to deal with this.**
6. **Joseph Bonaventura – Thinks that we should be able to transfer VR2 and was glad to see changes.**
7. **Christine Yetka – Not a formal resident but sees herself as a resident as she spends a lot of time here. Has a pending VR registration. Waiting for Fire Department inspection. Would like the definition of primary residence to be broader.**
8. **Leslie Tibetts - Asked about the pnumber of VRs.**
9. **Garric Worcester – Thanked us for the work that we are doing and wants to know what happens when a VR-2 property is sold.**
10. **Abigail Parker – Spoke about the creation of classes and the disadvantage to the middle class.**

11- COMMENTS VR BINDER
RECEIVED BETWEEN JUNE 24 AND JULY 8, 2020

Michele Gagnon

From: Tammy Desjardin <tdesjardin@barharbormail.org>
Sent: Tuesday, June 30, 2020 4:18 PM
To: 'planner@barharbormaine.gov'; Steve Fuller; ceo@barharbormaine.gov; Patrick Lessard
Subject: FW: Vacation Rental Proposed Ordinance

From Herb-

From: Herb Hess [redacted]n>
Sent: Tuesday, June 30, 2020 4:14 PM
To: Tammy Desjardin <tdesjardin@barharbormail.org>
Subject: RE: Vacation Rental Proposed Ordinance

Hi Tammy,

For what it is worth, here is my question re: the proposed ordinance that I am quoting below.

It appears that if a property, like mine, has a license and the license is not renewed within 12 months of the date of issuance then (not than) the license expires and may not be renewed.

So, if I do not renew my license for any reason in 2021 my home is permanently removed from the pool of homes eligible to apply for a rental license. If I were to sell my home in 2022 there is nothing in this proposed ordinance which permits the new owner to apply for a vacation rental license. I'm wondering if that is not a "taking" which may be found illegal after judicial review. I'm not a lawyer and don't pretend to be one. There already appears to be a random selection process for admitting new applicants from the pool where licenses become available. It seems fair to allow a new owner to apply and have an equal shot at the pool as any other property owner.

I would recommend modifying the language around renewal as well. Property A owner may obtain a license on January 2. What does "within 12 months" mean? Does the owner of property a need to renew by January 1 the following year (impossible because it is a holiday) and by December 31 within the same calendar year to stay within a 12 month window?

Wording may be better stated as within 380 days or by the last business day of the calendar month of the previous year's license renewal date.

Just my two cents.

Thank you for soliciting comments about the ordinance. The big idea seems laudable which is to strike a balance between home ownership and the provision of lodging. We always make our home available every winter at a low fixed rent all-inclusive of utilities to allow for housing for a local resident or someone transitioning to the island.

Take care,

Herb Hess
856 979 5612

At the start of the calendar year, using a wait list of received complete vacation rental license applications, the Code Enforcement Officer will inform the applicant at the top of the wait list, through registered mail, that a license is available. The applicant will have 30 days from the mailing date to call the Code Enforcement Officer and schedule an

inspection. The inspection shall take place within 45 days of the mailing date. The license shall be issued within three months of the mailing (meaning that if the applicant cannot meet the inspection requirements within three months, the license shall be offered to the next person on the wait list). A property owner cannot hold multiple places/slots on the wait list. (b) Protection Clause. At the time of the passing of this ordinance, a duly licensed (registered) vacation rental may continue operating as long as the license is renewed annually. If the license is not renewed within 12 months from the date of issuance, than the license expires and may not be renewed. (c)Transferability. A VR-2 license runs with the dwelling unit and is transferable to a new owner.

From: Tammy Desjardin [mailto:tdesjardin@barharbormail.org]
Sent: Tuesday, June 30, 2020 2:44 PM
To: Herb Hess <[redacted]>
Subject: FW: Vacation Rental Renewal Application

Hello Herb,

I have the permit printed.

You can mail a check or call with a card number (there is a 2.5% charge) either is fine. We have a different system for taking payments. I will be away for a week after today so the option of paying by phone will not be available until next Monday when I return.

During processing your property file will be checked and as long as there is proof of having a VR in the past you will be fine to renew annually by 5/31 of each year.
In January of 2019 the Town Council started the discussion of annual renewals and the fee increase and held a public hearing on Feb. 19, 2019 and clarified the fee on Feb. 26, 2019. These minutes are available on the Town website under Town Council meeting minutes.

You may find helpful information in the Municipal Code which also on the website when you hover your mouse over the word Town Hall, it will be in the second column from the left on the very bottom. Go to Chapter 125 for Land Use and search for your district in Article III. Your District can be found on your property card when you use the Assessor's Online Data Base, also found by hovering your mouse over Town Hall, it will be at the top of the first column on the left.

For Vacation Rental Info. head to the Planning site on the website also found by hovering your mouse over Town Hall, it will be the third column from the left.

Give me a call this afternoon by 4:30 if you would like to pay over the phone, if not I'll look for your check in the mail.

Tammy

From: Steve Fuller <sfuller@barharbormail.org>
Sent: Tuesday, June 30, 2020 2:17 PM
To: Tammy Desjardin <tdesjardin@barharbormail.org>
Subject: FW: Vacation Rental Renewal Application

From: Herb Hess <[redacted]>
Sent: Tuesday, June 30, 2020 2:13 PM
To: 'sfuller@barharbormaine.gov' <sfuller@barharbormaine.gov>
Subject: Vacation Rental Renewal Application

Hi Steve,

Thank you for passing this along to Tammy.

Hi Tammy,

Attached is the Vacation Rental Renewal Application for 7 Snow Street.

I have a few quick questions if you won't mind sending back a quick note.

Thanks,

Herb
856 979 5612
[redacted]m

1. Over the 15 years we have been renting we have renewed our rental license up until the point I understood that annual renewals were not required. I missed any announcement that renewals are required annually again but learned of the requirement this spring. In short, I'm renewing a rental license that was last renewed a few years ago. We have already been inspected and I take my fire extinguisher up to the station every year for the crew to check out for me. Please let me know if there are any further requirements for renewing the application, thanks.
2. What is the easiest way to get the $250 fee to you. I can mail a check, provide you with debit card info. I use the Govt Payments site to pay my water bill. Could I use that site and just put in a note that the funds go to the planning department? What works best for you.
3. From the Tax Map our home appears to be in the "F" zone or "Downtown Residential". Where can I find more details about the allocation of vacation rentals in my zone?

Michele Gagnon

From: Pat Hayes <[redacted]>
Sent: Wednesday, July 1, 2020 7:54 AM
To: mgagnon@barharbormaine.gov
Subject: Question/comment on vacation rental proposal

I have been a seasonal resident for 18 years. I currently spend about 4-5 months a year in BH. When I bought my home in 2002, my realtor suggested that it would be a perfect rental property. And that possibility—I have not rented it until now—has been part of my thinking for the time when I can no longer come here but my children are still working full time. I can see a 10 year gap when our family would want to rent it to cover expenses when family occupancy was not possible.

As I read the proposed land use amendment, I would be a VR-2. I am comfortable with the 4 day and full house provisions but I don't know how to evaluate the 7.5% What total number is 7.5% today? Would grandfathered rentals count against the 7.5%? How many of those are there? Depending on the answers to those questions, it appears that all slots could be taken very quickly with no openings until someone sells or dies. Since I am not planning to rent in the near future, it looks as if I might be unable to rent when the time comes.

It would be helpful to me to get answers to the questions in the previous paragraph and, depending on the answers, to ask that the Planning Board consider some alternative to the "first come, first served" system being proposed. The distinction that I think is missing is a distinction between a home where the owner has never lived there—was purchased to rent—vs. a home the owner has occupied for many years. It may be that some kind of carve-out—a VR-4 perhaps—could provide rental approval for homes that had been occupied by the owner for at least ___ (10, 15?) years. And the number of rental years could be capped—no more than ____ (5,7?) years of rental and not transferrable. Such a carve out would also provide for a long time seasonal resident facing a year or two of illness that prevents coming to BH.

Thank you for your consideration.

Pat Hayes, 148 Great Meadow Drive, Bar harbor

Michele Gagnon

From: Robert Allen [redacted]
Sent: Sunday, July 5, 2020 3:27 PM
To: mgagnon@barharbormaine.gov
Subject: Proposed Land Change Ordinance

Dear Ms Gagnon,
My name is Bob Allen and I own Acadia Ocean View Motel, 323 State Hwy 3.
in Bar Harbor. I am not presently a Maine resident but have been operating a seasonal lodging business in the Bar Harbor area for over 30 years. This is my family's primary source of income. I am very concerned that any additional vacation rentals permitted by the town will further negatively affect the local hospitality industry that has already been devastated by the coronavirus. Predictions are that it could take many years before the lodging businesses are able to recover. As you know many of the private rentals represent a secondary income for their owners. There is no doubt that these private rentals are financially hurting many hospitality businesses who depend on the Bar Harbor tourist season.
I also feel the town needs to do a better job investigating the business practices of the personal properties being rented to vacationers. I know a number of people who presently rent personal properties in Bar Harbor. They do not have the proper insurance, do not follow the same precautions mandated by the state board of health that lodging facilities must comply with and do not pay lodging or state and federal taxes for the rental income they are receiving . This is truly a frustrating time to be operating a lodging business in Bar Harbor. I hope you will consider these facts when moving forward with any ordinance changes.
I would appreciate you acknowledging receipt of this email.

Sincerely,
Bob Allen
Acadia Ocean View Motel
941-743-4911
[redacted]
323B State Hwy 3
Bar Harbor, ME 04609

Michele Gagnon

From: Karen Moore <[redacted]>
Sent: Monday, July 6, 2020 12:29 PM
To: mgagnon@barharbormaine.gov
Cc: Arthur Brunelle
Subject: Questions/Comments re Vacation rentals

Hi
Here are some comments and questions for the meeting on July 8th

1. Slide 19 of the presentation (BALANCING YEAR-ROUND HOUSING AND VACATION RENTAL BENEFITS TO BAR HARBOR RESIDENTS) states there has been an increase of 137% in VR since 2006. But the town admits it was not monitoring for registration till 2019. So the 137% is an increase in registration not VR per se. Does the town know what the actual increase in VR units is? Would be interested to understand whether the number of housing units being used for VR really has changed a lot?

2. The Notice of Public Hearing sent to owners states that all "currently registered vacation rentals to be operating as long as registration is renewed annually". We did not register this year because we felt it safer for Bar Harbor to not rent due to COVID - we cancelled all our bookings. Will the town take consideration of people that opted out for the 2020 season because of COVID?. We don't feel it would be fair to penalize us because we didn't register this year in an effort to do our part to protect Bar Harbor and it's residents.

3. Our property crosses three land use zones (Salisbury cove residential, Shoreland Residential and Salsbury Cove corridor). How will the town determine which zone to use for determining allowability or not if the property is in multiple zones?. Our property is noted on the slides as in a zone not allowing lodging (slide 25). But in fact as we are in three zones - so how was that determined? BTW- all the three zones allow vacation rentals at this time.

4. If VR = 12.5% of housing units in BH and this was limited to say 8% (by limiting licenses as potentially proposed) how many of those now non- licensed VR units would convert to full time rental to help alleviate the rental situation? We usually rent a two bedroom apartment attached to our home. But if we are not allowed a license we would not turn that use over to full time rental. We are not at our property in the winter and would not be comfortable having people on site all the time. The town has to be realistic in understanding how much gain there would be in limiting VR vs the loss to the town of revenue from the VR (annual fee, lodging tax etc)

5. Slide 33 indicates 58% of VR nights in 2019 were less than the prescribed 4 nights minimum. That's a lot of misuse of the licenses issued. so something needs to be done to either change the number of nights allowed or to monitor more closely (hard to do)

6. We assume the numbers gathered and used by AirDNA cover VRBO, HomeAway, Air BNB. It will not cover independant web sites and local "rental" web-sites who go unmonitored both for safety and for tax. And some of those have MANY listings. If the town starts limiting VR licenses will that simply drive more "undeclared" VR?. Again loss of revenue to the town and loss of safety inspections (We think safety inspections should be every 3-5 years)

We hope some of these comments and questions will be helpful in the discussion

Thank you

Michele Gagnon

From: Mary <[redacted]>
Sent: Wednesday, July 8, 2020 9:13 AM
To: planningboard@barharbormaine.gov
Subject: Proposed LUO Amendment "Vacation Rentals"

Subject: Proposed LUO Amendment "Vacation Rentals"

Our family purchased a home in Bar Harbor in the 1980's for a family member that was handicapped. When that family member died a couple years ago, the family wanted to keep the house. We have been painting, replacing flooring, making repairs, etc. so family can stay here. We had planned to do some seasonal weekly rentals to help pay taxes and expenses. The proposed LUO amendment would prevent that. The house is not a primary residence and is valued at less than twice the median home price.

We assume that redefining and limiting seasonal vacation rentals is one proposed way to provide adequate and affordable housing for year round residents. In the Zoom meeting today, July 8, would you please discuss the math of how the VR2 restrictions will make that possible?

If we understand the notes from the January meeting, 97% of the housing units in Bar Harbor are valued at greater than $185,000 (the affordable home price for the median income). How will limiting the number of VR2s increase the number of affordable homes for purchase?

If the amendment limits VR2 to 7.5% or currently about 262 units, that means it would be years before anyone on the waiting list would be considered.

We just spent the past 2 years helping our daughter's family look for affordable housing. The best we could find required an hour commute to work. So we understand the concern that there are no good answers but these restrictions mean we have invested money in a property that we will not be able to keep and these restrictions may do little to expand the town's year round economy.

Mary and Mort Havey

We apologize for sending this response so late but have been unable to get our mail so we just got your notice a few days ago.

Michele Gagnon

From: [redacted]
Sent: Tuesday, July 7, 2020 5:07 PM
To: mgagnon@barharbormaine.gov
Subject: question for July 8 meeting

As of today, what is the median assessed value of all dwelling units in Bar harbor. I want to know what the value of a proposed VR-3 property needs to be. And if there is no maximum number of licenses and it is not transferable then if a house was sold in the VR-3 category the new owners could apply for a VR-3 license and probably get it? The number of other vacation rental licenses . won't matter for anyone applying for a VR-3 correct?

Thanks. Melody
Wishing you a day filled with joy,

Melody Kronenberg, Owner

Aysgarth Station Bed & Breakfast and Dragonfly Cottage
207.288.9655

Michele Gagnon

From: Jeff Dobbs <jdobbs@jeffdobbs.com>
Sent: Wednesday, July 8, 2020 11:43 AM
To: 'Michele Gagnon'
Subject: FW: Vacation rental restrictions

Michelle
Here you go
Jeff

-----Original Message-----
From: Rebecca Richardson/BHACR [redacted]
Sent: Wednesday, July 8, 2020 11:28 AM
To: council@barharbormaine.gov
Subject: Vacation rental restrictions

I am writing to the Council instead of attending the Zoom meeting today because it's been my experience that no matter how many opposing voices the Town employees receive on this issue, it does absolutely no good. You all are moving forward with this regardless of the public response.

It is not right to try limit the income potential a property owner has with their property by limiting the number of weekly rentals. You're saying it's okay to have monthly rentals but not weekly?

The members of the town office who are pushing this through, despite numerous open forum meetings where the majority of attendees are against these types of limitations to property, seem to have an agenda of their own, contrary to what the property owners of this town want. And for what? Some fantasy that Bar Harbor will become a family friendly, low income real estate market? None of you listen to the feedback when it's contrary to your own agendas.

There is nothing wrong with our town having higher property values than other areas. It should. It's a special place to visit and to live. I've said this many times but will repeat it. I used to live in NYC. And just because people want to live in Manhattan doesn't mean everyone could afford to. Most to live in Brooklyn or Queens or Staten Island. And just because you want to live in downtown Bar Harbor doesn't mean you can afford to. So you live in Town Hill, Hulls Cove, Otter Creek, Bass Harbor, Trenton or Lamoine. And for our town officials to be trying to force the lowering of real estate values is unconscionable.

Why are you trying to force this?

The legal right to rent your property weekly was decided over 10 years ago by a ballot. And some people bought property based on their legal right to do so. This perpetual effort by town employees to revoke this and limit this is wrong. And has no validity. And you are placing a higher burden on property owners to somehow solve the local and seasonal housing concerns.

And some arbitrary limit to the number of weekly rental licenses is absurd. You are trying to make decisions that will urt the lives of all of the individual property owners in this town, if not today, down the road. I don't believe anyone here pushing this agenda through has an understanding of our town's tourist industry and the vacation cottage rental

market, in this town or in our country. Picking a number like 175 cap, or some arbitrary percentage on number of weekly rentals, in a town where over 2 million people visit, makes absolutely no sense.

Trying to make public policy that is detrimental to who we are as a community and who we are as tourist destination is wrong. It's not like fighting to prevent MacDonalds from coming here. You are fighting the will of the property owners here.

If your goal is to offer more affordable housing and year round rental properties, you should focus on changing the laws to enable developers more latitude in building in our town, or providing tax incentives to do so. Don't punish individual property owners by manipulating the real estate market and property owner rights. That seems to be what you're trying to do.

Oh yeah, and nice move to be doing this during a pandemic. How heartless can you be?

Rebecca Richardson
Bar Harbor/Acadia Cottage Rentals, Inc.
207-288-0307
bhacr.com

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This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus

Michele Gagnon

From: Cornell Knight
Sent: Wednesday, July 8, 2020 1:07 PM
To: Michele Gagnon
Subject: FW: vacation rentals

-----Original Message-----
From: TideWatch <[redacted]>
Sent: Wednesday, July 8, 2020 9:37 AM
To: council@barharbormaine.gov
Subject: vacation rentals

I would like to know how restricting properties that are valued over $350,000 are going to help the housing market? Every time someone posts a year round rental property with a rent over $1600 a month, everyone posts how greedy they are. With the economy right now, I would not dare to add year round rentals. I have several year round rents and most are having trouble paying rent. If we can not rent weekly, you will drive down property values and flood the market. I am against restricting property owners from renting their properties, many times this is their retirement plan. We have all paid a high price to own properties in this town and I am sorry if it is difficult for people to find housing. Why don't we figure out how to build affordable housing for people. I wanted to put up a duplex but your restrictions did not allow it on my property. Maybe you offer property owners tax breaks to build this type of housing? I really do not understand why you would hurt your friends and neighbors, we have bought these properties with the understanding we could do weekly rentals. I really do not understand you pushing this through on the worst year this century. Please be part of the solution for everyone.

Sincerely,

Terri Needham

Michele Gagnon

From: Cornell Knight
Sent: Wednesday, July 8, 2020 1:07 PM
To: Michele Gagnon
Subject: FW: vacation rental

From: TideWatch <[redacted]>
Sent: Wednesday, July 8, 2020 10:26 AM
To: council@barharbormaine.gov
Subject: vacation rental

I have one more point to make. If I buy a restaurant today and next year, you decide we have to many restaurants and I have to use it for something else. I can guarantee you that you will be sued....why would this be any different? I really find it to be outrageous that you would even approach this during a pandemic. I know you all are not trying to hurt people, but please consider the other side of this.

Terri Needham

Michele Gagnon

From: Eddie Anne Damm <[redacted]>
Sent: Wednesday, July 8, 2020 1:26 PM
To: planner@barharbormaine.gov
Subject: Vacation Rental

I want to send this message to the planning board members but can not find a link.
Below:

Wouldn't the housing problem best be partially solved by not allowing corporations to buy up housing stock to house their employees?
If there is going to be a sunset rule that would seem to be the place to have it and have their employees where it is zoned commercial on their land?
Much of this seems like class war.
Big expensive houses can become weekly rental.....?
Well they could become duplexes or triplexes, etc.
How about all that property that used to have little houses on it that now have hotels or are now B&B's. This seems to be a no competion clause to help hotels and B&B's.
Many hotels chains now are buying houses because many vacationers want that choice. A single place to hold the family.
If you want to turn downtown property into residential family housing then don't make it harder for a family to pay their mortgage. Perhaps choice VR-1 does. But everything has to be on one piece of land?
That should be transferable because that is the most likely thing that your children could live at or take over.
Expand housing uses to mini-home or manufactured housing courts. We used to call those trailer courts.

Ed Damm.
PO Box 25
Hulls Cove ME 04644

Michele Gagnon

From: Elissa Chesler <[redacted]>
Sent: Wednesday, July 8, 2020 1:47 PM
To: mgagnon@barharbormaine.gov
Subject: vacation rental hearing-public comment

Dear Michele,

I am unable to attend the public hearing this afternoon, but would like to express my thoughts. I recently watched the planning board/code enforcement workshop on vacation rentals. I am strongly in favor of efforts to increase the availability of housing for year round residents (and those wishing to become year round residents) of Bar Harbor. Their presence contributes to a more diversified and vibrant economy and community, and in my experience as a 10 year resident, resulted in a better quality of life in town. While I do not represent my employer, I do speak for myself as someone who depends professionally on the ability to attract young staff to the area, and the lack of lower cost year-round housing diminishes my ability to do so.

I'm writing to express my support for the implementation of a 5% target ratio on VR2 licenses, and I do not believe that these licenses should be transferable with the property, as this would make it challenging to effectively increase the number of year round residential homes. I would think these properties, if sold gradually, given the shortage of single family homes, would still hold high value, and the tuning of this ratio in the future can be a powerful tool in stabilizing housing availability and value.

I'm sensitive to the concern that VR2 homes are a source of income for people who are local residents, and that limited employment options make rentals an attractive business opportunity. However, this is a vicious cycle that is further depleting the jobs, services and other opportunities that make Bar Harbor a vibrant community that is robust to various economic challenges. If other means of increasing housing availability (e.g. new home construction and workforce housing) provide a climate in which more VR2 are compatible with a healthy local economy and community, then it is clear that the proposed policy allows for a future increase in their number.

The suggestion that a high ratio of VR2 licenses be made available with the development of new structures, does potentially incentivize development (so that's good for valuation, construction and investment) but it does not provide the same benefits of increased year round residential housing relative to the number of structures built. Therefore, I hope that other means can be sought to encourage development of housing.

I agree that its important to minimize harm to people who have current investments, but trying to alleviate potential harm to people with intentions to further invest in vacation rentals will impede progress toward year round housing, and the economic diversity that come with year round residents and their needs for goods and services. This is harm that many residents and employers are experiencing.

I am concerned that the members of the planning board present at the workshop represented and advocated around a narrow set of concerns in the discussion of these issues, and hope that a greater balance of needs across the community is reflected in their work.

Sincerely,
Elissa J. Chesler

Michele Gagnon

From: Kay Stevens Rosa <[redacted]>
Sent: Wednesday, July 8, 2020 2:46 PM
To: planningboard@barharbormaine.gov; Michele Gagnon
Subject: VR Hearing

Good afternoon,

I just wanted to share, since I have made this argument often over the past several years, that I support and applaud the addition of the VR-3 category. I believe this to be an effective way of removing those properties that are not, and will likely never be, affordable from the formula intended to protect low and mid-cost housing from predatorial investment.

I have already heard people say, and you will likely hear this as well, that usch homes should be converted to duplexes or triplexes. While this may sound like a good idea in theory, I can attest to the reality of it, at least the reality that I have experienced.

My husband and I purchased the Masonic Hall on High Street in 2016, as an investment because it is the direct neighbor to our family home and we were concerned about what could become of it. It is a 7500+ SF building, and our proposal was to convert it into residential property, in keeping with every other home on the street. Doing our due diligence, we undertook a study to determine economic and regulatory feasibility. To create more than two units, we would need to go before the Planning Board to permit up to the four units the land use supports. We did not have the luxury of time to do that, as much renovation had to be done and put on the market within a set time to be viable. Nonetheless, we designed a concept around four units and estimated the costs. With the increased cost and complexity of making four kitchens, and additional fire stair, the then required sprinkling and increased fire separation and acoustic separation, it was far more costly than the proposal we opted for of two larger units. The cost of the building was already over 600k and either renovation required at least another 300k in work. As vacation rental is the only way the two unit proposal is viable economically, the four unit is far from viable as a year-round rental endeavor, as monthly rents to break even would be approaching $2,000 per month.

Of course, the Masonic Hall was never housing before, so hopefully, our efforts will be more likely to add housing to the market in the future than to remove it. It is not a typical housing project, for certain. However, I have a number of neighbors with homes valued in the $750 - $1,000,000 range, some of whom rent their homes when they are not here. Those homes will never be affordable rentals either, and it is not a healthy trend to have all the (many historic) larger downtown homes divided into multiple units. The parking and density does not support that, and it would significantly alter the value and nature of the homes.

I was a bit confused about whether the VR-3 would be transferred to children or other heirs. It reads as if it isn't, but that wouldn't make sense since the type is controlled by a value related to the median value qualifier and not a set number of units.

Thank you for your hard work on this.

Kay

Kay Stevens Rosa, AIA, NCARB
Maine Licensed Architect
President, A4 ARCHITECTURE, Inc
architecture I interiors I planning
www.a4architects.com
p: 207.266.5032

Michele Gagnon

From: Eddie Anne Damm <[redacted]>
Sent: Wednesday, July 8, 2020 3:08 PM
To: Planning Board
Subject: Vacation rental ordinance

Dear Planning board and staff,
I am not in favor of any rule that cancels a homeowner's vacation rental permit after a number of years. We know many Bar Harbor residents who plan to bequeath their homes to their children or grandchildren after many years of hard work improving and maintaining their properties. We all want our descendants to be able to have the option of doing vacation rentals in the future. So for VR-1, make the license transferable to a new owner.
I don't think that making VR-1 homes non transferable is the way to increase year round housing. If a homeowner using their home for vacation rental has high expenses (a mortgage, property taxes, improvements, utilities), it is not economically viable for a new buyer to use it as a year round rental.

I would be fine with a 3 night (4 day) minimum for VR1 or VR 2.
I don't see how a buyer could figure out whether a home meets the guidelines to be able to do VR-3 at the time they are considering a purchase, how they could apply for a mortgage not knowing if the property can be used as VR-3 or not.
Sincerely,
Anne Damm
(207)460-2401
Mailing:
PO Box 25
Hulls Cove ME 04644
Physical:
24 Ledgelawn
Bar Harbor ME 04609

3 COMMENTS - RECEIVED AFTER THE JULY 8 PB PUBLIC HEARING AND THE WRITING OF THE MEMO - JULY 9 - JULY 14, 2020

Michele Gagnon

From: diane vreeland <[redacted]>
Sent: Friday, July 10, 2020 5:57 PM
To: Michele Gagnon
Subject: VR1

Michele,

I was wondering how one goes about disagreeing with VR1 and the right to be transferable. I have a primary home that I rent out and move back in. I was wondering why one would vote to dismiss this right to be transferrable to family or on a sale, especially people who contribute to the community.

I do realize that a different Vr was slated to this definition and they didn't like it and it looks like they changed it.

Can you please direct us how to complain about this definition? I have been very sick with anaplasmosis and trying to follow on zoom. The meeting was very difficult to hear and I believe if this was a public hearing it was not an appropriate and very important meeting to participate.

Thank you,

Diane

Michele Gagnon

From: Herb Hess <[redacted]>
Sent: Monday, July 13, 2020 3:57 PM
To: 'planner@barharbormaine.gov'
Subject: Question regarding the proposed LUO and VR-2

Hi Michele,

According to the proposed LUO a property with a valid rental permit designated as LR-2 would be allowed to host guests for as short as 4 nights and as long as 30 nights.

If there were a property in town that held a valid rental permit and was designated LR-2, and the property complied with the restriction on the number of nights during the summer months, then became a long-term rental in the winter (approx. 210 days of the year) would that property remain in compliance with Bar Harbor's proposed LUO?

The way the proposed ordinance is written the supply of housing for people who need a longer-term rental may be reduced. Examples of those in need of a multi-month rental include persons participating in MDI hospital rotations, JAX visiting post-doc's, JAX employees moving to Bar Harbor but needing housing temporarily while they seek permanent housing, parents who are separating but need housing close to their children, etc.

Thanks

Herb Hess

Michele Gagnon

From: Herb Hess <[redacted]>
Sent: Monday, July 13, 2020 4:27 PM
To: 'planner@barharbormaine.gov'
Subject: LUO follow up question

Hi Michele,

I posed a question by email earlier today. Here's my second question.

I noted some confusion regarding whether the VR-2 designation truly runs with the land. I saw comments online that interpreted the proposed LOU as being transferable to a new owner but not transferable to heirs upon the demise of the current owners. I'm assuming that "runs with the land" means what it says and that any transfer of ownership will allow the VR-2 designation to be transferred to the new owner whether the new owner is an heir or a purchaser through an arms-length transaction. Is my understanding correct?

Thanks for all of the work you, your team, and the community have done to get this LUO right.

Herb Hess

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.

Acquired Property Policy 30-May-1997

Town of Bar Harbor

1. GENERAL

1.1. This policy is hereby adopted under authority of 30 MRSA section 3001, as amended, and shall be known as and may be cited as the "Acquired Property Policy for the Town of Bar Harbor" and shall be referred to herein as the "policy".

1.2. The purpose of this policy is to establish and dictate a procedure whereby real property, acquired in accordance with 36 M.R.S.A. section 1208, as amended, shall be managed, administered and disposed of by the Town of Bar Harbor.

1.3. For the purposes of this policy, the following definitions shall be observed:

A. "Foreclosed Tax Lien" shall mean a tax or sewer lien mortgage that has automatically foreclosed pursuant to the provisions of 36 M.R.S.A. section 942 and 943, 30-A M.R.S.A. section 3406(2) and 38 M.R.S.A. section 1208.

B. "Just Value for the Current Year Taxes not Assessed" shall mean the amount of taxes that would have been assessed to the property if it had not been owned by the municipality on April 1st of the year in which it is sold by the municipality. The intent of this definition is to recover for the municipality, those taxes which would have been assessed to the property if it had been privately owned on April 1st in the year in which it is sold.

C. "Mail" shall mean regular, first class mail, postage prepaid.

D. "Manufactured Real Property" shall mean any structure, building or dwelling, having been constructed or fabricated elsewhere and transported, in whole or in part, to and placed, set or installed, permanently or temporarily, upon land within the municipality. For the purpose of this policy, manufactured real property shall be commonly referred to as real property as defined below.

E. "Municipality" shall mean the Town of Bar Harbor.

F. "Prior Owner" shall mean the person or persons, entity or entities, heirs or assigns to whom the property was most recently assessed for municipal tax purposes.

G. "Quitclaim Deed" shall mean a signed, legal instrument releasing the municipality's right, title or interest in real estate property, acquired by virtue of foreclosed tax liens, to an individual or individuals, entity or entities without providing a guarantee or warranty of title to same.

H. "Real Property" shall mean all land or lands, and all structures, buildings,

dwellings, tenements and hereditaments, including manufactured real property, located or relocated upon any land or lands connected therewith and all rights thereto and interests therein.

I. "Acquired Property" shall mean that real property acquired by the municipality by virtue of a foreclosed tax lien as defined above.

J. "Tax Lien" shall mean the statutory lien created by 36 M.R.S.A. section 552 and 30-A M.R.S.A. section 3406(2), as amended.

2. Management and Administration

2.1. Following statutory foreclosure of a tax lien mortgage, title to the real property automatically passes to the municipality. The management of this property rests exclusively with the Town Council and its designees, subject to the provisions of State statutes and local municipal ordinances and regulations. The Council or its designees shall take steps set forth in the following sections.

2.2. Should a prior owner express interest in redeeming the property, but is financially unable to pay the full amount due, the Finance Director is authorized to enter into a time payment agreement to spread the payment of the full amount due for that tax year (including interest and fees) over a period deemed suitable by the Finance Director, not to exceed ten months. The intent is to require the taxpayer to catch up on his/her taxes, rather than staying "even" or falling behind.

2.3. Should a prior owner fail to abide by the time payment agreement and become ninety days or more in arrears, the Finance Director shall refer this matter to the Town Clerk for action as described below.

2.4 The Town Clerk shall send a notice by first class mail, to any and all prior owners, advising the prior owners that they may purchase the property within thirty (30) days immediately following the date of mailing, by paying the full amount of outstanding sewer fees and taxes, including a just value for the current year tax not assessed, interest and all costs including, but not limited to, notice and insurance costs, plus an administrative charge of fifty dollars ($50.00).

2.5 If payment is not received within the time allotted above, the Town Council shall determine whether an acquired property is to be retained for municipal use or disposed of in accordance with provisions of this policy.

3. Retention of Acquired Property

3.1. Should the Council decide to retain the tax acquired property for use by the municipality, the following steps shall be followed:

A. The Town Council shall determine if and when any occupants of acquired property shall vacate the same.

B. The Town Council may set a monthly rental fee to be paid by each occupant of acquired property.

C. The Town Manager shall pursue a legal action for relief in accordance with the provisions of Maine law for the purpose of securing a clear title to the property.

D. The Finance Director shall obtain appropriate insurance on the property.

4. Disposition of Tax Acquired Property

4.1. Should the Town Council determine that title to acquired property be relinquished rather than retained by the municipality, the Town Council or its designees shall take steps set forth in the following sections.

4.2. The Finance Director shall solicit sealed bids for the sale of acquired property and shall receive bids on a date certain to be determined by the Town Council.

4.3. The Finance Director shall cause a public notice of the impending public sale of acquired property to be posted within the Municipal Building and to be advertised for two (2) successive weeks in a newspaper of general circulation within the Town, the last notice to be published at least seven (7) days prior to the advertised sale date.

4.4. The Finance Director shall require the following for proper submission of bids:

A. A bid sheet containing a full description of the property being bid upon, and the bid price.

B. A certified cashier's check or postal money order in an amount not less than 10% of the bid price, shall be included as a deposit on the bid. Failure to submit a deposit shall cause the bid to be automatically rejected.

4.5. The Finance Director shall require that those bid items cited above in 4.4 be sealed in a single plain envelope marked in red "Acquired Property Bid" on the exterior and either be hand delivered to the Town Clerk, or, if mailed, enclosed within a second envelope addressed to the Town Clerk, Town of Bar Harbor, 93 Cottage Street, Bar Harbor, ME 04609-0337. All bids must be received by the municipality no later than 10:00 a.m. on the date determined by the Town Council in section 4.2 above.

4.6. The Finance Director shall open all bids after the submission deadline and shall prepare a summary thereof and a recommendation for the Town Council. The Town Council shall retain the right to accept or reject any and all bids submitted and shall cause such a disclaimer to be noted in any public notice soliciting bids. Should the Town Council reject all bids, the property may be offered again for public sale without notice to any prior owner or owners.

4.7. The Town Clerk shall notify, by mail, all bidders of their decision on all bids.

4.8. The Finance Director shall, as a credit to payment, retain the submitted bid price deposit of any successful bidder, and shall return all other submitted deposits.

4.9. The Town Council shall require payment in full, from any successful bidder within thirty (30) calendar days following the date when bids are opened and read. Should the bidder fail to pay the full balance, the municipality shall retain the bid price deposit and title to the property.

4.10. The Town Council may, subject to a show of good cause on the part of the bidder, extend the time limit in which full payment must be received, by an additional twenty (20) days. Said extension shall be made only once.

4.11. The Town Council shall give only a quitclaim deed to convey title to acquired property.

4.12. The successful bidder shall be responsible for the removal of any and all occupants of tax acquired property purchased by him and shall, in writing, forever indemnify and save harmless the municipality from any and all claims arising out of the sale of the tax acquired property, by the successful bidder or the occupants of the purchased property, their heirs or assigns. A signed, written document giving effect to the provisions of this section, shall be delivered to the municipality with the balance of the purchase price.

5. Construction and Adoption

5.1. Should any section or provision of this policy be declared to be invalid, such decision shall not invalidate any other section or provision of this policy, and to this end, the provisions of this policy are severable.

5.2. The provisions of this policy shall not be deemed applicable to a release given by the Town Council to any person or persons, entity or entities, the sole purpose of which is to remove any cloud upon title to property arising from defective or unrecorded discharges of tax liens, provided that the municipality claims no interest whatever in the property.

5.3. The failure on the part of the Town Council to abide by any provision of this policy shall not operate to invalidate any transaction with respect to any acquired property. The Council may alter any provision as it deems in the best interest of the Town of Bar Harbor.

5.4. The policy shall become effective immediately upon adoption by the Town Council.

LEGISLATIVE HISTORY

16-Feb-88 - Original "Tax Acquired Property" Policy adopted.
06-Aug-96 - Town Council adopted new "Acquired Property" Policy.
03-Jun-97 - Town Council amendment regarding redemption.

Alcoholic Beverage Policy 1/15/19

Town of Bar Harbor

Since the liability of allowing alcoholic beverages to be served and/or consumed on Town property typically exceeds any public benefit, the consumption of alcoholic beverages in municipal buildings and parks is not authorized.

Further, the Town Manager is directed not to place on the Council agenda any requests for the use of alcoholic beverages in Town buildings and parks, except upon the sponsorship and at the written request of two or more Town Council members. Said request to include:

1. The general nature of the event,
2. The specifics of date, time, location, etc.
3. The type of alcoholic beverages to be served,
4. The name of the sponsoring organization,
5. The name of the party licensed by the State to serve the alcoholic beverages,
6. How the public benefit of allowing alcoholic beverages to be served and/or consumed on Town property will exceed the Town's liability, and
7. Why the Town Council should approve the request.

LEGISLATIVE HISTORY

8/21/01	Former Alcohol Policy adopted by Town Council.
4/5/11	Former Alcohol Policy repealed by Town Council
7-19-11	Council directed development of a new policy
8-2-11	Formal policy adopted by Town Council
1/15/2019	Council amended policy

Appointments Policy

Town of Bar Harbor

Appointments Policy

The Appointments Committee shall consist of 3 Councilors appointed by the Council Chair annually at the organizational meeting held every June. Terms shall be for one year. Appointments Committee members may serve a maximum of two consecutive terms, and may serve again after a lapse in service of three years.

The Town Clerk shall annually advertise all expiring terms on standing boards and committees. The advertising shall be in the local newspaper, on the Town's website and on the cable tv access channel. Service as an alternate member shall not count toward the terms allowed as a regular voting member.

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

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

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

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

Unless otherwise specified in the Code of the Town of Bar Harbor, the Town Council may remove any board or committee member and appoint a successor for the unexpired term of any member who fails to attend four consecutive regular meetings or fails to attend seventy-five percent of all meetings during the preceding 12 month period. The Town Council may waive attendance provisions for due cause. Attendance records will be part of the Appointments Committee review process.

All newly appointed members of a board or committee shall take the Ethics Ordinance Quiz. The quiz shall be repeated by all members at least every three years.

All members of boards and committees must be sworn in by the Town Clerk prior to the first meeting in order to participate and have voting rights.

LEGISLATIVE HISTORY
06-Oct-15 Introduced to Town Council
01-Dec-15 Adopted by Town Council
15-Jul-16 Introduced deleting number of terms served
19-Jul-16 Council adopted deletion of the number of terms served

Banking Policy 7-11-06

Town of Bar Harbor

In order to formalize existing Town practices regarding opening accounts, signing checks, transferring funds and other financial matters, the following policy is hereby adopted.

The Town Treasurer shall have custody and control of all blank Town checks and may write checks, but is specifically not authorized to sign checks on behalf of the Town of Bar Harbor.

The Town Manager and Town Clerk are specifically not authorized to have custody or control of blank Town checks or write any checks on behalf of the Town of Bar Harbor.

The Town Manager and Town Clerk have the exclusive and independent authority to sign checks on behalf of the Town of Bar Harbor, without any required counter signatures.

The Town Manager and Town Clerk have the exclusive and independent authority to open or close any checking, savings or certificate of deposit accounts in any bank or investing authority on behalf of the Town of Bar Harbor.

The Town Treasurer has authority for internal transfers only between Town of Bar Harbor accounts and specifically not to accounts owned or controlled by others.

The Town Treasurer has full inquiry authority for all Town accounts and full investing authority.

The Town Treasurer has authority to initiate outgoing Automated Clearing House (ACH), wire or other electronic transfers, but only with written confirmation by the Town Manager or Town Clerk.

LEGISLATIVE HISTORY

7-7-06	New policy proposed by Manager
7-11-06	Formal policy adopted by Council

Cable TV Public Access Policy 12-18-07

Town of Bar Harbor

I. Introduction

A. This document defines the policies relevant to the public's ability to cablecast on the television channels controlled by the Town of Bar Harbor.

II. Mission Statement

A. This document articulates the polices governing the public's use of the Town's public access cable television channel (P-channel). These policies govern use of the current Bar Harbor public access channel and any other future public access channels controlled by the Town.

III. Fulfilling The Mission

A. The following are deemed necessary to fulfill the mission:

1. Designation of a Public Access Systems Administrator (PASA).
2. Equipment and facilities required for the distribution of public access programs.
3. Procedure for cablecasting on public access television.
4. Policies and technical standards for cablecasting on public access television
5. Assistance in distributing programs through the Public Access System.
6. A schedule of public access programming.

IV. Definitions

Copyright: The exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something (as a literary, musical, or artistic work)

Public Access Systems Administrator (PASA): The person designated by the Town Manager to administer the operation of the public access channel(s), and who shall ensure compliance with the policies contained in this document.

Public Access Systems Appeals Committee : The Bar Harbor Communications Technology Task Force, which has been designated by the Bar Harbor Town Council to handle appeals by those who feel aggrieved by any decision of the Public Access Administrator. The Public Access Systems Administrator must recuse him/herself from consideration of any appeal.

Producer: A producer is one who determines the creative elements of programming.

1. If the Producer is an organization, it must act through an agent who is at least 18 years of age and is duly authorized by the organization to legally bind it to the terms of the Channel Use Agreement .
2. The Town of Bar Harbor reserves the right to require any person purporting to be an agent of an organization to present proof that he or she is so authorized.

3. If an individual claims to control the creative elements of programming, but the production is actually controlled by an organization, the organization will be considered to be the Producer, and the individual an agent of that organization. In such case, the organization must provide proof that it meets the qualifications herein to be eligible to use the public access system.

Local Producer: A person as defined above, but who in addition is a resident of Bar Harbor or an organization housed in or with an active branch in Bar Harbor.

Provider: A person eligible to use the public access system who wishes to distribute a program. A Provider assumes responsibility for a program produced by someone else.

Use Agreement: A document which must be submitted to the Public Access Systems Administrator before a person or group may distribute programs on the public access system. The document asks for information which supports the individual's or group's rights to distribute programs on the system.

Cablecast Agreement: A document which must be completed and delivered to the Public Access Systems Coordinator for each program or series of programs to be cablecast.

Pecuniary Interest: A direct or indirect interest having value of $100 or more, including but not limited to the ownership of shares of stock.

V. Eligibility To Distribute Programs Via Public Access

A. In order to distribute programs on the public access system, the requesting entity must fulfill the following requirements:

1. Be a resident, property owner, or nonprofit group which is housed or has an active branch in Bar Harbor.
2. Submit proof of eligibility if so requested.
3. Be 18 years of age or sponsored by an eligible adult,.
4. If under 18 years of age, have permission from a parent or guardian to distribute programs on the public access system.
5. Submit a completed and signed Use Agreement to the Public Access Systems Administrator
6. Submit a completed Cablecast Agreement for each program or series of programs to be cablecast.
7. Abide by the policies set forth in other parts of this document.

VI. Priority For Local Producers

A. Persons or groups eligible to distribute programs over the Public Access System may submit materials for cablecasting produced by others who are not eligible to use the system. However, preference will be given to local programs produced by those persons or groups eligible to use the system.

VII. Acceptable Programs For The Public Access System

A. Public Access Television Productions may be intended for any purpose and may include information, entertainment, or the expression of points of view, without limitation, unless prohibited elsewhere in this document.

VIII. Prohibited Programming

A. Any program requested to be cablecast may be rejected if, in the opinion of the Public Access System Administrator, it is of poor technical quality or represents content including but not limited to:

1. Lotteries or any advertisements or information concerning lotteries or games of chance;
2. Presentation of advertising materials designed to promote the sale of commercial products or services;
3. Solicitation of funds;
4. Material soliciting or promoting unlawful conduct;
5. Sexually explicit material.
6. Statements, pictures, or sound which violate city, state, or federal laws, including those related to obscenity, defamation, slander, and libel;
7. Violation of the policies or rules set forth by the Town of Bar Harbor for use of its Public Access System.

IX. Restricted Programming

A. Any Producer or Provider who assumes responsibility for the content of a program is required to inform the Public Access Systems Administrator of any program which contains the use of adult language, images or situations. At the sole discretion of the Public Access Systems Administrator, this material may be cablecast outside of prime time child viewing hours. Such programs would be cablecast between 10:00 p.m. and 6:00 a.m.

X. Copyright

A. The copyright to the programming created by any producer using the Town of Bar Harbor Public Access System shall be owned by the producer unless surrendered or transferred by the producer.

XI. Suspension From Use Of Facilities And Channels

A. The Public Access Systems Administrator may suspend further telecasts of any program and any Producer or Provider's further use of the Public Access System if the responsible Producer or Provider, has not complied with these policies. Producers or Providers whose programming violates any rule or law may have their use of the facilities or the telecasting of their programs suspended for not more than 10 days. Upon suspension, the responsible Producer or Provider, shall be given notice to show cause why his or her access to the public access system should not be permanent. Notice shall be sent via first class mail, certified, return receipt requested, at the address given by the Producer or Provider. Failure to respond within 7 days after receipt of notice, or failure to keep the designated Public Access Systems Administrator apprised of an address at which the Producer or Provider can be reached, automatically

causes revocation of access privileges for that Producer, or Provider. Upon receipt of an explanation, the Public Access Systems Administrator may take any of the following actions:

1. Find cause to refuse further access;
2. Find cause to permit further access, with or without conditions or further assurance;
3. Find cause to petition the appropriate state authority for a declaratory ruling.

B. Any Producer or Provider, who is aggrieved by the decision of the Public Access Systems Administrator, may appeal the decision to the Public Access Systems Appeals Committee within 15 days of the mailing of the Public Access Systems Administrator's final decision. All such appeals must be in writing, must state the basis of the appeal, and be accompanied by any supporting documentation and addressed to the Public Access Systems Appeals Committee , Town Office Building, Cottage Street, Bar Harbor ME 04609. Oral appeals are not acceptable.

C. The Chairman of the Public Access Systems Appeals Committee will distribute the written appeal to members of the Committee. A hearing will be held within 45 days of its receipt by the Public Access Systems Appeals Committee. The person filing the appeal has the right to supplement his or her written appeal with oral testimony at the Committee's meeting. The Public Access Systems Administrator may testify before the Committee. The Public Access Systems Appeals Committee will render a decision within 10 days following the close of the hearing and mail a written copy to the person filing the appeal. However, the Public Access Systems Appeals Committee may extend the time for making its decision by 30 days if it determines additional information is needed.

D. Any person aggrieved by a decision of the Public Access Systems Appeals Committee may take an appeal to the State Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

XII. Reservation Of Rights To Regulate Operations

A. The Town of Bar Harbor reserves the right to waive any self-imposed regulation when such a waiver is determined by the Town Council to be in the public interest. Unless specifically waived, any violation of laws, these rules or any other written policies of the Town of Bar Harbor, may cause The Town of Bar Harbor to withhold the use of its Public Access System. All Producers and Providers should be aware that they will be held accountable for their actions by law and these regulations.

B. These policies shall be subject to periodic revision and change, without notice, upon approval by the Town Council of the Town of Bar Harbor.

XIII. Rules Regarding Programming

A. Proof of residency must be presented to the Public Access Systems Administrator. Such proof may include a current Maine driver's license or a recent utility bill.

B. Everyone making a first time submission of programming to the Public Access Systems Administrator must complete a Use Agreement. The Use Agreement is available on-line and at the Office of the Town Clerk. The application must be completed and

reviewed by the Public Access Systems Administrator prior to any programs being cablecast.

C. When a program is ready to be cablecast, the Producer or Provider must fill out and sign a Cablecast Agreement. The tape or other media may be checked for adherence to technical and content standards. The Cablecast Agreement and program media must be submitted no later than three weeks in advance of the requested playback date

D. Air times for individual programs are available on a first-come, first- served basis. The Public Access Systems Administrator will make every effort to fit Producer/Provider needs for specific play dates and times. Programs which are part of a series will have priority.

E. In order to provide as full a cablecast schedule as possible, programs may be aired at time slots in addition to those requested.

F. Series scheduling may be requested. A series may not be scheduled for more than one year in duration. A program for a series should be in the hands of the Public Access Systems Administrator at least ten working days prior to the scheduled air date. If more than two (2) programs are not ready on time, the series may be canceled at the discretion of the Public Access Systems Administrator.

G. The Town of Bar Harbor is not responsible for any program media left in its possession.

H. If a program contains material which requires appropriate rights from broadcast stations, network sponsors, music licensing organizations, performers, representatives, copyright holders and any other persons as may be necessary for cablecast, written proof must be provided that these rights have been granted. Evidence must be presented to the Public Access Systems Administrator that copyrighted materials have been cleared for cablecasting.

I. The Town of Bar Harbor reserves the right to employ viewer warnings and to schedule programs to reduce viewer problems. At the discretion of the Public Access Systems Administrator, programs may be required to:

   1. Contain a program disclaimer/warning at the beginning of the program;
   2. Have a warning listed in a program schedule;
   3. Be cablecast at a time when children are least likely to be viewing.

XIV. Technical Standards

A. Programming media must accompany Cablecast Agreements and be on a format supported by the Town of Bar Harbor's Public Access System. A list of currently supported formats and technical specifications is available from the PSA.

B. The program should be broadcast quality

C. All audio must not exceed 0 VU except for brief peaks in the audio track.

D. All media should have a slate containing name of producer and/or provider, program title, and program length, followed by 60-seconds of color bars and 0 VU tone, followed by a countdown, followed by the program material.

E. All programs should have titles and credits recorded from either a character generator or from lettered camera cards. The minimum title and credit consists of the name of the program within the first five minutes of the program and the name of the program's producer(s) and local sponsor at the end of the program.

F. All programs must have a minimum of thirty (30) seconds of black recorded after the last program video.

G. Programs should contain no broken control tracks or tracking errors, and there should not be low audio/video levels or video breakup within the program.

H. All program media should be clearly labeled on both the media and on any carrying cases holding or protecting the media. Labels should contain the following information: the program title, producer, provider, date of program completion, and program length.

LEGISLATIVE HISTORY

9-17-05	Chuck Herrick
10-16-06	CTTF
10-21-06	Valerie Scott
12-17-06	Chuck Herrick
12-18-06	CTTF
1-22-07	CTTF
12-14-07	Town Manager
12-18-07	Policy adopted by Council

Consent Agreement Policy

Town of Bar Harbor

The following policy is hereby established in order to standardize the way in which the Town Council will process requests for consent agreements proposed to settle Land Use Ordinance violations.

Authority

Article X "Enforcement" of the Bar Harbor Land Use Ordinance § 125-101. "Proceedings; Violations and Penalties" provides in pertinent part:

A. Actions and consent agreements.

....

(2) The Town Council or its authorized agent is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this chapter and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue in a shoreland district unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

....

D. Attorneys' fees and costs. An applicant shall pay to the Town all attorneys' fees, court costs and out-of-pocket expenses incurred by the Town in any enforcement action undertaken to correct the applicant's violation of this chapter.

Intent

Since the Land Use Ordinance has been adopted by the voters at a lawfully called election, it is the expectation of the Town Council that all parties shall bring their property into compliance with the Land Use Ordinance to the maximum extent reasonably possible before approaching the Council with a request for a consent agreement. It is the intent of the Town Council to enter into consent agreements only upon an admission that a violation does in fact exist and upon a showing of why a negotiated settlement is in the best interest of the Town.

Typical Procedure

Enumeration of the following procedure is meant for illustrative purposes only and may be adjusted by the Town Council at any time as needed to meet the current situation or as deemed by the Council to be in the best interest of the Town. Steps shown in italics are to be considered optional at the discretion of staff.

I. Code Officer sends Notice of Violation (NOV)

II. Owner indicates to the Code Officer an interest in admitting the violation and using a consent agreement to resolve the case, rather than complying with the law or appealing the NOV.
   A. Code Officer sets up a meeting with Fire Chief and Town Manager.
   B. The CEO, Chief and Manager all start recording their time to track the Town's expenses.

III. Code Officer, Fire Chief and Town Manager meet to discuss:
   A. Details of case,
   B. Information to be provided by the applicant, and
   C. Possible resolutions for the violation

IV. In a letter to the Town Manager the owner:
   A. Admits to the violation,
   B. Invites the Council to a site visit,
      1. Gives permission for the public to attend the site visit,
   C. Explains why a negotiated settlement is in the best interest of the Town,
   D. Suggests a comprehensive resolution for all open issues, offering to settle the case by paying the Town's costs as required by LUO 125-101.D and:
      1. Correcting the violation,
      2. Paying a stipulated penalty, or
      3. Combination of the two
   E. *If deemed pertinent by the Town Manager, the owner shall attach a scale drawing of the property, sealed by a Registered Land Surveyor, and showing:*
      1. *Property Lines,*
      2. *All structures on the property,*
      3. *Setback lines, and*
      4. *Surveyor's name, north arrow, scale, date, etc.*

V. Code Enforcement Officer submits a written report and recommendation to the Manager.

VI. Manager submits to Council:
   A. Manager's analysis of the situation,
   B. Code Enforcement Officer's report, with recommendation, and
   C. The owner's letter and any required attachments.

VII. Town Council holds a preliminary meeting:
   A. *Executive session – to discuss the Town's rights and duties with legal counsel, as permitted by 1 MRSA 405.6.E.*
   B. Open Session – Councilors vote to determine if they are interested in considering a consent agreement, subject to negotiation of acceptable terms.

VIII. Council holds a second meeting:
   A. Site visit – The purpose of the site visit is to observe site conditions, not to debate the merits of the case. Owners wishing to overturn the Notice of Violation should file an appeal. Accordingly, presentations by the owner, past owner and/or the owner's advocate will not be accepted, although they may answer any questions posed by Councilors.

1. As required by law, this will be a public meeting, and the public will be allowed to attend.
2. Meeting notices will be sent, by email or first class mail, to the owner, his/her attorney or agent and the immediate abutters, including those across the street.

B. Executive session:
1. Council discusses settlement options with the Town Attorney.
2. Owner should be available, although outside the Council's meeting room.
3. Manager acts as an intermediary to negotiate a settlement.

IX. Detailed consent agreement is drafted:
A. Town provides the owner's attorney with a copy of a previous agreement.
B. Owner's attorney drafts a consent agreement modeled on the Town's previous consent agreement.
C. Town Attorney works directly with owner's attorney to develop an acceptable draft.

X. Consent agreement finalized:
A. Owner signs the consent agreement and pays any amount due, plus the estimated amount of the Town's cost to prepare and record the agreement at the Registry, including a reasonable amount for the legal expenses of doing so.
B. Town Manager places the matter on a Town Council agenda.
C. Council votes in open session to approve the consent agreement.
D. If payment has been made by check, staff deposits the check to make sure it clears.
E. After the check clears, the Town Manager signs the agreement and provides a copy to the owner and the Code Enforcement Officer.
F. Town Clerk records the consent agreement at the Registry of Deeds.

LEGISLATIVE HISTORY

3-16-10	New policy requested by Council
4-20-10	Council directed changes to draft
5-18-10	Amendment Adopted by Council

Cooperating Agencies Policy 10-17-06

Town of Bar Harbor

Each budget year numerous not-for-profit organizations request the Town Council to fund their agency through the annual Town budget. Traditionally, the Council has adopted Cooperating Agency guidelines each fall for the coming year. In order to formalize this process, the following guidelines are officially adopted, effective immediately, and shall remain in force until amended by the Town Council.

A. Four weeks prior to the application submittal deadline, application forms shall be mailed to all agencies which were funded the prior year.

B. Cooperating Agency funding requests must be submitted five weeks prior to the date the Town Manager is required to submit his budget to the Town Council.

C. Any requests after the above deadline will not be accepted.

D. All information requested on the Town application form must be provided in its entirety or the request will not be considered.

E. Applications from agencies not funded by the Town the prior year shall be returned and shall not be funded.

F. No agency shall be funded for an amount in excess of its prior year appropriation.

G. When compiling the budget, the Town Manager shall use a Cooperating Agency funding target in the same amount as the prior year's Cooperating Agency budget, less the amount previously appropriated for any agency which does not apply for current year funding by the above deadline.

LEGISLATIVE HISTORY

10-13-06	New policy proposed by Manager
10-17-06	Adopted by Town Council

Councilor-Staff Interactions Policy

Town of Bar Harbor

Section C-11.C of the Town Charter provides:

> *Interference with administration. Neither the Council nor its members have authority over Town employees, except through the Manager. Neither the Council nor its members shall give orders to any such employee, either publicly or privately.*

Accordingly, general staff and administrative support to members of the Town Council is provided through the Town Manager's Office. Except for the purposes of inquiries, the Town Council and all of its members shall deal with municipal officials and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager. Neither the Town Council nor any of its members shall give orders to any municipal officials or employees either publicly or privately. Sensitivity to the workload of support staff in the Town Manager's Office is essential. Staff members may have other work assigned with high priority. Should requested tasks require significant time commitments, prior consultation with the Town Manager is required

LEGISLATIVE HISTORY

5-15-12	New policy proposed by Councilor
6-15-12	Manager drafted proposed policy as directed
6-19-12	Formal policy adopted by Council

Cruise Ship Fee Policy

Town of Bar Harbor

The United States Constitution and federal law prohibit assessing taxes or fees upon vessels operating in the navigable waters of the United States except for (a) fees charged under 33 U.S.C. § 2236: (b) property taxes on vessels or watercraft; or (c) reasonable fees charged on a fair and equitable basis that (i) are used solely to pay the cost of service to the vessel; (ii) enhance the safety and efficiency of interstate and foreign commerce; and (iii) do not impose more than a small burden on interstate or foreign Commerce.

It is the policy of the Town of Bar Harbor to assess fees that fairly represent the costs of services that are provided to visiting vessels. The funds derived from the assessment of these fees will be used to reimburse the Town for services provided or projects that enhance the safety, efficiency of service, or experience of the passengers from visiting vessels. These include, but are not restricted to, pier improvements, safety equipment or personnel, planning for and accommodating visitors, directing and educating visitors, and preserving the natural beauty of the Bar Harbor waterfront for visitors into the future.

Transfers of Cruise Funds outside the budget recommended by the Cruise Ship Committee should be reviewed for recommendation by the committee whenever possible.

LEGISLATIVE HISTORY

8-17-10	New policy proposed by Cruise Ship Committee
9-21-10	Formal policy adopted by Council

Cruise Ship Tour Bus and Tour Vehicle Policy

Town of Bar Harbor

In order to address traffic and congestion problems in the vicinity of the Town Pier, the following policy is hereby adopted:

1. These rules shall be enforced by officers and/or designated employees of the Bar Harbor Police Department (BHPD). It is understood that the BHPD may apply alternative rules to address unique conditions at their discretion.

2. Cruise ship tour buses may utilize the parking areas and the travel portion of West Street between Agamont Lane and Main Street. This area will be referred to as the "Loading Area". Cruise ship tour buses with no passengers aboard should not stage in the Loading Area for more than fifteen minutes prior to loading passengers at any time unless special circumstances arise.

3. On days where cruise ships tendering to One West Street floats with a lower berth capacity of 2000 passengers or less, the Loading Area and street closure will be maintained as follows:

   A. Cruise ship tour buses shall be loaded on the North side of the Loading Area with a maximum of two buses at any one time.

   B. The East side of Main Street from Newport Drive to West Street may be used until 11AM, for loading cruise ship tour buses holding no more than 30 passengers each. Parking spaces may be opened to the public at or before 11AM.

   C. The Loading Area may remain open to one-way traffic all day, but can be closed at the discretion of the duty Officer.

4. On days where cruise ships tendering to One West Street floats with a lower berth capacity of 2000 passenger or more, the Loading Area and street closure will be maintained as follows:

   A. The Loading Area shall be blocked using stanchions, queuing lines or other suitable devices at 7AM until 11AM and closed to all traffic unrelated to cruise ship operations. The duty Officer shall reserve the right to continue road closure after 11AM.

   B. Cruise ship tour buses shall load passengers on the North side of the Loading Area and may load a maximum of four buses at any time. The South side of the loading area shall remain free of parked vehicles to allow for emergency vehicles and other circumstances when vehicles may need to access the pier through the Loading Area.

   C. After 11AM the Loading Area may be opened to one-way traffic and a maximum of two cruise ship tour buses may be loaded at any time on the North side of the loading area.

   D. The East side of Main Street from Newport Drive to West Street may be used until 11AM for loading cruise ship tour buses holding no more than 30 passengers each. Parking spaces may be opened to the public at or before 11AM.

5. Cruise ship tour companies not actively loading passengers may only stage a maximum of two busses in the four spaces designated by the duty Officer at the Newport Drive Parking Lot. Additional bus staging space is available in the open area owned by the Town at the corner of Cromwell Harbor Road and Great Meadow Drive (former Highway Garage location).

6. Cruise ship tour companies utilizing vehicles designed to carry 15 or fewer passengers shall utilize the last four regular parking spaces on the right as you exit the Town Pier Lot.

7. On days where a cruise ship is tendering passengers to the Harborside Pier, a maximum of four public parking spaces may be utilized for one (1) cruise ship tour bus on the North side of West Street beginning at the entrance to the Harborside Hotel.

8. Cruise ship tour buses shall turn off their engines at all times except when underway. Exceptions shall be permitted to accommodate special circumstances such as wheel chair lift operation.

9. When cruise ships are in port and the Loading Area is in use, all commercial delivery vehicles shall park along the curb of Agamont Park just outside the East side of the Loading Area, near the public boat launch. The delivery vehicles should position themselves between the crosswalks when possible.

10. When utilizing the drop-off area on the South side of Mt. Desert Street motor coaches shall park within areas designated by BHPD.

11. No more than one motor coach at a time shall be allowed at the drop-off area on the south side of Mt. Desert Street.

12. Motor coach drop-off areas shall not be used unless drop-off personnel are present and wearing identifying clothing.

13. Drop-off coning and signage shall be stored out of view from the public way when not in use.

14. Prior to the first Cruise Ship visit of each season, staff shall ensure that a mandatory meeting of the Bar Harbor Police, Bar Harbor Chamber of Commerce, tour operators, and motor coach companies is held to ensure that all parties are aware of policies and procedures regarding Cruise Ship Motor Coach tour operations.

LEGISLATIVE HISTORY
3/18/03 Adopted by Town Council
3/7/11 Cruise Ship Committee recommended amendment
4/11/11 Town Manager suggested non-substantive edits
10/24/11 Cruise Ship Committee recommended amendment
12/20/11 Council adopted Cruise Ship Committee draft
1/16/18 Cruise Ship Committee recommended amendment
1/16/18 Council adopted Cruise Ship Committee draft
03/12/20 Cruise Ship Committee recommended amendment
04/21/20 Amended by Council

Curb Cut Policy

Town of Bar Harbor

1. Application

Application shall be made to the Public Works Department on a curb cut permit application form accompanied by a non-refundable $100.00 application processing fee and a $300.00 road opening escrow. The escrow will be refunded to the applicant if the work is properly completed or used by the Town to finance the necessary repairs, if the work is not completed properly within thirty days.

2. Review

The application shall be reviewed by town staff (Public Works Director, Police Chief, Fire Chief), which shall give a recommendation thereon to the Town Council.

3. Notification

The Public Works Department shall notify abutters to the property as well as those across the street of the date and time at which the Town Council will hear the request.

4. Approval

The Town Council shall approve or deny the permit.

5. Standards for Approval

A. There shall be no more loss of existing parking spaces than absolutely necessary.

B. The net effect of the curb cut must be to create more spaces off street than are lost on street.

C. Curb cut shall not facilitate parking in the front yard setback.

6. Standards for Construction

A. Must replace sidewalk and curb to the Town's standard specifications.

B. Granite curb removed remains the property of the Town and must be delivered to a site specified by the Public Works Director.

C. All work must be completed to the satisfaction of the Department of Public Works Director.

LEGISLATIVE HISTORY

12-5-88	Policy adopted by Town Council.
7-5-94	Amended by Town Council.
11-13-12	Staff suggested changes
11-20-12	Council adopted change
12-17-19	Amended by Town Council

Debt Compliance Policy

Town of Bar Harbor

The following policy is hereby enacted to ensure continuing compliance with all applicable provisions of the IRS Code and Treasury Regulations regarding the issuance of tax-exempt bonds.

Purpose of Policy

The Town issues tax-exempt bonds from time to time to finance various capital improvements. As an issuer of such tax-exempt bonds, the Town is required by the Internal Revenue Code of 1986, as amended, (the Code") and regulations promulgated by the United States Treasury Department to take certain actions subsequent to the issuance of such bonds to ensure the continuing tax–exempt status of the bonds.

The Town recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of a bond issue, and is an integral component of the Town's overall debt-management responsibilities. These requirements apply equally to capital leases. Accordingly, the implementation of these requirements will require on-going monitoring and consultation with Bond Counsel.

Issuance

The Town Council chair and Town Treasurer shall approve the terms and structure of bonds issued by the Town. Such bonds shall be issued in accordance with United States Treasury Department Regulations, the Internal Revenue Code of 1986, as amended, and State statutes. Specific post-issuance compliance procedures are addressed below.

General Procedures

The following guidelines will be used to monitor compliance with post-issuance requirements:

1. The Town Treasurer, or the Treasurer's designee, shall serve as the Compliance Officer and shall be the person primarily responsible for ensuring that the Town successfully carries out its post-issuance responsibilities. The Compliance Officer shall be assisted by the following persons or entities:
   a. Bond Counsel
   b. Financial Advisor
   c. Paying Agent
   d. Rebate Specialist
2. The Compliance Officer shall be responsible for assigning post-issuance responsibilities to other staff, Bond Counsel, the Financial Advisor, the Paying Agent and the Rebate Specialist, and shall utilize such other professional services as are necessary to ensure compliance with all post-issuance requirements.
3. The Compliance Officer shall verify that the following post-issuance actions have been taken on behalf of the Town with respect to each issue of tax-exempt bonds:
   a. Ensure that a full and complete record for the principal documents of each issue has been completed by Bond Counsel and the Financial Advisor;

b. Ensure that the Internal Revenue Service (IRS) forms 8038 are properly filed with the IRS by Bond Counsel within the time limits imposed by Section 149(e) of the Code;

c. Account for the allocation of the proceeds of the tax-exempt bonds to expenditures as required by the Code;

d. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditures of the issue proceeds;

e. Identify proceeds of tax-exempt obligations, in consultation with Bond Counsel and the Financial Advisor, that are yield-restricted and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the bond yield to which such investments are restricted;

f. Determine, in consultation with Bond Counsel and the Financial Advisor, whether the Town is subject to the rebate requirements of Section 148(f) of the Code and related Treasury Regulations with respect to each issue of the Town. The Compliance Officer shall contact a Rebate Specialist, as required, prior to the fifth anniversary of the date of issuance of each issue and each fifth anniversary thereafter until the obligation has matured to arrange for calculation of the rebate requirements, as needed, to be paid by the Town. If any rebate is required to be paid to the IRS, the Town Compliance Officer will file Form 8038-T, along with the required payment.

g. Shall monitor the use of all financed facilities in order to determine whether private business uses of financed facilities have exceeded the de minimus limits set forth in Section 141(b) of the Code (generally a value or benefit equal to 10% of issue proceeds) that provide special legal entitlements to non-governmental persons.

4. The compliance Officer shall collect and retain the following records with respect to each issue of tax-exempt obligations and with respect to the facilities financed with the proceeds of such Obligations:

a. Audited financial statements of the Town;

b. Appraisals, surveys, feasibility studies, if any, with respect to the facilities to be financed with issue proceeds;

c. Trustee or Paying Agent statements;

d. Records of all investments and the gains (or losses) from such investments;

e. Expenditures reimbursed with the issue proceeds;

f. Allocation of issue proceeds to expenditures (include cost of issuance) and the dates and amounts of each expenditure (including requisitions, draw down schedules, invoices, bills and cancelled checks as related to each expenditure);

g. Construction or renovation contracts for financed facilities or projects;

h. An asset list of all tax-exempt financed depreciable property and sales of tax-exempt financed assets;

i. Arbitrage rebate reports and records of rebate and yield reduction payments, if any;

j. Orders, Resolutions and other actions, if any, adopted by the Town subsequent to the date of issue of the obligations; and

k. Relevant correspondence relating to such bonds.

5. The records collected by the Town shall be stored in any format deemed appropriate by the Compliance Officer and shall be retained for a period equal to the life of the tax-exempt obligations, including the life of any obligations issued to refund obligations, plus three (3) years.

6. In addition to its post-issuance compliance requirements under the Code and Treasury Regulations, the Town has agreed to provide Continuing Disclosure, such as annual financial information and material event notices. The continuing disclosure obligations are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12 under the Securities and Exchange Act of 1934, as amended and officially interpreted from time to time.

LEGISLATIVE HISTORY

5-16-13	New policy recommended by bond counsel
5-21-13	New policy proposed by staff
6-18-13	Policy adopted by Council

Debt Management Policy

Town of Bar Harbor

The following policy is hereby enacted to standardize the issuance and management of debt.

Purpose of Policy

The objective is to establish conditions for the managed use of debt and to create procedures and policies that minimize the Town's debt service and issuance costs, obtain and then retain the highest practical credit rating, and to maintain full and complete financial disclosure and reporting. The policy applies to all general obligation debt issued by the Town, including leases, debt guaranteed by the Town, and any other forms of obligation of indebtedness.

A regular, updated debt policy can be an important tool to ensure the optimal use of the Town's resources to meet its ongoing commitments, to provide needed services to its citizens, to improve its infrastructure for the taxpayers of Bar Harbor, to maintain sound financial management practices, to impose a discipline in the process and to protect the Town's credit quality. A good debt policy provides bondholders with assurances that debt burdens will be kept at manageable levels while simultaneously meeting capital needs on an ongoing basis. This policy is therefore a guideline for general use, and allows for exceptions in extraordinary conditions.

The policy has been adopted by the Town Council by resolution and, with advance notice and an affirmative vote of five Councilors, can be adjusted at any time by resolution of the Town Council.

Debt/Credit Policy Objectives

Credit Ratings: The Town of Bar Harbor seeks to maintain the highest possible credit rating for its short and long-term General Obligation debt that can be achieved without compromising the delivery of basic Town services and the achievement of adopted policy objectives. *Managing debt* is one of five key components typically examined by the rating agencies. The other four components are *administrative, financial, economic and legal restriction* factors.

Financial Disclosure: The Town is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, Town departments and agencies, other levels of government, and the general public to share clear and accurate financial information. The Town is dedicated to meeting secondary disclosure requirements on a timely and comprehensive basis, as required by appropriate regulatory authorities.

The Official Statements accompanying new debt issues and the financial reports shall meet (at a minimum) the standards articulated by the Government Accounting Standards Board (GASB), the Securities and Exchange Commission (SEC) and Generally Accepted

Accounting Principles (GAAP). The Finance Director shall be responsible for ongoing debt disclosure to the established national information repositories in accordance with SEC Rule 15c2-12.

The annual budget processes currently provide annual full disclosure of all debt associated with municipal related tax-supported debt and user fee supported wastewater and water supported debt.

Capital Planning: To enhance creditworthiness and prudent financial management, the Town is committed to systematic capital planning, intergovernmental cooperation and coordination, and long-term financial planning. Evidence of this commitment to systematic capital planning is demonstrated through adoption and periodic adjustment of five-year Capital Improvement Plans (CIP) for its Municipal CIP Fund, its Wastewater CIP fund and its Water CIP fund.

Debt Limits: The Town hereby sets a maximum target for the Town's outstanding debt at 2/3rds of the limit prescribed by State statute (30A MRSA 5702), or five percent (7 1/2% x 66.7%) of actual full state assessed value of property of the Town (excluding school, storm & sanitary sewer purposes debt). These levels are consistent with the Town's present creditworthiness objectives highlighted in the budget process each year. The statutory total of all debt is 15% of full state valuation. Tax Anticipation Notes (TAN's) are outside of the debt limit, as they are temporary loans which communities typically pay back in full within the tax year.

Benchmarks: In an April 2008 Standard & Poor's release of debt measurements standards, *net debt as a percent of total market valuation* is considered "low" when it is below 3%. Maine Bond Bank does not wish to see rates above 5%. During the FY09 budget process, the Town's debt ratio was approximately 1% of valuation—a favorable ratio, and indicates a capacity to borrow without adding an excessive burden onto the tax base.

Another target or measurement standard is *annual debt service* (less self supporting) calculated *as a percent of current year's budgeted expenditures*, excluding assessments. 2 – 7% is considered low; 8 -12% medium; over 12% is considered a high tax burden. During the FY09 budget process, the Town's annual debt service percentage stood at 3.4% while meeting reasonable annual funding pay-as-you-go CIP commitments. In the FY08 and FY09 budget years, the CIP funding from taxation stood at a "reasonable" 12.5% level of total taxes raised.

Purposes and Uses of Debt

Capital Financing: The Town normally relies on internally generated funds and/or grants from other governments to finance its capital needs. Debt will be issued for a capital project only when it is an appropriate means to achieve a fair allocation of costs between current and future beneficiaries or users, or in the case of an emergency capital need. Other than TANS, debt shall not fund operational expenses.

Asset Life: The Town will consider long-term financing for the acquisition, maintenance, replacement, or expansion of physical assets (including land) only if they have a useful life of at least five years. Debt will be used only to finance capital projects and equipment, except in the case of an emergency. Town debt will not be issued for a period that exceeds 120% of the useful life or average useful life of the project or projects to be financed.

Approval

Bonds can be issued according to the authority outlined in the Town Charter. Action must be taken by affirmative Town Council votes and by the majority of voters at Town Meeting.

Debt Standards and Structure

Length of Debt: Debt will be structured for the shortest period consistent with a fair allocation of costs to current and future beneficiaries or users.

Debt Structure: Debt will be structured to achieve the lowest possible net cost to the Town, given the market conditions, the urgency of the capital project, the type of debt being issued, and the nature and type of repayment source (taxes or user fees). Moreover, to the extent possible, the Town will design the repayment of its overall debt so as to rapidly recapture its credit capacity for future use. As a guideline, the Town shall strive to repay from 30 to 50 % of the principal amount of its general obligation debt within five years and at least 60 % within ten years.

Backloading: The Town will seek to structure its total debt with level principal and interest payments over the life of the debt. "Backloading" (balloon payments, e.g.) of costs, using *term bonds* of 10 years or less, as defined in MRSA 30A 5772 (3) & (5), will be considered only when: natural disasters or extraordinary or unanticipated external factors make the short-term cost of the debt prohibitive; when the benefits derived from the debt issuance can be clearly demonstrated to be greater in the future than in the present; or when such structuring will allow debt service to more closely match project revenues during the early years of the operation. Generally, *level principal payments* are recommended for *tax supported debt*, but *level principal & interest* can be used for *fee based debt* to maintain rate stabilization goals.

Refundings: Periodic reviews of all outstanding debt will be undertaken by the Finance Director to determine refunding opportunities. Refunding will be considered if and when there is a net economic benefit to the refunding. In general, refunding will be considered when a net present value savings of at least 5% of the refunded debt can be achieved.

Credit Enhancements: Credit enhancements (letters of credit, bond insurance, etc.) may be used, but only when anticipated present value savings in terms of reduced interest expense exceeds the cost of the credit enhancement by at least 2%.

Investment of Bond Proceeds: All general obligation and revenue bond proceeds shall be invested separate from the Town's consolidated cash pool. In order to maintain

safety and liquidity of the funds, all investments will be consistent with and adhere to the federal tax code, state law and the Town Council's Investment Policy.

Costs and Fees: All costs and fees related to issuance of bonds will be paid out of bond proceeds and allocated across all projects receiving bond proceeds from the issue.

Call Features: Whenever possible, financings in excess of 10 years will include optional redemption provisions.

Competitive Sale: In general, Town debt will be issued through a competitive bidding process. Bids will be awarded on a true interest cost basis, providing other bidding requirements are satisfied. Exceptions to this would be bonds issued in part through the Maine Bond Bank on behalf of the State Revolving Loan Program, the Maine Drinking Water Program, the School Revolving Renovation Program, a grant that ties the remaining monies to a loan (Rural Development, e.g.), or due to the small size of the loan making a competitive bid process less than cost effective.

Bond Counsel: The Town will retain external Bond Counsel for all debt issues. All debt issued by the Town will include a written opinion by Bond Counsel affirming that the Town is authorized to issue the debt, that the Town has met all State constitutional and statutory requirements necessary for issuance, and that Counsel has determined the debt's federal income tax status. Bond Counsel must have comprehensive municipal debt experience and a thorough understanding of Maine law as it relates to the issuance and structuring of municipal debt and must be included in *The Bond Buyer's Municipal Marketplace* (the "Red Book") list of Municipal Bond Attorneys ("recognized Bond Counsel").

Financial Advisor: The Town will retain an external independent financial advisor who shall not have any conflicting relationship with any underwriters. The utilization of the financial advisor for particular bond sales will be at the discretion of the Finance Director on a case-by-case basis and pursuant to a financial advisory services contract. The major criteria in the selection process for a financial advisor will be comprehensive municipal debt experience in Maine, experience in the pricing structure of municipal securities, as well as overall cost of services.

Other Service Providers: The Finance Director shall have the authority to periodically select other service providers (e.g., escrow agents, trustees, etc.) as necessary to meet legal requirements and minimize net Town debt service costs, but this authority shall not conflict with other Town Council policies.

Arbitrage Compliance: The Finance Director's office shall maintain a system of record keeping and reporting to meet any arbitrage rebate compliance requirements of the federal tax code.

Financing Proposals: Any capital financing proposal by a Town department that involves the pledge or other extension of the Town's credit through the sale of securities,

execution of loans or leases, marketing guarantees, or is otherwise a pledge of the Town's credit, shall be referred to the Finance Director's Office for review. The Finance Director's Office will then determine a recommendation to be forwarded to the Town Council for approval. Any tax-exempt financing will require the submission of IRS form 8038-G.

History of Bar Harbor's Bond Ratings:

Nov	1992	Moody's	A, new	- -	- -
Nov	2001	Moody's	A1, upgrade	Standard & Poor's	A+, new
Jan	2005	Moody's	A1, affirmed	Standard & Poor's	AA-, upgrade
April	2010	Moody's	A1, affirmed	Standard & Poor's	AA, upgrade
May	2010	Moody's	Aa2, Moody's changed it's scale		

Benchmarks of Investment Grade Bond Ratings	
Moody's Investors Service	Standard & Poor's Service
Aaa	AAA
Aa1	AA+
Aa2	**AA**
Aa3	AA-
A1	A+
A2	A
A3	A-
Baa1	BBB+
Baa2	BBB
Baa3	BBB-

LEGISLATIVE HISTORY

6-6-08	New policy proposed by Staff
6-11-08	Original policy adopted by Council
5-11-10	Amendment Proposed by Treasurer
5-18-10	Amendment Adopted by Council

Fund Balance Policy

Town of Bar Harbor

Since an indicator of good financial management is to end the fiscal year with revenues in addition to those budgeted and expenses less than those budgeted, resulting in a budget surplus, and

Since the Town of Bar Harbor typically ends the fiscal year with a budget surplus, and

Since this Town Council feels it would be helpful to establish a policy to guide the Town Manager in administering these leftover funds, and

Since the Town of Bar Harbor has a number of very substantial capital improvement needs, the Town Council hereby establishes the following Fund Balance Policy.

Fund Balance shall be maintained at reasonable levels at all times to ensure the financial wellbeing of the Town of Bar Harbor, to lessen the need for borrowing, to protect the Town's bond ratings and to provide the funds necessary to meet the Town's financial operating working capital. A strong Fund Balance may also allow Bar Harbor to provide for a fallback of its tax rate in times of temporary economic uncertainty, provide for unexpected capital expenditures, provide for unanticipated mandatory expenditures and provide for one-time expenses that do not create an ongoing financial obligation in future years.

Fund Balance is comprised of five classifications, in accordance with Governmental Accounting Standards Board (GASB) Rule 54, as follows:

Non spendable: Fund balance amounts that cannot be spent either because it is not in spendable form or because of legal or contractual constraints. (e.g., trusts)

Restricted: Fund balance amounts that are constrained for specific purposes which are externally imposed by providers, such as creditors or amounts constrained due to constitutional provisions or enabling legislation. (e.g., governmental grants, dog funds)

Committed: Fund balance amounts that are constrained for specific purposes that are internally imposed by the government through Town Meeting voting and does not lapse at year end. (e.g., C.I.P. fund)

Assigned: Fund amounts that are intended to be used for specific purposes that are neither considered Restricted or Committed. Fund balances may be assigned by the Town Council. (e.g., working capital needs, encumbrances)

Unassigned: Positive fund balance within the General Fund which has not been classified within the above mentioned categories and negative fund balance in other governmental funds.

An amount equal to at least 10% of the Town's latest year's audited total General Fund revenues shall be assigned by the Town Council as *"Assigned For Working Capital"*.

The Town considers *restricted*, *committed*, *assigned* and *unassigned* amounts to be already spent in that order when new expenditures are incurred for a purpose for which amounts are available in these multiple fund balance classifications.

Annually, following completion of the Town audit, the Town Manager shall review the balance of the General Fund "*Unassigned Fund Balance*" and propose to transfer through the annual budget process any funds deemed surplus from the past year's operations for purposes of funding necessary projects in the Capital Improvement Program Fund.

It is recognized, as part of this policy, that good budgeting practices suggest that fund balance shall not be routinely used to reduce taxes in the following year. Accordingly, use of fund balance to fund operating expenses shall require a two-thirds vote of the Town Council.

LEGISLATIVE HISTORY

1/21/97	Original policy adopted by Town Council.
5/1/01	Policy amended by Town Council
2/18/03	Policy amended by Town Council
1/3/06	Policy amended by Town Council
8/10/12	Staff proposed update to conform to GASB 54
8/21/12	Policy amended by Town Council

Grants Policy

Town of Bar Harbor

The Bar Harbor Town Charter provides at Article III:

> ***C-10.*** *The Council shall have the power to:*
>
> . . . .
>
> *(10). Apply for grants and accept such grants, provided that no monetary or other obligation not authorized by Town Meeting is entailed or required.*

To avoid missed opportunities for grant funding, to streamline Town administrative procedures and in accordance with the Town Charter, the Town Manager is hereby authorized to apply for grant opportunities as they arise, but shall report all applications to the Council in a timely manner. The Town Council shall retain the sole authority to accept such grants as authorized by the Town Charter.

LEGISLATIVE HISTORY

9-13-12	New policy proposed by Manager
9-18-12	Draft amended by Council
9-21-12	Draft revised by Manager
10-2-12	Revised draft approved by Council

Investment Policy 11-18-08

Town of Bar Harbor

This policy is to serve as a restrictive guideline for the Treasurer of the Town of Bar Harbor for the investment of public funds of the Town from its General Fund, Sewer Fund, Water Fund, C.I.P. Fund, or any Bond or Tax Anticipation Notes outstanding.

The legal authority as to what the Municipal Officers may invest or not invest in is outlined in Title 30-A, Section 5706, MRSA. However, the purpose of this policy is to further restrict the investment options delegated to the Treasurer. The focus is to **safeguard** the principal as well as to maintain **liquidity** for invested funds rather than prioritizing a maximum **yield** on those investments against increased risk.

Investment decision making order shall be **Safety**, then **Liquidity**, and finally, **Yield**.

The Municipal Officers delegate the authority to the Town Treasurer to invest funds only in the following instruments:

1) Direct **U.S. Treasury Bills** (less than 1 yr). For longer term investing, **U.S. Treasury Notes** (1-5 yrs) may be used.

2) **Certificates of Deposit**-up to $250,000 per bank with FDIC coverage from the five local banks listed.
   a) Bar Harbor Banking & Trust Co.
   b) The First
   c) Machias Savings Bank
   d) Camden National Bank
   e) Bar Harbor Savings and Loan

3) **Overnight Repurchase Agreement or Deposit Accounts**-investment contract with the bank which handles the Town's operating account and is secured by U.S. Securities or U.S. Agency funds that are held by a third party. Funds in excess of $250,000 can also be insured by a third party "AAA" rated insurance certificate.

4) **Investment Management Agreement -** use of a bank's investing arm or trust department to invest reserve funds (such as CIP Fund) and trust funds in appropriate investments, as allowed under Title 18-MRSA Section 7-302, using the "rule of prudence" authority.

5) **Local Government Investment Pools (LGIP)** - LGIP's must be registered with the State Banking Commissioner and invested in compliance with Title 30-A and only in short term money market securities. The pool will have an aggregate weighted average of maturity of less than 90 days. All funds are to be held by a third party custodian in the name of the participating public unit.

   a) MBIA Municipal Investors Service Corporation (Maine public sector program)

6) **Interest Bearing Checking Account** – up to $250,000 per bank with FDIC coverage from the five banks listed in item#2.

7) **CDARS Investments Option** – CDARS stands for Certificate of Deposit Account Registry Service and allows a participating bank to accept deposits in the form of

certificate of deposit time investments in excess of $250,000 and still enjoy full FDIC insurance protection.

The maturity dates of investments shall not exceed the time frame that the municipality anticipates it will need the use of such funds. The Treasurer shall maintain only required operating cash on hand and will be aware of the cash flow needs of the Town at all times prior to making such investments. Investment of funds shall be diversified to the extent investments are made beyond direct U.S. Treasury securities.

An accounting of the Town's cash and investments shall be made monthly to the Manager and Town Council.

LEGISLATIVE HISTORY

01-16-96	Original policy adopted.
09-02-07	Amended by Council
08-18-98	Amended by Council
06-04-02	Amendment proposed by staff
06-04-02	Amended by Council
09-06-05	Amendment proposed by staff
09-06-05	Amended by Council
10-31-08	Amendment proposed by staff
11-18-08	Amended by Council

Land Acquisition Policy

06-Feb-2001

Town of Bar Harbor

Any requests or offers for the sale of land to the Town shall be brought to Town Council before disseminating to anyone else.

LEGISLATIVE HISTORY
06-Feb-01 Policy adopted by Town Council.

Liquor Licensing Policy 3-20-07

Town of Bar Harbor

In order to formalize the way in which the Town administration processes applications for State liquor licenses, the Town Council hereby adopts the following standard practices:

1. **Cruise Ships** – The Council hereby categorically approves all applications for liquor licenses to serve alcohol aboard ships anchored within Town waters. Docked ships will require approval by the Police Chief as provided below.
2. **Police Department Review** – Authority to grant or deny an application for a liquor license is hereby delegated to the Chief of Police and such officer or officers as the Chief may delegate in writing to act in his/her absence. A copy of the Chief's delegation of authority shall be filed with the Town Manager.
    A. Should the Police Chief feel it appropriate, the Chief may defer review and possible approval or denial to the Town Council.
3. **Public Hearings** – Public Hearings shall not be required, but may be held at the discretion of the permitting authority, be that the Police Chief or Town Council.
    A. Any public hearing shall be advertised, in the newspaper officially designated as the Town's contract advertiser, a minimum of four days prior to the hearing.

LEGISLATIVE HISTORY

5-12-06	New policy proposed by Staff
6-14-06	Staff directed to draft policy
3-16-07	Draft presented to Council
3-20-07	Policy adopted by Council

Outside Water Discount

14-Jul-1992

Town of Bar Harbor

1. Establish Eligibility for Meter Reading Adjustment

A. Outside water discount is available to all Bar Harbor customers that have an outside water meter installed to measure the flow of water that does not enter the Bar Harbor Wastewater Treatment Plant.

B. The meter must be permanently installed and open for inspection or reading by a Bar Harbor Sewer Department employee during normal business hours.

C. The meter must be kept in good working order and if repairs are made the Bar Harbor Sewer Department and the finance Department must be kept informed.

D. Applications for an outside water usage meter must be approved and pay a one time fee of one hundred dollars ($100.00), per meter.

E. A registration fee of twenty-five dollars ($25.00) per outside water meter will be due on July 1st of each year.

2. Adjustment Process

A. The outside meter application form must be filled out and returned to the Finance Department at the time the meter is installed. Once installed it is not necessary to reapply each year for the same meter, a notice will be sent requesting a renewal fee of twenty-five dollars ($25.00) per meter and the necessary forms for the current years reading. Owners of meters already installed must complete the application form to update our records and establish a base for future years, the application fee will not be charged for current users but the twenty-five dollar ($25.00) yearly registration will be charged.

B. Changes that affect the condition, water flow or meter readings must be reported to the Finance Department at the time they occur. Failure to do so may void any future adjustment until a new base can be established.

C. Readings must be taken annually on seasonal meters and the form returned to the Finance Department no later than November 30th of each year. After that date no discount will be allowed for that year.

D. Readings must be taken on or before March 31st, June 30th, September 30th and December 31st of each year on quarterly meters. Each form with the correct reading must be presented to the Finance Department no later than 15 days after reading current bill due for that quarter.

LEGISLATIVE HISTORY
14-Jul-92 - Adopted by Town Council

Permit and Paid Parking Policy

Town of Bar Harbor

Applications for permits will be done entirely online. The town has contracted with IPS Group to manage the process. Permit applications will be obtained, completed and managed through the IPS Group portal. Permit approvals will be done during normal business hours, typically Monday through Friday 8:30 AM to 4:30 PM. Permit approvals will normally not be done on holidays and weekends.

Unless otherwise stated, all permits are good for one season.

I. Permit Types:

A. Resident Vehicle Permit- A person whose vehicle registration is within the Town of Bar Harbor and who pays excise tax to the Town of Bar Harbor shall be eligible to apply for one free seasonal parking permit for each registered vehicle.

Application Requirements:

Fee: $0
Application Materials Required: II. B. 3
Application Approval by Finance Department during normal business hours

B. Employee Vehicle Permit- Any employee residing outside of the Town of Bar Harbor who is an employee of a Bar Harbor business shall be eligible to apply for a seasonal parking permit.

Application Requirements:

Fee: $30.00 plus transaction fees
Application Materials Required: II. B. 2, 4
Application Approval by Finance Department during normal business hours

C. Non Resident Vehicle permit- Non Resident Property Owner Permit: Any person who does not qualify for the Resident Vehicle Permit but who owns residential property and pays property taxes to the Town of Bar Harbor, shall be eligible to apply for a Non Resident Property Owner Permit for each registered vehicle.

Application Requirements:

Fee: $75.00 plus transaction fees
Application Materials Required: II. B. 1, 2
Application Approval by Finance Department during normal business hours

D. Commercial Fishing Permit – Commercial Fishing Permit: Any person who fishes commercially shall be eligible to apply for a Commercial Fishing Permit; limited to one parking space per commercial mooring. Issuance of this permit is limited to 30 per year.

Application Requirements:

Fee: $5.00 plus transaction fee
Application Materials Required: II. B. 1, 2, 6
Application Approval by the Harbormaster during normal business hours

E. Municipal Employee Permit: Any Municipal employee shall be eligible to apply for a Municipal Parking Permit for parking in the Municipal Building Kiosk Lot.

Application Requirements:

Fee: $0
Application Materials Required: II. B. 2, 4
Application Approval by Finance Department during normal business hours

F. Bed & Breakfast Permit- Any Bed & Breakfast owner who requires on street parking for guests only in the "Permit Parking Only" designated areas shall be eligible to apply for a Bed & Breakfast Permit.

Application Requirements:

Fee: $375.00 per permit plus transaction fees
Application Materials Required: II. B. 1, 5a, 5b
Application Approval by Parking Enforcement Personnel during normal business hours

G. Guest of Resident Permit- Guest of Resident Permit: Any guest of a resident who requires a permit for on street parking shall be eligible to receive a Guest of Resident Permit for parking in "Permit Only Parking" for a period of three days in duration.

Application Requirements:

Fee: $0 plus transaction fees
Application Materials Required: II. B. 8
Application Approval by Parking Enforcement Personnel or Finance Department during normal business hours

H. Resident Recreational Boater Permit- Resident Recreational Boater Permit: Any resident recreational boat owner shall be eligible to apply for a Resident Recreational Boater Permit for parking in the boat trailer parking spaces in the Newport Drive Parking Lot. This permit has a one-day duration.

Application Requirements:

Fee: $24.00 plus transaction fees
Application Materials Required: II. B. 1, 2, 6
Application Approval by the Harbormaster or Parking Enforcement Personnel during normal business hours

I. Contractor/Dumpster Use of Space Permit – Contractor/Dumpster Use of Space Permit: Any contractor shall be eligible to apply for a Contractor/Dumpster Use of Space Permit where there is a verifiable lack of private property area to complete a physical improvement to the property under an approved Building Permit. This permit is limited to 5 days in duration.

Application Requirements:

Fee: $24.00 per metered space/day
Application Materials Required: II. B. 5a
Application Approval by Parking Enforcement Personnel during normal business hours

J. Special Events Permit- Any person shall be eligible to apply for a Special Events Permit for any event requiring the blocking off of one or more paid parking spaces. This permit has a one-day duration only.

Application Requirements:

Fee: $24.00 per metered space blocked
Application Materials Required: II. B. 5a
Application Approval by Parking Enforcement Personnel during normal business hours

K. Hospital Permit: Up to 75 permit spaces shall be issued for hospital employees to park only in the hospital zone (Hancock, Wayman and Center Streets). Parking spaces are not guaranteed.

Application Requirements:

Fee: $0 plus transaction fees in the amount of $2,250.00 annually
Application Materials Required: II. B. 2
Application Approval by Finance Department during normal business hours

L. College of the Atlantic Student Permit: Any College of the Atlantic student shall be eligible to apply for a student parking permit to park in "Permit Parking Only" areas.

Application Requirements:

Fee: $30.00 plus transaction fees
Application Materials Required: II. B. 2, 7
Application Approval by Finance Department during normal business hours

M. Home Business/Weekly Rental Permit: Any business owner/weekly rental business owner shall be eligible to apply for a Home business/Weekly Rental Permit for on street parking for guests in the "Permit Parking Only" areas.

Application Requirements:
Fee: $750.00 per permit plus transaction fees
Application Materials Required: II. B. 1, 5a, 5b
Application Approval by Parking Enforcement Personnel

N. Municipal Guest Permit- Municipal Guest Permit: These permits shall be issued through the Finance and Police Departments to accommodate parking for guests attending meetings or conducting Town business with Town staff, as directed by Department Heads or their designee. These permits shall be valid for both kiosk and metered spaces. These permits have a one-day duration only.

Application Requirements:
Fee: Transaction fees paid by the Town
Application Materials Required: II. B. 2
Application Approval by Finance Department

II. Permit Parking Rules

A. From May 15 through October 30 Permit holders may park their permitted vehicle anywhere designated "Permit Parking Only". Availability of parking within any designated area is not guaranteed. Permit holders must follow the appropriate payment and parking rules if parking within a metered or kiosk area. A parking ticket will be issued if the vehicle is parked outside of a designated permit area or in non-compliance with parking regulations of the Town of Bar Harbor. Parking regulations are enforced during the established Bar Harbor Parking Program schedule. Unless otherwise stated, Permits will be valid from the date of issuance through October 30 of each year. Violation of these guidelines may result in a parking ticket and or revocation of permit.

1. Parking Permits are not required on the 4th of July holiday.
2. Parking enforcement on Sundays shall be from 12pm to 6pm.
3. On MDI Marathon Race Day parking on Lower Ledgelawn (Park Street south), Park Street, Glen Mary Road and Shannon Road will be allowed without a permit.

B. Information that may be needed to apply for permits depending upon type in Section I.

1. Proof of property ownership within the Town, such as a tax bill or utility bill.
2. Proof of current excise tax and registration.
3. Proof of current excise tax and registration in the Town of Bar Harbor.

4. Pay stub or signed letter from employer.
5. Proof of resident, business, lodging (B&B) ownership:
    a. Parking spaces available on premises.
    b. Number of beds or sleeping accommodations
6. Proof of mooring registration.
7. Valid student id card
8. License Plate Number

C. Permits are not interchangeable between vehicles unless otherwise allowed herein
D. The Town of Bar Harbor reserves the right to deny a permit request and/or revoke parking permits for blatant non-compliance and abuse of the permit rules at any time.
E. There are no full or partial refunds on permit purchases.

III. Location of and Signage for Permit Areas
Permit area signs to read:

Parking by Permit Only
May 15-Oct. 30
9 am – 6 pm.

A. Locations Parking Areas Requiring a Permit

Permit Parking (streets within the area between Cromwell Harbor Road, Kebo Street, Eden Street where parking is not otherwise prohibited)

- Ash Street
- Atlantic Ave
- Billings Ave
- Brewer Ave
- Bridge Street
- Center Street
- Davis Place
- Derby Lane
- Des Isle Avenue
- Edgewood Street
- Federal Street
- First South Street
- Glen Mary Road
- Greeley Ave
- Hancock Street
- High Street
- Kennebec Ave
- Kennebec Place
- Kid's Corner Parking Lot
- Ledgelawn Ave
- Livingston Road
- Maple Ave
- Michigan Ave
- Myrtle Ave
- Newton Way
- Norris Ave
- Oliver Street
- Park Street
- Pleasant Street
- Roberts Ave
- Rodick Street
- School Street
- Shannon Road
- Shannon Way
- Snow Street
- Spring Street
- Stanwood Place
- Waldron Road
- Wayman Lane

*West St (Eden to Holland, south side)

IV. 15 Minute Parking Spaces

A. Signs to read

15 Minute Parking Only
9 am – 8 pm

B. Locations of areas for 15-minute parking spaces

- Cottage Street
    1. Four spaces north side directly in front of the Post Office
    2. Two spaces north side between Ash Place and Holland Avenue
- Mount Desert Street
    1. Two spaces north side across from the Jesup Library

V. Paid Parking Areas

A. Locations of areas for paid parking (meters and kiosks)

- West Street - from Town Pier to Eden St.(except south side Eden to Holland)
- Cottage Street - from Main St. to Eden St.
- Mt. Desert Street – from Main St, to Ledgelawn Ave.
- Main Street – from West St. to Park St.
- Main Street RV Parking (Ballfield)
- Firefly Lane
- Rodick Place
- Bridge Street Parking Lot (Casino)
- Backyard Parking Lot
- Kid's Corner Parking Lot
- East Municipal Building Parking Lot
- Central Parking Lot (Old PD Lot)
- Grants Park
- Newport Drive Lot
- Town Pier Parking Lot

B. Rates for Paid Parking

1. Paid parking is $2 per hour and is restricted to one four-hour session for each vehicle in the following meter locations:
    a. On Main St. from West St. to Hancock St.
    b. On Cottage St. from Main St. to Rodick St.
    c. On West St. from Main St. to Bridge St.
    d. On Mt. Desert St. from Main St. to Kennebec St.
    e. On Firefly Lane – all spaces
2. The fee of $2 per hour in the following parking lots: Backyard, Central Parking, Grants Park, Newport Drive and Town Pier.
3. The fee is $1.50 per hour for all metered areas not listed in 1 above and all remaining kiosk areas on the streets and parking lots.
4. Parking meters and kiosks shall operate on Sundays from 12 pm to 8 pm.

C. Ferry Terminal Site – ferry passenger vehicle fee is $12.00 per night for overnight parking.
D. No fee parking in designated areas near Municipal Building by Parking Enforcement Personnel on Election Day.
E. No fee parking on July 4th holiday.
F. Extension of time in kiosk areas can be done from any kiosk.
G. Paid parking is enforced June 1st through October 30th between the hours of 9:00 AM and 8:00 PM.

LEGISLATIVE HISTORY
3-19-19 – Introduced to Town Council
4-16-19 – Adopted by Town Council
5-7-19 – Amended by Town Council
5-21-19 – Amended by Town Council
7-1-19 – Amended by Town Council
8-20-19 – Amended by Town Council
9-3-19 – Amended by Town Council
9-17-19 – Amended by Town Council
5-5-20 – Amended by Town Council
5-19-20 – Amended by Town Council

Poverty Abatement Policy 06-Sep-2005

Town of Bar Harbor

Maine law (Title 36 MRSA §841.2) permits the Town Council "on their own knowledge or on written application (to) make such tax abatements as they believe reasonable in the real and personal taxes on all persons who, by reason of infirmity or poverty, are in their judgment unable to contribute to the public charges". Unfortunately the law provides no clear cut criteria for the Council to determine whether a person is in a poverty situation and "unable to contribute to the public chares." This then is the reason for the adoption of this policy.

Proceedings

Proceedings and records surrounding the consideration of a poverty tax abatement are confidential. The proceedings must be held in executive session, unless the applicant requests a public hearing in writing. Even the vote to approve or deny the application is held in executive session.

The following motion will be used when going into executive session:

> *I move that the Town Council go into executive session pursuant to the provisions of Title 36, §841(2) MRSA, to consider a request for an abatement of taxes for reasons of poverty.*

Applicants seeking a poverty tax abatement have the burden of proof that they are eligible for an abatement. They must provide information requested by the Town Council to support their claim of poverty, by filling out the application available from the Welfare Director (Town Clerk).

The Town Council, when faced with a request for an abatement has 2 basic options. They can deny the abatement, if it is clear that the applicant is not poor or failed to produce necessary documentation; or grant the abatement in whole or in part depending on the depth of the applicant's financial distress.

Poverty: What Is It? As a starting point, the Town will conduct a General Assistance (GA) eligibility analysis. This is useful because people who are eligible for GA, in fact, have less income than they need to pay for basic necessities. If there are no mitigating factors, people who meet the GA eligibility standard will be eligible for a poverty tax abatement.

People who are not eligible for GA, however, may be eligible for an abatement depending on how much money they have to pay their taxes after they've paid for other necessities.

Application Process

People wishing to have their taxes abated due to poverty may apply to the Welfare Director in writing. Information in the application is confidential and any hearings and proceedings connected with a request for poverty abatement will be held in executive session as permitted by 36 MRSA §841(2)E.

Determining Eligibility

Applicants seeking a poverty abatement have the burden of proving that they are eligible for the abatement; it is not the Town Council's responsibility to prove that the applicants are not entitled to the abatement. The applicant must provide whatever information the Town Council thinks is necessary for them to make an informed decision.

As stated above, the Town Council will determine the applicants' financial condition within the context of a General Assistance eligibility determination. If they are eligible for General Assistance they will be given a poverty abatement for general assistance to pay the taxes. If they are not eligible for GA, the Town Council will then proceed to review the applicant's income and expenses. Factors the Council will take into consideration during either of these analyses include: the applicant's income (both current and projected); assets such as an excessively expensive vehicle, extra cars, recreational vehicles, boats, real estate, etc.; actual expenses which may not be reasonable or necessary and which may be reduced or eliminated; and other sources of income or methods to alleviate their financial distress such as relatives, refinancing, and public assistance, including General Assistance.

Options for Action

The Town Council may:

A. **Deny the Abatement -**The application will be denied if the applicant does not meet the burden of proof that he is "unable to contribute to the public charges". If the application is denied, the Town Clerk shall send a written notice within ten (10) days after they take final action.

B. **Approve the Abatement -** Council may grant the application in whole or in part. If the applicants are clearly poor and have little or no likelihood of any prospects which would enable them to pay the taxes. A partial abatement is appropriate in those cases where the applicant can pay part of the taxes or will be able to pay a portion of the taxes prior to the tax lien expiring. If a full abatement is granted, the fees and interest that would accrue as the result of a lien are also abated.

If the Town Council approves an abatement the Town Clerk shall certify it in writing to the Tax Collector. The fact of the abatement shall be noted and kept in suitable book form that is not open to the general public (36 MRSA §841.5).

The following motion shall be used in approving an application:

I move that the abatement request be granted and further that the Town Council certify to the Tax Collector, that an abatement has been granted pursuant to 36 MRSA §841.2 for $_____, including fees and interest, with respect to the real estate taxes committed to the Tax Collector for collection on_____ and this certification is to be given to the Tax Collector in a writing signed by the Town Clerk.

Appeal

Applicants who have had their request for a poverty abatement denied, or whose requests have not been acted upon within thirty (30) days, have the right to appeal the denial within sixty (60) days to the Board of Assessment Review (36 MRSA §843, 844).

Credits

This policy is modeled after the Maine Municipal Association's February 1991 issue of The Maine Townsman.

LEGISLATIVE HISTORY
19-Jan-88 Adopted by Town Council
16-Aug 05 Draft Revisions
06-Sep 05 Adopted by Town Council

Purchasing Policy

04-Jun-1996

Town of Bar Harbor

Spending Authorization

The Town Manager is designated by the Charter as the Purchasing Agent for the Town. Accordingly, the Manager and Department Heads are authorized to spend within budget appropriations. Purchases within the dollar ranges specified below must meet the requirements listed.

$0 - $2,500. Formal competitive bidding is not required. However, the purchaser should endeavor to get the best value for the money spent. Department Head or his designee can approve the purchase.

$2,500 - $7,500. Verbal quotations shall be solicited from a minimum of three qualified bidders, if available. The quotes must be documented and attached to purchase order. A purchase order signed by the Town Manager is required.

$7,500 - $25,000. Written proposals or bids shall be solicited from a minimum of three qualified bidders, if available and attached to purchase order. A purchase order signed by the Town Manager is required.

Over $25,000. Written bid specifications or equivalent shall be approved by the Town Manager. The bid shall be advertised by the most efficient means possible, in order to encourage the widest possible competition. Sealed bids shall be specified and opened at a public meeting. The Town Manager may award the bid to the lowest bidder and sign the purchase order or contract. Only the Town Council may award the bid to anyone other than the lowest bidder.

Total Cost Bidding

If the Town Manager feels that it is in the best interest of the Town not to award the bid to the low bidder, he may refer the award of the bid to the Town Council. The Town Council shall award the bid to the best bidder; not necessarily the lowest bidder; keeping in mind the total cost over the life of the project or equipment, the quality of material, availability of service, contributions by the bidder to the local tax or employment base and other significant factors.

Cooperative Purchasing

Competitive bidding requirements may be delegated by the Town Manager to Island-wide, area-wide or State-wide purchasing cooperatives.

Exemptions from Competitive Bidding:

1. Contracts for professional services

2. Hourly rate contracts, which cannot be effectively estimated.

3. Situations in which it is determined by the Town Manager that only one firm can effectively provide the required service or materials.

4. Emergency repair or replacement where it is determined by the Town Manager that the repair or replacement cannot be delayed sufficiently to conform to the policy.

5. The letting of contracts or purchases of additional quantities, where the Town has recently awarded bids as normally required, and the successful bidder is willing to honor his original price.

LEGISLATIVE HISTORY
22-Apr-87 - Original policy adopted.
15-Feb-94 - Amended
30-May-96 - Draft
04-Jun-96 - Amended

Road Acceptance Policy

16-Nov-1999

Town of Bar Harbor

1. Authority

The Town of Bar Harbor Comprehensive Plan adopted in November 1993, contained the following recommendation:

> Policy 5J -- *To expedite the procedure for accepting Town roads.* The Town Council should review the standards for Town roads. Depending on the number of houses or other criteria deemed important, acceptance of the road by the Town should be automatic if built to the correct specifications.

Section 00.03.04.11 of the Town Charter authorizes the Town Council to accept roads on behalf of the Town. No Town Meeting action is required.

2. Purpose

The purpose of this Road Acceptance Policy is to place into effect the procedures needed to accomplish the Comprehensive Plan directive and to assign responsibility for each step in the procedure, in order to reduce confusion and assure that roads are properly accepted.

3. Policy

It shall be the policy of the Bar Harbor Town Council to consider for acceptance all roads built to meet Town Land Use Ordinance standards, provided that the tax revenue reasonably estimated to be derived from the properties served by the road shall be sufficient to pay the estimated maintenance cost of the road, and that the procedures outlined in this policy are followed.

The Maine Supreme Court has ruled that a road may not be accepted on a conditional basis, such as the occurrence of some future event. [*State v. Calais*, 48 Me.456 (1860); *Wardens of Christ's Church v. Woodward*, 26 Me.172 (1846)]. Accordingly, this policy shall not be construed as creating a legally binding commitment for the Town and, notwithstanding this policy, a decision as to whether to accept a road may only be made by the Town Council on a case by case basis.

4. Newly Created Roads

When an owner is in the process of building a new road intended to be offered to the Town for acceptance, the following steps shall be followed:

4.1 The developer shall follow the standards and procedures as required by the Town Land Use Ordinance.

4.2 Public Works Director certifies to the Planning Board that the road design either meets the requirements of the Land Use Ordinance or that he agrees that it would be in the best interest of the Town to waive specific requirements.

4.3 Planning Board approves the subdivision sketch plan.

4.4 Developer requests that Council accept the road. Said request to include:

A. Cover letter requesting road acceptance and describing the project, including the length of the road, the number of building lots and the total estimated value of the buildings to be served.
B. Ten copies of the proposed subdivision sketch plan, as approved by the Public Works Director.
C. Proposed language of a warranty deed that will be used to transfer *fee simple* title to the Inhabitants of the Town of Bar Harbor.
D. Evidence of clear title in the form of an attorney's title opinion or a title insurance commitment.

4.5 Town Council reviews the proposal at a Council Meeting. No formal action to accept the road can be taken at this time.

4.6 Planning Board approves the subdivision plan.

4.7 Developer records the approved subdivision plan at the Registry.

4.8 Developer advises the Public Works Director that construction will begin, so that the Director can arrange for inspection.

4.9 Road is constructed to town standards by the developer.

4.10 Owner dedicates road to public use and requests that the Town accept it by:

A. Providing to the Council a cover letter requesting acceptance and describing the project as provided in section 4.4.A.

B. (1) Filing with the Council a warranty deed specifically describing the location of the road and the owner's interest therein and stating that the owner voluntarily offers to transfer such interest to the Town without claim for damages; or (2) filing in the Hancock County Registry of Deeds an approved subdivision plot plan that describes the property to be appropriated for public use and providing the Council with three copies of the recorded plan; and

C. If the owner has not done so pursuant to B(1) above, providing the Council with a warranty deed conveying to the Inhabitants of the Town of Bar Harbor *fee simple* ownership of the road; and

D. Providing to the Council either an attorney's title opinion or an owner's title insurance commitment indicating that upon the Town's acceptance of the deed no other party will have any interest in the road; and

E. Providing to the Council the Public Works Director's written certification that [road name] was built as required by the approved subdivision plan and in conformity with good construction practice.

F. Providing to the Council the Town Attorney's written certification that the proposed deed and the title opinion or title insurance commitment sufficiently protects the interests of the Town.

G. Providing to the Council a written warranty stating that for a period of one year from the date of Town of Bar Harbor acceptance the dedicating owner, [name] , will repair without cost to the Town any damage to the road as determined by the Bar Harbor Public Works Director, if said damage is caused by nature, heavy loads, washouts or poor construction practices, excepting snow plowing damage.

4.11 Town Council accepts the road by passing a motion: that (acting as the legislative body) the Town Council accepts the dedication made by [name of grantor] of title in *fee simple* in a strip of land bounded and described as shown on the plan recorded with the Hancock County Registry of Deeds in Plan File [number], No. [number], and to accept and establish a town way to be known as [name of road] on said strip of land.

4.12 Town Clerk records the deed at the Registry.

[Process Complete]

5. Donation of an Upgraded Private Road

It is the policy of the Bar Harbor Town Council not to accept existing roads unless and until they are in substantial compliance with the Land Use Ordinance road standards and the Town has been provided with good title. When the owners wish to have the Town assume maintenance of an existing road, the following steps shall be followed:

5.1 If there are more than three lots to be served by the proposed road, the owners elect a road committee of not more than three owners or advisors to work with the Town.

5.2 Owners or road committee meet with the Public Works Director to review road upgrade plan and discuss the Town's construction requirements.

5.3 Owners or road committee submits plans, profiles and cross-sections of the proposed road along with other construction details as required by the Public Works Director.

5.4 Public Works Director provides the Town Council with a letter, which certifies that the road design meets his/her requirements and those of the Land Use Ordinance with exceptions as noted or without exceptions.

5.5 Owners or road committee present a petition to the Town Clerk which is signed by all the parties having a property interest in the road. Said petition to read substantially as follows:

PETITION TO THE BAR HARBOR TOWN COUNCIL
REQUESTING ACCEPTANCE OF _____ ROAD

We the undersigned hereby request the Bar Harbor Town Council to accept the donation of _____ Road as a town way as described in the plan attached and agree:

A. to improve the road so that it meets the road standards as previously agreed with the Public Works Director,

B. to provide the Town with a warranty deed for a *fee simple* interest in the road,

C. to provide the Town with evidence of clear title in the form of an attorney's title opinion or a title insurance commitment.

D. to waive any claim for damages.

Signature	Printed Name	Map & Lot Number	Address	Phone
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

5.6 Town Council reviews the proposal at a Council Meeting. No formal action to accept the road can be taken at this time.

5.7 Owners or road committee advise Public Works Director that construction will begin, so that the Director can arrange for inspection of the construction as it progresses.

5.8 Road is constructed to Town standards by the owners or road committee.

5.9 Public Works Director certifies to the Council that that [road name] was built as

required by the approved plan and in conformity with good construction practice.

5.10 Owners or Road Committee record a copy of the approved plan at the Registry.

5.11 Owners or Road Committee provides Town Attorney with signed warranty deed, copy of the recorded plan and attorney's title opinion or title insurance commitment.

5.12 Town Attorney certifies to the Town Council that he/she approves the proposed deed and title insurance and forwards the deed to the Town Clerk.

5.13 Town Council accepts the road by passing a motion: that (acting as the legislative body) the Town Council accepts the donation made by [name of grantor] of title in *fee simple* in a strip of land bounded and described as shown on the plan recorded with the Hancock County Registry of Deeds in Plan File [number], No. [number] and to accept and establish a town way to be known as [Name of Road] on said strip of land.

5.14 Town Clerk records the deed at the Registry.

[Process Complete]

6. Amendment

This policy may be amended unilaterally by the Town Council at any time with notice as required by law.

LEGISLATIVE HISTORY
15-Apr-97 Policy first adopted by Town Council
16-Nov-99 Amended by Town Council

Road and Sidewalk Opening Policy

05-Jan-1988

Town of Bar Harbor

The following provisions must be complied with and are agreed to by the Town of Bar Harbor and any permittee before construction begins.

1. Permit Required

No excavation of a Town sidewalk, road or other public way shall be made without a Digging Permit. However, in an emergency the road may be opened to make repairs, after notification of the Police Department Dispatcher. The Police Department shall notify the Public Works Department on the next business day. The person opening the road shall apply for a permit on the first business day following the opening.

2. Acceptance of Requirements

Commencement of excavation for which a permit is issued will constitute complete acceptance of these provisions.

A. **Application** – Permits must be obtained from the Public Works Director.

B. **Permittee** – All permits shall be issued in the name of the contractor doing the work, unless the owner elects to do his own work.

C. **Application Fees –** A fee is required prior to application for a permit. A fee of $25.00 must be paid to Treasurer before permit can be issued.

D. **Debts** – Permits will not be issued to contractors with outstanding financial obligations to the Town.

E. **Expiration** – This permit is good for 6 months (180 days) from the date of issuance. If more time is needed, re-application shall be made to the Public Works Department.

F. **Changes** – Any change from original plans invalidates permit and new permit must be obtained.

G. **Notice** – The permittee is required to give prior-day notice to all utility companies and the Fire and Police Departments of intended excavation. If trench is to cross width of street, fire and police departments need to authorize said excavations 24 hours in advance.

H. **Traffic Control** – The permittee shall provide barricades, signs, warning cones and/or traffic control personnel if it is determined by the Public Works Director, after consultation with the Police and Fire Departments, to be required for the public safety.

I. **Pavement Cuts** – All cuts into pavement must be square and clean, and shall be made with a pavement cutter or asphalt cutting machine.

J. **Road Closure** – Not over one-half of the surfaced area of any street may be excavated at any one time except in extenuating circumstances and with the approval of the Public Works Director prior to extending over one-half (½) the traveled surface. The Public Works Director shall not issue the permit without the approval of the Police and Fire Chiefs.

K. **Backfill** – All backfill must be thoroughly tamped in 8" (eight inch) layers. Each layer shall be thoroughly tamped and compacted. Each layer shall be tamped by mechanical means. The material used shall be approved by the Public Works Director or his representative. The Contractor shall be liable for any settling of the excavation for a period of one (1) year.

L. The contractors shall return the sidewalk or road to original condition or better.

M. **Safety** – No excavation may be left open overnight without approval of the Public Works Director.

N. **Hold Harmless** – The permittee accepts all liability due to excavation until it has been completely backfilled, compacted and returned to original condition.

O. **Sidewalks** – Any excavation of sidewalks will necessitate returning said sidewalk to original condition and material.

P. **Repair Fees** – The permittee shall pay the cost of all repairs necessary to return the street or sidewalk to the original condition and material.

Q. **Payments** – Payment for repairs shall be made at the Town of Bar Harbor Finance Department.

R. **Violations** – Any violation of these rules will result in an immediate stop-work notice.

S. **Repealer** – This policy supercedes all previous Council policies, administrative rules, and other policies of the Town.

T. **Failure to Comply** – Failure to comply to Town of Bar Harbor's satisfaction will result in the Town completing the work at the expense of the permit holder.

LEGISLATIVE HISTORY
05-Jan-88 Adopted by Town Council

Road Discontinuance Policy 6-16-09

Bar Harbor Town Council

In order to formalize the way in which the Town Council processes property owner requests for discontinuance of public ways, the following "Road Discontinuance Policy" is hereby adopted:

1. Although the Town of Bar Harbor retains a town meeting form of government, Section C-10.A.(11) of the Town Charter authorizes the Council to "exercise all other powers of the Town of Bar Harbor not otherwise specifically reserved to the Town Meeting". Discontinuing town ways is not a power specifically reserved to the Town Meeting.
2. While it is not required by statute, it has been the Town's past practice, hereby formalized, that the Town will not discontinue a Town way or a portion of a Town way unless the Town Manager receives evidence from each abutter that they will suffer no damage from the proposed discontinuance.
3. Any property owner seeking discontinuance of all or a portion of a Town way adjacent to their property shall submit to the Town Manager:
   A. A written request,
   B. A map or sketch of the road or portion of the road requested for discontinuance,
   C. Affidavits of Damages from each abutter on the Town's standard form,
   D. and such additional supporting data as felt by the Town Manager to be helpful to the Town Council in making a decision.
4. Following receipt of a written request and all requested documentation, the Town Manager shall place the discontinuance on a Town Council agenda.
5. Town Council will consider the request and:
   A. Pass a motion <u>to begin proceedings to discontinue and set a hearing date</u>, or
   B. Pass a motion <u>not to discontinue</u>, or
   C. Take such other action as the Council deems appropriate.
6. Following passage of a motion to begin proceedings, the Town Clerk shall:
   A. Give notice to the Bar Harbor Planning Department, in the person of the Planning Director and
   B. Give notice by first class mail to owners of directly abutting property whose addresses appear in the Town's assessment records.
   C. Provide the Town Manager with an affidavit showing that the above notice was given.
7. On the allotted day, the Town Council will conduct a hearing and take action whether to discontinue the road:
   A. If Council decides not to discontinue, no further action is required.
   B. If Council decides to discontinue, Councilors will:
      (1) Determine what, if any, damages should be paid to abutters, and
      (2) Pass a motion <u>to adopt the Order of Discontinuance, acting as the Municipal Officers</u>, and
      (3) Sign the Order of Discontinuance, and

(4) Pass a separate a motion to approve the order of discontinuance, acting as the legislative body. This step seems a bit redundant, since in the case of Bar Harbor the municipal officers and the legislative body are one and the same. However, because of the statutory language, the Town Attorney has advised Councilors to go through this extra step.

8. Following Council action to discontinue, the Town Clerk will:
   A. Complete a certificate of discontinuance,
   B. Record it in the Hancock County Registry of Deeds and
   C. Send a copy to abutters.
   D. If the way discontinued was formerly a state road, a copy also will be sent to the MDOT Property Office in Augusta.

LEGISLATIVE HISTORY
6-12-09 Staff suggested draft to Council
6-16-09 Adopted by Town Council

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

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:

(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 candidate(s) and ask for a vote of those in favor of the candidate(s). Immediately thereafter, the Chair shall repeat the process for each 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,

[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.

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).

Safety Policy

Town of Bar Harbor

The Town of Bar Harbor is extremely conscious of the safety of our employees and the citizens of our community and of the importance of our physical assets. As an employer, we recognize the obligation to ensure the safest possible work place for our employees. As a governmental entity, we recognize our responsibility to protect the Town of Bar Harbor's physical assets from damage or loss and to provide a safe environment for the public we serve. Our ultimate goal is to achieve an accident free, loss free environment for our employees and the public.

To help meet these goals, the Town of Bar Harbor has allocated resources to administer an aggressive loss control program. Some of the program components include an employee safety team, written safety guidelines, employee training, safety inspections and additional administrative controls.

The overall program is the responsibility of the Town Manager. Administrative responsibility is assigned to the Safety Coordinator, Stanley Harmon, Finance Director. The Safety Coordinator, however, is not responsible for departmental safety, which is the responsibility of the department heads and supervisors. It is expected that department heads will complement the efforts of the Safety Coordinator to reduce losses and provide for the safety of employees and the public. These loss control responsibilities are continuous and more important than any other operational consideration.

It is the responsibility of each employee to follow all safety work rules and guidelines and to cooperate with and support loss control program activities and objectives. Each employee is expected to report any unsafe conditions and to ask for instruction from a supervisor if they are unsure how to conduct a specific task safely. It is the responsibility of each supervisor to monitor and assist employees in the safe performance of their duties. Safe work behaviors and attitudes are an expected part of every employee's job performance.

Loss control is every employee's responsibility. This policy will be reviewed annually by the Safety Team to allow the Town of Bar Harbor to meet the mutually beneficial goal of maintaining a safe, loss free environment for both our employees and the citizens we serve.

LEGISLATIVE HISTORY

05-17-13	New policy proposed by Manager
05-21-13	Formal policy adopted by Council

Severance Clause Policy

Town of Bar Harbor

Whereas, the Town Council has determined that all department heads must enter into fixed term employment agreements, in order to limit the Town's liability should it become necessary to discharge an employee, and

Whereas, retention of valued, productive and experienced department heads requires that the Town agree to a severance provision in those employment agreements in order to guarantee a minimum level of security in the employee's financial affairs, now therefore

Be it resolved, that the Town Manager is directed to include no more than the following amount of severance pay in the employment agreements of new department heads:

Length of Service	Months of Severance
0-1 Years	0
1-3 Years	1
3-6 Years	3
6-9 Years	6
9-12 Years	9
Over 12 Years	12

LEGISLATIVE HISTORY

7-2-13 New policy proposed by Manager in response to Councilor input

8-20-13 Formal policy adopted by Council

Snow Removal Policy

Town of Bar Harbor

The following policy has been established to provide guidelines for the public and for plow operators to follow in order to ensure consistent practices for snow and ice removal during winter storm events. Since all streets and sidewalks cannot be plowed and/or salted first, it is necessary for the Town of Bar Harbor to set priority areas based, primarily, on the need to keep emergency vehicle response routes open and, secondarily, on the volume of traffic.

Snow Plowing - Streets

Priority One – Primary Routes

Top priority shall be given to Cottage Street, Cromwell Harbor Road, Crooked Road, Eagle Lake Road, Fire Department (front area), Firefly Lane, Gilbert Farm Road, Hancock Street, Highbrook Road, Indian Point Road, Knox Road, Ledgelawn Avenue, Main Street, Mt. Desert Street, Norway Drive, Oak Hill Road, Otter Creek Drive (Route 3 to Mt. Desert Town Line), Rodick Street, Town Hill Fire Department Parking Lot, Wayman Lane, West Street and West Street Extension.

Priority Two – Secondary Routes

Once the Priority One roads have been and can be kept clear, work will proceed to , Acadian Woods Circle, Acadian Woods Road, Agamont Lane, Albert Meadow, Amory Lane, Arata Drive, Ash Street, Atlantic Avenue, Barberry Lane, Bayview Drive, Betsy's Road, Billings Avenue, Bloomfield Road, Bowles Avenue, Breakneck Road, Brewer Avenue, Bridge Street, Cedar Avenue, Center Street, Champlain Road, Clark Cove Road, Cleftstone Road, Conners Emerson, County Road, Cross Street, Davis Place, DeGregoire Park Road, Derby Lane, Des Isle Avenue, Devon Road, Dewey Street, East Street, Edgewood Street, Elbow Lane, Federal Street, Fern Meadow Drive, First South Street, Fogg Road, Folkestone Drive, Forest Street, Glen Mary Road, Gray Road, Great Meadow Drive, Greeley Avenue, Grover Avenue, Hadley Point Road, Harbor Lane, High Street, Holland Avenue, Howe Park Road, Kavanaugh Place, Kebo Street, Kennebec Place, Kennebec Street, Ledgewood Road, Lenox Place, Livingston Road, Loren Street, Lupine Way, Maple Avenue, McFarland Drive, Meadow Drive, Michigan Avenue, Mill Brook Road, Mountain Avenue, Municipal Building Parking Lot, Myrtle Avenue, Newport Drive, Newton Way, Norman Road, Norris Avenue, North Woodbury Road, Oak Street, Ocean Avenue, Old Bar Harbor Road, Old Norway Drive, Oliver Street, Otter Cliff Road, Owl's Nest Lane, Park Street, Pine Heath Road, Pine Street, Pleasant Street, Police Department Parking Lot, Prospect Avenue, Ridgeway Drive, Roberts Avenue, Roberts Square, Rockwood Avenue, Rodick Place, Russell Farm Road, Sand Point Road, School Street, Schooner Head Road, Seely Road, Shannon Road, Shannon Way, Snow Street, Spring Street, Stanwood Place, Stony Brook Road, Strawberry Hill Road, Summer Street, Transfer Station, Waldron Road, Wescott Avenue, White Deer Circle, White Spruce Road, Woodbury Road and York Street.

Priority Three – Local Streets

Once the Priority Two roads have been and can be kept clear, then work will proceed to the local streets serving only the immediate area: Bridge Street (from West Street to the Sand Bar), Town Landing Road; Fire Wet Wells at Gilbert Farm Road and Route 3; Turn-around at Head of the Island; Parking Lots of Backyard, Casino, Grant Park, Central, Kids' Corner and Town Pier.

Snow Plowing - Sidewalks

While sidewalks, generally, will be plowed simultaneously with Town streets, the Highway Division may delay sidewalk plowing as needed to accommodate weather conditions, manpower shortages and equipment breakdowns.

Priority One – Primary Routes

Top priority for sidewalk plowing shall be given to:

- Cottage Street – north side
- Eden Street – east side from Mt. Desert Street to the main entrance drive to the Atlantic Oceanside Hotel
- Ledgelawn Avenue – east side only
- Main Street – both sides from West Street to Park Street; east side only from Livingston Road to Schooner Head Road
- Schooner Head Road – from Main Street to the Jackson Lab
- Mt. Desert Street – both sides from Eden Street to Main Street

Priority Two – Secondary Routes

Once the Priority One sidewalks have been and can be kept clear, work will proceed to:

- Cottage Street – south side
- Eagle Lake Road – north side from Eden Street to Forest Street
- Holland Avenue – west side from Mt. Desert Street to Cottage Street
- West Street – north side from Eden Street to 125 West Street; south side from Holland Avenue to Main Street (unable to plow the entire length of north side due to telephone poles placed in sidewalks)

Priority Three – Tertiary Routes

Once the Priority Two sidewalks have been and can be kept clear, work will proceed to:

- Hancock Street – south side from Main Street to hospital parking lot
- Ledgelawn Avenue – west side from Mt. Desert Street to Cromwell Harbor Road
- Park Street – north side from Ledgelawn Avenue to Main Street
- Spring Street – east side from Mt. Desert Street to Waldron Road
- Waldron Road – north side from Spring Street to Ledgelawn Avenue

Snow Hauling

After the roads and sidewalks have all been plowed and salted, and the crew has rested, the Highway Division can begin hauling snow from the parking lots and those streets where the traffic lanes are restricted. Each project has been given a priority.

Priority One

School crossings and walks.

Curb-to-curb snow removal with snow blower both sides of Cottage Street from Eden Street to Main Street. Curb-to-curb snow removal with snow blower both sides of Main Street from West Street to Park Street. This will immediately help people to park their vehicles along the road sides of businesses, medical offices, residences and the hospital.

Priority Two

Firefly Lane, Ledgelawn Avenue and Mt. Desert Street

Priority Three
Municipal Parking Lots

Priority Four
Intersections and corners where snow is restricting visibility

Priority Five
The sidewalk on the easterly side of Rodick Street between Cottage Street and the Central Parking lot

Mailbox Replacement

By law, the Town has no responsibility for snowplow damage to mailboxes located within the Town's right-of-way. However, in the interest of assisting citizens whose mailbox may have been damaged by a Town snowplow, the Town will replace and install a standard, utility style, mailbox, house numbers and post when time permits, if the existing box and post were in good repair and installed in accordance with written specifications provided by the Public Works Department.

LEGISLATIVE HISTORY

2-3-87	Adopted by Town Council
9-5-06	Amendment suggested by Councilor
9-25-06	Staff proposed amendment
10-3-06	Amendment adopted by Town Council
3-12-10	Staff proposed amendment
3-16-10	Council ordered amendment
4-6-10	Council adopted amendment
2-1-11	Council ordered amendment
2-15-11	Council adopted amendment
5-1-13	Staff proposed amendment
5-7-13	Council adopted amendment

Speed Limit Policy 8-16-05

Town of Bar Harbor

In order to standardize the way in which the Town Council processes requests for changes in speed limits on public streets, the Town Council hereby adopts the following "Speed Limit Policy":

A. The Bar Harbor Town Council does not have the authority to set speed limits on Town ways.

B. As provided by State Law (29-A MRSA 2075.3.D), speed limits on Bar Harbor Town ways are set by the State of Maine through the Department of Transportation (MDOT) and the Maine State Police.

C. Requests to the MDOT for speed limit changes shall be made only by the Bar Harbor Town Council.

D. Requests for speed limit changes shall be placed on the Town Council agenda only:

   (a) at the request of the Bar Harbor Police Chief, or

   (b) at the request of a Councilor, or

   (c) upon receipt of

      [1] a petition signed by the owners of at least four homes and/or businesses located within the area proposed for the revised speed limit, and

      [2] a recommendation, for or against the proposal, by the Bar Harbor Parking and Traffic Committee.

E. The Town Council shall not request the MDOT to change a speed limit until after a public hearing is held, which hearing shall be advertised in the same manner as required for adoption of a Town ordinance.

LEGISLATIVE HISTORY

7-19-05 New policy proposed by Councilor

8-16-05 Formal policy adopted by Council

Storm and Sewer Backup Policy

05-Dec-1995

Town of Bar Harbor

This policy addresses the problems encountered by stormwater and sewer backups and how the Town can assist in controlling backflows.

Some services experience backflows from stormwater, sewer or both due to design overloading or malfunctioning of the system.

1. In those cases that are a malfunction of the system due to lack of maintenance or failure of the service on Town owned lines, it shall be the responsibility of the Town to correct the problem as expeditiously as practical and take the necessary precaution to protect public and private property from damage.

2. In those cases that are due to design or overloading of the system the Town will provide the affected service with a backflow preventer and technical assistance. The installation shall be the responsibility of and at the expense of the owner.

   A. Backflow preventers shall be installed on the owner's property wherever practical. In cases where it is not practical to install the preventer on the owner's property it may be installed on public property upon obtaining the appropriate permits.

   B. Backflow preventers shall be installed in a manner that will make them readily accessible for maintenance and repair.

3. In those cases that are due to lack of maintenance or failure on the owner's service line, it shall be the sole responsibility of the owner to correct. The Public Works Department shall provide technical assistance if requested.

LEGISLATIVE HISTORY
05-Dec-95 Adopted by Town Council

Street Light Policy 6-16-09

Bar Harbor Town Council

In order to standardize the way in which the Town Council authorizes the installation and removal of street lights, the Town Council hereby adopts the following "Street Light Policy":

Installation

1. Installation of a street light must be authorized by the Town Council. A request for a light may be initiated by a request from the Town Manager or by a petition from the owners of at least four homes and/or businesses who will be served by the light.
2. A petitioned light must serve a minimum of four homes and/or businesses.
3. A petitioned light must be placed on an existing pole or, if a pole is not present, a pole installed at the expense of the petitioners.
   A. Since it is illegal for the Town to expend money on a private way, the pole must be located on a public right-of-way.
4. All new lights shall be 4000 lumen high pressure sodium (HPS) fixtures, except that Council may authorize a brighter light in business districts.
5. A new light shall not be placed within 170 feet of an existing light, except in business districts, where they may be placed as close as required for safe foot passage.

Removal

1. A street light may be removed only upon authorization by the Town Council.
2. Removal of a street light must be requested in writing, either by a citizen or the Town Manager.
3. Public notice of the requested removal shall be given by the most cost-efficient means, either by first class letter to four property owners in the immediate vicinity of the light or by publication in the newspaper.
4. Prior to approval, Council shall hold a public hearing to accept comments on the requested removal.

LEGISLATIVE HISTORY

3-15-88	Adopted by Town Council
3-3-09	Council requested staff to draft revision for light removal
6-16-09	Council adopted revision.

It should be noted that, as of May 2009, the cost to the Town for the rental and operation of our standard 4000 lumen, 50 watt HPS street light for one year is about $105.

Surplus Property Policy

February 3, 2009

Town of Bar Harbor

Any and all real and personal property purchased with Town funds or donated to the Town is an asset of the Town of Bar Harbor. As a Town asset, it is improper for any Town employee or other person to use or dispose of Town property, except as outlined in this policy. As a general rule, we need to assure the public that we are safeguarding the Town's assets in a secure and responsible manner. In order to be good stewards of these assets, it is important that we, as Town employees, keep Town property safe from theft or misappropriation.

1. Disposal

Personal property having various values shall be disposed of as stated below:

A. **No Value** – Personal property which a reasonable person would feel no longer has any value, may be discarded by any Town employee by depositing it in the Town's solid waste stream, that is, by throwing it in the trash can or hauling it to the Transfer Station for disposal. If anyone has stated an interest in acquiring the property, then it cannot be assumed that it has no value.

B. **Nominal Value** – Personal property which a reasonable person would feel is at the end of its useful life, but that the cost of disposal exceeds any sales value, shall be considered of "nominal value" and may be sold, donated or discarded at the discretion of the Town Manager.

C. **Substantial Value** – Personal property which a reasonable person would feel has remaining value in excess of the nominal value defined above may be disposed of only upon the approval of the Town Council.

2. Transfer

Personal property may be transferred between Town departments, including the School Department, without any action on the part of the Town Council. Transfer of property to any governmental organization outside of the Town of Bar Harbor or to any non-profit organization requires the approval of the Town Council.

3. Public Records

Records of Town business may be disposed or transferred only by the Town Clerk, in accordance with State Law.

4. Intellectual Property

Computer programs, structural drawings and the like, which have been developed by persons being paid by the Town, are to be considered intellectual property of the Town and shall only be transferred upon terms approved by the Town Manager.

LEGISLATIVE HISTORY

4/5/94 Adopted by Town Council
2/5/03 Draft prepared at direction of Council
2/18/03 Adopted by Town Council
1/23/09 Draft suggested by Staff
2/3/09 Adopted by Town Council

Tax Payment Policy

18 January 2000

Town of Bar Harbor

The Municipal Officers of the Town of Bar Harbor, upon request of the Tax Collector of said municipality, hereby require and direct, pursuant to 36 M.R.S.A §906, that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment shall be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the tax payer. This Order shall remain in effect until rescinded by the Municipal Officers.

LEGISLATIVE HISTORY
01/18/00 Policy adopted by Town Council.

Tobacco Free Recreation Policy

Town of Bar Harbor

In order to promote the health and safety of Bar Harbor residents and visitors, all Town recreational properties are established as Tobacco-Free Zones, including, but not limited to: Agamont Park, Grant Park, Harborview Park, Village Green, Glen Mary Park, Hadley Point Landing, Millbrook Preserve, Park Street Playground, Town Hill Playground, the Athletic Field, and Barker Park.

- The Town of Bar Harbor has set a goal that Bar Harbor is a safe and healthy place to live, visit and work.
- Tobacco use is the single most preventable cause of death and disease in the United States, as well as in the State of Maine.
- Secondhand smoke contains many harmful chemicals and cancer causing agents; is a serious health risk to humans, especially pregnant women, infants and children; and increases a nonsmoker's risk of asthma, heart disease and lung cancer.
- Tobacco use in and around the Bar Harbor recreational areas sends contradictory message to young people who are participating in activities beneficial to their health.
- The purpose of the recreational properties is to provide quality and leisure experiences that enhance the quality of life for citizens and visitors of Bar Harbor, including providing a safe environment for these experiences.
- Tobacco use and exposure to secondhand smoke are contrary to enhancing the quality of life and providing safe environments.

All Town recreational properties so-named are tobacco-free zones, 24 hours a day-365 days a year that specifically prohibit the use of any tobacco product, including but not limited to cigarettes, cigars, spit and smokeless tobacco, chew, snuff, snus, vaping devices, and other non-FDA approved nicotine delivery devices (i.e., electronic cigarettes).

The Town of Bar Harbor Parks and Recreation Committee is authorized to take reasonable steps, such as signage and other communication tools, to achieve compliance with the tobacco-free zones established hereunder.

LEGISLATIVE HISTORY

5/2/11 Draft prepared by Parks and Recreation Committee
8/16/11 Amended by Town Council
9/6/11 Adopted by Town Council
12/2/14 Proposed amendments by Parks and Recreation Committee and Wellness
12/2/14 Adopted by Town Council

Utility Location Permit Policy 3-20-07

Town of Bar Harbor

The Town Council hereby adopts the following procedure for the review and approval or denial of Utility Location Permits.

1. **Notice to Council** – Councilors shall be notified promptly of each application, a copy of which shall be placed in the packet of materials provided to Councilors each week.
2. **Review by Councilors** – Any Councilor having a concern about an application may request that it be placed on the next Town Council agenda. Said request shall be made to the Town Manager, or in his/her absence the Town Clerk, prior to the close of business on the first business day following distribution of the application to Councilors. The Manager or Clerk shall promptly report any such request to the Public Works Director.
3. **Approval by Director** – Should no Councilor request Council review as provided above, the Public Works Director is delegated the authority to approve or deny the application as provided by law.
4. **Appeal** – Any applicant denied a permit by the Public Works Director shall have the right to appeal that decision to the Town Council by requesting the placement of the appeal on the Council agenda in accordance with the Town Council Rules of Order.

LEGISLATIVE HISTORY

1-7-03	Councilor requested policy draft
3-20-07	Formal policy adopted by Council

IE

Sharon Linscott

From: Jeff Dobbs <jdobbs@jeffdobbs.com>
Sent: Friday, July 17, 2020 2:10 PM
To: 'Council'
Cc: 'Cornell Knight'; nina@barharbormaine.gov
Subject: FW: MDI YMCA Fitness Initiative: Permission Request

All
With the exception of Nina I have queried all of you about the request from the MDI YMCA below. Thank you all for the positive response to add this to the agenda
On the 21st.
Best, Jeff

Jeff Dobbs, President
Dobbs Productions, Inc.
The Acadia Channel
www.jeffdobbs.com
www.acadiachannel.com
www.jeffersondavisgrant.org

From: Nick Tymoczko <Nick.Tymoczko@jax.org>
Sent: Friday, July 17, 2020 8:49 AM
To: sbanis@barharbormaine.gov
Cc: jdobbs@jeffdobbs.com
Subject: MDI YMCA Fitness Initiative: Permission Request

This e-mail is intended for the Highway Office Manager and Chair of the Bar Harbor Rec Committee

Good morning Jeff and Suzanne,

The MDI YMCA is seeking permission to facilitate a public fitness initiative in Bar Harbor. This project will require posting 24"x18" campaign style signs complimenting 26 of the "Museum in the streets" placards. We are seeking to post our signage for the full month of August, displayed alongside the Village Improvement Association stations.

Initiative Details:

- Following the Museum in the Streets loop, participants will be encouraged to do an exercise which references the historical content on the placard.
- Participants will be encouraged to share photos of themselves performing at each station to YMCA social media, this will also qualify them for our prize raffle.
- Example challenge: "Station 6 of 26: In squat position (Knees bent with chest proud), reach down to the ground as if you were picking up a bucket. Lift the bucket over your head and pause to dump all the water out! Now reach down to the opposite side & repeat the process. Do this for 1 minute straight and your legs will be burning hotter than the fire!"

Benefits to Community During Pandemic

- Work by the Village Improvement Association will be more visible and interactive
- Participants can social distance during exercise while socializing through the social media #hashtag linked to our YMCA instagram
- The scavenger hunt checklist will encourage locals and visitors to walk in areas of town they may otherwise neglect
- This will drive traffic to the Village Improvement website for use of their interactive map
- It will provide the YMCA a fundraising opportunity to recoup a fraction of lost revenue from cancellation of July 4th lobster races

We would like to start fundraising shortly if this project in green-lighted. Is there a form the YMCA can fill out or would e-mail permission suffice for a project like this? Thank you very much for your time.

Sincerely,

Nick Tymoczko
MDI YMCA Corporate Fitness Director
(207)299-8747

The information in this email, including attachments, may be confidential and is intended solely for the addressee(s). If you believe you received this email by mistake, please notify the sender by return email as soon as possible.

Sharon Linscott

From: Jeff Dobbs <jdobbs@jeffdobbs.com>
Sent: Tuesday, July 21, 2020 8:52 AM
To: 'Council'
Cc: Cornell Knight; nina@barharbormaine.gov
Subject: FW: YMCA Fitness Initiative: Example
Attachments: Fitness in the Streets MASTER.pdf

All
Attached is a PDF of the type of sign the YMCA would like to use in conjunction with the Museum in the streets. See email below too.
Thanks, Jeff

From: Nick Tymoczko <Nick.Tymoczko@jax.org>
Sent: Monday, July 20, 2020 8:39 PM
To: jdobbs@jeffdobbs.com
Subject: YMCA Fitness Initiative: Example

Hello Counselor Dobbs,

Attached is an example of our proposed 24"x18" campaign style signs. These signs would be located beside the existing Village Improvement Association signage and collected at the end of August.

Please forward this example pending our discussion and thank you on behalf of the Y for creating discussion time.

Sincerely,

Nick Tymoczko
YMCA Director of Corporate Wellness

The information in this email, including attachments, may be confidential and is intended solely for the addressee(s). If you believe you received this email by mistake, please notify the sender by return email as soon as possible.

Virus-free. www.avast.com

YMCA Fitness In The Streets: Station 6 or 26

Help Fight The Fire!

Challenge (Please find a safe place that is socially distanced):

In a squat position (Knees bent with chest proud), reach down to the ground like you were picking up a bucket. Lift the bucket up over your head and pause to dump all the water out! Now reach down to the opposite side and repeat this process. Do this for 1 minute straight while maintaining the squat position. Your legs will be burning hotter than the fire by the end!

Post photos of yourself doing the challenge on Instagram/Facebook with the hashtag #Fitinthestreets. Be sure to tag @MDIYMCA for a chance to win cool YMCA gear! Full map of all challenge locations available at https://barharborvia.org/museum-in-the-streets/

Thank you to the generous sponsorship of:

the YMCA

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

XF

Sharon Linscott

From: Cornell Knight <cknight@barharbormail.org>
Sent: Monday, July 20, 2020 10:54 AM
To: Ania Wright; David Kerns
Cc: Chief James Willis - Mt. Desert PD; 'Sharon Linscott (clerk@barharbormaine.gov)'; Erin E. Cough (eearlyward@barharbormaine.gov); Gary Friedmann; Jeff Dobbs (jdobbs@barharbormaine.gov); Jill Goldthwait (jill@barharbormaine.gov); Joe Minutolo (jminutolo@barharbormaine.gov); Matt Hochman (mhochman@barharbormaine.gov); Valerie Peacock (val@barharbormaine.gov)
Subject: RE: MDI Racial Justice request & update

Ms. Wright,
Your request for the agenda came in too late. For it to be added to regular business a majority of the Council must agree to do so, usually considered at the Adoption of the agenda item (VI). I've cc'd the Council so they are aware of your request.
Cornell Knight

From: Ania Wright <awright20@coa.edu>
Sent: Saturday, July 18, 2020 5:43 AM
To: David Kerns <dkerns@barharbormail.org>
Cc: Cornell Knight <cknight@barharbormail.org>; Chief James Willis - Mt. Desert PD <jwillis@mdpolice.org>
Subject: Re: MDI Racial Justice request & update

Hello Mr. Kerns,

Upon consultation with the rest of MDI RJC, we have come to the conclusion it would most beneficial to the safety and convenience of all to hold our rally on this Sunday, but to not march. To be clear, we will still be gathering, but we will not be marching, and we will encourage people to follow our example.

I would also like to reiterate that, while we understand these have been gatherings of over 50 people, we, in line with other BLM-related groups across the country, have been mandating that all attendees of our rallies wear masks, and encouraging them to practice social distancing as much as possible.

Mr. Knight, in order to avoid this error in the future, we'd like to be added to the agenda for the next Town Council meeting to get a marching permit for our August 2nd rally, the details of which are in an earlier email.

Thank you both for your time, we look forward to working together in the future.

Best,
Ania Wright on behalf of the MDI Racial Justice Collective

On Jul 17, 2020, at 8:25 PM, David Kerns <dkerns@barharbormail.org> wrote:

Ms Wright,

Thank you for your email. We have not spoken previously, but I assume you received my information from Ms. Kumar.

Just for clarification, does your statement "MDI RJC does not have a permit to march this Sunday, August [assumed July] 19. However they are committed to peaceful protesting, and following guidance of the police.", mean MDI RJC is planning to march this weekend without a permit?

The police department's recommendation is that they wait until they have received Town Council's approval before further marches are conducted. To date, they have only received permission for one march.

Also, the gatherings at the Village Green are well in excess of the 50 person limit set by the Governors Executive Order. Precautions should be taken to ensure masks are worn, social distancing is maintained, and personal identification for contact tracing is collected.

Please let me know what the MDI RJC plans are for this weekend.

Respectfully,

David Kerns
Captain
Bar Harbor Police Department
Mount Desert Police Department

Please excuse any typos as this was sent from my phone and not proofed.

From: Ania Wright <awright20@coa.edu>
Sent: Friday, July 17, 2020, 4:43 PM
To: Cornell Knight; David Kerns
Subject: MDI Racial Justice request & update

Hi Mr. Knight and Mr. Kerns,

I am writing on behalf of the organizers of the MDI Racial Justice Collective, who have been organizing the rallies in the village green.

I am requesting that they be put on the agenda for the town council meeting on Tuesday, so that they can request an additional march permit for the rally they are planning for August 2nd at 5pm.

I am also writing to inform you that due to some miscommunication, MDI RJC does not have a permit to march this Sunday, August 19. However they are committed to peaceful protesting, and following guidance of the police.

Both marches will start at the Village Green, going up High Street, down Cottage St., Down Main St., on Pleasant St., and up Ledgelawn.

Please do not hesitate to reach out with any questions or concerns, and let me know if you need more information. I greatly appreciate the work that you both do for Bar Harbor.

Thank you, and have a fantastic weekend!

Ania

--
Ania Wright

College of the Atlantic
(she/her/hers)