AGENDA
Bar Harbor Town Council
By Video Conference
August 18, 2020

The public can monitor by watching Spectrum channel 7 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. 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 can be made 1) through the Zoom webinar utilizing the raise hand function or 2) in person with social distancing and masks in the Council Chambers with seating in the Municipal Auditorium or 3) sending comments in advance to the Council Chair by email jdobbs@barharbormaine.gov or by mail to 93 Cottage St, Bar Harbor, ME 04609 to be read during the meeting.

III. APPROVAL OF MINUTES - August 4, 2020 Regular Meeting

IV. ADOPTION OF AGENDA

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

A. Coronavirus Emergency Grant – Possible motion to approve an application for funding to the Maine Department of Public Safety Coronavirus Emergency Grant, and expend the $13,200 if awarded.

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

1. **Point 2 Point Taxi & Tours** request for 3 taxi license renewals as submitted by Denise Daugherty.

VI. PUBLIC HEARINGS - Maximum of 3 minutes per person. Public comment can be made 1) through the Zoom webinar utilizing the raise hand function or 2) in person with social distancing and masks in the Council Chambers with seating in the Municipal Auditorium or 3) sending comments in advance to the Council Chair by email jdobbs@barharbormaine.gov or by mail to 93 Cottage St, Bar Harbor, ME 04609 to be read during the hearing.

A. Special Amusement Permit Renewal

1. **Bar Harbor Beer Works**, 119 Main Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Jeremy Bond.

B. LUO Amendment November 2020 - Public comment and possible motion to sign the order placing the Vacation Rental LUO amendment on the November 3, 2020 special town meeting warrant.

C. CDBG Grant – Public comment and possible motion to appoint the advisory committee and sign the resolution allowing the Town Manager to apply for and accept a $200,000 Housing Assistance Community Development Block Grant (CDBG).

VII. REGULAR BUSINESS:

A. **YMCA Annual Report –** Presentation of the Annual Report for Recreational Services.

B. **Bar Harbor Chamber of Commerce –** Possible motion to approve use of Newport Drive for a crafts fair on Sept. 26-27.

C. **Task Force on Climate Emergency –** Report from Councilor Goldthwait.

D. **Council Meeting Schedule** – Discussion on start times and Zoom vs in person.

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

VIII. TOWN MANAGER'S COMMENTS

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

X. EXECUTIVE SESSION

A. **Teamsters Union Local #340 Contract** – To be held in executive session as permitted by 1 MRSA §405(6)(D) for discussion of labor negotiations.

XI. ADJOURNMENT

To ensure your full participation in this meeting, please inform us of any special requirements you might have due to a disability. Call 207-288-4098

Manager's Memo

To: Bar Harbor Town Council

cc: Department Heads

From: Cornell Knight, Town Manager

Date: Friday, August 14, 2020

Re: **Town Council Meeting of August 18th**

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

V. **CONSENT AGENDA** - A 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. Coronavirus Emergency Grant – see the enclosed memo from Chief Willis regarding a grant application for covid-19 related costs. A possible motion: to approve an application for funding to the Maine Department of Public Safety Coronavirus Emergency Grant, and expend the $13,200 if awarded.

B. Vehicles for Hire – enclosed is the application. A possible motion: to approve 3 taxi license renewals for Point 2 Pont Taxi and Tours.

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

VI. **Public Hearings-**

A. Special Amusement Permit- Bar Harbor Beer Works, 119 Main Street. Following public comment, a possible motion: to approve a Class 3ad special amusement permit for Bar Harbor Beer Works.

B. LUO Vacation Rental amendments-see the enclosed memo from Michele Gagnon, Planning Director and the recommended changes to the original Order that address the transferability issue. Following public comments, a possible motion: to sign the amended Order that places Vacation Rental LUO amendment on the November 3, 2020 special town meeting warrant.

C. CDBG- see the enclosed memo from Michele Gagnon, Planning Director regarding the $200,000 Community Development Block Grant to the town but for the Bar Harbor Housing Authority. The funding will pass through the town to the BHHA for improvements to the Rodick Lorraine apartment building. Following public comments, a possible motion: to approve the Council Resolution as presented and appoint Duane Bartlett, Jocelyn Carter, Denise Beaudoin, Richard Kelly, Michele Gagnon, and Jerry Wuebbolt to the Community Development Advisory Committee.

VII. REGULAR BUSINESS:

A. YMCA – see the enclosed letter and report from Thomas Parham, Executive Director of the YMCA. He will attend the meeting and provide an annual review of the agreement with the Town of Bar Harbor. A possible motion: to thank Mr. Parham for providing the annual report and place it on file.

B. Chamber of Commerce- see the enclosed email Alf Anderson, Ex Director of the Chamber requesting use of the Newport Drive parking lot for a craft fair. Enclosed is a map of the area to be used. Loss of parking revenue, based on last year's weekend, would be approximately $1,400. Alf will attend to explain how the Chamber will comply with the state's pandemic guidelines. A possible motion: to approve the Bar Harbor Chamber of Commerce's request to hold a craft fair at the Newport Drive parking lot on September 26th and 27th.

C. Task Force on Climate Emergency- see the enclosed report from Councilor Goldthwait, a member of the Task Force. She will review and answer any questions.

D. Council Meeting Schedule- The Council previously voted that council meetings would be held by video conference through August. Format and time of the meetings needs to be determined.

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

X. **Executive Session**: Teamsters Contract- a possible motion: to go into Executive session as per 1 MRSA Section 405 (6)(D) to discuss the union contract.

Minutes
Bar Harbor Town Council
By Video Conference
August 4, 2020

I. **CALL TO ORDER** – 4:00 P.M. - In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Valerie Peacock, 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. Comments can be made through the Zoom webinar or may be emailed in advance to the Council Chair at jdobbs@barharbormaine.gov to be read during the meeting.* – None.

III. **APPROVAL OF MINUTES – *July 21, 2020 Regular Meeting***

Mr. Hochman, with second by Ms. Cough, moved to approve the July 21, 2020 Regular Meeting minutes as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Peacock	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 adopt the agenda as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Peacock	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

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

A. **Certification of Property Owners and Abutters Mailing Lists** – *Possible motion* to sign the certification of the mailing list used for notice of the Town Council's Public Hearing August 18, 2020 for the Vacation Rental LUO Amendment for the November 3, 2020 special town meeting warrant.

B. CDBG Grant – *Possible motion* to call for a public hearing on August 18, 2020 to hear public comment on a $200,000 Housing Assistance Community Development Block Grant (CDBG) as required by HUD.

C. Quit Claim Deed - *Possible motion* to authorize the Town Manager to sign the Quit Claim Deed on behalf of the Inhabitants of the Municipality of Bar Harbor to Ian Hulbert, on the property located on 116 Cottage Street, Tax Map 104 Lot 161.

D. Fire Department – *Possible motion* to approve placement of a plaque at the fire station flag pole.

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

Dobbs	Y
Hochman	Y
Peacock	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

VI. REGULAR BUSINESS:

A. Solar Ordinance Proposal – *Requested by Councilor Friedmann. Presentation by MDIHS student interns with A Climate to Thrive.* Lily Crikelair, Matilda Allen and Ayano Ishimura presented their proposal for a solar ordinance for free standing solar arrays and answered Council questions. Mr. Hochman, with second by Mr. Friedmann, moved to ask the Planning Department staff to develop a solar land use ordinance for the June 2021 town meeting. Roll Call Vote:

Dobbs	Y
Hochman	Y
Peacock	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

B. Ferry Terminal Property

1. **RFQ** - *Possible motion to approve GEI Consultants as recommended by the Harbor Committee.*
   Harbormaster Charlie Phippen spoke about the RFQ process and the bids. Following Council questions, Mr. Hochman, with second by Ms. Cough, moved to approve GEI Consultants as recommended by the Harbor Committee for the pier assessment and fund the contract from account # 2153-6258. Roll Call Vote:

Dobbs	Y
Hochman	Y
Peacock	Y

Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

2. **Review Parking/Boat Launch Site Plans**
Sam Coplon presented the plan options. Mr. Phippen and Mr. Knight participated in the discussion. Ms. Cough, with second by Mr. Hochman, moved to task the Harbor Committee to come back with concept ideas as prioritized by the end of the year and put it out for a master plan RFP to be returned to the town by April 1. Roll Call Vote:
Dobbs Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

C. MRC Solid Waste – *Update by Public Works Director Bethany Leavitt.* MRC has extended the deadline to work with Coastal Resources. There are 4 potential investors and once they identify an investor the plant can be brought back online very quickly. MRC has monthly meetings and the next one is 8/19. No action taken.

D. Special Amusement Ordinance – *Request by Councilor Hochman for review.* Mr. Hochman spoke about places that do not serve alcohol having amplified music outdoors as well as those with a Class 4 permit. Following discussion, it was decided that Mr. Hochman will work on changes to the ordinance with the Town Clerk and bring it back to Council. No action taken.

E. Cooperating Agencies Policy – *Request by Councilors Goldthwait and Cough for review.* Following a lengthy discussion, Ms. Cough, with second by Mr. Hochman, moved to table this item to the 9/1 meeting to put together new documents for a more formal presentation. Roll Call Vote:
Dobbs Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

F. Public Hearings/Comments – *Request by Councilor Peacock to discuss how to get public input during COVID.* Council discussed ways people can make public comment including through the Zoom webinar, emailing/writing the Council

Chair in advance with comments to be read during the meeting and setting up the auditorium and Council Chambers for in person public comment. No action taken.

G. Hancock County

1. *Possible motion to request a 2021 county budget freeze.*
   Mr. Friedmann presented his request. Following discussion, Mr. Friedman, with second by Mr. Hochman, moved to send a letter to the Hancock County Commissioners requesting a budget freeze for the 2021 budget. Roll Call Vote:

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

   Motion failed 3-4 (Nay: Hochman, Peacock, Goldthwait, Cough).

2. *Possible motion to nominate a councilor to the Hancock County Budget Advisory Committee.*
   Mr. Friedmann clarified that we don't nominate a Councilor, they convene a caucus to elect a municipal officer. He suggested that if anyone is interested in serving to attend the caucus. No action taken.

H. 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
Peacock	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

VII. TOWN MANAGER'S COMMENTS – Sharon Linscott, Town Clerk, and 21 ballot counters conducted a recount of articles 3 & 5 of the LUO questions voted on last month. Both questions were affirmed again. It was requested by Art Greif and Donna Karlson and cost the town about $2100. The town submitted another Keep ME Healthy grant to the state for $47,000 for more masks and signage. We have not heard yet if we will be funded. Nina puts out between 1,000 and 1,200 masks per day into the mailboxes and out to businesses.

VIII. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Peacock thanked Council and town staff for helping her understand and get up to speed. I look forward to the next meeting and the public hearing process, with the comments I've had about feeling heard and what that means. I am definitely feeling the

busyness of town. It's great for the businesses but a little disarming at times. Free masks are out there but it is spotty. It is an interesting experience living here right now.

Mr. Friedmann spoke to the concerns about people being scared and the possible spread of COVID in our town. I believe the best way to deal with that is positive messaging and the work that we're doing. We can't force people to wear masks, but we can ask them politely and give them a mask. He thanked the businesses that are cooperating with the town. He noticed that people, when asked, are compliant. The next month will tell us if we've been successful or not. He also thanked the consortium doing the testing on frontline workers, it's important. If we work on this together and be cheerfully relentless with our visitors about wearing masks, we'll get through this.

Ms. Cough commented on Mr. Colket's plaque. It's an amazing thing, he was an amazing man. I'm glad it was brought to us and we were able to do this for that family and for him. Thank you Council and Chief Bartlett. She asked about the open spaces report from the Conservation Commission and whether Council voted on that yet. Mr. Knight stated no; the report came to Council in 2014 or so, but was referred back to the Conservation Commission. He does not know where they are with it. Ms. Cough asked for an update and to put a deadline on it of October 1.

Ms. Goldthwait noticed mask use has gone up enormously since the public education effort started. It's not perfect, but it's a lot better, thank you. Since Council gets an influx of emails with questions about the same thing, can we get the "question of the week" on the town website with our response. Just one more way to get the word out. She recently recruited two ballot clerks for the November election and asked Sharon if she needs more. Sharon replied she does not need more at this point.

Mr. Minutolo thanked Sharon for all her accuracy, the time she takes and the seriousness she puts into her position. It goes a long way in this town and is really appreciated.

Mr. Hochman also thanked Sharon and all the election clerks for putting in the hours on that recount, I'm sure it's a tedious process. He asked if we can send a letter to people with parklets reminding them the property between their building and the parklet is public property and needs to be kept clear for pedestrians. Sgt. Chris Wharff is the person to handle that and Mr. Hochman will send him an email with his concerns.

Mr. Dobbs echoed the sentiments on the recount. He recapped an hour long phone conversation he had with park superintendent Kevin Schneider. We both shared a very positive attitude and are happy with the way things are going. Topics of discussion included the park's upcoming funding over the next 5 years, the visitor center in Trenton, and the 50 acres in Town Hill and keeping that going.

IX. EXECUTIVE SESSION: (none)

X. ADJOURNMENT – Mr. Hochman, with second by Mr. Friedmann, moved to adjourn at 7:22 p.m. Roll Call Vote:

Dobbs	Y
Hochman	Y
Peacock	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y

Cough Y
Motion passed 7-0.

Sharon M Linscott, Town Clerk

MOUNT DESERT POLICE DEPARTMENT
BAR HARBOR POLICE DEPARTMENT

James K. Willis, Chief of Police

BHPD
37 Firefly Lane
Bar Harbor, Maine 04609
Tel: 207-288-3391
jwillis@barharbormaine.gov

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

V A

Date: August 11, 2020
To: Town Manager Cornell Knight
From: Chief James Willis
Subject: Notification of application for Coronavirus Emergency Grant Funds

This memo is being submitted in conformance with the Town Council Policy on Grants.

Recently we learned that the application period is open for the Maine Department of Public Safety's Coronavirus Emergency Grant. We are submitting an application for this pre-determined award amount and anticipate receiving $13,200.00

The funding is awarded by the Maine Department of Public Safety through a pre-determined formula which awards $600 per full time law enforcement officer and $300 per part time officer. We are applying for all funds for both PD's Officers through Bar Harbor's application process. In total, we have 20 full time officers and 4 part time officers.

If our application process is successful, the awarded funds will be utilized for staff overtime, equipment to include personal protective equipment and supplies related to the prevention, preparation and response to COVID-19.

Our application is being submitted through a regional process that includes all participating Hancock County agencies and will be overseen by the Bucksport Police Department, similar to how Byrne-Jag grant funds have been handled in recent years.

Town of Bar Harbor

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

V B1

FEE SCHEDULE

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

Owner's Name: Denise Daugherty d/b/a: Point 2 Point Taxi and Tours

Address: 2 Glen Mary Rd. Bar HBOR, 04609

Phone (land): 207 669 0220 Phone (cell): 207 664 9990

List all drivers and their Maine Driver's License Number below (use back of application if n

Name: Richard Daugherty ME Driver's Lic

Name: Denise Daugherty ME Driver's Lic

Name: Paul Boisvert ME Driver's Lic

Name: ME Driver's Li

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	2013 Dodge Caravan 2C4RDGCG8DR591784	6	own
Taxi	2014 Dodge Caravan 2C4RDGCG0ER253264	6	own
Taxi	2015 Dodge Caravan 2C4RDGCG0FR745598	6	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 Denise Daugherty Date 4/27/20

For official use:

Approvals: Police Department Date 07.22.2020

Town Clerk, Fee Paid Date 08/3/2020

Proof of Insurance (DEC page with VIN) Date 08/03/2020

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

Revised 03/18/2015

VI A

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: 7-31-20 Application Type: New _____ Renewal ✓ Permit Number: _____ (assigned by Town)

Applicant Name: Fishmaine Inc. Business Name: Bar Harbor Beer Works

Business Address: 119 Main St. (Physical Address in Bar Harbor) Mailing Address: PO Box 189 Hulls Cove Me 04644 (If different)

Type of Business: Rest, Bar, Nightclub (Restaurant, Bar, Nightclub, etc.) Location to be used: Downstairs Bar, Patio / Upstairs Bar (Where on the premises will the amusement take place? Use back of page if necessary) This season only Down Stairs Bar, Patio No Nightclub

Phone: 207-610-4942

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

*Dancing also requires a state permit & Fire Marshall inspection

Other Entertainment or Amusement

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

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

VI B

Town of Bar Harbor Planning & Code Department

Memorandum

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

Attached are three documents:

1) Vacation Rental Land Use Ordinance amendment draft order dated June 18, 2020.
2) Staff-recommended changes to VR Draft Order for Consideration by Town Council (recommended changes #1 and #2 are in response to comments we have heard and received pertaining to transferability of both VR-1 and VR-2 licenses. The other four changes are minor technicalities and grammar).
3) What the draft order would look like with the recommended changes.

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 __ 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 two types of vacation rentals (VR-1 and VR-2) 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 two different types of vacation rentals (VR-1 and VR-2).
- It would allow VR-1 and VR-2 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.
  Transferability: Not transferable except for a summer home to a spouse, parent, grandparent, child, grandchild, or sibling.

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 and vacation rental-2; 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 and vacation rental-2; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

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

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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 and vacation rental-2.

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§ 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 and vacation rental-2.

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§ 125-21 **Downtown Village I.**

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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 and vacation rental-2; 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.

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§ 125-21.1 **Downtown Village II.**

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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 and vacation rental-2; 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 and vacation rental-2.; 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.

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§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

§ 125-34 **McFarland Hill Rural.**

***

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

***

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

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

***

§ 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 and vacation rental-2.

§ 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 and vacation rental-2; 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 and vacation rental-2, 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 and vacation rental-2.

***

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. The license shall not be transferred except as presented below.

[1] Summer homes. For summer homes, which is defined as a residence that the owner must live in part of the year and is located at least 50 miles from the primary residence, transferability of the license with the land is limited to a spouse, parent, grandparent, child, grandchild, or sibling. A property owner can only have one summer home in Bar Harbor.

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 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 eighteenth day of August, 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

Staff-recommended Changes to VR Draft Order for Consideration by Town Council

Transferability - The Zoning Advisory Group proposed no transfer of licenses, the Plannig Board proposed a forever transfer of VR-2 licenses running with the land, the Town Council proposed a transfer of VR-2 licenses limited to summer homes. We have heard from residents who feel the non-transferability of VR-1 and the transferability of VR-2 limited to summer homes gives an unfair advantage to non-residents. In response to these comments, staff recommends the Council consider allowing the transfer of VR-1 and VR-2 licenses as follows:

VR-1 - Transferability

1. Specific Standards for VR-1 On p. 8*, Article V. 125-69 Y(1)(c)

Draft Order reads

(c) Transferability. Not applicable.

Consider this language

(c) Transferability of license.
[1] VR-1 to VR-1: Not applicable as not necessary if the new owner continues to meet the definition of a VR-1.
[2] VR-1 to VR-2: Limited to heirs, successors, or assigns, in which case the VR-1 license would be eligible to be converted to a VR-2 license. The issuance of a converted license would not be subject to 125-69 Y(2)(a).

If you make the above change, then you need to consider making a change to the explanation section of the draft order as presented below.

On p. 1*, Explanation section for VR-1:

Draft Order reads

Transferability: not applicable

Consider this language

Transferability of license: The transfer of a VR-1 license to another VR-1 license is not applicable, as it is not necessary when the definition of a VR-1 continues to be met. The transfer of a VR-1 license converted to a VR-2 license is possible but limited to heirs, successors, or assigns. The converted license can be issued regardless if the town-wide cap is met. However, it will be added to the total number of VR-2 licenses town-wide and would count against the 7.5% cap in the issuance of all other VR-2 licenses. The converted license will be subject to the rental of an entire dwelling unit with a 4-night minimum.

☒ We looked at how to transfer a VR-1 license. The concept behind VR-1 is based on ownership type – one can have up to two licenses to rent a whole dwelling and/or part of a dwelling and to rent nightly if the activity is **in** one's primary residence **and/or on** the property. The transfer of a VR-1 license to another person is not applicable as it is based on ownership type and there is no cap on the town-wide number of VR-1 that can be issued - if it is someone's primary residence, they are eligible for a VR-1.

The question is how to allow the transfer of a VR-1 license to an heir, etc., who may not use the property as their primary residence. Residents want to have their heirs be able to one day afford to own the property. Having the ability to continue VR is an important component to making this ownership financially possible.

We propose to allow the transfer to heirs, etc., who would not be eligible for a VR-1 license (in cases where the property is not going to be their primary residence) through the conversion of the VR-1 license to a VR-2 license. The converted license could be issued regardless if the town-wide cap is met (presently estimated at 210 - 7.5% of the town's 2,795 dwelling units). However, it would be added to the total number of VR-2 licenses town-wide, presently estimated at 286. In addition, it would count against the 7.5% cap in the issuance of all other VR-2 licenses. The parties involved in the real estate transfer would be responsible for contacting the Town to initiate the conversion.

☒ Provides for an explanation in the draft order that matches the proposed amendment.

*Note: the page numbers refer to the draft order document dated June 18, 2020

VR-2 - Transferability

Specific Standards for VR-2
2. On p. 8*, Article V. Y(2)(c)[1]

Draft Order reads

(c) Transferability. The license shall not be transferred except as presented below.

[1] Summer homes. For summer homes, which is defined as a residence that the owner must live in part of the year and is located at least 50 miles from the primary residence, transferability of the license with the land is limited to a spouse, parent, grandparent, child, grandchild, or sibling. A property owner can only have one summer home in Bar Harbor.

Consider this language

(c) Transferability of license. Limited to heirs, successors, or assigns.

☒ Allows transfers of VR-2 licenses to all heirs without limitations. Uses one word "heirs" instead of six words (spouse, parent, grandparent, child, grandchild, or sibling) and provides for increased inclusivity. Covers for when the owner is not a person but a trust or an LLC.

If you make the above change, then you need to consider making a change to the explanation section of the draft order as presented below.

On page 1*, Explanation section for VR-2:

Draft Order reads

Transferability: Not transferable except for a summer home to a spouse, parent, grandparent, child, grandchild, or sibling.

Consider this language

Transferability: Limited to heirs, successors, or assigns.

☒ Provides for an explanation in the draft order that matches the proposed amendment.

*Note: the page numbers refer to the draft order document dated June 18, 2020

Grammatical Error – Change the word "than" to "then"	
3. On p. 8*, Article V. 125-69Y(2)(b), **Draft Order reads** (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. **Consider this language** (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, **then** the license expires and may not be renewed.	☒ Corrects a grammatical error - changes the word "than" to "then."
Maintain consistency - To be consistent with past practice we should list vacation rentals the same way as we list multi-tier uses such as transient accommodations (TA) and multi-family (MF) in the LUO.	
4. On pages 2 - 7*, under Article III. Land uses Activities and Standards, in all 34 proposed districts **Draft Order reads** vacation rentals: vacation rental-1 and vacation rental-2 **Consider this language** ~~**vacation rentals:**~~ vacation rental-1 and vacation rental-2	☒ Deletes the words "vacation rentals" from all 34 districts and simply keeps the proposed words "vacation rental-1 and vacation rental-2."

*Note: the page numbers refer to the draft order document dated June 18, 2020

Definition – Improved language	
5. On p. 9*, Article XII. Definition Draft Order reads **VACATION RENTAL LICENSE** **A written permission given** to a property owner to operate a vacation rental in compliance with Chapter 190. Vacation Rental Licensing. Consider this language **VACATION RENTAL LICENSE** **A license issued** to a property owner to operate a vacation rental in compliance with Chapter 190. Vacation Rental Licensing.	☒ Replaces the words "A written permission given" to "A license issued" - providing a better definition.
Explanation for VR-2	
6. On p. 1*, Explanation section for VR-2 Draft Order reads Not **in** the owner's primary residence. Consider this language Not the owner's primary residence.	☒ Removes the word "in" to provide for a better explanation of VR-2 in the explanation section of the draft order.

*Note: the page numbers refer to the draft order document dated June 18, 2020

For ease of reading and understanding, this is what the draft order would look like with the proposed changes - see yellow highlights

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 two types of vacation rentals (VR-1 and VR-2) 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 two different types of vacation rentals (VR-1 and VR-2).
- It would allow VR-1 and VR-2 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 of license: The transfer of a VR-1 license to another VR-1 license is not applicable, as it is not necessary when the definition of a VR-1 continues to be met. The transfer of a VR-1 license converted to a VR-2 license is possible but limited to heirs, successors, or assigns. The converted license can be issued regardless if the town-wide cap is met. However, it will be added to the total number of VR-2 licenses town-wide and would count against the 7.5% cap in the issuance of all other VR-2 licenses. The converted license will be subject to the rental of an entire dwelling unit with a 4-night minimum.

- VR-2: Not 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.
  Transferability of license: Limited to heirs, successors, or assigns.

FOR TOWN COUNCIL CONSIDERATION ON 8/18/2020

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; 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; 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; and vacation rental-2.

***

§ 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; and vacation rental-2.

***

§ 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; 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; 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; 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

***

§ 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
***

§ 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
***

§ 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
***

§ 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
***

§ 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
***

§ 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

Commented [1]: Editor's Note: Former § 125-25, Hulls Cove Historic, was repealed 11-2-2010.

Vacation rental-2
***

§ 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
***

§ 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
***

§ 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
***

§ 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
***

§ 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
***

FOR TOWN COUNCIL CONSIDERATION ON 8/18/2020

§ 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

***

§ 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

***

§ 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

***

§ 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

***

§ 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

***

§ 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

***

§ 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

***

§ 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

***

§ 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

***

§ 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

***

§ 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:

TOWN COUNCIL CONSIDERATION ON 8/18/2020

***

~~Vacation rentals~~
Vacation rental-1
Vacation rental-2
***

§ 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

§ 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; 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, 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
***

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 of license.
[1] VR-1 to VR-1: Not applicable as not necessary if the new owner continues to meet the definition of a VR-1.
[2] VR-1 to VR-2: Limited to heirs, successors or assigns, in which case the VR-1 license would be eligible to be converted to a VR-2 license. The issuance of a converted license would not be subject to 125-69 Y(2)(a).

(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, then the license expires and may not be renewed.

(c) Transferability of license. Limited to heirs, successors, or assigns.

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 LICENSE
A license issued 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

FOR TOWN COUNCIL CONSIDERATION ON 8/18/2020

VI C

Town of Bar Harbor Planning & Code Department

Memorandum

To:	Town Council
Copy:	Cornell Knight, Sharon Linscott, and Duane Bartlett
From:	Michele Gagnon, Planning Director
Re:	Housing Assistance CDBG
Date:	August 4, 2020

In addition to the Public hearing, I ask that the Council consider: 1) passing the attached resolution allowing the manager to apply for and accept the Housing Assistance CDBG; and 2) appointing the Advisory Committee (see attachement).

History - On February 18, 2020, the Town Council allowed the manager to apply (as a pass through) for a $200,000 Housing Assistance CDBG on behalf of the MDI Housing Authority (MDIHA) to be matched with $50,000 of MDIHA money. In June, the Maine Department of Economic and Community Development (DECD) informed the manager that the project was invited into the project development phase of the application process. At the July 4, 2020 Council meeting, the Council called for a public hearing to be held on August 18, 2020.

Project - The Rodick Lorraine apartment building pedestrian bridge consists of two very large, steel support beams. The frame of the entire bridge structure rests on those beams. The end supports of the beams to the bridge are flaking and the steel is rusted (from the use of ice melt along with 40 years of weather) and is compromised. In addition, the walls on either side of the concrete ramp have eroded concrete, contributing to further decay of the ramp. Both the ramp and the bridge will have a new concrete deck poured and electric coils will be installed into the mix, eliminating the need for ice melt. Once the bridge is removed the vestibule can be enlarged, allowing for easier use by the elderly/disabled tenants, and emergency personnel.

COUNCIL RESOLUTION

STATE OF MAINE COMMUNITY DEVELOMPENT BLOCK GRANT PROGRAM

WHEREAS, the Town of Bar Harbor wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and **the community has conducted at least one duly advertised public hearing**; and

WHEREAS, the Town of Bar Harbor is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

NOW THEREFORE, be it resolved by the Council of the Town of Bar Harbor that the Town Manager:

1) Is authorized and directed to submit an application for the following program and dollar amount within the State of Maine's CDBG Program: 2020 Housing Assistance in the amount of $200,000, to the Department of Economic and Community Development on behalf of the Town of Bar Harbor, substantially in the form presented to this council;

2) Is authorized to make assurances on behalf of the Town of Bar Harbor required as part of such applications, and

3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program, consistent with the Charter of the Town of Bar Harbor and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

DATE ENACTED: August 18, 2020 **Municipal Seal**

AUTHORIZED SIGNATURES - Municipal Officers of the Town of Bar Harbor

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

The Community Development Advisory Committee

The purpose of the CDBG Advisory Committee is to oversee and guide the project through its planning and implementation stages.

Committee Member	Affiliation
Duane Bartlett	Exe. Dir., MDI Housing Authority
Jocelyn Carter	Tenant Services and Meals Coordinator, MDI Housing Authority
Denise Beaudoin	Resident of the Rodick Lorraine House
Richard Kelly	Resident of the Rodick Lorraine House
Michele Gagnon	Planning Dir., Town of Bar Harbor
Jerry Wuebbolt	Right Track Design Inc., Architect

VII A

the YMCA

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Tommy Parham
Executive Director

Board of Directors

Scott Hammond
President
Art Blank
Vice President
Dean Reed
Treasurer
Ezra Hallett
Secretary

Rob Benson
Sarah Keeley
Shiella Saltysiak
Katie Skeate
Cate Schneider
Sara O'Connell
Barb Neilly
Ron Wrobel

Trustees

Ron Wrobel
President
Chad Smith
Secretary

Dick Cough
Kathleen Field
Scott Hammond
M. J. McIsaac
Keating Pepper
Vicky Vendrell
Dave Woodside
Steve Richards
Robert Rechholtz

July 13, 2020

Cornell Knight, Town Manager
Town of Bar Harbor
93 Cottage Street
Bar Harbor, ME 04609

Dear Mr. Knight and the Bar Harbor Town Council,

We are happy to send you our 2018/2019 Annual Report for Recreational Services.

As of July 13, 2020, the YMCA has 1,190 total members. 811 of these represent residents of Bar Harbor. This is 68% of our total membership base.

Due to the Co-VID 2019 Pandemic,

The MDI YMCA has restricted access to our facility strictly to MDI YMCA members, only allowing reciprocity for Ellsworth YCMA members which we at the Y feel is essential during their natatorium closure.

The MDI YMCA furloughed the majority of our employees and was subsequently awarded $300,000.00 through the CARES Act - Paycheck Protection Program. As a result, we were able to re-hire all of our staff and add a few additional job opportunities for residents working with our Summer Camp Program. Unfortunately, these funds will be exhausted as of the first pay period in August 2020. The Town of Bar Harbor's funding is crucial to the Mount Desert Island YMCA's operational sustainability.

Listed to the left is our current board of directors. They are also listed in the 2018/2019 MDI YMCA Annual Report, included in this packet. The 2018/2019 financial audit is currently in progress; we will forward a copy to the Town Office once completed.

Thank you for supporting the MDI YMCA as your provider of recreational services for the Town of Bar Harbor. We always welcome your thoughts and suggestions.

Sincerely,

Thomas Parham
Executive Director

The Mount Desert Island YMCA is a 501(c)3 Non profit organization. All donations are tax deductible.

MDI YMCA, 21 Park Street, Bar Harbor, ME 04609 207-288-3511 Fax 207-288-3019
www.mdiymca.org

The Mission of the MDI YMCA is to develop community, character, personal growth and wellness in spirit, mind and body for the greater MDI community

the YMCA

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

FOR A BETTER US

2019 ANNUAL REPORT
MOUNT DESERT ISLAND YMCA

MINUTES FROM ANNUAL MEETING MAY 28, 2019

Welcome – Sara O'Connell, President of the Board

Call to Order – Sara O'Connell – 6:00pm

Featured Program – Chickadee Preschool (Jared Erskine)

Swim Lessons on Friday, African Drumming on Thursdays, practice of the Four Core Values, diverse preschool; 8 graduating to kindergarten; Miss Taylor Walls is the Head Preschool Teacher and she is an excellent and integral part of the staff

Chickadees sing

Business Meeting

A. Approval of the May 28, 2019 Annual Meeting Minutes – Sara O'Connell

Motion to Approve Minutes from 2018 Annual Meeting: Dave Woodside
Seconded: Scott Hammond
Discussion: None
Yeas: All
Nays: None
Abstention: None

B. Recommended Changes to By-Laws – Sara O'Connell

Motion to Accept Change the By-Laws per Recommendations: Steve Richards
Seconded: Dean Read
Discussion: None
Yeas: All
Nays: None
Abstentions: None

C. Report of the Treasurer – Art Blank

Thank you to the Finance Committee
Special Thank You to Business Director, Julie Fedchak

D. Report of the Trustees – Ron Wrobel

Responsible for the custody for the building, endowment funds, and property
We use Bar Harbor Trust Services

Lend support to Capital Campaigns and Board of Directors
Meeting quarterly
6 endowment funds $2.2 million end of March

E. Report of the President of the Board – Sara O'Connell
Earned designation as Vacation Destination Y from Y-USA, 1 of 5 Ys in USA
Working with Downeast YMCA to maximize Y experience for all
Completed improvements and repairs to the building
Installed Security Cameras, LED lights foyer and parking lot, and lots of pool repairs
Replacing the air handler this summer
2 new 15 passenger buses for transporting kids

F. Outgoing Board Members/New Board Officers and Members – Sara O'Connell
Outgoing: Robert Rechholtz, Alyne Cistone, Karen McFarland, Peter Nicholson

G. Report of the Executive Director – Tommy Parham
Highlights – Budgeting Process; National Reciprocity; Partnerships with DEFY, Bar Harbor, College of the Atlantic, MDI School District, etc
LIVEStrong Program begins up again this Fall

Presentation of Awards
A. Norman P. Shaw Member of the Year Award
Presenter: Bob Huff
Recipient: Shiella Saltysiak
B. Lenny DeMuro Staff Award
Presenter: Jared Erskine
Recipient: Garrett Lee
C. Edward Mears Volunteer Award
Presenter: Jared Erskine
Recipient: Lynne Staggs
D. Josh Sprague Youth Award
Presenter: Bob Huff
Recipient: JJ Cistone

Adjourn – Sara O'Connell – 7pm

HT 9' 8"

Dear Friends,

We are currently absorbed with battling a horrific pandemic that is affecting the whole world. It is easy to become focused on today, tomorrow, and the coming months.

However, it is important to look back over the whole of this past year. The MDI YMCA has continued to improve and grow putting itself in a position to adapt to the changing needs of the MDI community. Our 20+ year old facility has provided challenges but also opportunities. All in all, we have ended the year in a much better place than when the year began.

We replaced the air handler/dehumidifier for the swimming pool, eliminating the air quality problems we had been experiencing for two years. We replaced our shingled roof. We added a new boiler for our heating system that was donated by the Waldo County Hospital. We have recently installed new heat pumps (air conditioners) for our fitness and childcare rooms. We replaced our cardio exercise equipment with brand new treadmills, elliptical trainers, stationary bicycles, a recumbent cross-trainer, and a new step mill. We have added computers to our spin bikes so we can teach Pedaling for Parkinson's. We added new paint, wall repairs, etc., to many areas including completely repainting the pool area; and, most recently, we have reorganized our fitness center so that members can achieve social distancing while working out when the Y reopens.

Program wise, we saw day camp enrollment increase from the previous year. Our adventure camps gained in popularity, especially fishing camp as it filled to the max for the two weeks we held it. Bouldering camp was introduced with a successful debut. In the Fall, the Sharks Swim Team really grew as did our After School Program. Exercise classes showed increased participation and the Y brought back LIVESTRONG, a program for cancer victims/survivors. A major partnership was struck between the MDI YMCA and JAX Lab in which the Y became responsible for the management of the JAX fitness center and all of the lab's exercise classes. Finally, after having to close due to COVID-19, the MDI YMCA opened and operated an emergency childcare program for essential employees in our community.

Due to our current crisis the MDI YMCA is finding itself constantly in a state of adaption and implementation. We are committed to continue serving the individuals and families of the MDI community while at the same time, implementing strategies to keep people as safe as possible. We are determined to be here for you now and for the years to come.

Sara O'Connell

Sara O'Connell
President, Board of Directors

Thomas B. Parham

Tommy Parham
Executive Director

YOUTH DEVELOPMENT

What a successful and exciting year for the childcare, sports and summer camp departments at the MDI YMCA! Below are some highlights from 2019.

Childcare

In our preschool we graduated 7 students from preschool to kindergarten.

We created a Facebook page for our Chickadee Preschool to communicate with parents and show them what we do throughout our day. This has been a exciting change and useful tool for our preschool to advertise and boost enrollment.

We are excited to share the progress and the large growth in our Afterschool Program. We increase our enrollment by 100%. We enrolled 42 children from two elementary schools on the island. Other youth programs such as: art, swimming, and gymnastics programs involving after-school children showed the same growth.

Sports Department

It was our second year participating in our new sports league with other area YMCAs. Our fall soccer program had 80 participants! Based off this success, we created an indoor soccer program to help kids get through those long winter months. We are excited to report that we had 50 participants in this first time program!

During basketball season we welcomed the Neighborhood House (Northeast Harbor) and Harbor House (Southwest Harbor) into our sports league, allowing kids to a great range of competitive play. We are thrilled to have these two outstanding community programs join the YMCA in bringing youth sports to the island.

Summer Camp

The summer camp got a second bus to help transport kids in and out of Acadia National Park and to other adventerous destinations. Most Camp Cadillac groups made a trip into Acadia at least twice a week. Campers swam, hiked, and learned about the beautiful nature surrounding them throughout the entire summer.

Our Adventure Camps grew and we had to offer two weeks of fishing camp which filled up in February and we had a waiting list. We also started a new Adventure Camp called Bouldering which incorporates climbing rocks at low heights and building strength and skill in a fast-growing individual sport.

JARED ERSKINE
Youth Development Director

HEALTHY LIVING

In many ways 2019 seems like another life in another period of history, yet for the Wellness department it was year of growth, introducing new programs, trying new things, and planning, much of which came to fruition in 2020.

With our "Evidence Based Health Intervention" programs we decided to build on the continuing success of our EnhanceFitness class. As members come into and transition out of the program those number continue to be between 12-18 participants, many of which have been regulars for 3 years now.

We added new Tai Chi programs for healthy aging, disease, and fall prevention, such as "Tai Chi for Arthritis and Fall Prevention", Tai Chi for Beginners, and Yang Style Tai Chi.

We continued training for and conducting a pilot "LIVESTRONG at the Y", a special individually tailored group exercise class for cancer survivors.

We purchased and installed the required indoor cycling computers to track heart rate and RPMs in preparation to launch soon the "Pedaling for Parkinsons" program.

A sight that became the talk of the State, the inventive "Knit Fit" program was launched in early 2019.

Group Exercise classes saw new morning Yoga offerings, evening high-intensity Tabata and Core Focus, a Cross-Fit like weekend class called "Strength and Power for Daily Living" which included Olympic lifting and kettlebell training! When indoor cycling normally closes down for the "nice weather" we were able to keep it going with a new Tue/Thu class with Mary Parham, a class that continued right into the new year, even after the return of our very popular fall and winter indoor cycling programs.

Personal Training continued as we explored new package options and included physical assessments and nutritional counselling. Our head trainer received additional specialties in both Cancer Exercise and in Corrective Exercise and has become recognized as an extraordinarily effective and knowledgeable trainier by members as well as physical therapists in the area.

The year past was also significant for all the work and planning that went into procuring top-line state-of-the-art cardio fitness machines to replace our well-aged equipment. That planning and procurement took place all through 2019, with the new equipment installed in January 2020.

So the fruits of most of 2019's labor are just now coming into play so when looking back, it will be overshadowed by a new decade and new era in a post-global-pandemic world, we wouldn't have been able to be where we are today, without it.

MARK RICE-SCHOON
Senior Healthy Living Director

AQUATICS REPORT - VINNY TYMOCZKO

The year 2019 saw a few significant changes to the foundations of the MDI YMCA aquatics department. We are proud to report that throughout these changes and some significant upgrades to the facility we were able to offer many of our staple programs without interruption, as well as host a large amount of rentals that brought in extra revenue.

FACILITY UPGRADES

1. The pool received a brand new, custom built air handler for our natatorium (pool area). This new system not only removes/replaces moisture and irritants from the air faster, it does so using significantly less energy. Overall, we have seen an almost complete turnaround in terms of air quality, even in the most high usage times. Our recreational and competitive swimmers alike have noticed a marked improvement, and the latter has been able to complete long-hard workouts without any irritation or instances of the dreaded "swimmers cough."

2. We also received a new chlorinator, a device that automatically regulates the levels of chlorine and Co2 in the pool water. This new system has proven accurate, reliable, and easy to use. We must maintain a safe and consistent level of chlorine and carbon-dioxide in the pool at all times, and with this new system we have never once deviated from the CDC recommended range during operation. In addition, this new system has much less waste and we are able to purchase less chlorine ($150.00 a bucket!) and a huge amount less consumer grade carbon-dioxide ($80.00 a tank!).

ADMINISTRATION

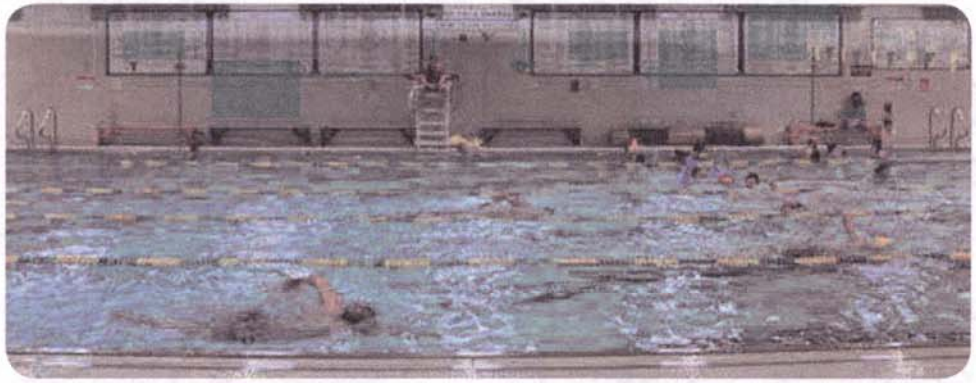
1. In September of 2019 there was a change of administration in the department. Mark Schoon, the longtime aquatics director, took over the position of wellness director and his aquatics coordinator Vinny Tymoczko became the director after two plus years in his previous role. This smooth transition insured maximum continuity of service for our members.

PROGRAMMING

1. Low-impact water aerobics with instructor Kim Chapman continued (well into its second decade) with fantastic attendance. It occurs on Mon, Wed, Fri and its average attendance is around fifteen patrons.

2. Evening aqua aerobics with instructor Angela Begin continued with strong numbers.

3. We again offered swim lessons for students from the outlying islands around MDI, we are proud to provide this for the often underserved island communities.



40
EVENTS

OPERATING FINANCIAL REPORT

October 1, 2018 - September 30, 2019

*Does not include depreciation **Unaudited Numbers

Other Income	$35,655.94
Trustee Distribution	$39,594.39
Town of Bar Harbor	$100,000
Contributions	$213,874.23
Program Income	$438,495.01
Membership Dues	$490,597.05
TOTAL REVENUE & SUPPORT	$1,318,216.62

Organizational Dues	$11,223.11
Other Expenses	$89,657.46
Supplies	$106,422.03
Occupancy, Equipment, Insurance	$219,654.59
Personnel	$907,628.80
TOTAL EXPENSES	$1,334,585.99

COMMUNITY CONNECTIONS, COMMUNITY SUPPORT

DONOR RECOGNITION

MDI YMCA's Fiscal Year runs October-September. However, the Annual Report recognition is given to businesses and individuals who contributed to the Y during the 2019 Calendar Year (January-December).

2 Cats Bed & Breakfast
A Slice of Eden
Acadia Cornerstone Real Estate
Acadia Corporation
Acadia Yurts Inc
Ada G. Gray
Adept Screenprinting
Alan and Doreen Graves
Alex Donahue
Alexandra L. Simis
Allan J Pappas
Alyne K. Cistone
Amber Pickers
Andrew Cough
Andrew J. Baron
Andrew Thomas
Angi M. King-Johnston
Anita Burdzel
Ann and Frank Schwartz
Ann Culshaw
Anonymous
April Hansbury
Ardette Spear
Arthur J. Blank
Bar Harbor Bank & Trust
Bar Harbor Chamber of Commerce
Bar Harbor Rotary
Bar Harbor Savings & Loan
Barbara A Neilly
Barbara MacQuinn and Craig Robbins
Barbara Neilly
Barbara P Clark
Bartlett Bakery
Bayside Liquors
Bee's Inc.
Benjamin and Judith Potter
Benjamin Cough
Benjamin M Cummings
Beth Brown
Beth Cunningham
Betsey Holtzmann
Bill and Cookie Horner
Bill and Louisa Newlin
Bill Horner
Bill Weir
Bo Greene
Brenda and Tom Richardson
Brenda Harkins
Brian Booher
Brian D. Shaw
Brian Y. O'Connell
Brooke Damon
Bruce W Walton
C.W. Eliot and Linda Paine
Cafe This Way
Carl E York
Carol Chappell
Carol Zablocky Hall
Carrie S. McKay
Cary Swan
Cate Schneider
Cathy A. Fletcher-Mains
Chad H. Smith
Charles C Butt
Anonymous
Chart Room

Cheryl Curtis
Cheryl S. Follayttar
China Joy
Chris J. Brown
Christmas Spirit Shop
Christy R Seed
Chuck C. Thomas
Cindi LaVoie
Cleary Law Office, P.A.
Coastal Maine Realty
Colket Foundation
Cool As A Moose
Coston & McIsaac
Coston, McIsaac, & Shea
Cottage Street Pub
Cough Charitable Trust
Cough Fund Annual Distribution
Curtis and Laurel Simard
Dan Dubois
Daniel and Katharine Walton
Daniel Chalmers
Daniel J Falt
Darling's Auto Mall
Dave B. Woodside
David and Paula McDonald
Dawn Nuding
Dawna W Burton
Dawnland LLC
Dead River Company
Dean E. Booher
Dean S Read
Debbahs Gift Shop
Debbie B Cummings
Debbie J Neel
Deborah Morehouse
Debra S Mitchell-Dow
Deidre L. Swan
Denise Buzzell
Dennis Kiley
Diane B. Smith
Diane MacLeod
Dick Fox
Dobbs Productions
Dolores(Dimp) C Sawyer
Don and Joan Allen
Donal Murphy
Donna Reis
Douglas Bird
Douglas J. Michael
Douglass 'Scamp' Gray
Dr. David Painter and Dr. Mary Dudzik
Drink Simple
Eaton Corp Charitable Fund
Ed and Sue Leiter
Ed H. Leiter
Eden Therapeutic Massage
Edenbrook Motel
Edith E Richardson
Edward and Karen Rea
Edward B Gilmore
Edward Michaud
Eileen Robinson
Elinor & Kelmenson
Elizabeth A. Foster
Elizabeth and William Carroll
Elizabeth S. Roberts
Elizabeth Selim
Ellen T Brawley
Erica Wagstaff
Erin and Skip Owen
Everyday Joes LLC
Fabricate
Fish House Grill
Frank Blair
Frank Moya Charitable Foundation Inc.
Frank V. Del Vecchio
Fred Howland
Frenchman Bay Conservancy
G & G Electric, Inc.
Galyn's
Gary & Abigail Conrad
Geddy's
Geneva and Kevin Langley
George A. Rowbottom
George Merrill
Gerrish Chiropractic Center
Ginny Reams
Glenn and Nancy Tucker
Great Maine Breakfast
Greg and Anne Dalton
Gregory and Ann Benz
Gregory Johnston
Guangwen Ren
Hannaford, Bar Harbor
Harborside Hotel and Marina
Heather Sinclair
Hillman Charitable Foundation
Holly C. Smith
Horton McFarland & Veysey
Iona Kowalske
J.C. and Tracey Neel
Jack Cunningham
Jacqueline L. Smith
James Boyer
James Cunningham
James E York
Jane P. Adams
Jason B Matthews
Jay Haney
Jay Shields
Jean Sylvia

Jeannie S. Anderson
Jefferson G. Dobbs
Jennifer and Edmund Ryan
Jennifer Britz
Jennifer Johnson
Jennifer Mytar
Jeremy Gibbs
Jerry and Bev Tapley
Jerry W Tapley
Jim Barrett
Joan Pew
Jodi Sargent
Johanna R Pasha
John and Nancy Ryan
John Avila
John C Stanley
John Dargis and Jean Rappaport
John H. McDaniel
John M Ambielli
John N Forrest
John P. Reeves
John Rodrigue
Jon W Nicholson
Jordan's Restaurant
Joseph V Tortora
Josephine Culshaw
Josh Yarbrough
Joyce Eason
Judy Holmes and Jim Progin
Julia A Hagle
Julie A. and Ron Schleif
Julie C. Malloy
Karen A. McFarland
Karen and Douglas Davis
ANONYMOUS
Kathi and Bruce Jordan
Kathleen Hillman
Kathleen Johnston
Kathryn MacLeod
Katie Skeate
Keating Pepper
Kebo Properties LLC
Kebo Valley Golf Club
Keith Culshaw
Keith W. Johnston
Kiernan B Cough
Kim C. Heist
Kimberly L. Schroeder
Kimberly O'Brien
Kimberly Smallidge
Knowles Co. Real Estate
Kristina Minott and George Grohs
Lacey & R. Paul MacQuinn, Jr.
Lacey E Richards
Lamey-Wellehan
Lamont and Nancy Evans
Laurie Ankrom
Leah Rae and Mike Donahue
Leisa Graham
Lenny J DeMuro
Leslyn M Shea
Linda S Uberseder
Lisa Ireland and Joshua Ehrlich
Lori A Reed
Lori Alley Counseling Services
Lucie E Estabrook
Lynam Agency-Insurance
Lynam Trust Fund
M.J. McIsaac
Machias Savings Bank
Maegan Haney
Maggie B Liu
Mainely Meat BBQ
Marc and MaryAnne Mytar
Marcia Rechholtz
Margaret Jeffery Law Office
Maria and Ryan Donahue
Maria Simpson
Marianne Tripp
Marie C. Yarborough
Marilyn E. Silocka
Mark Kandutsch
Mark Schoon
Marlene L. Hurd
Martha Hobbs
Marty Williams
Mary Malone
Mary 'Susan' Anghinetti
Matthew and Kara Daul
Matthew T. Richardson
Meghann E. Harris
Melissa and Matt Carroll
Melita M. Brecher
Michael and Jean Forbes
Michael and Marcia Alley
Michael Boyson
Michael M. Hastings
Michelle Perry
Michelle Smith
Mike Kiers
Miles M Emmons
Misha Mytar
Morgan Stanley Gift Fund
Mount Desert Island Ice Cream
Mount Desert Spring Water
Mount Desert Street LLC
Mount Dessert Bakery
Mr and Mrs Jay Shields
Murch Foundation
My Darling Maine
Nancy DiMauro

Nancy Sawyer
National Park Kayak Tours
National Park Tours & Transport, INC.
Ned Johnston
Ned Johnston and Anne Rhode
Network for Good
No Frills Oil
Ocean Properties
Pamela Parvin
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Window Panes
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We want to ensure that we properly thank all donors. If there is a correction please contact the MDI YMCA at info@mdiymca.org. If we have missed your name in the list of donors we apologize.

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If you would like more information on how you can join the Heritage Society, please contact the Executive Director, Tommy Parham, at exec@mdiymca.org

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FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
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OUR MISSION

The Mission of the Mount Desert Island YMCA is to develop community, character, personal growth, and wellness in spirit, mind, and body for the greater MDI community.

OUR PROMISE

The MDI YMCA is a nonprofit, charitable organization that serves the greater MDI community. Donations help support our promise - to strive to keep programs open for all.

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Strengthening the foundation of our communities. Every day, we work side-by-side with our neighbors to make sure that everyone, regardless of age, income or background, has the opportunity to learn, grow, and thrive.

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VII B

Cornell Knight

From: Alf Anderson <alf@barharborinfo.com>
Sent: Thursday, August 13, 2020 4:15 PM
To: Cornell Knight
Cc: jdobbs@barharbormaine.gov
Subject: Bar Harbor Chamber special event request

Cornell,

Could you please add an item to the August 18 Town Council agenda on behalf of the Bar Harbor Chamber?

The Chamber is considering holding a craft fair on September 26-27 and would like to do so using the parking lot at the top of Newport Drive. We anticipate the hours of the event would be roughly 9:00 am to 5:00 pm on both days, with some time allowed for setup and teardown.

We have contacted the Island Arts Association and plan to partner with them in planning this event.

I have had a preliminary conversation with Lieutenant Kerns of the Bar Harbor Police Department who did not see any immediate issues with our concept, so long as we adhere to the State of Maine's guidelines.

I will submit a more detailed description of the proposed event by the end of the day tomorrow so that the Town Council will have more information ahead of Tuesday's meeting.

Thank you,
Alf

Alf Anderson
Executive Director
Bar Harbor Chamber of Commerce
P.O. Box 158
93 Cottage Street, Suite 102
Bar Harbor, ME 04609
Office: (207) 801-2566 ext. 13
Mobile: (617) 504-5393
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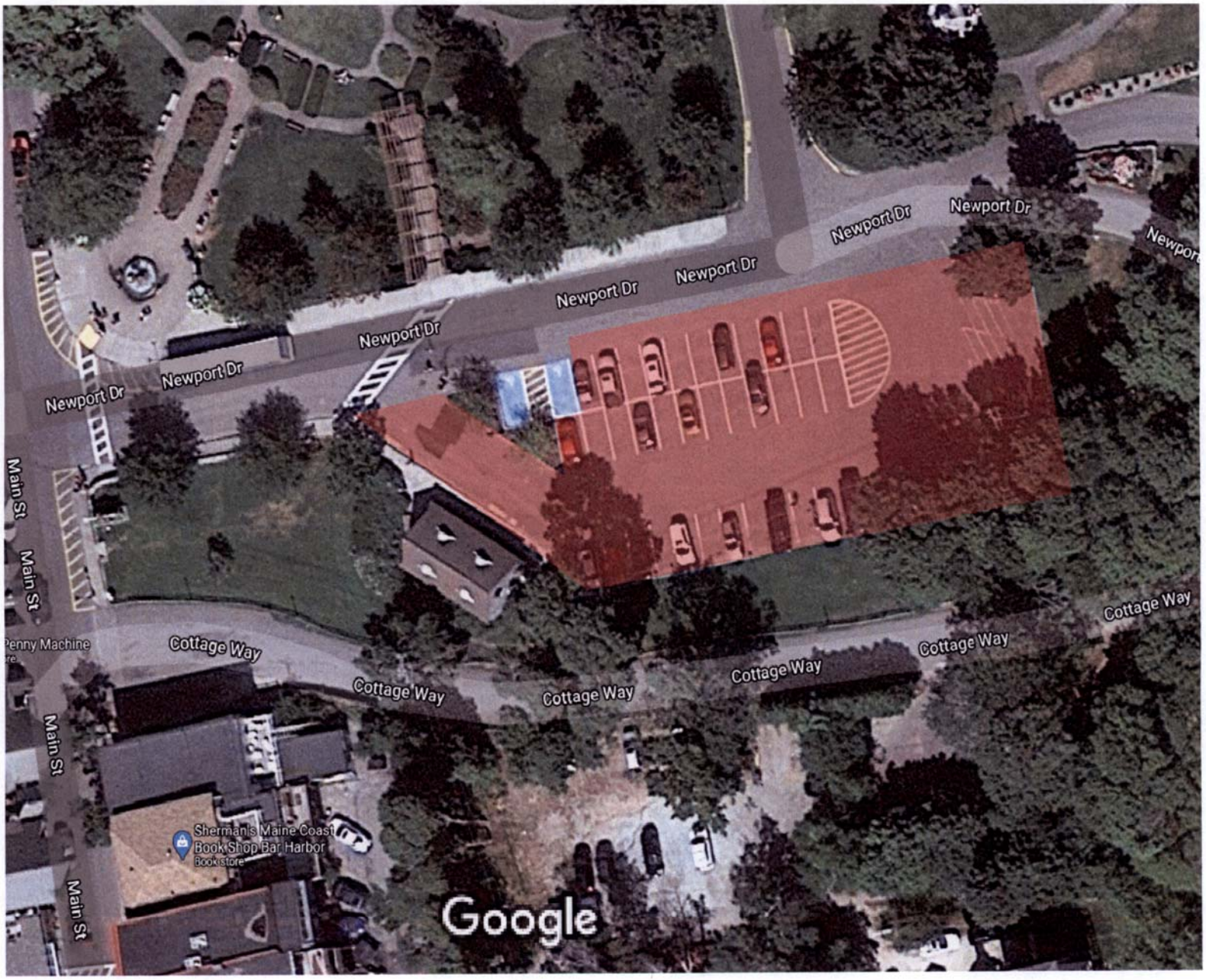

Proposed event location.

VII C

August 11, 2020
REPORT TO BH TOWN COUNCIL
TASK FORCE ON CLIMATE EMERGENCY
Jill Goldthwait, Council appointee to TF

- Officers elected: Chairman Brian Booher, Vice Chair Tobin Peacock, Secretary Jen Crandall
- Four meetings so far, biweekly, schedule 2nd and 4th Mondays, 3:30-5:00PM, Zoom.
- TF will focus initially on municipal infrastructure: energy use in buildings, schools, vehicles/fuel.
- Considering possible inventory tools
    - Energy Star Portfolio Manager (ESPM),
    - Agim Mazreku (COA grad), Greenhouse Gas Emissions Reporting Table.

  What data available? Will do as much as possible in-house, professional help may be necessary for data gathering and entry.
- Cornell provided list of town energy conservation efforts since 2013
- TF will make every effort to avoid expenditures, identify other funding, donations or state sources (grants).
- Three subgroups:
    - Public Education – Keep public advised of TF work and help with individual conservation measures, e.g. links to doing a home energy audit. Public forums on impacts? Student involvement? Promote TF meetings.
    - Outreach – Compile resources. Collaborate with potential partners: MDI Hospital, Jackson Laboratory, other. Explore possible financial support.
    - Energy Audit – Collect data. Determine which buildings have data readily available.
- Website: Minutes, Google doc's
- Running list of other potential work:
    - Solar energy an accessory use only. Ordinance change?
    - EV charging
    - Climate justice
    - Tourism/cruise ships

- Other discussion:
    - Expenditures, process.
    - Fundraising.
    - Publicity.

EMERGENCY ORDINANCE

Whereas, a pandemic emergency exists; and

Whereas, The Governor has extended the civil state of emergency until September 3, 2020, and

Whereas, the Town Council has the authority to enact emergency ordinances under Section C-16 of the Town Charter; and

Whereas, the pandemic will affect the business community,

Now Therefore be it ordained that the Town Council orders that the Special Amusement Ordinance be amended as shown below and take effect upon passage.

Amusements Ordinance Amendment

Town of Bar Harbor
#2020-11

An Amendment to add food service licensing as a requirement and allow amplified music outdoors with restrictions.

The Town of Bar Harbor hereby ordains that Chapter 14, Amusements of the Town Code is amended as follows:

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

CHAPTER 14 – AMUSEMENTS

Article I: Special Amusement Permits

§ 14-1 Title and purpose.

A. Title. This article shall be known and may be cited as the "Special Amusement Permit Ordinance of the Town of Bar Harbor."

B. Purpose. The purpose of this article is to control, as required by 28-A M.R.S.A. § 1054, the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor or malt liquor in the Town of Bar Harbor <u>and permitted by the Town of Bar Harbor to allow music</u>.

§ 14-2 Definitions.

***

LICENSEE

The holder of a license issued pursuant to the provisions of 28-A M.R.S.A., Liquors, as amended, or any person, individual, partnership, firm, association, corporation or other legal entity acting as agent or employee of any holder of said license <u>or any business licensed by the State of Maine Department of Health and Human Services to serve food</u>.

***

§ 14-3 Permit required; application procedure.

A. No licensee for the sale of liquor or malt liquor to be consumed on his/her licensed premises, situated in the Town of Bar Harbor, shall permit on said licensed premises any music, except a radio or other mechanical device, or any dancing or entertainment of any sort unless the licensee shall have first obtained from the Town Council of Bar Harbor a special amusement permit approved by at least a majority of the members of said Town Council.

B. No Establishment licensed by the Department of Health and Human Services for food service in the Town of Bar Harbor, shall permit on said licensed premises any music, except a radio or other mechanical device, or any dancing or entertainment of any sort unless the licensee shall have first obtained from the Town Council of Bar Harbor a special amusement permit approved by at least a majority of the members of said Town Council.

~~B~~C. Applications for all special amusement permits shall be made in writing to the Town Clerk on forms provided by the Clerk for that purpose and shall state the name of the applicant; his/her residence address; the name of the business to be conducted; his/her business address; the nature of his/her business; the location to be used; how outdoor amplification will be mitigated so as not to disturb neighbors; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; the type of music and entertainment intended by the applicant to be permitted on the licensed premises; whether dancing is permitted, and any additional information as may be needed by the Town Council in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

~~C~~D. The Town Council may revoke or refuse to issue a special amusement permit if the premises or building to be used for the purposes do not fully comply with all ordinances, articles, rules and regulations of the Town of Bar Harbor.

~~D~~E. The Town Council shall set the fee for the special amusement permit from time to time.

~~E~~F. Within 15 days of the Town Clerk's receipt of a complete application for a special amusement permit, 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. Prior to the hearing, reasonable notice of the same shall be given to all owners of land within 300 feet of the applicant's premises as provided below.

(1) For purposes of the issuance of a new permit for an applicant for a particular location, reasonable notice to owners of land within 300 feet of the applicant's premises shall include written notice sent by United States Mail, first class postage prepaid, which notice shall be mailed at least five days prior to the hearing.

(2) For purposes of renewing a permit for an applicant against whom no complaint, warning or summons has been lodged in the preceding year, reasonable notice to all persons may be achieved by giving notice of the hearing in a newspaper of general circulation in the Town of Bar Harbor at least three days prior to the hearing.

(3) For purposes of renewing a permit for an applicant against whom one or more complaints, warnings or summonses (in any combination) have been lodged in the preceding year, reasonable notice may be achieved by sending a written notice by United States Mail, first

class postage prepaid, which notice shall be mailed at least five days prior to the hearing.

~~F~~G. 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 article, shall grant or renew a permit unless it finds that issuance of the permit will be detrimental to the public health, safety or welfare or would violate municipal ordinances or rules and regulations, articles or bylaws.

~~G~~H. A permit shall be valid only for the license year of the applicant's existing liquor license or food service license.

***

§ 14-6 Regulation of noise.

An applicant for a special amusement permit hereunder shall, as part of his/her application, demonstrate his/her ability to prevent the emanation of excessive noise from the premises sought to be licensed brought about by music, dancing or entertainment, except for a radio or other mechanical device excluded under 28-A M.R.S.A. § 1054 or amendments thereto. ~~The performance of amplified music out of doors by licensees is categorically declared to be in violation of this article~~. The performance of nonamplified music out of doors by licensees is prohibited between the hours of 10:00 p.m. and 9:00 a.m. The performance of amplified music out of doors by licensees is prohibited between the hours of 9:00 p.m. and 11:00 a.m.

***

[End of Ordinance]

Given under our hands and seal at Bar Harbor this eighteenth day of August 2020.

Municipal Officers of the Town of Bar Harbor

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Gary Friedmann	Jill Goldthwait
Erin Cough	Joseph Minutolo
Valerie Peacock	