

**AGENDA**  
**Bar Harbor Town Council**  
**By Video Conference**  
**September 15, 2020**

The public can monitor by watching Spectrum channel 7 or by live streaming on the town's website, [www.barharbormaine.gov](http://www.barharbormaine.gov)

**I. CALL TO ORDER – 5:00 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. Comments may be submitted in advance to the Council Chair by email at [jdobbs@barharbormaine.gov](mailto:jdobbs@barharbormaine.gov) to be read during the meeting.

**III. APPROVAL OF MINUTES - September 1, 2020 Regular Meeting**

**IV. ADOPTION OF AGENDA**

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

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

**A. Special Town Meeting November 2020** – Possible motion to sign:

1. Special Town Meeting Warrant for November 3, 2020 and
2. Notice of Public Hearing for October 6, 2020.

**B. CDBG Grant** – Possible motion to sign the Standards of Conduct, Fair Housing Resolution, Section 504 Self-Evaluation and Transition Plan, Residential Anti-Displacement & Relocation Assistance Plan and EEO Policy Statement as required by HUD.

**C. General Assistance Ordinance** – Possible motion to schedule a public hearing for October 6, 2020 on the annual revision of maximum benefit levels in Chapter 102, General Assistance Appendices A-H, pursuant to 22 MRSA §4305(4).

**VII. REGULAR BUSINESS:**

**A. COVID-19**

1. Emergency Special Amusement Ordinance
2. Updates

**B. Water Division Master Plan** – Presentation by Olver Associates.

**C. FY21 Water Budget** – Introduction of proposed FY21 Water Budget and possible motion to schedule a public hearing for October 6, 2020.

**D. Cooperating Agencies Policy** – Review drafts and possible motion to adopt.

**E. Council Goals – Update.**

**F. 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: (None Scheduled)**

**XI. ADJOURNMENT**

<p><b>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</b></p>
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*Manager's Memo*

To: Bar Harbor Town Council  
cc: Department Heads  
From: Cornell Knight, Town Manager  
Date: Friday, September 11, 2020  
Re: **Town Council Meeting of September 15<sup>th</sup>**

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

V. **FINANCIAL REPORT** - Finance Director Stan Harmon has enclosed his report covering the first two months of the 2021 fiscal year. He will review the highlights. If acceptable, a possible motion: to accept the Financial Report as presented.

VI. **Consent Agenda-**

**A. Special Town Meeting November 2020** – Possible motion to sign:

1. Special Town Meeting Warrant for November 3, 2020 and
2. Notice of Public Hearing for October 6, 2020.

**B. CDBG Grant** – The town is acting as the pass through for the grant to the Bar Harbor Housing Authority. As part of the grant there is more CDBG paperwork, see the enclosed memo and packet from Michele Gagnon, Planning Director. A possible motion: to sign the Standards of Conduct, Fair Housing Resolution, Section 504 Self-Evaluation and Transition Plan, Residential Anti-Displacement & Relocation Assistance Plan and EEO Policy Statement as required by HUD.

**C. General Assistance Ordinance** – Enclosed are the proposed changes to the GA maximums. Adjustments are made every year at this time. A possible motion: to schedule a public hearing for October 6, 2020 on the annual revision of maximum benefit levels in Chapter 102, General Assistance Appendices A-H, pursuant to 22 MRSA §4305(4).

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

VII. **REGULAR BUSINESS:**

**A. COVID-19 Updates**

1. Enclosed is the Emergency Special Amusement Ordinance renewal that was approved last meeting and is set to expire on Tuesday night. The police have had 2 noise complaints since the last meeting. A possible motion: to approve the amendments to the Amusements Ordinance Chapter 14 as presented and make it effective immediately under the Emergency Ordinance provisions of the Town Charter.

2. Nina St. Germain will attend the meeting to provide an update on the KeepMeHealthy grant program. If there are funds remaining erecting a heated tent for outdoor dining is a consideration.
- B. Water Division Master Plan** – A master plan is done every 10 years or so for the Water Company. Enclosed is the most recent plan prepared by Olver Associates that includes their recommendations for infrastructure investments. Annaleis Hafford from Olver will review the highlights during her presentation. Following Q and A, a possible motion: to thank Ms. Hafford for the presentation and accept the Comprehensive Master Plan Update Summary and place it on file.
- C. FY21 Water Budget** – Bethany Leavitt, PW Director and Stan Harmon, Finance Director will review the proposed FY21 Water Budget, see the enclosed budget binder. There is no rate increase with this budget. Following Q and A, a possible motion: to schedule a public hearing for October 6, 2020 to hear comments on the FY 21 Water Budget.
- D. Cooperating Agencies Policy** – Enclosed are drafts of the Cooperating Agencies Policy and application prepared by Councilors Goldthwait and Cough. Following discussion, a possible motion: to approve the amendments to the Cooperating Agencies Policy and Application.
- E. Council Goals** – Enclosed is an update of the Council's goals approved last fall. Do you want to schedule another goals session? It has been on the Monday before election day. If so a possible motion: to schedule the Council goals session for Monday November 2, 2020 at 5 pm by video conference.
- F. Treasurer's Warrant** – A possible motion: to sign the Treasurer's Warrants for paid bills.

**Minutes**  
**Bar Harbor Town Council**  
**By Video Conference**  
**September 1, 2020**

**I. CALL TO ORDER** – 5:06 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. COMMITTEE APPOINTMENTS** - *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:*

**1. Cruise Ship Committee**

a. *Lawrence Sweet, Taxi & Tour Representative, term expiring 2023*

**2. Marine Resources Committee**

a. *Fiona de Koning, term expiring 2023*

b. *John Avila, term expiring 2021*

**3. Parking Solutions Task Force**

a. *Stephen Coston, term expiring 2023*

The Appointments Committee recommends and Mr. Friedmann, with second by Ms. Cough, moved the appointment of those listed on the agenda as read by Chair Dobbs. Roll Call Vote:

Dobbs            Y

Hochman        Y

Peacock        Y

Friedmann     Y

Minutolo       Y

Goldthwait    Y

Cough           Y

Motion passed 7-0.

**III. PUBLIC COMMENT PERIOD** - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Comments can be made through the Zoom webinar or may be emailed in advance to the Council Chair at [jdobbs@barharbormaine.gov](mailto:jdobbs@barharbormaine.gov) to be read during the meeting.* – Arthur Greif requested that instead of holding the public hearing two weeks before the election on the Charter, it be held two weeks from today before absentee voting begins. In reference to the discussion last meeting on weekly rentals and VR2 transferability, he talked about the difference between heirs, successors and assigns.

**IV. APPROVAL OF MINUTES** – *August 18, 2020 Regular Meeting*

Mr. Hochman, with second by Mr. Friedmann, moved to approve the August 18, 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.

V. **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.

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

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

1. **Bar Harbor Coastal Cab** request for 1 taxi license renewal as submitted by Craig Wood.

Mr. Hochman, with second by Mr. Friedmann, moved to approve the Consent Agenda as published. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

VII. **REGULAR BUSINESS:**

A. **Cooperating Agencies Policy** – *Tabled from 8/4/2020.* Ms. Cough, with second by Mr. Hochman, moved to take this item off the table. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

Councilors Cough and Goldthwait presented their recommendations. Following discussion, Mr. Hochman, with second by Mr. Friedmann, moved to have Councilors Cough and Goldthwait prepare a final draft for next meeting. Roll Call Vote:

Dobbs            Y

Hochman       Y

Peacock       Y

Friedmann    Y

Minutolo      Y

Goldthwait   Y

Cough         Y

Motion passed 7-0.

- B. COVID – Bar Harbor Chamber of Commerce request for letter to Gov. Mills.** Chamber Director Alf Anderson joined the discussion. Based on recent recommendations by the Maine CDC that it is too soon to ease restrictions for Massachusetts residents, Council took no action, but wants to make sure that this does not mean they do not support the Bar Harbor business community.
- C. Task Force on the Climate Emergency – Review bylaws and possible motion to amend.** After discussion, Ms. Peacock, with second by Mr. Friedmann, moved that, pending the advice of the town attorney, all members of the climate change task force be allowed to make and second motions. Roll Call Vote:

Dobbs            Y

Hochman       N

Peacock       Y

Friedmann    Y

Minutolo      Y

Goldthwait   Y

Cough         Y

Motion passed 6-1 (Nay: Hochman).

Ms. Cough, with second by Mr. Hochman, moved to start looking at changing the ordinance in Chapter 31 to say all Bar Harbor residents versus all registered voters. Roll Call Vote:

Dobbs            Y

Hochman       Y

Peacock       Y

Friedmann    Y

Minutolo      Y

Goldthwait   Y

Cough         Y

Motion passed 7-0.

- D. Parks & Recreation – Possible motion to allow Lifeflight to build a landing pad at the ballfield.** Fire Chief Matt Bartlett and Public Works Director Bethany Leavitt participated in the discussion and answered Council questions. Mr.

Hochman, with second by Ms. Cough, moved to allow Lifeflight to build a landing pad at the ballfield as presented in a concept sketch dated June 12, 2020.

Roll Call Vote:

Dobbs            Y

Hochman       Y

Peacock        Y

Friedmann     Y

Minutolo       Y

Goldthwait    Y

Cough           Y

Motion passed 7-0.

**E. Amusements Ordinance Amendments -**

1. *Review revised emergency ordinance and possible motion to adopt.* Police Chief Jim Willis participated and read an email from town attorney Ed Bearor on the proposed changes. Chief Willis recommended amending the change in sec. 14-6, last line of the first paragraph to read “must adhere to this Chapter” rather than reference the noise ordinance. Ms. Cough, with second by Mr. Hochman, moved to approve the amended Ordinance Chapter 14 as amended and make it effective immediately under the Emergency Ordinance provisions of the Town Charter. Roll Call Vote:

Dobbs            Y

Hochman        Y

Peacock        Y

Friedmann     Y

Minutolo       Y

Goldthwait    N

Cough           Y

Motion passed 6-1 (Nay: Goldthwait).

**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 allow amplified music outdoors.**

*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 underlined.]

**CHAPTER 14 – AMUSEMENTS**

**Article I: Special Amusement Permits**

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**§ 14-2 Definitions.**

The following definitions apply to this article and do not affect the meanings of words or terms in any other article of this Code. As used in this article, the following terms shall have the meanings indicated:

**AMPLIFIED ACOUSTIC INSTRUMENT**

Any Musical instrument designed to be played without mechanical amplification but that can also be connected to an amplifier, these may include but are not limited to: Acoustic Guitars, Violins/fiddles, Upright/Acoustic Bass, Mandolin, Banjo etc. Instruments designed to be played only with mechanical amplification are excluded.

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**§ 14-4 Classes of permit; reapplication.**

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- B. ~~Any permit granted shall be for one of the above-noted classes. A licensee shall not permit on the licensed premises any music, dancing or entertainment which exceeds that permitted by the class of his/her permit, during the period for which his/her permit is valid as otherwise determined by this article. This emergency Ordinance shall grant a temporary license upgrade to allow amplification while active and shall expire at midnight on September 15th unless renewed by council and will automatically expire on the 61st day after enactment per Bar Harbor Charter.~~

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**§ 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. Amplified outdoor music shall be limited to amplified acoustic instruments as defined in this chapter and one vocal microphone per performer, all outdoor amplification must adhere to this Chapter.~~

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.

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[End of Ordinance]

- 2. *Review permanent ordinance amendment and possible motion to schedule a public hearing for October 6, 2020.* Police Chief Willis recommended Council postpone action on this to allow further review of the proposed changes. No action taken.

**F. Special Town Meeting November 2020**

- 1. *Council Recommendations for warrant on Charter Modification articles 2-10.*

Town Clerk Sharon Linscott was apprised by Mike Gurtler of a copy and

paste error that affects Articles 3 and 4. Under Article 3, Article II Section C-6 B.(3) actually belongs under Article 4. The change has been made in the warrant that will be presented to Council at the next meeting.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 2 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>N</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 6-1 (Nay: Peacock).

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 3 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 4 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>N</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 6-1 (Nay: Peacock).

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 5 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 6 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 7 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 8 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>N</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 6-1 (Nay: Peacock).

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 9 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 10 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>

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

2. **Special Town Meeting Warrant** – *Possible motion for staff to prepare final Warrant for Council's signature.*

Mr. Hochman, with second by Ms. Cough, moved for staff to prepare the final Warrant for Council's signature. Roll Call Vote:

Dobbs Y  
Hochman Y  
Peacock Y  
Friedmann Y  
Minutolo Y  
Goldthwait Y  
Cough Y  
Motion passed 7-0.

3. **Notice of Public Hearing** - *Possible motion for staff to prepare final notice for Council's signature and schedule the public hearing for October 20, 2020.* Following discussion about moving the date of the hearing, Mr.

Hochman, with second by Ms. Cough, moved for staff to prepare final notice for Town Council's signature and schedule the public hearing for October 6, 2020. Roll Call Vote:

Dobbs Y  
Hochman Y  
Peacock Y  
Friedmann Y  
Minutolo Y  
Goldthwait Y  
Cough Y  
Motion passed 7-0.

- G. **Treasurer's Warrant** - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Ms. Cough, moved to sign the Treasurer's Warrants for paid bills. Roll Call Vote:

Dobbs Y  
Hochman Y  
Peacock Y  
Friedmann Y  
Minutolo Y  
Goldthwait Y  
Cough Y  
Motion passed 7-0.

- VIII. TOWN MANAGER'S COMMENTS** – On September 9 at 5:30 Council will have a joint workshop with the Planning Board for further discussion of the vacation rental amendments. We are now selling the \$1 tokens in packs of 25 in the Finance Office and

we just got in the smart cards that have the Bar Harbor logo and sunrise on one side and an explanation on the other on how it can be loaded and used at the parking meters. They will be ready in about a week for setup.

**IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS**

**Ms. Peacock** acknowledged all the work the teachers and school staff are doing to get ready to be in school again. She wished everyone a good start to the school year and have a happy Labor Day.

**Mr. Minutolo** wished a happy September and apologized for being late. Thank you, it was a good meeting.

**Mr. Friedmann** thanked Jill and all the members of the Charter Commission for the huge amount of work, their diligence and their many hours. We reached a milestone to get this on the warrant.

**Mr. Hochman** congratulated Puranjot Kaur on her attempt to swim around the island, she made it about 17 miles to raise money for Open Table MDI that helps with food scarcity on MDI. It was absolutely incredible. He also congratulated Sage Dentremont, an MDI Senior, who swam from Cranberry Island to MDI to raise money to help kids learn how to swim.

**Mr. Dobbs** thanked Jill and Mike Gurtler and the rest of the Charter Commission for a long year of taking in lots of information and doing a really good job. He thanked Matt Hochman for trying to resolve the music ordinance. And he thanked Sharon for keeping us straight and legal.

**X. EXECUTIVE SESSION: (none)**

**XI. ADJOURNMENT** – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 7:35 p.m. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>
<u>Motion passed 7-0.</u>	

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Sharon M Linscott, Town Clerk

V

# Memo



To: Town Councilors; Cornell Knight  
 From: Stan Harmon, Finance Director  
 CC: Department Heads  
 Date: 9/09/2020  
 Re: Fiscal Year 2020 – August 31, 2020 – 2 Months Results

## General Fund

Attached are the financial results for 2 months of operations for FY 2021 through the end of August. The audit “field” work has not yet begun for Fiscal Year 2020—the auditors will be arriving later in October. Staff doesn’t anticipate any significant *expense* adjustments that differ from the year end estimates previously provided to the Council.

### **Expenditures (17% goal)**

The August summary statements show 19.3% spent versus 19.5% of the budget spent last year, about where we expect to be with the heavier seasonality of summer spending. 18.1% of the \$4.4 million in budgeted municipal wages are spent year-to-date compared to 18.6% in August 2019. No spending anomalies are evident at this early point of the fiscal year. Encumbrances from FY20 have not yet been added to the FY2021 budget in the detail or in the summary format. \$106,992 of Covid19 related FY21 expenses are not shown in this spending summary as most of these expenses are likely covered by the ‘Care’ grant.

### **Non-Property Tax Revenues (17% goal)**

23% of the budget for non-property tax revenues is now collected versus 25% at this point last year. With only two months of activity booked we are only just out of the starting gate. No trends evident yet but Harbor is on the road to making its budget target as well as the Cable franchise revenue due to a 50% cut in the budgeted receipts this year.

#### Ambulance Revenues -

FY 2021	2 Months YTD Runs Billed	93	Ave. <u>Gross</u> Billing (per run)	\$706
FY 2020	2 Months YTD Runs Billed	128	Avg. <u>Gross</u> Billing (per run)	\$713
FY 2019	2 Months YTD Runs Billed	174	Avg. <u>Gross</u> Billing (per run)	\$668

FY 2021	2 Months YTD Runs billed	93	<u>Net Collections (per run)</u>	\$480
FY 2020	2 Months YTD Runs billed	128	<u>Net Collections (per run)</u>	\$404
FY 2019	2 Months YTD Runs billed	174	<u>Net Collections (per run)</u>	\$494

		<u>8/31/2020</u>	<u>8/31/2019</u>
Ambulance Accounts Receivable		\$230,656	\$291,115

Excise-Motor Vehicle Revenues- data shows we are up 14% in \$ and 7% in units over 2020

FY 2021	2 Months YTD	1101 units	\$222,977	=\$202 / per vehicle
FY 2020	2 Months YTD	1031 units	\$195,522	=\$189 / per vehicle
FY 2019	2 Months YTD	1014 units	\$189,461	=\$187 / per vehicle
FY 2018	2 Months YTD	930 units	\$194,413	=\$209 / per vehicle

Building Permitting Revenue-

FY 2021	2 Months YTD	56 permits	\$ 18,580	=\$332 / permit
FY 2020	2 Months YTD	57 permits	\$ 23,430	=\$411 / permit
FY 2019	2 Months YTD	57 permits	\$ 13,188	=\$231 / permit

**FY '21 Previously Authorized Council Budget Adjustments or Transfers:**

**Contingency Fund Activity for FY '21:**

Beginning Balance	(Town Meeting Approval)	\$54,000
Minutes-No authorized transfers yet		<u>-0-</u>
Ending Balance	@ 8/31/20 (available #1036-5906)	\$54,000

**Other General Fund Transfers: NONE**

**Cruise Ship Fund Transfers: NONE**

**Parking Fund Transfers: NONE**

**Capital Improvement Transfers/Adjustments: NONE**

**Property Tax Collection & Receivable Update:**

The new 2020 tax bills were mailed in August this year with a mill rate of 11.90 (5 cents less than the Town Meeting estimate) compared to the 11.85 rate last year---a .4% increase. Due date of the first half taxes is Wednesday, September 30<sup>th</sup>.

Tax Year	Property Taxes Outstanding Balance	@ 8/31/20 %	@ 8/31/19 Balance	%
2007-13	\$ 22,104	0.1%	\$ 23,261	0.1%
2014	\$ 3,058	0.1%	\$ 3,071	0.1%
2015	\$ 3,709	0.1%	\$ 3,728	0.1%
2016	\$ 3,511	0.1%	\$ 3,725	0.1%
2017	\$ 11,249	0.1%	\$ 120,833	0.7%
2018	\$ 122,666	0.7%	\$ 430,893	2.5%
2019	\$ 489,765	2.7%	\$14,877,084	83.1%
2020	\$15,638,381	85.9%		

### Cash Investment and Status Report / Banking

On August 31st, the Town had \$17,800,000 on hand in all funds—approximately \$2,700,000 more than last year's total balances at this same time period, due to the higher Parking & Cruise Ship fund balances as well as earlier tax receipts/collections. Checking interest rates are at .75% vs. 1.83% last year.

### Wastewater Division Fund

#### **Financials (17% - 2 month Benchmark)**

	<b>Annual Budget</b>	<b>Aug YTD Actual</b>	<b>% Spent</b>
<b>Spending shows the following:</b>			
<i>Oper &amp; Maint-FY2021-this year-flat bud resolution</i>	\$1,505,039	\$201,738	14%
<i>Oper &amp; Maint-FY2020-last year</i>	\$1,505,039	\$206,699	14%
	<b>8/31/2020</b>	<b>8/31/2019</b>	
<b>Accounts Receivable-Wastewater</b>	\$67,623	\$48,549	

### Water Division Fund

#### **Financials (17%-2 month Benchmark)**

	<b>Annual Budget</b>	<b>Aug YTD Actual</b>	<b>% Spent</b>
<b>Spending shows the following:</b>			
<i>Oper &amp; Maint-FY2021-this year-flat bud resolution</i>	\$1,126,055	\$155,132	14%
<i>Oper &amp; Maint-FY2020-last year</i>	\$1,126,055	\$139,850	12%
	<b>8/31/2020</b>	<b>8/31/2019</b>	
<b>Accounts Receivable-Water</b>	\$29,695	\$7,697	

### Technology

In August, Steve rolled out the new DHQ server in the PD; installed, configured migrated various new PC's in the departments that had newly budgeted replacements, installed the *Watchguard* video system in the last PD vehicle—making the systems compatible with Mount Desert; installed a new copier at Fire as well as drivers on all F PC's; assist with planning board meeting broadcasts and webinars, upload and assist in various Zoom meetings including public speaker overflow equipment, training on a Munis system upgrade and also work with the contractor on a major VMWare system upgrade.

### Assessing

Steve finished the annual tax commitment in August and then he and the deputy had the mandatory annual assessing training, completed the annual State Revenue Services audit, assisted the Vision contractor on certain areas of the downtown statistical update contract, which is behind schedule due to COVID19—only 4% of the work is done. The balance of August was spent on taxpayer inquiries regarding deeds, valuations, map questions, etc.

		<b>Budget</b>	<b>Actual</b>	
<b>Parking Fund – Direct Expenses:</b>	FY21	\$199,978	\$65,692	33%
	FY20	\$142,865	\$44,802	31%

**Town of Bar Harbor**  
**Expenses - Period Ending**  
**8/31/19**

08-Sep-20

16.7% of Year Completed

General Fund	Dept	A FY '21 Annual Adj'd Budget	B FY '21 2 Months Actual	C FY '20 12 Months Pre-Audit	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	FY '19 12 Months Actual	Comments on variances
Town Council	10	\$ 36,562	\$ 855	\$ 36,324	8,286	2.3%	\$ 35,212	Timing
Town Manager	12	\$ 133,606	\$ 24,206	\$ 127,035	9,196	18.1%	\$ 124,862	
Town Clerk	14	\$ 127,852	\$ 23,981	\$ 118,997	7,982	18.8%	\$ 118,345	
Finance Dept.	16	\$ 369,588	\$ 90,323	\$ 356,927	2,074	24.4%	\$ 352,773	Timing
Town Attorney	18	\$ 47,950	\$ 10,657	\$ 63,093	1,331	22.2%	\$ 54,220	
Elections	20	\$ 22,227	\$ 4,388	\$ 14,142	1,169	19.7%	\$ 13,189	
Technology	22	\$ 160,481	\$ 39,498	\$ 162,299	622	24.6%	\$ 155,231	Timing
Municipal Building	24	\$ 81,853	\$ 11,368	\$ 72,925	9,095	13.9%	\$ 86,046	
Town Offices	26	\$ 44,045	\$ 12,085	\$ 55,685	(1,074)	27.4%	\$ 43,163	
Employee Benefits	28	\$ 1,828,895	\$ 306,168	\$ 1,615,138	151,056	16.7%	\$ 1,505,015	
Code Enforcement	30	\$ 136,848	\$ 27,785	\$ 102,286	6,427	20.3%	\$ 74,430	
Assessing Dept.	32	\$ 153,735	\$ 27,873	\$ 144,099	10,561	18.1%	\$ 137,892	
Planning Dept.	34	\$ 214,691	\$ 37,023	\$ 200,248	16,650	17.2%	\$ 126,426	
Miscellaneous	36	\$ 227,900	\$ 55,633	\$ 155,279	1,342	24.4%	\$ 201,464	Timing
Fire / Ambulance Dept	42	\$ 993,332	\$ 186,740	\$ 923,612	61,593	18.8%	\$ 885,013	
Hydrants-Public Fire	43	\$ 585,604	\$ 146,401	\$ 585,604	-	25.0%	\$ 585,604	
Police Dept.	45	\$ 1,327,517	\$ 219,967	\$ 1,220,298	111,912	16.6%	\$ 1,272,780	
Dispatch Division	47	\$ 248,082	\$ 45,924	\$ 230,902	16,097	18.5%	\$ 220,185	
Public Safety Bldg.	49	\$ 45,232	\$ 5,128	\$ 46,884	6,180	11.3%	\$ 45,930	
Street Lights	51	\$ 20,000	\$ 2,124	\$ 36,519	2,876	10.6%	\$ 65,925	
Harbor Dept.	53	\$ 137,647	\$ 23,933	\$ 121,400	10,479	17.4%	\$ 126,722	
Parks & Rec & Glen M	59	\$ 423,687	\$ 154,620	\$ 435,961	(48,698)	36.5%	\$ 416,358	Seasonal Timing
General Assistance	63/66	\$ 2,460	\$ 251	\$ 73,624	364	10.2%	\$ 496	Excludes \$107k CV19
Cooperating Agencies	68	\$ 63,268	\$ 57,597	\$ 57,681	(41,780)	91.0%	\$ 45,092	
Comfort Station	70	\$ 103,773	\$ 17,759	\$ 95,962	8,184	17.1%	\$ 100,368	
Public Works	75	\$ 160,274	\$ 28,131	\$ 130,961	11,938	17.6%	\$ 148,951	
Highway Dept	77	\$ 1,127,420	\$ 154,747	\$ 1,052,221	127,108	13.7%	\$ 1,082,238	Seasonal Timing
Solid Waste	79	\$ 729,694	\$ 128,697	\$ 657,738	53,727	17.6%	\$ 773,154	
<b>General Fund Totals</b>		<b>\$ 9,554,223</b>	<b>\$ 1,843,862</b>	<b>\$ 8,893,844</b>	<b>\$ 544,694</b>	<b>19.3%</b>	<b>\$ 8,797,084</b>	
payroll periods		26	5	26		19.2%	26	

FY21 Budget includes \$--000 in carryover encumbrances from FY2020

General Fund - Revenues

Town of Bar Harbor  
YTD August 31, 2020  
16.7% - 2 Months

<u>Department</u>	<u>Budget FY'21 12 Months</u>	<u>Actual FY'21 2 Months</u>	<u>Un-Audited FY'20 12 Months</u>	<u>Bud. Var. Favorable (Unfavorable)</u>	<u>% Rev's Received 16.7% Goal</u>	<u>Variences From Budget Goal Comments</u>
Town Clerk Fees	\$ 24,320	\$ 4,012	\$ 20,319	(49)	16%	
Finance Department	\$ 183,844	\$ 8,567	\$ 183,529	(22,135)	5%	
Municipal Building Rents	\$ 34,000	\$ 10,761	\$ 35,612	5,083	32%	prepayments
Code Enforcement Permits	\$ 283,800	\$ 41,668	\$ 362,039	(5,727)	15%	
Planning Fees	\$ 16,550	\$ 2,811	\$ 26,931	47	17%	
Ambulance/Fire Fees	\$ 333,200	\$ 44,774	\$ 203,184	(10,870)	13%	
Police/Dispatch Department	\$ 193,324	\$ 14,561	\$ 174,673	(17,724)	8%	
Harbor Department	\$ 60,800	\$ 42,705	\$ 69,525	32,551	70%	seasonal
Parks & Recreation	\$ 800	\$ -	\$ 800	(134)	0%	
Highway Division	\$ 11,830	\$ 360	\$ 16,898	(1,616)	3%	
Solid Waste-Recycling	\$ 420	\$ -	\$ 5,362	(70)	0%	
<b>Departmental</b>	<b>\$ 1,142,888</b>	<b>\$ 170,219</b>	<b>\$ 1,098,872</b>	<b>(20,643)</b>	<b>15%</b>	
P.I.L.O.T.'s	\$ 152,600	\$ -	\$ 156,339	(25,484)	0%	
Interest Income	\$ 68,000	\$ 6,952	\$ 100,162	(4,404)	10%	
Misc, Cable Franch., other	\$ 67,150	\$ 65,816	\$ 137,300	54,602	98%	c franchise/timing
Excise & Other Taxes	\$ 1,035,100	\$ 234,861	\$ 1,123,259	61,999	23%	
Intergovernmental	\$ 457,484	\$ 205,525	\$ 444,888	129,125	45%	Timing
<b>Revenues-Subtotal</b>	<b>\$ 2,923,222</b>	<b>\$ 683,373</b>	<b>\$ 3,060,820</b>	<b>195,195</b>	<b>23%</b>	
Property Taxes	\$ 18,210,067	\$ 18,211,526	\$ 17,846,882		100%	
Transfers In-CS & Other Funds	\$ 411,088	\$ -	\$ 436,264		0%	
Fund Balance Used	\$ 55,000	\$ -	\$ -		0%	
<b>Grand Total-General Fund</b>	<b>\$ 21,599,377</b>	<b>\$ 18,894,899</b>	<b>\$ 21,343,966</b>		87.5%	
<b>Wastewater Revenues</b>	\$ -	\$ 2,734	\$ 2,129,376		#DIV/0!	1st billing is Oct. 1st
<b>Water Revenues</b>	\$ -	\$ 389,013	\$ 2,292,040		#DIV/0!	1 Qtr billed
<b>CIP Fund Rev's/Transfers</b>	\$ 3,829,989	\$ 22,161	\$ 3,845,700		1%	
<b>Cruise Ship Fund Rev's</b>	\$ 126,558	\$ -	\$ 930,055		0%	
<b>Parking Fund (net of Trans Fees)</b>	\$ 1,385,750	\$ 552,772	\$ 1,373,717		40%	

**TOWN OF BAR HARBOR**  
**CASH / INVESTMENT STATUS @ August 31, 2020**

Note	Bank	Acct. No.	Purchase	Maturity	Interest Rate	Amount
<b>**CHECKING ACCOUNTS</b>						
GENERAL	BHBT	77548521	GL #10-1140		0.75%	\$ 6,887,000
SEWER	MACHIAS SB	8100333860 / 930	GL #35-1135		0.05%	\$ 50,000
PARKING	MACHIAS SB	100184337	GL #64-1140		0.25%	\$ 66,000
SEWER	BHBT	77548513	GL #35-1140		0.75%	\$ 1,855,000
WATER	BHBT	77548556	GL #40-1140		0.75%	\$ 1,698,000
	Total Checking Accounts					\$ 10,556,000
GENERAL	The 1st		collateralized securities	GL #10-1145	1.26%	\$ 1,206,000
GENERAL	The 1st		collateralized securities	GL #10-1146	1.26%	\$ 1,051,000
PARKING	MACHIAS SB	ICS - CDARS	FDIC custodial bank deposits	GL #64-1120	1.10%	\$ 1,685,000
SEWER	MACHIAS SB	ICS - CDARS	FDIC custodial bank deposits	GL #35-1120	1.10%	\$ 388,000
<b>**CERTIFICATES OF DEPOSIT: money market</b>						
Gen Fnd	The First	17 months	27-Apr-20	27-Sep-21	0.15%	\$ 91,057
Gen Fnd	BHS&L	18 Months	28-Jun-19	28-Dec-20	2.05%	\$ 116,933
Gen Fnd	BHS&L	18 Months	19-Jun-19	19-Dec-20	2.05%	\$ 117,242
Gen Fnd	UTC-Camden	12 Month CD	11-Feb-20	11-Feb-21	0.35%	\$ 110,347
Gen Fnd	UTC-Camden	12 Month CD	10-Feb-20	10-Feb-21	0.20%	\$ 109,546
Gen Fnd	UTC-Camden	6 Mos.-CDARS	26-Mar-20	26-Sep-20	0.15%	\$ 244,452
#10-1160	Total Certificates of Deposit					\$ 789,577
<b>CIP Reserves: Bar Harbor Banking &amp; Trust - Trust Department</b>						
				@ 6/30/20		
GENERAL	COMB-combined funds		Money Mkt Funds Sweep		0.13%	\$ 463,802
	Toyota Motor Credit Corp		Bond - AA- S&P	4/13/2021	2.95%	\$ 101,935
	JP Morgan Chase Co.		Bond - A- S&P	10/29/2020	2.55%	\$ 100,510
	Mead Johnson		Bond - A- S&P	11/15/2020	3.00%	\$ 70,663
	Apple, Inc.		Bond - AA+ S&P	11/13/2020	2.00%	\$ 110,700
	Bank America Corp.		Bond - A- S&P	10/21/2022	2.52%	\$ 102,375
	ABBVIE Inc.		Bond - A- S&P	11/6/2022	2.90%	\$ 104,908
	Ratheon Co.		Bond -	12/15/2022	2.50%	\$ 103,652
	Boeing		Bond - BBB S&P	10/30/2021	2.35%	\$ 50,626
	Morgan Stanley		CD	1/5/2021	2.00%	\$ 151,444
	US Treasury Note		Note - Aaa -Moody's	9/30/2020	2.75%	\$ 201,266
	Goldman Sachs Bank		CD -	2/6/2023	1.80%	\$ 175,276
	IBM Credit LLC		Bond - A S&P	11/30/2021	3.51%	\$ 104,595
	Wells Fargo Co.		Bond - A- S&P	7/22/2027	2.60%	\$ 100,122
	Canadian Natl Rwy Co.		Bond - A S&P	12/15/2021	2.85%	\$ 102,832
	Wells Fargo Bank NA		CD	9/8/2021	3.06%	\$ 103,637
#10-1170	Total In Trust Fund		(45/50-1170)			\$ 2,148,343
TOTALS: All CASH & INVESTMENTS						\$ 17,823,920

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

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

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

Town Bond Rating:	Affirmed	March '20	Aa2 Moody's
	Affirmed	March '20	AAA S & P's
State of Maine Bond Rating:		Current-Sept 2020	AA S & P's
State of Maine Bond Rating:		Current-Sept 2020	Aa2 Moody's
Hancock County Rating		Current-Sept 2020	Aa2 Moody's
Hancock County Rating		Current-Sept 2020	AA S & P's
U.S. Government Rating		August '11	AA S & P's

VIA

**THE WARRANT  
SPECIAL TOWN MEETING – November 3, 2020  
TOWN OF BAR HARBOR**

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Bar Harbor, in said County, qualified by law to vote in Town affairs to meet in the Municipal Building, Third Floor Auditorium in said Town on Tuesday the third day of November, A. D., 2020 at eight o'clock in the forenoon until eight o'clock afternoon, then and there to act on Articles numbered one through ten, all of said articles being set out below to wit:

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

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**Article 2 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to 1. Clarify the recording of recommendations on Town Warrants and Ballots, 2. Change the Warrant Committee's responsibilities to consideration of the Municipal Budget and Land Use Ordinance amendments, and 3. Remove review and recommendations of Citizen Initiative and Referendum from the Town Council, Warrant Committee, School Committee and Planning Board, as presented in the Town Meeting Warrant?

**Charter Modification**

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE II: Town Meetings: § C-5. Annual and Special Town Meetings.**

- (1) Contents of ballots: In addition to the provisions of the Revised Statutes of the State of Maine, the ballots for all Town Meetings shall include:
  - (a) For each ballot article except election of officeholders, revisions or modifications to this charter, the school budget, and citizen initiatives and referendums, the recommendation of the Warrant committee, ~~including in the form of~~ the number of Committee members and number of Committee members voting for and against the recommendation;
  - (b) For each Land Use Ordinance amendment article except those originating from citizen initiative or referendum, the recommendation of the Planning Board, ~~including in the form of~~ the number of Board members and the number of Board members voting for and against the recommendation;

- (c) For each ballot article affecting school issues except those originating from citizen initiative or referendum, the recommendation of the School Committee, including in the form of the number of Committee members and the number of Committee members voting for and against the recommendation;
  - (d) For each ballot article except Land Use Ordinance amendments, and election of officeholders, revisions or modifications to this Charter, and citizen initiatives and referendums, the recommendation of the Town Council, including in the form of the number of Councilors and the number of Councilors voting for and against the recommendation.
- (2) Warrant: The Town Meeting warrant shall be prepared as required by law and be posted in the Municipal Building. Further, the warrant shall include:
- (a) A brief statement outlining the intent of the proposed article;
  - (b) For each ballot article except election of officeholders, revisions or modifications to this charter, the school budget, and citizen initiatives and referendums, the recommendation of the Warrant committee, including in the form of the number of Committee members and number of Committee members voting for and against the recommendation;
  - (c) For each Land Use Ordinance amendment article except those originating from citizen initiative or referendum, the recommendation of the Planning Board, including in the form of the number of Board members and the number of Board members voting for and against the recommendation;
  - (d) For each ballot article affecting school issues except those originating from citizen initiative or referendum, the recommendation of the School Committee, including in the form of the number of Committee members and the number of Committee members voting for and against the recommendation;
  - (e) For each ballot article except Land Use Ordinance amendments, and election of officeholders, revisions or modifications to this Charter, and citizen initiatives and referendums, the recommendation of the Town Council, including in the form of the number of Councilors and the number of Councilors voting for and against the recommendation.
  - (f) Such other explanatory material as, in the opinion of the Town Council, would help the voters better understand the issues at hand.

**ARTICLE VII: Warrant Committee: § C-36. Duties and responsibilities.**

- A. It shall be the duty of ~~any duly elected~~ the Warrant Committee, meeting as a full body, to consider, investigate and report upon, with recommendations or comments, all articles except those dealing with election of candidates, revisions or modifications to this charter, the school budget, and citizen initiatives or referendums included in the Warrant of all Town Meetings, whether annual or special. ~~When requested to do so,~~ It shall be the duty of Town officers and committees to meet with the full body of the Warrant Committee or any of its subcommittees and to furnish, to all members, all information relative to matters being considered by the Warrant Committee.

- B. The Warrant Committee shall submit its recommendations on municipal budget articles to the Town Council as provided by Charter § C-31, Preparation and submission of the budget.

**Rationale:**

- The recommended amendments for Article II clarify the method of recording elected bodies' recommendations on Warrant Articles
- The recommended amendments clarify that the Warrant committee will review the Municipal Budget, and LUO amendments but will no longer review or make recommendations on the school budget. The School Budget is currently presented by staff, reviewed by the School Committee and the Town Council before being placed on the Town Warrant for adoption by vote at the Town Meeting. This process provides two reviews by elected bodies. Removing a third review by Warrant Committee will allow that committee to focus efforts on the Municipal Budget and proposed Land Use Ordinance amendments.
- The recommended amendments establish that neither the Town Council or Warrant Committee will provide recommendations on revisions or modifications to this charter
- The recommended amendments remove possible review or written recommendations of any citizen initiative or referendum from any elected or appointed body of the town. Citizen initiatives and referendums originate directly from voters and must be included on the Town Warrant unless immediately adopted by Town Council such a process should supersede review and recommendation by elected or appointed bodies of the town. Article \_\_\_\_ proposes to create a mandatory public hearing process for all initiatives and referendums so that voters may be informed, weigh their merits and express opinions in an open forum

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 7 to 2.*

*The seven-member Town Council recommends adoption by a vote of 6 to 1.*

*The 22-member Warrant Committee recommends rejection by a vote of 15 to 4.*

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**Article 3 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to allow for the use of electronic voting as presented in the Town Meeting Warrant?

**Charter Modification**

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE II: Town Meetings: § C-5. Annual and Special Town Meetings.**

- C. (3) Method of voting at Open Town Meeting. Except where required otherwise by state law the town may use any means of manual or electronic voting approved by the Town Council to ensure accuracy, efficiency, integrity, security, transparency, and voter anonymity.

**ARTICLE II: Town Meetings: § C-6. Powers and responsibilities.**

- D. Any Town Meeting amendment made to the budget published in the Warrant or Town Report, shall be voted only by written or electronic ballot.

**Rationale:**

- The recommended amendments for Article II will allow for the use of electronic voting technology at Open Town Meeting which can expedite voting on budgetary articles not requiring written vote by State statute, help to increase participation in Town Meeting and mitigate social pressure on controversial items.
- This recommendation does not mandate the use of electronic voting at Town Meetings but allows its use providing it can ensure accuracy, efficiency, integrity, security, transparency, and voter anonymity.
- The use of electronic voting technology can also assist in providing better accessibility for voting at Open Town Meeting.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 18 to 0.*

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**Article 4 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to provide a process that allows the Town Council to amend the Land Use Ordinance when an amendment is procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors or to bring the land use ordinance into compliance with statutes, after it has first been recommended by the Town Planner, discussed at Public Hearings and recommended by a supermajority of both the Planning Board and Town Council, as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE II: Town Meetings: § C-6. Powers and responsibilities.**

- B. (3) Act on those ordinances placed on the warrant ~~pertaining to the Town's Land Use Ordinance~~ and on any initiative or referendum questions as provided for by this Charter;

**ARTICLE III: The Town Council: § C-10. General powers and duties.**

- A. (9) Make, adopt, ~~alter~~ amend and repeal ordinances for any purpose permitted by statute. with the exception of those pertaining to zoning except as provided below. In addition to such ordinances, the Council shall have the power to adopt ordinances which:
- (a) Adopt or amend an administrative code.
  - (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
  - ~~(c) Amend or repeal any ordinance previously adopted.~~
  - (d) Adopt land use ordinance amendments by supermajority vote as defined in §C-14C3 when:
    - i. The land use ordinance change is procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors or to bring the land use ordinance into compliance with state statutes pertaining to municipal zoning and;
    - ii. The land use ordinance change is first recommended to the Planning Board by the Planning Director and upon review and after a public hearing, the Planning board recommends it to the Town Council by a supermajority vote (as defined in §C-14C3)

**ARTICLE III: The Town Council: § C-14. Procedure.**

- C. (2) Each Councilor in attendance shall vote on all issues and questions presented for vote except when a valid conflict of interest ~~clearly exists~~ is stated and recognized by a majority vote of the Council. If any Councilor does abstain from a vote other than because of a recognized conflict of interest, he/she shall be considered to have cast a vote with the majority and the record shall so show.
- C. (3) Qualifying land use ordinance amendments as described in §C-10 A(9)d must be recommended to the Town Council by a supermajority of the full membership of the Planning Board and must be approved by a supermajority of the full membership of the Town Council.
- C. (3) (a) For the purpose of this charter, supermajority shall be defined as two-thirds of the full membership of the body rounded up to the nearest whole number. (e.g. 4 in a 5-member body and 5 in a 7-member body.) In the case of a body of 3-members or less a supermajority shall be defined as a unanimous vote.

**Rationale:**

- This recommendation provides a method to make minor, non-substantive, changes to the Land Use Ordinance under the following conditions:
  - The change is defined as procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors, or
  - The change is to bring the land use ordinance into compliance with state statutes
  - The change is first recommended by the Town Planner

- The change is reviewed by the Planning Board and a Public Hearing is held
- The Planning Board recommends the amendment by a super-majority (two-thirds)
- The change is reviewed by the Town Council and an additional Public Hearing is held
- The amendment is then adopted by a super-majority (two thirds) of the Town Council
- This recommendation provides a mechanism to amend minor aspects of the Land Use Ordinance without the lengthy process currently in place
- This recommendation will allow the Land Use Ordinance to be more dynamic and citizen friendly
- New or substantial amendments would continue to be adopted only by voters through Town Meeting

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 7 to 2.*

*The seven-member Town Council recommends adoption by a vote of 6 to 1.*

*The 22-member Warrant Committee recommends rejection by a vote of 15 to 3.*

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**Article 5 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to change the language in Articles IV and V of the Charter that would: 1. clarify the Town Manager’s residency requirement; 2. ensure that human resource procedures are compliant with State and Federal laws; 3. clarify the role of a Town Planner; 4. allow for additional legal counsel for the Town, if needed, and; 5. establish rotating terms for School Committee members; as presented in the Town Meeting Warrant?

**Charter Modification**

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE IV: The Town Manager: § C-18. Appointments; qualifications; compensation.**

The Council shall appoint a Town Manager for a term not to exceed three years and shall fix the Manager's compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the Town or state at the time of appointment and may reside outside the town while in office ~~only~~ with the approval of the Council.

**ARTICLE IV: The Town Manager: § C-21. Powers and duties of the Town Manager.**

- J. ~~Make recommendations to the Council for the more efficient operation of the municipality; (Reserved)~~

**ARTICLE V: Administrative Organization: § C-23. Personnel administration.**

- C. Personnel policies. The Human Resources Director shall prepare draft personnel policies in compliance with all applicable State and Federal Laws. After approval by the Manager, the policies shall be proposed to the Council for adoption. The Council may adopt them with or without amendment.
- D. Planning Director. The Manager or a person appointed by the manager shall be designated as the Planning Director. The Planning Director shall administer the planning department for the town.

**ARTICLE V: Administrative Organization: § C-25. Town Attorney**

There shall be a Town Attorney, appointed by the Council, who shall serve as chief legal adviser to the Town and all of its departments, except for the Superintending School Committee. In any matter where there may be a conflict between the Town Council and any other Town officer, department, board, agency or commission, Town Attorney shall represent the Town Council only. The Town Council may appoint or authorize such additional legal counsel as the Town's interest may require

**ARTICLE V: Administrative Organization: § C-26. Superintending School Committee.**

- C. Elections and terms. Each member shall be elected for a term of three years; with terms to be staggered such that no more than two Committee members are elected to fill expired terms in any one year.

**Rationale:**

- This recommended change clarifies that the Town Manager may reside outside of Bar Harbor with Town Council approval.
- This recommended change updates the Human Resource Director's responsibilities to ensure that all procedures are complaint with State and Federal laws
- This change does not require that the Town hire a Planner but rather emphasizes the importance of the planning function. Town Council can choose to allocate funds in the municipal budget for this position. The Charter will require that the function is assigned to staff at the Manager's direction if funding is not available.
- This recommended change institutes staggered terms for the School Committee to maintain continuity, reduce the impact of turnover and ensure consistency with other elected bodies of the Town.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 19 to 0.*

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**Article 6 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to remove specific salaries for Town Council and School Committee listed in the Charter and provide for annually establishing salaries as part of the budget voted on at Town Meeting as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

### ARTICLE III: **The Town Council: § C-8. Salary.**

Each member of the Town Council shall be paid an annual salary of ~~\$1,500, except the Chair, whose annual salary shall be \$1,800.~~ to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members. Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that he/she was sworn into office. In the event that a member vacates his/her office as provided in 30-A M.R.S.A. § 2602(1), as amended, the member's salary shall be prorated based on the number of months that member has held office, to the nearest full month.

### ARTICLE V: **Administrative Organization: § C-26. Superintending School Committee.**

D. Compensation. Each member of the School Committee shall be paid an annual salary of ~~\$400, except the Chair, whose annual salary shall be \$500~~ to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members. Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that he/she was sworn into office. In the event that a member vacates his/her office as provided in 20-A M.R.S.A. § 2305(4), as amended, his/her salary shall be prorated based on the number of months that member has held office, to the nearest full month

### **Rationale:**

- This recommended change allows for the Town Council compensation to be decided annually by the Town through the budget process.
- This recommended change allows for the School Committee compensation to be decided annually by the Town through the budget process.

### **Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 18 to 1.*

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**Article 7 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to establish a new process for the development and adoption of the annual budget that provides for both the Town Council and Warrant Committee to conduct their reviews concurrently as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE VI: Financial Procedures: § C-31. Preparation and submission of the budget.**

- A. Departmental CIP and operating budget requests. Fifty six days before the Town Manager is required to submit the budget to the Town Council, all department heads and board or committee chairs, except for the School Committee, shall submit their CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C(2) through (4). shall be prepared according to a timeline set by the Town Manager to allow for submission of the budget by the last Tuesday in January each year. Budget submissions shall be in accordance with the provisions set forth in § C-29 and § C-30.
- ~~B. Departmental operating budget requests. Forty two days before the Town Manager is required to submit the budget to the Town Council, the department heads, board or committee chairs, except for the School Committee and cooperating agencies shall submit their budget requests to the Town Manager. Said requests shall include the information required in § C-29B through D.~~
- B. School Committee budget request. Fourteen days before the Town Manager is required to submit the budget to the Town Council, the School Committee shall submit its operating budget and CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C (2) through (4), as well as § C-29B through D.
- C. Submittal of budget to the Council and Warrant Committee. The Town Manager shall compile the budget information submitted, prepare the budget as provided in this section, and submit the operating budget and CIP to a joint meeting of the Town Council and Warrant Committee on or before the third Tuesday in January last Tuesday in January each year. The Town Warrant Committee and Town Council shall then jointly meet with town staff for detailed presentation of the municipal budget by town staff before proceeding to independent review.
- D. Warrant Committee and Town Council Review. The Warrant Committee shall review the municipal budget and submit its recommendations to the Council at a joint meeting of those bodies on or before the 4<sup>th</sup> Tuesday in February. The

Council shall review the municipal and school budgets and the recommendations of the Warrant Committee.

- E. Tentative adoption of budget by Council. The proposed budget ~~prepared by the Manager shall be reviewed by the Town Council which shall tentatively adopt the budget as presented and reviewed shall be tentatively adopted by the Council~~ with or without amendments on or before ~~the seventh day of February~~ the 1st Tuesday of March of each calendar year and Council shall fix a time and a place for holding a public hearing on the budget prior to the ~~22<sup>nd</sup> of February~~ 4th Tuesday of March of each calendar year.
- F. Notice of hearing. The Town Clerk shall give public notice of such hearing in a newspaper of general circulation in the Town. Said notice shall contain as a minimum the date, time and place of the meeting, the locations where copies of the budget may be reviewed, the total appropriations requested for both the municipal and education budgets and an estimate of the ~~effect~~ affect on the tax rate. Full copies of the detailed budget shall be made available for public review at the office of the Town Clerk.
- G. Adoption of budget by Council. The Town Council shall hear public comment at the budget hearing, review the budget, adopt it with or without change and recommend it to ~~the Warrant committee on or before February 22<sup>nd</sup>~~ Town Meeting on or before the 4th Tuesday in March.
- ~~H. Submittal to Warrant Committee. No later than seven days following the date of adoption, the Town Manager shall submit to the Town Warrant Committee the complete detailed budget as adopted by the Town Council~~
- H. ~~Warrant Committee review. The Town Warrant Committee shall review the budget and submit its recommendations to the Council prior to April 1. The Council shall review the recommendations as submitted by the Warrant Committee and submit the budget to Town Meeting with or without changes. The recommendations of the Warrant Committee pertaining to the municipal and education budgets~~ budget shall be provided as a commentary to the Town Meeting as set forth in §C-5 1A and §C-5 2B.

**ARTICLE VII: Warrant Committee: § C-36. Duties and responsibilities.**

- C. No later than ~~60~~ 30 days prior to each Annual or 10 days prior to each Special Town Meeting, the report of the Warrant Committee shall be submitted to the Town Clerk, who shall have it printed and made available for distribution to the voters. The report of the Warrant Committee shall be with respect to all articles submitted to it and shall include its recommendations with respect to each article and contain any commentary which the Warrant Committee elects to have included in said report.

**Rationale:**

- These recommended changes introduce a new budget development timeline that encourages a more streamlined approach for the development, review and comment on the annual Town budget.

- These recommended changes allow for an effective use of time and human resources.
- These recommended changes provide a process where the Warrant Committee and Town Council will have the same and simultaneous access to budget information and staff time so that each full body may review, comment and make recommendations on the annual Town budget.
- Town staff will present the draft budget to both the Town Council and Warrant Committee at a joint meeting and their respective reviews will take place within the same timeframe.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends rejection by a vote of 15 to 4.*

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**Article 8 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to establish an election process for the Warrant Committee that is consistent with the other elected bodies of the Town and set the Warrant Committee membership number at 15 from 22 as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE VII: Warrant Committee: § C-34. Nomination Composition, eligibility, terms, and election**

- ~~A. At least 75 days prior to each Annual Town Meeting, the person who held the office of Moderator at the most recent Annual Town Meeting (hereinafter referred to as the "Retired Moderator") shall call and chair a meeting or meetings to select 22 voters to be nominated for election by the Annual Town Meeting to serve as Warrant Committee members.~~
- ~~B. The Nominating Committee shall be composed of five members: said Retired Moderator, the Chair and Secretary of the Warrant Committee and two other registered voters to be appointed by the Retired Moderator. The Chair of the Nominating Committee may vote on motions coming before the Committee only in the event of a tie.~~
- ~~C. Should the Retired Moderator or Warrant Committee Chair or Secretary be unable, refuse or fail to fulfill their duties as provided above, the Town Clerk shall appoint a registered voter to fill their seat.~~

- ~~D. The Nominating Committee shall report the names of its intended nominees to the Town Clerk for inclusion in the Annual Town Report at least 60 days prior to the Annual Town Meeting.~~
- ~~E. At each Annual Town Meeting, a member of the Nominating Committee shall nominate the 22 voters selected pursuant to this section to serve as the Warrant Committee for the ensuing year. The Town Meeting shall thereupon proceed with the election of the Warrant Committee.~~
- A. Composition: There shall be a Warrant Committee of 15 members elected by the qualified voters of the Town in accordance with Article VIII.
- B. Eligibility. Only persons who are qualified to vote in elections in the Town of Bar Harbor and have been registered to vote for one year prior to their election to office shall be eligible to hold the office of Warrant Committee Member. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act, no Warrant Committee Member shall hold any other Town office or Town employment while serving as a Warrant Committee Member.
- C. Terms: Each member shall be elected to a term for three years, with terms to be staggered such that no more than 5 Warrant Committee members are elected to fill expired terms in any one year.

**ARTICLE VII: Warrant Committee: § C-35. Organization.**

- A. The Warrant Committee, upon the call of the Town Clerk, shall meet and organize with the election of a Chair, a Vice Chair and a Secretary within three weeks of its election. It shall have the power to ~~fill vacancies in its number by vote of its members and shall~~ establish its own rules of procedure and bylaws.
- B. Filling of vacancies. A vacancy in the Warrant Committee shall be filled for the remainder of the unexpired term, if any, at the next regular election held more than 60 days after the occurrence of the vacancy. The Committee by a majority vote of all of its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. Notwithstanding the requirement of a quorum, if at any time the membership of the Committee is reduced below that requirement, the remaining members may by majority action appoint additional members to raise the membership to the number required; such appointed members shall serve until succeeded by a person duly elected to fill the vacancy.

**ARTICLE VIII: Elections and Nominations: § C-39. Elections.**

- A. Conduct of elections. The regular municipal election shall be held on the second Tuesday of June. Except as otherwise provided for by this Charter, the provisions of the Revised Statutes of the State of Maine, as amended, shall govern elections of all Town officials required by this Charter, except the Moderator ~~and the members of the Warrant Committee~~, and said elections shall be conducted by the election officials accordingly.

**ARTICLE VIII: Elections and Nominations: § C-40. Nominations.**

A. (1) Candidates for election to the Town Council, Warrant Committee, and the Superintending School Committee shall be nominated by petition. Any person who is qualified to vote in elections in the Town of Bar Harbor may be nominated for election as a Councilor, Warrant Committee member, or School Committee member by a petition signed by not less than the number of qualified voters of the Town that is required by state law.

**Rationale:**

- These recommended changes ensure that Warrant Committee members are individually nominated by petition and elected by ballot at Town Meeting in a manner consistent with both the Town Council and School Committee.
- These recommended changes ensure that the Warrant Committee members' terms are rotating in order to maintain continuity of the committee.
- These recommended changes establish eligibility requirements for the Warrant Committee that are consistent with other elected bodies of the Town.
- The recommended new budget development process will allow for the whole Warrant Committee to work with the whole Town Council and staff as a group so that each individual member has access to the same information as they deliberate and make recommendations to the voters of the Town.
- These recommended changes reduce the Warrant Committee membership from 22 to 15 to reflect the recommended reduction in duties and to encourage full involvement of the Committee as it fulfills its duties to consider, investigate and report upon Warrant Articles. Much of the Committee's current work relies heavily on subcommittee work by small groups of individuals rather than full review by the whole Committee.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 8 to 1.*

*The seven-member Town Council recommends adoption by a vote of 6 to 1.*

*The 22-member Warrant Committee recommends rejection by a vote of 16 to 3.*

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**Article 9 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to establish that the due date for filing of nomination papers be not less than 60 days before the election in order to be consistent with the State of Maine as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE VIII: Elections and Nominations: § C-40. Nominations**

- B. Filing and acceptance of nomination petitions. All separate papers comprising a nominating petition shall be assembled and filed with the Town Clerk as one instrument not less than 45 60 days prior to the day of election. The Clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination.

**Rationale:**

- This recommended change ensures that the Town Charter is consistent with the procedures of the State of Maine for the filing of nomination papers by candidates for elected office.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 19 to 0.*

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**Article 10 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to require that a Public Hearing be held for any proposed Initiative or Referendum as presented in the Town Meeting Warrant?

**Charter Modification**

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE IX: Initiative and Referendum: § C-48. Action on petitions.**

- A. Public Hearing: When an initiative or referendum has been finally determined sufficient the Council shall set a date no later than 30 days from the final determination of sufficiency to hold a public hearing for the purpose of presentation and information on the proposed initiative ordinance or resolution and to receive public comment.
- B. Action by Council. When an initiative or referendum petition has been finally determined sufficient, and after holding a public hearing, the Council shall promptly consider the proposed initiative ordinance or resolution or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance or resolution without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.
- C. (1) (a) The vote on a proposed or referred ordinance shall be by secret ballot at a Town election, ~~held not less than 45 days and not later than~~ but not less than 45 days

nor more than one year from the date of the final Council vote thereon. If no scheduled regular annual Town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as the regular annual election, ~~except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.~~

- i. Council may provide for a special election at an earlier date within the prescribed period.
  - ii. Copies of the proposed or referred ordinance shall be made available at the polls.
- C. (2) (a) Timeline for Voting. The vote on a proposed resolution shall be held at either a Town election or an open Town Meeting not less ~~then~~ than 45 days and not more than one year from the date of the final Council vote thereon. If no regular annual Town Meeting is to be held within the period prescribed in this subsection, the Council shall provide for a special Town Meeting; otherwise, the vote shall be held at the same time as the regular annual Town Meeting, except that the Council may in its discretion provide for a special Town Meeting at an earlier date within the prescribed period.

**Rationale:**

- This recommended change ensures that information for proposed Initiatives or Referendums is provided to the public at a Public Hearing so citizens can gain first-hand knowledge of the proposals and their possible impacts for the Town.
- This recommended change will help voters to make effective and informed decisions and provide for transparency in communicating information about Initiatives or Referendums.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 16 to 3.*

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The Registrar of Voters or her designee will be at the Municipal Offices Monday through Friday from 8:30 a.m. to 5:00 p.m., except holidays, and during poll hours on Election Day for voter registration. Must provide proof of identity and proof of residency.

*The last day to request an absentee ballot or to vote by absentee ballot in the presence of the clerk is Friday, October 30, 2020 at 5:00pm.* The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, November 3, 2020 for election of the Moderator and referendum balloting. Absentee ballots will be processed on Saturday, October 31, 2020 starting at 9:00 a.m., or immediately following a requested inspection, and on Election Day every hour on the hour starting at 9:00 a.m.

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Given under our hands this fifteenth day of September 2020.

### **Municipal Officers of the Town of Bar Harbor**

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Jefferson Dobbs, Chair

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Matthew A. Hochman, Vice Chair

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Gary Friedmann

---

Jill Goldthwait

---

Erin Cough

---

Joseph Minutolo

---

Valerie Peacock

Attest:

A true copy \_\_\_\_\_  
Town Clerk of Bar Harbor, ME

### CONSTABLE'S RETURN

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

Attest:

\_\_\_\_\_  
Constable of the Town of Bar Harbor

Attest:

A true copy \_\_\_\_\_  
Town Clerk of Bar Harbor, ME

VI A2

**NOTICE OF PUBLIC HEARING – October 6, 2020  
TOWN OF BAR HARBOR**

**STATE OF MAINE**

**County of Hancock, ss**

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of the Town of Bar Harbor that the Bar Harbor Town Council will hold a public hearing in the Council Chambers, third floor, Municipal Building on Tuesday, the sixth of October, in the year of our Lord Two Thousand and Twenty at five o'clock in the afternoon then and there to hear public comment on the following articles placed on the written ballot of the Special Town Meeting to be held on Tuesday, the third of November 2020:

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**Article 2 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to 1. Clarify the recording of recommendations on Town Warrants and Ballots, 2. Change the Warrant Committee's responsibilities to consideration of the Municipal Budget and Land Use Ordinance amendments, and 3. Remove review and recommendations of Citizen Initiative and Referendum from the Town Council, Warrant Committee, School Committee and Planning Board, as presented in the Town Meeting Warrant?

**Charter Modification**

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE II: Town Meetings: § C-5. Annual and Special Town Meetings.**

- (1) Contents of ballots: In addition to the provisions of the Revised Statutes of the State of Maine, the ballots for all Town Meetings shall include:
  - (a) For each ballot article except election of officeholders, revisions or modifications to this charter, the school budget, and citizen initiatives and referendums, the recommendation of the Warrant committee, including in the form of the number of Committee members and number of Committee members voting for and against the recommendation;
  - (b) For each Land Use Ordinance amendment article except those originating from citizen initiative or referendum, the recommendation of the Planning Board, including in the form of the number of Board members and the number of Board members voting for and against the recommendation;
  - (c) For each ballot article affecting school issues except those originating from citizen initiative or referendum, the recommendation of the School Committee, including in the form of the number of Committee members and the number of Committee members voting for and against the recommendation;

- (d) For each ballot article except Land Use Ordinance amendments, ~~and~~ election of officeholders, revisions or modifications to this Charter, and citizen initiatives and referendums, the recommendation of the Town Council, ~~including in the form of~~ the number of Councilors and the number of Councilors voting for and against the recommendation.
- (2) Warrant: The Town Meeting warrant shall be prepared as required by law and be posted in the Municipal Building. Further, the warrant shall include:
  - (a) A brief statement outlining the intent of the proposed article;
  - (b) For each ballot article except election of officeholders, revisions or modifications to this charter, the school budget, and citizen initiatives and referendums, the recommendation of the Warrant committee, ~~including in the form of~~ the number of Committee members and number of Committee members voting for and against the recommendation;
  - (c) For each Land Use Ordinance amendment article except those originating from citizen initiative or referendum, the recommendation of the Planning Board, ~~including in the form of~~ the number of Board members and the number of Board members voting for and against the recommendation;
  - (d) For each ballot article affecting school issues except those originating from citizen initiative or referendum, the recommendation of the School Committee, ~~including in the form of~~ the number of Committee members and the number of Committee members voting for and against the recommendation;
  - (e) For each ballot article except Land Use Ordinance amendments, ~~and~~ election of officeholders, revisions or modifications to this Charter, and citizen initiatives and referendums, the recommendation of the Town Council, ~~including in the form of~~ the number of Councilors and the number of Councilors voting for and against the recommendation.
  - (f) Such other explanatory material as, in the opinion of the Town Council, would help the voters better understand the issues at hand.

**ARTICLE VII: Warrant Committee: § C-36. Duties and responsibilities.**

- A. It shall be the duty of ~~any duly elected~~ the Warrant Committee, meeting as a full body, to consider, investigate and report upon, with recommendations or comments, all articles except those dealing with election of candidates, revisions or modifications to this charter, the school budget, and citizen initiatives or referendums included in the Warrant of all Town Meetings, whether annual or special. ~~When requested to do so,~~ It shall be the duty of Town officers and committees to meet with the full body of the Warrant Committee or any of its subcommittees and to furnish, to all members, all information relative to matters being considered by the Warrant Committee.
- B. The Warrant Committee shall submit its recommendations on municipal budget articles to the Town Council as provided by Charter § C-31, Preparation and submission of the budget.

**Rationale:**

- The recommended amendments for Article II clarify the method of recording elected bodies' recommendations on Warrant Articles
- The recommended amendments clarify that the Warrant committee will review the Municipal Budget, and LUO amendments but will no longer review or make recommendations on the school budget. The School Budget is currently presented by staff, reviewed by the School Committee and the Town Council before being placed on the Town Warrant for adoption by vote at the Town Meeting. This process provides two reviews by elected bodies. Removing a third review by Warrant Committee will allow that committee to focus efforts on the Municipal Budget and proposed Land Use Ordinance amendments.
- The recommended amendments establish that neither the Town Council or Warrant Committee will provide recommendations on revisions or modifications to this charter
- The recommended amendments remove possible review or written recommendations of any citizen initiative or referendum from any elected or appointed body of the town. Citizen initiatives and referendums originate directly from voters and must be included on the Town Warrant unless immediately adopted by Town Council such a process should supersede review and recommendation by elected or appointed bodies of the town. Article \_\_\_\_ proposes to create a mandatory public hearing process for all initiatives and referendums so that voters may be informed, weigh their merits and express opinions in an open forum

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 7 to 2.*

*The seven-member Town Council recommends adoption by a vote of 6 to 1.*

*The 22-member Warrant Committee recommends rejection by a vote of 15 to 4.*

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**Article 3 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to allow for the use of electronic voting as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE II: Town Meetings: § C-5. Annual and Special Town Meetings.**

- C. (3) Method of voting at Open Town Meeting. Except where required otherwise by state law the town may use any means of manual or electronic voting approved by the Town Council to ensure accuracy, efficiency, integrity, security, transparency, and voter anonymity.

**ARTICLE II: Town Meetings: § C-6. Powers and responsibilities.**

D. Any Town Meeting amendment made to the budget published in the Warrant or Town Report, shall be voted only by written or electronic ballot.

**Rationale:**

- The recommended amendments for Article II will allow for the use of electronic voting technology at Open Town Meeting which can expedite voting on budgetary articles not requiring written vote by State statute, help to increase participation in Town Meeting and mitigate social pressure on controversial items.
- This recommendation does not mandate the use of electronic voting at Town Meetings but allows its use providing it can ensure accuracy, efficiency, integrity, security, transparency, and voter anonymity.
- The use of electronic voting technology can also assist in providing better accessibility for voting at Open Town Meeting.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 18 to 0.*

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**Article 4 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to provide a process that allows the Town Council to amend the Land Use Ordinance when an amendment is procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors or to bring the land use ordinance into compliance with statutes, after it has first been recommended by the Town Planner, discussed at Public Hearings and recommended by a supermajority of both the Planning Board and Town Council, as presented in the Town Meeting Warrant?

**Charter Modification**

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE II: Town Meetings: § C-6. Powers and responsibilities.**

B. (3) Act on those ordinances placed on the warrant ~~pertaining to the Town's Land Use Ordinance~~ and on any initiative or referendum questions as provided for by this Charter;

**ARTICLE III: The Town Council: § C-10. General powers and duties.**

A. (9) Make, adopt, ~~alter~~ amend and repeal ordinances for any purpose permitted by statute. with the exception of those pertaining to zoning except as provided below. In addition to such ordinances, the Council shall have the power to adopt ordinances which:

- (a) Adopt or amend an administrative code.
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- ~~(c) Amend or repeal any ordinance previously adopted.~~
- (d) Adopt land use ordinance amendments by supermajority vote as defined in §C-14C3 when:
  - i. The land use ordinance change is procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors or to bring the land use ordinance into compliance with state statutes pertaining to municipal zoning and;
  - ii. The land use ordinance change is first recommended to the Planning Board by the Planning Director and upon review and after a public hearing, the Planning board recommends it to the Town Council by a supermajority vote (as defined in §C-14C3)

**ARTICLE III: The Town Council: § C-14. Procedure.**

- C. (2) Each Councilor in attendance shall vote on all issues and questions presented for vote except when a valid conflict of interest ~~clearly exists~~ is stated and recognized by a majority vote of the Council. If any Councilor does abstain from a vote other than because of a recognized conflict of interest, he/she shall be considered to have cast a vote with the majority and the record shall so show.
- C. (3) Qualifying land use ordinance amendments as described in §C-10 A(9)d must be recommended to the Town Council by a supermajority of the full membership of the Planning Board and must be approved by a supermajority of the full membership of the Town Council.
- C. (3) (a) For the purpose of this charter, supermajority shall be defined as two-thirds of the full membership of the body rounded up to the nearest whole number. (e.g. 4 in a 5-member body and 5 in a 7-member body.) In the case of a body of 3-members or less a supermajority shall be defined as a unanimous vote.

**Rationale:**

- This recommendation provides a method to make minor, non-substantive, changes to the Land Use Ordinance under the following conditions:
  - The change is defined as procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors, or
  - The change is to bring the land use ordinance into compliance with state statutes
  - The change is first recommended by the Town Planner
  - The change is reviewed by the Planning Board and a Public Hearing is held
  - The Planning Board recommends the amendment by a super-majority (two-thirds)
  - The change is reviewed by the Town Council and an additional Public Hearing is held

- The amendment is then adopted by a super-majority (two thirds) of the Town Council
- This recommendation provides a mechanism to amend minor aspects of the Land Use Ordinance without the lengthy process currently in place
- This recommendation will allow the Land Use Ordinance to be more dynamic and citizen friendly
- New or substantial amendments would continue to be adopted only by voters through Town Meeting

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 7 to 2.*

*The seven-member Town Council recommends adoption by a vote of 6 to 1.*

*The 22-member Warrant Committee recommends rejection by a vote of 15 to 3.*

---

**Article 5 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to change the language in Articles IV and V of the Charter that would: 1. clarify the Town Manager's residency requirement; 2. ensure that human resource procedures are compliant with State and Federal laws; 3. clarify the role of a Town Planner; 4. allow for additional legal counsel for the Town, if needed, and; 5. establish rotating terms for School Committee members; as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE IV: The Town Manager: § C-18. Appointments; qualifications; compensation.**

The Council shall appoint a Town Manager for a term not to exceed three years and shall fix the Manager's compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the Town or state at the time of appointment and may reside outside the town while in office ~~only~~ with the approval of the Council.

**ARTICLE IV: The Town Manager: § C-21. Powers and duties of the Town Manager.**

- J. ~~Make recommendations to the Council for the more efficient operation of the municipality;~~ (Reserved)

**ARTICLE V: Administrative Organization: § C-23. Personnel administration.**

- C. Personnel policies. The Human Resources Director shall prepare draft personnel policies in compliance with all applicable State and Federal Laws. After approval by the

Manager, the policies shall be proposed to the Council for adoption. The Council may adopt them with or without amendment.

- D. Planning Director. The Manager or a person appointed by the manager shall be designated as the Planning Director. The Planning Director shall administer the planning department for the town.

**ARTICLE V: Administrative Organization: § C-25. Town Attorney**

There shall be a Town Attorney, appointed by the Council, who shall serve as chief legal adviser to the Town and all of its departments, except for the Superintending School Committee. In any matter where there may be a conflict between the Town Council and any other Town officer, department, board, agency or commission, Town Attorney shall represent the Town Council only. The Town Council may appoint or authorize such additional legal counsel as the Town's interest may require

**ARTICLE V: Administrative Organization: § C-26. Superintending School Committee.**

- C. Elections and terms. Each member shall be elected for a term of three years; with terms to be staggered such that no more than two Committee members are elected to fill expired terms in any one year.

**Rationale:**

- This recommended change clarifies that the Town Manager may reside outside of Bar Harbor with Town Council approval.
- This recommended change updates the Human Resource Director's responsibilities to ensure that all procedures are complaint with State and Federal laws
- This change does not require that the Town hire a Planner but rather emphasizes the importance of the planning function. Town Council can choose to allocate funds in the municipal budget for this position. The Charter will require that the function is assigned to staff at the Manager's direction if funding is not available.
- This recommended change institutes staggered terms for the School Committee to maintain continuity, reduce the impact of turnover and ensure consistency with other elected bodies of the Town.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 19 to 0.*

---

**Article 6 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to remove specific salaries for Town Council and School Committee listed in the

Charter and provide for annually establishing salaries as part of the budget voted on at Town Meeting as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

### **ARTICLE III: The Town Council: § C-8. Salary.**

Each member of the Town Council shall be paid an annual salary of ~~\$1,500, except the Chair, whose annual salary shall be \$1,800.~~ to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members. Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that he/she was sworn into office. In the event that a member vacates his/her office as provided in 30-A M.R.S.A. § 2602(1), as amended, the member's salary shall be prorated based on the number of months that member has held office, to the nearest full month.

### **ARTICLE V: Administrative Organization: § C-26. Superintending School Committee.**

D. Compensation. Each member of the School Committee shall be paid an annual salary of ~~\$400, except the Chair, whose annual salary shall be \$500~~ to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members. Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that he/she was sworn into office. In the event that a member vacates his/her office as provided in 20-A M.R.S.A. § 2305(4), as amended, his/her salary shall be prorated based on the number of months that member has held office, to the nearest full month

### **Rationale:**

- This recommended change allows for the Town Council compensation to be decided annually by the Town through the budget process.
- This recommended change allows for the School Committee compensation to be decided annually by the Town through the budget process.

### **Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 18 to 1.*

---

**Article 7 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to establish a new process for the development and adoption of the annual budget that provides for both the Town Council and Warrant Committee to conduct their reviews concurrently as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

### ARTICLE VI: **Financial Procedures: § C-31. Preparation and submission of the budget.**

- A. Departmental CIP and operating budget requests. Fifty-six days before the Town Manager is required to submit the budget to the Town Council, all department heads and board or committee chairs, except for the School Committee, shall submit their CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C(2) through (4). shall be prepared according to a timeline set by the Town Manager to allow for submission of the budget by the last Tuesday in January each year. Budget submissions shall be in accordance with the provisions set forth in § C-29 and § C-30.
- ~~B. Departmental operating budget requests. Forty-two days before the Town Manager is required to submit the budget to the Town Council, the department heads, board or committee chairs, except for the School Committee and cooperating agencies shall submit their budget requests to the Town Manager. Said requests shall include the information required in § C-29B through D.~~
- B. School Committee budget request. Fourteen days before the Town Manager is required to submit the budget to the Town Council, the School Committee shall submit its operating budget and CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C (2) through (4), as well as § C-29B through D.
- C. Submittal of budget to the Council and Warrant Committee. The Town Manager shall compile the budget information submitted, prepare the budget as provided in this section, and submit the operating budget and CIP to a joint meeting of the Town Council and Warrant Committee on or before the third Tuesday in January last Tuesday in January each year. The Town Warrant Committee and Town Council shall then jointly meet with town staff for detailed presentation of the municipal budget by town staff before proceeding to independent review.
- D. Warrant Committee and Town Council Review. The Warrant Committee shall review the municipal budget and submit its recommendations to the Council at a joint meeting of those bodies on or before the 4<sup>th</sup> Tuesday in February. The Council shall review the municipal and school budgets and the recommendations of the Warrant Committee.

- E. Tentative adoption of budget by Council. The proposed budget prepared by the Manager shall be reviewed by the Town Council which shall tentatively adopt the budget as presented and reviewed shall be tentatively adopted by the Council with or without amendments on or before ~~the seventh day of February~~ the 1st Tuesday of March of each calendar year and Council shall fix a time and a place for holding a public hearing on the budget prior to the ~~22<sup>nd</sup> of February~~ 4th Tuesday of March of each calendar year.
- F. Notice of hearing. The Town Clerk shall give public notice of such hearing in a newspaper of general circulation in the Town. Said notice shall contain as a minimum the date, time and place of the meeting, the locations where copies of the budget may be reviewed, the total appropriations requested for both the municipal and education budgets and an estimate of the ~~effect~~ effect on the tax rate. Full copies of the detailed budget shall be made available for public review at the office of the Town Clerk.
- G. Adoption of budget by Council. The Town Council shall hear public comment at the budget hearing, review the budget, adopt it with or without change and recommend it to ~~the Warrant committee on or before February 22~~ Town Meeting on or before the 4th Tuesday in March.
- ~~H. Submittal to Warrant Committee. No later than seven days following the date of adoption, the Town Manager shall submit to the Town Warrant Committee the complete detailed budget as adopted by the Town Council~~
- H. ~~Warrant Committee review. The Town Warrant Committee shall review the budget and submit its recommendations to the Council prior to April 1. The Council shall review the recommendations as submitted by the Warrant Committee and submit the budget to Town Meeting with or without changes. The recommendations of the Warrant Committee pertaining to the municipal and education budgets~~ budget shall be provided as a commentary to the Town Meeting as set forth in §C-5 1A and §C-5 2B.

**ARTICLE VII: Warrant Committee: § C-36. Duties and responsibilities.**

- C. No later than ~~60~~ 30 days prior to each Annual or 10 days prior to each Special Town Meeting, the report of the Warrant Committee shall be submitted to the Town Clerk, who shall have it printed and made available for distribution to the voters. The report of the Warrant Committee shall be with respect to all articles submitted to it and shall include its recommendations with respect to each article and contain any commentary which the Warrant Committee elects to have included in said report.

**Rationale:**

- These recommended changes introduce a new budget development timeline that encourages a more streamlined approach for the development, review and comment on the annual Town budget.
- These recommended changes allow for an effective use of time and human resources.

- These recommended changes provide a process where the Warrant Committee and Town Council will have the same and simultaneous access to budget information and staff time so that each full body may review, comment and make recommendations on the annual Town budget.
- Town staff will present the draft budget to both the Town Council and Warrant Committee at a joint meeting and their respective reviews will take place within the same timeframe.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends rejection by a vote of 15 to 4.*

---

**Article 8 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to establish an election process for the Warrant Committee that is consistent with the other elected bodies of the Town and set the Warrant Committee membership number at 15 from 22 as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE VII: Warrant Committee: § C-34. Nomination Composition, eligibility, terms, and election**

- A. ~~At least 75 days prior to each Annual Town Meeting, the person who held the office of Moderator at the most recent Annual Town Meeting (hereinafter referred to as the "Retired Moderator") shall call and chair a meeting or meetings to select 22 voters to be nominated for election by the Annual Town Meeting to serve as Warrant Committee members.~~
- B. ~~The Nominating Committee shall be composed of five members: said Retired Moderator, the Chair and Secretary of the Warrant Committee and two other registered voters to be appointed by the Retired Moderator. The Chair of the Nominating Committee may vote on motions coming before the Committee only in the event of a tie.~~
- C. ~~Should the Retired Moderator or Warrant Committee Chair or Secretary be unable, refuse or fail to fulfill their duties as provided above, the Town Clerk shall appoint a registered voter to fill their seat.~~
- D. ~~The Nominating Committee shall report the names of its intended nominees to the Town Clerk for inclusion in the Annual Town Report at least 60 days prior to the Annual Town Meeting.~~

~~E. At each Annual Town Meeting, a member of the Nominating Committee shall nominate the 22 voters selected pursuant to this section to serve as the Warrant Committee for the ensuing year. The Town Meeting shall thereupon proceed with the election of the Warrant Committee.~~

A. Composition: There shall be a Warrant Committee of 15 members elected by the qualified voters of the Town in accordance with Article VIII.

B. Eligibility. Only persons who are qualified to vote in elections in the Town of Bar Harbor and have been registered to vote for one year prior to their election to office shall be eligible to hold the office of Warrant Committee Member. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act, no Warrant Committee Member shall hold any other Town office or Town employment while serving as a Warrant Committee Member.

C. Terms: Each member shall be elected to a term for three years, with terms to be staggered such that no more than 5 Warrant Committee members are elected to fill expired terms in any one year.

**ARTICLE VII: Warrant Committee: § C-35. Organization.**

A. The Warrant Committee, upon the call of the Town Clerk, shall meet and organize with the election of a Chair, a Vice Chair and a Secretary within three weeks of its election. It shall have the power to ~~fill vacancies in its number by vote of its members and shall~~ establish its own rules of procedure and bylaws.

B. Filling of vacancies. A vacancy in the Warrant Committee shall be filled for the remainder of the unexpired term, if any, at the next regular election held more than 60 days after the occurrence of the vacancy. The Committee by a majority vote of all of its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. Notwithstanding the requirement of a quorum, if at any time the membership of the Committee is reduced below that requirement, the remaining members may by majority action appoint additional members to raise the membership to the number required; such appointed members shall serve until succeeded by a person duly elected to fill the vacancy.

**ARTICLE VIII: Elections and Nominations: § C-39. Elections.**

A. Conduct of elections. The regular municipal election shall be held on the second Tuesday of June. Except as otherwise provided for by this Charter, the provisions of the Revised Statutes of the State of Maine, as amended, shall govern elections of all Town officials required by this Charter, except the Moderator ~~and the members of the Warrant Committee~~, and said elections shall be conducted by the election officials accordingly.

**ARTICLE VIII: Elections and Nominations: § C-40. Nominations.**

A. (1) Candidates for election to the Town Council, Warrant Committee, and the Superintending School Committee shall be nominated by petition. Any person who is qualified to vote in elections in the Town of Bar Harbor may be nominated for election

as a Councilor, Warrant Committee member, or School Committee member by a petition signed by not less than the number of qualified voters of the Town that is required by state law.

**Rationale:**

- These recommended changes ensure that Warrant Committee members are individually nominated by petition and elected by ballot at Town Meeting in a manner consistent with both the Town Council and School Committee.
- These recommended changes ensure that the Warrant Committee members' terms are rotating in order to maintain continuity of the committee.
- These recommended changes establish eligibility requirements for the Warrant Committee that are consistent with other elected bodies of the Town.
- The recommended new budget development process will allow for the whole Warrant Committee to work with the whole Town Council and staff as a group so that each individual member has access to the same information as they deliberate and make recommendations to the voters of the Town.
- These recommended changes reduce the Warrant Committee membership from 22 to 15 to reflect the recommended reduction in duties and to encourage full involvement of the Committee as it fulfills its duties to consider, investigate and report upon Warrant Articles. Much of the Committee's current work relies heavily on subcommittee work by small groups of individuals rather than full review by the whole Committee.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 8 to 1.*

*The seven-member Town Council recommends adoption by a vote of 6 to 1.*

*The 22-member Warrant Committee recommends rejection by a vote of 16 to 3.*

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**Article 9 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to establish that the due date for filing of nomination papers be not less than 60 days before the election in order to be consistent with the State of Maine as presented in the Town Meeting Warrant?

## Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE VIII: Elections and Nominations: § C-40. Nominations**

- B. Filing and acceptance of nomination petitions. All separate papers comprising a nominating petition shall be assembled and filed with the Town Clerk as one instrument

not less than 45 60 days prior to the day of election. The Clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination.

**Rationale:**

- This recommended change ensures that the Town Charter is consistent with the procedures of the State of Maine for the filing of nomination papers by candidates for elected office.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 19 to 0.*

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**Article 10 - CHARTER MODIFICATION:** Shall the Town of Bar Harbor approve the charter modification to require that a Public Hearing be held for any proposed Initiative or Referendum as presented in the Town Meeting Warrant?

### Charter Modification

*The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:*

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

**ARTICLE IX: Initiative and Referendum: § C-48. Action on petitions.**

- A. Public Hearing: When an initiative or referendum has been finally determined sufficient the Council shall set a date no later than 30 days from the final determination of sufficiency to hold a public hearing for the purpose of presentation and information on the proposed initiative ordinance or resolution and to receive public comment.
- B. Action by Council. When an initiative or referendum petition has been finally determined sufficient, and after holding a public hearing, the Council shall promptly consider the proposed initiative ordinance or resolution or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance or resolution without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.
- C. (1) (a) The vote on a proposed or referred ordinance shall be by secret ballot at a Town election, ~~held not less than 45 days and not later than~~ but not less than 45 days nor more than one year from the date of the final Council vote thereon. If no scheduled regular annual Town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as the regular annual election, ~~except that the~~

~~Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.~~

- i. Council may provide for a special election at an earlier date within the prescribed period.
  - ii. Copies of the proposed or referred ordinance shall be made available at the polls.
- C. (2) (a) Timeline for Voting. The vote on a proposed resolution shall be held at either a Town election or an open Town Meeting not less ~~then~~ than 45 days and not more than one year from the date of the final Council vote thereon. If no regular annual Town Meeting is to be held within the period prescribed in this subsection, the Council shall provide for a special Town Meeting; otherwise, the vote shall be held at the same time as the regular annual Town Meeting, except that the Council may in its discretion provide for a special Town Meeting at an earlier date within the prescribed period.

**Rationale:**

- This recommended change ensures that information for proposed Initiatives or Referendums is provided to the public at a Public Hearing so citizens can gain first-hand knowledge of the proposals and their possible impacts for the Town.
- This recommended change will help voters to make effective and informed decisions and provide for transparency in communicating information about Initiatives or Referendums.

**Recommendations:**

*The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.*

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 22-member Warrant Committee recommends adoption by a vote of 16 to 3.*

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Given under our hands this fifteenth day of September 2020.

**Municipal Officers of the Town of Bar Harbor**

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

Attest:  
A true copy \_\_\_\_\_  
Town Clerk of Bar Harbor, ME

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**CONSTABLE’S RETURN**

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

Attest: \_\_\_\_\_  
Constable of the Town of Bar Harbor

Attest:  
A true copy \_\_\_\_\_  
Town Clerk of Bar Harbor, ME

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## MUNICIPAL OFFICERS' RETURN

Pursuant to 30-A MRSA 2528(5) we have notified the inhabitants of the Town Bar Harbor of a public hearing, to be held at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Building, being conspicuous public place within said Town on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord Two Thousand and Twenty, being at least seven days before the hearing.

Given under our hands this sixth day of October 2020.

### Municipal Officers of the Town of Bar Harbor

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

Attest:  
A true copy \_\_\_\_\_  
Town Clerk of Bar Harbor, ME



## Town of Bar Harbor Planning & Code Department

VI B

# Memorandum

To: Town Council  
Copy: Cornell Knight, Sharon Linscott, and Duane Bartlett  
From: Michele Gagnon, Planning Director  
Re: Housing Assistance CDBG  
Date: September 1, 2020

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I write to ask the Council to sign the following five forms (Standards of Conduct, Fair Housing Resolution, Section 504 Self-Evaluation and Transition Plan, Residential Anti-Displacement & Relocation Assistance Plan, and EEO Policy Statement) as it is required in order to get under contract with the Maine Department of Economic Development for the \$200,000 Housing Assistance Community Development Block Grant (CDBG), as required by HUD.

**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 Bar Harbor Housing Authority (BHHA). 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. The CDBG will be matched with \$50,000 of BHHA money. The grant will be used to make overdue repairs to the Rodick Lorraine Apartments, which houses low-income elderly and disabled residents. In August, the town held a public hearing and signed a resolution allowing the Manager to carry out the duties and responsibilities for implementing said program.

# STANDARDS OF CONDUCT

## STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT

### INTRODUCTION

Elected officials, appointed officials, employees of Community Development Block Grant (CDBG) recipients, and contractors are those responsible for administering Maine's CDBG Program and are also responsible for its integrity. Following sound business practices, prescribed standards of conduct and Department of Housing and Urban Development (HUD) requirements will help protect these grant funds, but also those who administer the program.

### PURPOSE

This notice provides information on specific activities you must avoid and identifies essential HUD requirements that must be met. The requirements will help to prevent fraud and program abuse by alerting essential officials to appropriate standards of conduct.

### AUTHORITIES

Pertinent laws and requirements that you should have copies of are:

- ✓ Housing and Community Development Act of 1974 as amended in 1992.
- ✓ Community Development Block Grant Regulations (24 CFR Part 570).

### PROGRAM REQUIREMENTS & PROHIBITED ACTIVITIES

The following sections reviewed prohibited activities and administrative requirements that must be followed by all CDBG communities.

#### 1. Prohibition against conflicts of interest

CDBG regulations (25 CFR, Part 570.489 (h)) prohibit conflicts of interest. For all CDBG activities: no employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients may:

- a) Obtain personal or financial interest or benefits including money, favors, gratuities, entertainment or anything of value that might be interpreted as conflict of interest.
- b) Obtain a direct or indirect interest in any contract, subcontract or agreement for any CDBG activity. This prohibition extends to contract in which your spouse, minor child, dependent or business associate may have personal or financial interest. This prohibition extends for a period of one year after you leave your position with a CDBG activity or program.
- c) HUD may grant an exception to this conflict of interest provision if it determines that such exception will enhance the effectiveness of the CDBG project. Requests for such exceptions must be made in writing to this office.

#### 2. Procurement and Contracting Requirements

Provisions of 24 CFR Part 85 and Part 36, Administrative Requirements apply to the CDBG Program grantees. These provisions prohibit the following practices in your procurement and contract administration.

##### a) Circumventing competitive bidding requirements by:

- 1) failing to advertise for sealed bids or soliciting proposals and engaging in noncompetitive negotiation;
- 2) failing to use established evaluation criteria in negotiations;

- 3) splitting bids by breaking down contracts into small parts so that purchase order procedures can be used except to meet Minority/Women Business Enterprise goals;
- 4) favoring or providing a competitive advantage to any one firm or individual; identifying the names of those invited to bid; and preparing fictitious bids to simulate competition.

**b) Failing to adhere to contract award requirements by:**

- 1) allowing excessive price charges;
- 2) awarding contract to other than low bidder without adequate justification; and
- 3) accepting a bid that does not contain a price for all items or services included in the bid invitation.

**c) Failing to verify contractual and programmatic compliance by contractors by:**

- 1) authorizing payment for work not completed;
- 2) falsifying inspection reports;
- 3) altering contractor invoices; and
- 4) misusing modification or change orders.

**1. Financial Management and Recording Systems**

You must comply with the following requirements of 24 CFR part 85.20 and 85.42 and CDBG regulations.

- a) Establish internal controls to safeguard cash, inventory and equipment.
- b) Establish a special ledger account for all CDBG monies.
- c) Maintain financial records including:
  - 1) A register of cash receipts and disbursements;
  - 2) record of all non-cash transactions;
  - 3) General ledger to show the status of each CDBG account;
  - 4) A fixed account ledger, and
  - 5) A record of drawdowns, funds received and balance of funds.
- d) Ensure you maintain financial records and maintain for three years from final closeout.
- e) Use income generated from grant activities for other eligible activities.
- f) Use program income before drawing additional grant funds to pay for allowable program expenses.
- g) Not request or draw down more funds than needed.

**4. Cost Allowance**

You must comply with OMB Circular A-87, Cost Principles for State and Local Governments. You may not spend CDBG funds on ineligible activities including:

- a) Expenses required to carry out the regular responsibilities of the general local government.

- b) Partisan political activities (e.g. contributions towards political campaigns, voter registration or candidate forums).

**5. Program Monitoring**

Regulation CFR Part 85.40 states you must monitor the performance of grant supported activities to assure compliance with federal requirements and that performance goals are being achieved. It is suggested you:

- a) Keep records for your on-site visits to sub grantees and contractors.
- b) Place special emphasis on your monitoring of the highest risk sub recipients and contractors.

**DATE ADOPTED:** \_\_\_\_\_

**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

Municipal Seal

# FAIR HOUSING RESOLUTION

## STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

**LET IT BE KNOWN TO ALL PERSONS** of the Town of Bar Harbor that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law). It is the policy of the Town of Bar Harbor to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin. Therefore, the Town does hereby pass the following Resolution:

**BE IT RESOLVED** that within available resources the Town will assist all persons who feel they have been discriminated against because of race, color, religion, sex, handicap, familial status or national origin to seek equity under federal and state laws by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division.

**BE IT FURTHER RESOLVED** that the Town shall publicize this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state and local laws or ordinances.

**SAID PROGRAM** will at a minimum include but not be limited to: (1) the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

**DATE ADOPTED:** \_\_\_\_\_

### 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

Municipal Seal



# 1. EMPLOYMENT

---

1. Are job announcements put into newspapers that have general circulation?

Yes  No

If No, describe how individuals are made aware of employment opportunities:

---

---

2. Do job announcements state that the municipality is an Equal Opportunity Employer?

Yes  No

If No, explain why the "Equal Opportunity Employer" statement is not contained within job announcements:

---

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3. Has the municipality adopted a Equal Employment Opportunity Policy Statement?

Yes  No

4. Do job applications inquire as to whether an applicant is a disabled person or as to the nature or severity of a disability?

Yes  No

If Yes, explain: \_\_\_\_\_

---

5. Describe the accommodations that can be made for the known physical and mental limitations of otherwise qualified disabled persons who are currently employed or applying for employment:

Reasonable accommodations could be made such as making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment and providing qualified readers or interpreters

## 2. PROGRAM ACCESSIBILITY

---

1. Are any of the following services or benefits provided to residents directly by the municipality?

Yes  No

(Please mark an "X" for all services provided by the municipality)

<input type="checkbox"/> Transportation Services	<input type="checkbox"/> Counseling Services
<input type="checkbox"/> Health Services	<input type="checkbox"/> Employment Services
<input type="checkbox"/> Public Housing	<input type="checkbox"/> Food Services
<input checked="" type="checkbox"/> General	<input type="checkbox"/> Social, Recreational, or Athletic Services

(a) For those services that are provided, describe accommodations that can be taken to make them accessible and usable for persons with disabilities (e.g. provision of auxiliary aids, relocating programs to accessible facilities, use of alternative materials, home visits, etc.):

Accommodations could include but are not limited to qualified interpreters, qualified readers, special phones, and other similar services or actions.

2. Are there any limitations on the number of qualified disabled persons who may participate in or be admitted to the program?

Yes  No

If Yes, list the steps to eliminate the limitations:

---

---

3. Do applications for these services, in any way discriminate against persons with disabilities?

Yes  No

4. Describe the nature of the qualifications that are needed in order to be eligible for each respective program:

### **3. FACILITIES**

**Note:** The definition of "facility" under Section 504 includes all or any portion of buildings, structures, equipment, roads, walks, parking lots or other real or personal property or interest in such property, owned, operated or leased by the municipality)

1. List below all facilities and the programs or operations for which each facility houses.

<b><u>Facility</u></b>	<b><u>Programs or Operations Housed</u></b>
1. Municipal Building	Municipal offices
2. Port Security	Pier, ramp, parking, Harbor Master office
3. Town Pier comfort stations	Toilets
4. Village Green	Park
5. Village Green comfort stations	Toilets
6. Agamont Park	Park
7. Newport Drive comfort stations	Toilets
8. Athletic Fields	Includes ballfields, tennis, basketball, etc.
9. Ballfields comfort stations	Toilets
10. Glen Mary pool	Pool w/ toilets
11. Park St Playground	Playground
12. Grant Park	Park
13. Barker Park	Park
14. Harborview Park	Park
15. Hadley Point Beach	Beach w/ boat ramp
16. Town Hill Playground	Playground
17. Parking Lot	Parking
18. Transfer Station	Solid waste and recycling
19. Public Works/Highway Garage	Offices and garage
20. Wastewater Treatment Plant	Offices and wastewater treatment plant
21. Water Treatment Plant	Water treatment plant
22. Police/Fire Station	Police and fire stations

Using the Uniform Federal Accessibility Standards (UFAS), each facility must be reviewed for compliance:

COMPLIANCE COMPONENT

FACILITIES

Accessible Route	#1 Municipal Building	#2 Port Security	#3 Town Pier Comfort st.	#4 Village Green	#5 Village Greem Comfort stations	#6 Agamont Park	#7 Newport Dr. Comfort station	#8 Athletic Fields	#9 Ballfield Comfort st.	#10 Glen Mary Pool	#11 Park St. Playground	#12 Grant Park	#13 Barker Park	#14 Harborview Park	#15 Hadley Point Beach	#16 Town Hill Playground	#17 parking Lot	#18 Transfer Station	#19 Public Works and Hwy Garage	#20 Wastewater Treatment Plant	#21 Water Treatment Plant	#22 Police/Fire Station
Outside Paths and Walks	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Parking	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Curb Ramps	1	1	1	1	1	1	1	3	1	1	3	3	1	1	3	1	3	1	1	3	3	3
Ramps	1	1	1	1	1	1	1	3	1	3	1	1	1	1	3	1	3	1	1	3	3	1
Entrances/Interior Doors	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Elevators	1	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Lifts	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Toilet Rooms	1	3	1	3	1	3	1	1	1	1	3	3	3	3	1	3	3	3	1	3	3	1
Drinking Fountains	1	3	1	3	3	3	1	1	1	3	3	3	3	3	3	3	3	3	3	3	3	1
Warning Signals	1	1	1	3	3	3	1	3	1	3	1	3	3	3	3	3	3	3	1	1	1	3
Assembly Areas	1	1	3	1	1	1	3	1	3	1	1	1	1	1	1	1	3	3	1	1	1	3
Public Telephones	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
Other Building Elements and Specialized Facilities	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3

- Place a "1" in the respective box if item is in compliance with UFAS
- Place a "2" in the respective box if item is not in compliance with UFAS
- Place a "3" in the respective box if item is not available and is not required

2. For those facilities where a "2" was indicated for the specific component, list below the inaccessible feature that limits accessibility to the programs provided in that facility:

# RESIDENTIAL ANTIDISPLACEMENT & RELOCATION ASSISTANCE PLAN

Town of Bar Harbor

(under Section 104(d) of the Housing and Community Development Act of 1974, as amended).

## I. PURPOSE:

This Plan is established following Section 104(d) of the Housing and Community Development Act of 1974, as amended. Its objective is to insure that persons displaced as a result of CDBG-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of a project designed for the benefit of the public as a whole.

## II. COMPLIANCE MEASURES:

The **Town of Bar Harbor** will replace all occupiable and vacant Low - Moderate Income dwelling units demolished OR converted with funds provided under the Housing and Community Development Act of 1974, as amended, in a way as described as follows:

1. The units must be located within the state recipient's jurisdiction and to the extent possible shall be located within the same neighborhood as the units replaced.
2. The units must be sufficient in number and size to house no less than the number of occupants who could have been housed in the units that are demolished or converted.
3. The units must be provided in standard condition.
4. The replacement units must be made available for occupancy during the period beginning one year before an agreement to convert or demolish the units in question is executed and ending three years after the commencement of the demolition or rehabilitation related to the conversion.

The units must remain Low-Moderate Income dwelling units for at least 10 years from the date of initial occupancy. Before the **Town of Bar Harbor** enters into an agreement to provide funds that will directly result in the demolition of Low-Moderate Income dwelling units or the conversion of Low-Moderate Income dwelling units, the **Town of Bar Harbor** will make public and submit the following information in writing to the State:

- 1) A description of the proposed assisted activity;
- 2) The location on a map and the number of dwelling units by size that will be demolished or converted to a use other than for Low-Moderate Income dwelling units as a direct result of the assisted activity;
- 3) A time schedule for the commencement and completion of the demolition or conversion;
- 4) The source of funding and a time schedule for the provision of replacement dwelling units;
- 5) The basis for concluding that each replacement dwelling unit will remain a Low-Moderate Income dwelling unit for at least 10 years from the date of initial occupancy;

- 6) Information demonstrating that any proposed replacement dwelling units with smaller dwelling units is consistent with the housing needs of Low-Moderate Income households in the jurisdiction.

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act, the **Town of Bar Harbor** will take all possible actions within its power to minimize the displacement of persons from their homes.

### III. ASSISTANCE TO PERSONS DISPLACED:

The **Town of Bar Harbor** shall provide relocation assistance and payments as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or the Housing and Community Development Act of 1974, as amended, Section 104(d) for residents displaced as a result of CDBG funded activities. All displaced residents who are eligible for other housing programs will be helped through that agency's process. In addition, Town staff shall provide housing counseling and referral services to assist those displaced to find alternative housing in the neighborhood.

### IV. DEFINITIONS:

**Displaced Person:** Any person (family, individual, business, nonprofit organization or farm operation) that moves from real property, or moves personal property from real property, permanently and involuntarily, as a direct result of rehabilitation, demolition or acquisition (privately undertaken or public) for HUD-assisted program/project.

### V. AGENCY RESPONSIBILITY:

The **Town of Bar Harbor** Community Development Department shall be responsible for the implementation of this Plan as well as ensuring compliance with applicable Federal and State law and regulations. The **Town of Bar Harbor** will identify and designate a Relocation Officer to perform functions concerning this Plan.

Any questions regarding this Plan or Federal and State laws regarding displacement should be addressed to Thomas Kittridge.

### VI. CERTIFICATIONS:

The **Town of Bar Harbor** hereby certifies that it will uphold the contents of this Plan and the intentions of the compliance measures stated.

### 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**

Municipal Seal

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# Equal Employment Opportunity Policy Statement

## STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The Bar Harbor Town Council declares its intent that the Town will pursue a policy of non-discrimination in personnel practices, including: recruiting, hiring, opportunities for transfer and promotion, conditions or privileges of employment, as well as compensation and benefits. Such practices or procedures shall not favor or penalize any person because of race, creed, color, sex, marital status, national origin, age, physical handicap, where these are not found to be bona fide occupational qualifications.

The Town recognizes its responsibility to enhance the purposes set forth in the Maine Human Rights Act as well as Federal statutes which may apply as a result of its Federal grant activities.

Compliance with EEO requirements may be enhanced through adoption of appropriate personnel policies. Assistance in drafting such policies may be obtained through the Maine Municipal Association or your Community Development Office.

DATE ADOPTED: \_\_\_\_\_

### 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

Municipal Seal

**Personnel Rules  
Town of Bar Harbor**

Council Adoption - June 21, 2016

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## **PREAMBLE**

The Town Council of the Town of Bar Harbor hereby adopts, pursuant to Article 5, Part 2, Section 504 of the Town of Bar Harbor Charter, as revised June 13, 1978 the following Personnel Rules for utilization by the administration and employees of the Town of Bar Harbor. The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs of the people of Bar Harbor. Further, its purpose is to serve to increase the general efficiency in the Town by promoting and assuring equal rights, well being and security of all its employees. The Town may delete, amend, modify or change any or all of the provisions contained in these rules without prior notice. The provisions set forth in these rules are not contractual, but rather, are for the general guidance of the Town in its relationship with its employees.

### **1.0 DEFINITIONS:**

The following definitions shall be used in the interpretation of these rules.

1.1 Appointing Authority - Shall mean the Town Manager, when referring to all Department Head positions, and to the Department Head, when referring to positions supervised by the Department Head.

1.2 Days - Unless otherwise stated, a “day” means a calendar day.

1.3 Department Head - Shall consist of the Town Clerk, Fire Chief, Police Chief, Public Works Director, Harbor Master, Planning Director, and Finance Director.

1.4 Employee - denotes any person appointed to a regular full-time or part-time position by the appointing authority.

1.5 Employee, Regular - means the Harbormaster and any employee who is scheduled to work year-round for not less than thirty-seven (37) hours per week.

1.6 Employee, Part-Time – denotes an employee who is scheduled to work more than twenty (20) and less than thirty-seven (37) hours per week. Employees in this category receive vacation leave, holiday leave, sick leave, but no insurance benefits or other fringe benefits.

1.7 Employee, Seasonal - denotes an employee who is appointed to a position working a full work week, but for a finite season, such as summer, winter, etc. Employees in this category receive no benefits.

1.8 Employee, Temporary - denotes an employee who works for a finite period of time less than six months. Employees in this category receive no benefits.

1.9 Family, Immediate - includes father, mother, sister, brother, spouse, child, stepparents, grandparents, step-children, parents-in-law or foster parents.

1.10 He, She, Him, Her, His, Hers - denotes both female and male employees and is used here only as a matter of convenience.

1.11 Pay Period - consists of two consecutive work weeks.

1.12 Work Week - shall consist of the days Sunday through Saturday.

1.13 Family - For the purposes of Health Insurance coverage, family will include wife, husband, legally dependent children, and domestic partner as defined by the affidavit provided by the Maine Municipal Employee Health Trust.

## **2.0 APPLICABILITY:**

These Personnel Rules shall apply to all employees, except that the following chapters and sections shall not apply to employees subject to a written contract or collective bargaining agreement nor to part-time and temporary employees unless explicitly stated in those chapters: Chapters 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 22, 23, and 34 and Section 4.2. School Department employees are not covered by these personnel rules.

## **3.0 ADMINISTRATION:**

The Town Manager shall be the Personnel Administrator. It shall be the duty of the Town Manager to: (1) encourage and exercise leadership in the development of the Town personnel practices among departments of the Town; (2) advise the Town Council on manpower utilization; (3) foster and develop programs for the improvement of employee effectiveness including training, safety, health, counseling, proper courtesy when dealing with the public and respect for municipal property; (4) establish and maintain records of all employees in the public service in which there is set forth as to each employee the title, pay or status, sick leave, vacation time and other relevant data; apply and carry out these rules and perform any act which may be necessarily desirable to carry out for the purposes and provisions of these Personnel Rules.

### **3.1. Equal Employment Opportunity**

The Town provides equal employment opportunity to all applicants and employees. This policy applies to all employment-related decisions, including recruiting, hiring, assigning, supervising, training, upgrading, transfer, compensation, benefits, discipline, discharge, promotion, and education. The Town will not discriminate in employment opportunities or practices against any individual with regard to race, color, ancestry, national origin, religion, political affiliation, sex, marital status, age, sexual orientation, physical or mental disability, or any other status protected by law.

The Town will make reasonable accommodations for applicants and qualified individuals with known disabilities unless doing so would result in an undue hardship to the town.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, Department Head

or the Town Manager. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

#### **4.0 APPOINTMENT AND EMPLOYMENT:**

4.1 Appointment - Appointment to any position within the employ of the Town will be by the Town Manager, except that positions of Department Head status are appointed by the Town Manager and confirmed by the Town Council. The Town Manager may delegate this responsibility to the Department Heads, as provided by Charter Section 4.04 (f). Applicants may be required to submit to various employment tests before employment. Other than for positions governed by law or regulations, there is no arbitrary age limit below or beyond which applicants will be employed; provided they are qualified to perform the work required. No more than one member of an immediate family may be employed as a regular employee in any one department at the same time, nor can an employee be hired or promoted into a position in which he or she would supervise or be supervised by any member of his or her immediate family.

Once appointed, all employees are considered probationary for the first six (6) months of employment. An employee may be terminated without cause and without recourse to the grievance procedures contained in section 22 at any time during this probationary period.

4.2 Lay-off - Any employee who is laid off and who shall have had a good record as of the date of termination shall be given preference over other new applicants for any new positions or positions which are vacated; provided, however, they shall have qualifications equal to those of other applicants. Regular employees shall be laid off in the inverse order of their seniority. However, Department Heads may demote an employee to a lower class of position than that to which the employee is qualified rather than laying the employee off. No regular employee shall be laid off until he has been given at least two weeks notice before the effective date of lay-off. Non-regular employees may be laid off at any time without regard to provisions of this section.

#### **4.3 Evaluation**

An evaluation is the examination and review of job performance for purposes of determining continuation of employment, promotion, demotion or salary adjustment. Employees shall be evaluated within one month prior to the completion of the initial probationary period and once each year thereafter. Evaluations will be conducted by the immediate supervisor in a manner which the supervisor shall prescribe.

Employees shall be afforded the opportunity to review and discuss their written evaluation with their immediate supervisor and shall sign the evaluation as proof of discussion and understanding even if the employee may not agree with the contents. An employee may prepare a written response to the evaluation. This response shall be submitted to the individual who performed the evaluation and will become part of the evaluation. A copy of the complete evaluation will be provided to the employee and placed in his/her personnel file.

VI C

# General Assistance Ordinance Amendment Appendices A-H

Town of Bar Harbor  
#2020-xx

**An Amendment for the annual revision of maximum benefit levels for Appendices A-H for the period 10-1-2020 to 9-30-2021 pursuant to 22 MRSA 4305(4).**

*The Town of Bar Harbor hereby ordains that Chapter 102, General Assistance, of the Town Code is amended as follows:*

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

## CHAPTER 102 – GENERAL ASSISTANCE

### Appendix A

Effective ~~10-1-2019~~20 to ~~9-30-2020~~21

#### GA OVERALL MAXIMUMS

Persons in Household	1	2	3	4	5*
Hancock County	818 <u>836</u>	855 <u>871</u>	1,036 <u>1,047</u>	1,307 <u>1,319</u>	1,433 <u>1,445</u>

Please Note: add \$75 for each additional person.

### Appendix B

Effective ~~10-1-2019~~20 to ~~9-30-2020~~21

#### FOOD MAXIMUMS

Please Note: The maximum amounts allowed for food are established in accordance with the USDA Thrifty Food Plan. As of October 1, ~~2019~~20, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	45.12 <u>47.44</u>	194 <u>204</u>
2	82.56 <u>86.98</u>	355 <u>374</u>
3	118.37 <u>124.42</u>	509 <u>535</u>
4	150.23 <u>158.14</u>	646 <u>680</u>
5	178.60 <u>187.67</u>	768 <u>807</u>
6	214.19 <u>225.35</u>	921 <u>969</u>
7	236.74 <u>249.07</u>	1,018 <u>1,071</u>
8	270.70 <u>284.65</u>	1,164 <u>1,224</u>

Note: For each additional person add ~~\$146~~153 per month.

**Appendix C**  
**Effective 10-1-201920 to 9-30-202021**

**GA HOUSING MAXIMUMS**

Bedrooms Hancock County	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	155 <u>159</u>	667 <u>682</u>	178 <u>182</u>	764 <u>783</u>
1	155 <u>159</u>	667 <u>682</u>	184 <u>188</u>	791 <u>809</u>
2	184 <u>186</u>	792 <u>801</u>	223 <u>227</u>	958 <u>975</u>
3	234 <u>238</u>	1,007 <u>1,022</u>	283 <u>287</u>	1,216 <u>1,235</u>
4	248 <u>251</u>	1,067 <u>1,079</u>	308 <u>312</u>	1,324 <u>1,342</u>

**Appendix D**  
**Effective 10-1-201920 to 9-30-202021**

**ELECTRIC UTILITY MAXIMUM**

No changes

**Appendix E**  
**Effective 10-1-201920 to 9-30-202021**

**HEATING FUEL**

No changes

**Appendix F**  
**Effective 10-1-201920 to 9-30-202021**

**PERSONAL CARE AND HOUSEHOLD SUPPLIES**

No changes

**Appendix G**  
**Effective ~~10-1-2007~~20 to ~~10-1-2008~~9-30-2021**

**MILEAGE RATE**

Repeal and replace with:

**2020-2021 Mileage Rate**

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 45 cents (45¢) per mile.

Please refer to the Office of State Controller for changes to this rate:  
Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>

**Appendix H**  
**Effective ~~10-1-2019~~20 to ~~9-30-2020~~21**

**FUNERAL MAXIMUM**

Repeal and replace with:

**Burial Maximums**

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and

- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

### **Cremation Maximums**

The maximum amount of assistance granted for a cremation shall be **\$1,025**.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

# GENERAL ASSISTANCE ORDINANCE APPENDICES A-H 2020-2021

The Municipality of Bar Harbor adopts the MMA Model Ordinance GA Appendices (A-H) for the period of Oct. 1, 2020—September 30, 2021. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the sixth of October, 2020 by the municipal officers:

Jefferson Dobbs

(Print Name)

\_\_\_\_\_

(Signature)

Matthew Hochman

(Print Name)

\_\_\_\_\_

(Signature)

Gary Friedmann

(Print Name)

\_\_\_\_\_

(Signature)

Joseph Minutolo

(Print Name)

\_\_\_\_\_

(Signature)

Erin Cough

(Print Name)

\_\_\_\_\_

(Signature)

Jill Goldthwait

(Print Name)

\_\_\_\_\_

(Signature)

Valerie Peacock

(Print Name)

\_\_\_\_\_

(Signature)

## 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 allow amplified music outdoors.

*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 underlined.]

## CHAPTER 14 – AMUSEMENTS

### Article I: Special Amusement Permits

\*\*\*

#### § 14-2 Definitions.

The following definitions apply to this article and do not affect the meanings of words or terms in any other article of this Code. As used in this article, the following terms shall have the meanings indicated:

#### AMPLIFIED ACOUSTIC INSTRUMENT

Any Musical instrument designed to be played without mechanical amplification but that can also be connected to an amplifier, these may include but are not limited to: Acoustic Guitars, Violins/fiddles, Upright/Acoustic Bass, Mandolin, Banjo etc. Instruments designed to be played only with mechanical amplification are excluded.

\*\*\*

#### § 14-4 Classes of permit; reapplication.

\*\*\*

B. Any permit granted shall be for one of the above-noted classes. ~~A licensee shall not permit~~

~~on the licensed premises any music, dancing or entertainment which exceeds that permitted by the class of his/her permit, during the period for which his/her permit is valid as otherwise determined by this article. This emergency Ordinance shall grant a temporary license upgrade to allow amplification while active and shall expire at midnight on September 15th unless renewed by council and will automatically expire on the 61st day after enactment per Bar Harbor Charter.~~

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**§ 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.~~ Amplified outdoor music shall be limited to amplified acoustic instruments as defined in this chapter and one vocal microphone per performer, all outdoor amplification must adhere to this chapter.

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.

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[End of Ordinance]

# COMPREHENSIVE MASTER PLAN UPDATE SUMMARY

## TOWN OF BAR HARBOR, MAINE

PRESENTED BY: ANNALEIS HAFFORD P.E., VICE PRESIDENT  
OLVER ASSOCIATES INC.

6/11/13



# OUTLINE

1. Introduction to Olver Associates Inc.
2. Purpose and Objectives of Comprehensive Master Plan Update
3. Master Plan Process and Funding
4. Contents of Comprehensive Master Plan
5. Key Points Identified in the Plan
6. Overview of Water Modeling
7. Major Findings and Suggested Projects
8. Summary Tables/Estimated Cost of Findings



OLVER ASSOCIATES  
INC.

1. Olver Associates Inc. designs upgrades to Wastewater and Water systems and work in over 75 communities in Maine.
2. Currently, we employ about 60 people between our engineering and operations divisions and supervise the operation of 21 water and wastewater facilities.
3. Olver Associates Inc. was hired to assist the Town with preparing the recent Comprehensive Master Plan Update.

## PURPOSE AND OBJECTIVES OF COMPREHENSIVE MASTER PLAN

- Provides a road map for prioritizing future improvements to the system. Not all improvements will follow the order of the plan, however, it helps the Town focus on where to complete improvements.
- Summarizes the history of the water system and its current operations.
- Evaluates operations/water quality/treatment systems/infrastructure and makes suggestions as to upgrades or improvements.
- Evaluates regulatory requirements and impacts to the water system.
- Evaluates suggested improvements and provides a cost estimate for each recommended improvement.
- Created a working water model to assist with making future design decisions.

## COMPREHENSIVE MASTER PLAN PROCESS AND FUNDING

- Olver Associates Inc. competed with other firms to assist the Town in preparation of an Updated Comprehensive Master Plan.
- We met with the Water Department several times to discuss the Plan and its recommendations.
- The Prior Comprehensive Plan was completed back in 2005.
- The Town had already applied for funds to complete this plan and we were able to work within those funds.
- The State of Maine DWP contributed up to 50% of the Plan through their Capacity Development Grant Program.
- We assisted the Town with an extension of the grant and helped obtain the reimbursement once the plan was completed.
- Our work included completing a new water model for the Town's entire water system which was utilized to evaluate design options for the master plan.

# CONTENTS OF COMPREHENSIVE MASTER PLAN

## 1.0 Introduction

- Provides purpose of plan, history, management and staffing description, overview of the water system, discusses coordination of the Town's Comprehensive Plan and discusses the Town's Terms and conditions.

## 2.0 Existing Water Service Area and Usage Evaluation

- Provides a description of the water system, population and future population predictions, water demands, water supply volumes, discussion of significant users and designated water system predicted design flows.

## 3.0 Existing Water Supply Facilities

- Discusses the water supply, the importance of maintaining the filtration avoidance waiver, the source water protection program and Eagle Lake inlet and outlet structures.

## CONTENTS OF COMPREHENSIVE MASTER PLAN, CONTINUED

### 4.0 Existing Water Treatment Facilities

- This section focused on the description of the existing water treatment system at Duck Brook and each of its components and the condition of the existing treatment system.

### 5.0 Existing Pressure Zones

- This section reviewed the various pressure zones in the Town's water distribution system.

### 6.0 Water System Active Booster Pump Stations

- Reviewed each of the three booster stations that are currently utilized.

### 7.0 Water Storage Facilities

- Provided a discussion of the various storage tanks constructed over the years, and the ones in use.

## CONTENTS OF COMPREHENSIVE MASTER PLAN, CONTINUED

### 8.0 Description of Water Distribution System

- Evaluated the water mains, transmission mains, prepared a material inventory including size and material and estimated age of installation, discussed seasonal versus year-round water mains.
- Evaluated fire hydrants and the Town's fire hydrant flushing plan.
- Discussed the Town's many valves for water system isolation.
- Reviewed water system bleeders and blow-off's.

### 9.0 Water Storage Volume Evaluation

- This section provided an evaluation of water storage within the Town's system and evaluated recommendations for operational storage, equalization storage, standby storage, fire suppression storage, dead storage volume and total suggested effective storage volume.

## CONTENTS OF COMPREHENSIVE MASTER PLAN, CONTINUED

### 10.0 Water System Regulatory Considerations

- Reviewed all current and known upcoming regulations to provide input within the plan as to any improvements that would need to be made to maintain compliance.

### 11.0 Water Distribution System Model

- Described the process of building the model, calibrating it and the results of the model as it was utilized in the Master Plan.
- The model was also used to determine what certain line size changes, looping, boosting and new water storage tanks impact would be on the distribution system.

### 12.0 Recommended Infrastructure and Water System Improvement Plan

- This section provided a description of infrastructure and policy needs as well as the estimated costs for all of the suggested long-term improvements. We also prepared a capital improvement program summary for all suggested improvements.

## KEY POINTS IDENTIFIED IN THE PLAN ABOUT BAR HARBOR'S SYSTEM – VARIATIONS IN DEMAND AND TOPOGRAPHY

- The system pressure varies between 20 to just over 100 PSI due to variations in topography. This causes challenges in system operation due to extreme variations in pressure.
- During the summertime, the population is over 3 times the typical population with tourist population even higher.
- Water demands are the highest during the months of June through September with July and August being the highest.
- The water use is made up of residential, commercial, governmental, and lab users.

Category	Annual, Percent	Seasonal, Percent	Total Percent
Residential	19.2	4.4	23.6
Commercial	30.5	18.0	48.5
Governmental	3.0	1.9	4.9
Lab	22.7	0.3	23.0
Total	75.4	24.6	100

## KEY POINTS IDENTIFIED IN THE PLAN ABOUT BAR HARBOR'S SYSTEM – WATER SYSTEM'S LARGEST USERS

- Non-revenue water is between 24 to 33 percent which includes known leaks, water quality bleeders, process water use, hydrant flushing, etc.
- Unknown water losses or unaccounted for water averages 11.6 % with 10% being the typical goal.
- Around 40% of the water is consumed by ten major water users with the highest demand from Jackson Laboratory which uses about 23.3 % of the water. The next largest user is Kebo Valley Club at 4.6 percent of the total water use. The remaining eight highest users are various Inns and Motels. Since the last Master Plan, there have been large changes in the use from the two largest users:

Date	Jackson Laboratory, Gal	Kebo Valley Club, Gal
2002 (2005 Plan)	44,148,538	12,463,026
2018 (2019 Plan)	60,749,149	11,005,653
Comparison	37.6% more	13.2% less

## KEY POINTS IDENTIFIED IN THE PLAN ABOUT BAR HARBOR'S SYSTEM – WATER SYSTEM DESIGN FLOW

- Part of a Master Plan's purpose is also to provide the Town with predicted design flows for the next 20 years as defined below:

Current Average Flow	Predicted Average Flow	20 Year Design - Ave
1,001,164 GPD	1,174,288 GPD	2.0 MGD
Peak Daily Flow	Predicted Daily Peak Flow	20 Year Design Daily Peak
2,236,000 GPD	2,623,000 GPD	3.0 MGD
Peak Hourly Flow	Pred. Hourly Peak Flow	20 Year Design Hourly Peak
3,550,000 GPD (2,500 GPM)	4,200,000 GPD (3,000 GPM)	5.0 MGD (3,500 GPM)

- Prior to COVID, the water system demands increased about 0.86 % per year over the last 13 years. This data was used to predict the 20-year design.

## KEY POINTS IDENTIFIED IN THE PLAN ABOUT BAR HARBOR'S SYSTEM – EXISTING WATER SUPPLY FACILITIES

- The Town has utilized Eagle Lake as its water supply since around 1880. The Town currently draws around 2,500 GPM from Eagle Lake by gravity based on the water surface elevation when at 276.5 feet.
- During the summertime, when the usage is higher, the elevation drops below this level.
- The most important key factor of the existing water system, is that it has qualified for Filtration Avoidance. There are only 11 systems in Maine that currently qualify for a Filtration Avoidance Waiver. Three systems have lost their waivers since the Surface Water Treatment Rule was enacted. The Comprehensive Master Plan discusses the key components of the waiver, and the importance of maintaining it.
- Should the waiver ever be rescinded, the Town would face the need to locate, design, construct and operate a filtration system. This would be extremely expensive and should be avoided at all cost.

## KEY POINTS IDENTIFIED IN THE PLAN ABOUT BAR HARBOR'S SYSTEM – EXISTING WATER SYSTEM MAIN INVENTORY

The Town has about 189,529 LF of water distribution and transmission main piping with the following materials:

- Unlined Cast Iron – 41.07%
- Lined Cast Iron – 11.19%
- Galvanized Steel – 8.09%
- Ductile Iron – 11.02%
- High Density Polyethylene – 25.69%
- Asbestos Cement – 0.76%
- Plastic – 2.19%

## KEY POINTS IDENTIFIED IN THE PLAN ABOUT BAR HARBOR'S SYSTEM – EXISTING WATER SYSTEM MAIN, VALVE AND HYDRANT INVENTORY

- Bar Harbor has a significant amount of undersized older cast iron piping with about 22.35% installed prior to the 1900's based on the data provided. The plan looked at sequencing water main replacement work on a priority basis.
- It is recognized that this work may be replaced based primarily on other Town driven roadway or wastewater improvement projects.
- The Town has 110 public fire hydrants that the town is responsible to maintain and flush. Many of the earlier hydrants appear to be in poor condition and have leaded joints.
- There is a large number (57 estimated) of hydrants installed prior to the 1970's which need replacement.
- The Town has mapped and identified approximately 273 valves with varying age, depending upon the year of the water line it is associated with. More valves are within the system but not fully located or mapped.

## KEY POINTS IDENTIFIED IN THE PLAN ABOUT BAR HARBOR'S SYSTEM – WATER STORAGE TANK VOLUME EVALUATION

- The Town has a maximum possible volume of 1,000,000 gallons for water storage/disinfection split between two different locations:
  - Underground reservoir/Chlorine Contact Tank at Duck Brook Treatment Facility – Approximately 500,000 gallons
  - Jackson Laboratory Tank – Approximately 500,000 gallons
- During high demand periods, neither tank is operated full so the actual volume available is less than 1,000,000 gallons.
- Of this amount, some of the volume cannot be utilized and is called “Dead Volume”. This leaves about a maximum of 690,000 gallons of usable storage.
- There are various methods used to determine a water system's recommended storage volume.

## KEY POINTS IDENTIFIED IN THE PLAN ABOUT BAR HARBOR'S SYSTEM – WATER STORAGE TANK VOLUME EVALUATION

- We used the 2018 PUC report as a basis for water demand in Bar Harbor for these calculations.
- Using nationally recognized procedures for determining what the recommended volume would be, we have determined that an additional volume of 1,370,000 gallons would be beneficial for a water system of Bar Harbor's size.
- Adding more volume can also have negative implications related to water quality, especially for surface water systems so we do not recommend making a volume switch to this amount all at once.
- There are other methods to calculate recommended volume which result in lower recommended volume; however, Bar Harbor is still below those less conservative procedures.
- Through modeling, a recommended location has been evaluated. We would suggest possibly a 500,000-gallon installation for the first step in improving storage.

## USE OF THE WATER MODEL IN THE COMPLETION OF THE COMPREHENSIVE WATER PLAN

- In order to evaluate decisions for updated storage and various other system responses and improvements, we completed a water model of the Town's system.
- The Water Model was calibrated and different system improvements were evaluated using the model as a basis to better understand the impacts of added water storage, pipe size changes, system connectivity, and location of improvements like a potential booster pump.
- The Town's water system layout is challenging with extreme variances in topography resulting in pressure variances, large developments and commercial systems with significant point source demands, along with older piping in busy downtown areas.
- Development has been permitted to occur in high elevation/low pressure areas.

## USE OF THE WATER MODEL IN THE COMPLETION OF THE COMPREHENSIVE WATER PLAN, CONT.

- Computer models are initially formed using elements that represent the existing water system.
- These components include reservoirs, tanks, pipes, nodes between pipes, hydrants, pumps, booster system, valves, etc.
- Attributes for system characteristics were gathered from available maps, reports, and surveys and applied to system elements to create the model basis.
- Actual system demands were applied to all of the nodes where the water use was experienced.
- We used actual measured topography to develop the actual hydraulic grade of the system.
- The better the known information, the better the model predictions.

## USE OF THE WATER MODEL IN THE COMPLETION OF THE COMPREHENSIVE WATER PLAN, CONT.

Once a representative model is created, it MUST be calibrated to verify that the data input is correct.

Ongoing updates to the model are important to keep the model up-to-date.

Once a model calibration is accepted, the model can be manipulated to simulate various system conditions, both existing and hypothetical. For the Master Plan these simulations included:

- New Storage Tanks at different locations
- A Booster System at the Town's Ferry Terminal
- Larger pipes
- Impact of looping lines
- Adding elevation to existing tanks
- Pressure predictions in planned developments

## MODELED SCENARIOS EVALUATED DURING PLAN DEVELOPMENT:

- Evaluation of Hamilton Hill storage tank and Up-Island storage tank.
- New pump station at the Town's Ferry Terminal for filling of the Up-Island storage tank.
- Addition of height to the existing Jackson Laboratory Tank.
- Replacement of 4,277 LF of 8-inch diameter cast iron pipe on Kebo Road with 12-inch diameter ductile iron pipe.
- Addition of 740 LF of 16" ductile iron pipe on Eagle Lake Road between Prospect Avenue and Cross Street connecting the 6" and 12" Ø cast iron lines on Eagle Lake Road.
- Replacement of 6-inch diameter cast iron pipe on Main Street with 12" Ø ductile iron pipe.
- Replacement and looping of 6-inch cast iron line on Devon Street and Cleftstone Road with 8-inch ductile iron.
- Looping on Holland Avenue between Cottage Street and West Street.
- Replacement of various small lines within the system.

## MASTER PLAN SUGGESTED PROJECTS – WATER STORAGE

- Construct new water storage tank on Town's property up-Island. This region spans from the section of Eden Street north of the Ferry Terminal to the seasonal lines past Salisbury Cove, including Hulls Cove.
- The Dreamwood Hill tank near this location was demolished in 2019 due to its poor condition.
- If there was a line break in this area, the downstream users would have not access to a standby supply of water. In addition, the lengthy distribution line to this area has significant head losses which limit flow capacity and result in low pressures especially when hydrants are used.
- To remove these system issues, we evaluated two locations, the Dreamwood Hill Tank area and the Town owned land at the top of Ireson Hill in Salisbury Cove situated between the High Seas Motel and Acadia Ocean View Motel.
- We decided that the Ireson Hill location was preferable since the Dreamwood Hill location was at a lower elevation and the lot was undersized.

## MASTER PLAN SUGGESTED PROJECTS – WATER STORAGE

- The Ireson Hill lot is about 1.72 acres with an elevation of around 220 feet. The higher elevation is desirable as it works with the existing water supply elevation of Eagle Lake. It is also feasible to connect to the water system at this location.
- We suggested phasing the recommendations such that the Ireson Hill tank be installed and assessed for filling the summer pumps and overall performance before implementing additional recommendations to support up-island customers.
- We would suggest looping Highbrook Road to address the issue with filling the tank when the summer line is shut down for the season. The piping on Highbrook Road is in poor condition - undersized cast iron and galvanized steel.
- If the use of the Town's existing summer pumps causes too much pressure in the downtown area, it may be necessary to have a separate booster pump to efficiently fill the proposed up-island tank.

## MASTER PLAN SUGGESTED PROJECTS – WATER STORAGE

- Jackson Laboratory Tank – The Jackson Laboratory tank operates at a lower hydraulic elevation than the Duck Brook tank and is also lower than Eagle Lake. This requires use of an altitude valve to prevent the tank from overflowing. Because of the increase in demand at Jackson Lab, they draw the tank down during the daytime to levels lower than what would be recommended. These levels can drop below 15 feet in the summertime, which is the recommended minimum operating level in the tank.
- This drops the hydraulic grade in the area by about 8 PSI.
- Future consideration to either increasing the height of the Jackson Lab tank by ten feet or installing another tank at this location would benefit the Town and would add about 167,000 gallons of storage if the tank was raised.
- We would recommend the up-island tank be done first since that will benefit the Jackson Lab tank in that demands from the Route 3 area would be satisfied by the volume in the new tank rather than drawing down the Jackson Laboratory Tank.

## BOOSTER PUMP STATION IMPROVEMENTS – ARATA DRIVE AND MOUNTAIN AVENUE

- Both booster pump stations are in poor condition. The Town would like to upgrade these two booster stations by looping Arata Drive and using one station to supply both Mountain Avenue and Arata Drive.
- Both stations are below grade confined spaces, each with only one pump.
- The new station would be above ground and the piping on Arata Drive would need to be upgraded since it is undersized and in poor condition.
- We would suggest upsizing the line from 3-inch Galvanized Steel to 6-inch ductile iron.

## OVERALL WATER MAIN, VALVE AND HYDRANT IMPROVEMENTS

- Typically Towns complete watermain upgrades along with other infrastructure projects.
- The Plan provided general suggestions and preliminary sizing for the Town for various areas where we considered the watermains to be undersized or in need of replacement due to condition, age, etc.
- See the summary tables for each recommended improvement which contain preliminary order of magnitude cost estimates for each area.
- The plan has identified some lines that would need to be upgraded if certain tank or booster projects are completed.
- Where known low water pressure was discovered within the model, we evaluated alternative sizing for new lines to improve pressure. One example of this is Kebo Street. Upgrading the size to 12-inch diameter versus 8-inch cast iron had better results than the discussed new storage tank at Hamilton Hill.

# RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN

## SUMMARY OF RECOMMENDATIONS FOR LONG TERM WATER MAIN REPLACEMENT PROGRAM

STREET/LOCATION	RECOMMENDATION	LENGTH (LF)	BENEFITS	ESTIMATED COST
Devon Road	Increase line size from 6-inch CI to 8-inch DI. (Table 1a) Loop piping to West Street Extension (Table 1b)	1,350/2,000	Improved water quality, pressure, aging infrastructure, and fire flow.	\$618,000 without Loop to West \$803,000 with Loop to West (Cost Table A.1a and A.1b)
Old Farm Road	Increase the line size from 6-inch CI to 8-inch DI.	1,150	Improved water quality, fire flow, aging infrastructure, and eliminates a bleeder.	\$359,000 (Cost Table A.2)
Harbor Lane	Increase line size from 6-inch CI to 8-inch DI.	624	Improved water quality, fire flow, aging infrastructure, and eliminates a bleeder.	\$229,000 (Cost Table A.3)
Hamor Lane	Increase the line size from 2-inch GS to 4-inch DI.	500	Improved water quality and aging infrastructure.	\$170,000 (Cost Table A.4)
Loren Street	Increase the line size from 2-inch GS to 4-inch DI.	730	Improved water quality and aging infrastructure.	\$218,000 (Cost Table A.5)

## RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

### SUMMARY OF RECOMMENDATIONS FOR LONG TERM WATER MAIN REPLACEMENT PROGRAM (CONTINUED)

STREET/LOCATION	RECOMMENDATION	LENGTH (LF)	BENEFITS	ESTIMATED COST
Kebo Street <sup>2</sup>	Increase the line size from 8-inch CI to 12-inch DI.	4,310	Remove significant bottleneck and improve pressure reliability.	\$1,440,000 (Cost Table A.6)
Arata Drive <sup>2</sup>	Increase the line size from 3-inch GS to 6-inch DI.	1,053	Improved water quality, increased reliability and reduced pressure losses for combined booster station.	\$356,000 (Cost Table A.7)
Hancock Street	Increase the line size from 6-inch CI and 2-inch GS to 8-inch DI and 4-inch DI.	2,120	Improved water quality, aging infrastructure, and fire flow.	\$749,000 (Cost Table A.8)
Atlantic Avenue	Increase the line size from 6-inch CI and 2-inch GS to 8-inch DI and 4-inch DI.	1,100	Improved water quality, aging infrastructure, and fire flow.	\$489,000 (Cost Table A.9)
Albert Meadows and Derby Lane	Increase the line size from 6-inch CI and 3-inch GS to 8-inch DI.	952	Improved water quality, aging infrastructure, and fire flow.	\$531,000 (Cost Table A.10)
Stephen's Lane and Cottage Way	Increase the line size from 2-inch GS to 4-inch DI.	750	Improved water quality, aging infrastructure.	\$323,000 (Cost Table A.11)

## RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

### SUMMARY OF RECOMMENDATIONS FOR LONG TERM WATER MAIN REPLACEMENT PROGRAM (CONTINUED)

STREET/LOCATION	RECOMMENDATION	LENGTH (LF)	BENEFITS	ESTIMATED COST
Newton Way and Des Isle Avenue	Increase the line size from 2-inch and 3-inch GS to 8-inch DI.	1,100	Improved water quality and aging infrastructure.	\$463,000 (Cost Table A.12)
Eagle Lake Road	Increase the line size from 2-inch to 8-inch DI. Loop to Cross Street.	740	Improved water quality, aging infrastructure, extend fire protection service area, extend service through to Cross Street.	\$319,000 (Cost Table A.13)
Spring Street (Includes southern end)	Remove 10-inch CI pipe and replace with 10-inch DI, upsize 2-inch GS and 4-inch CI to 8-inch DI.	1,250	Improved water quality, aging infrastructure, and fire protection. Upper Spring in location of future sewer project.	\$502,000 (Cost Table A.14)
Shannon Road	Remove last remaining 10-inch AC and replace with 10-inch DI.	1,500	Improved water quality, aging infrastructure In Location of future sewer project.	\$718,000 (Cost Table A.15)
Glen Mary Road	Upgrade 3-inch GS and replace with 8-inch DI	1,200	Improved water quality, aging infrastructure, improve fire protection.	\$531,000 (Cost Table. A.16)

## RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

### SUMMARY OF RECOMMENDATIONS FOR LONG TERM WATER MAIN REPLACEMENT PROGRAM (CONTINUED)

STREET/LOCATION	RECOMMENDATION	LENGTH (LF)	BENEFITS	ESTIMATED COST
Holland Avenue	Increase 6-inch CI and 2-inch GS to 8-inch DI.	1,450	Improve water quality, aging infrastructure. Improve fire protection. Future location of sewer project.	\$577,000 (Cost Table A.17)
Main Street	Increase 6-inch CI to 12-inch DI.	2,400	Improve water quality and bottleneck through downtown.	\$1,274,000 (Cost Table A.18)
Scott's Lane	Increase 2-inch GS to 8-inch DI.	850	Improve water quality, aging infrastructure, and fire protection.	\$289,000 (Cost Table A.19)
Stanwood Place	Increase 3-inch GS to 4-inch DI.	200	Improve water quality and aging infrastructure.	\$146,000 (Cost Table A.20)
Kavanaugh Place	Increase 2-inch GS to 4-inch DI.	350	Improve water quality and aging infrastructure.	\$167,000 (Cost Table A.21)
Oak Street	Increase 2-inch GS to 8-inch DI.	440	Improve water quality, aging infrastructure, and fire protection.	\$206,000 (Cost Table A.22)

## RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

### SUMMARY OF RECOMMENDATIONS FOR LONG TERM WATER MAIN REPLACEMENT PROGRAM (CONTINUED)

STREET/LOCATION	RECOMMENDATION	LENGTH (LF)	BENEFITS	ESTIMATED COST
Highbrook Road <sup>2</sup>	Replace 6-inch CI with 8-inch DI and loop to West Street Extension.	850	Improve water quality, aging infrastructure, and fire flow. This needs to be done with new storage tank, and Ferry Terminal Booster Pump.	\$375,000 (Cost Table A.23)
Eden Street <sup>3</sup>	Replace 8-inch CI with 8-inch DI. (This was not upsized to 12 inches since the downstream piping was recently replaced to 8-inch DI.)	960	Needs to be done if Ferry Terminal Booster Pump is installed. This also is older CI piping and may need updating at some point due to its age.	\$469,000 (Cost Table A.24)
<b>Total Estimated Water Line Costs (In 2020 Dollars)</b>				<b>\$11,518,000 to \$11,703,000</b>

# RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

## ESTIMATED COST OF FIRE HYDRANT REPLACEMENTS

<b>REPLACEMENT METHOD</b>	<b>ESTIMATED COST - EACH HYDRANT</b>	<b>TOTAL COST PER METHOD ASSUMING 5 HYDRANTS/YEAR</b>
By a Contractor, replacing hydrants only	\$10,000 - \$15,000 (with a new valve)	\$50,000 to \$75,000
With a pipeline project	\$6,000	N/A

# RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

## ESTIMATED COST OF VALVE REPLACEMENTS

<b>REPLACEMENT METHOD</b>	<b>EST. COST, PER VALVE</b>	<b>EST. COST/YEAR (5/YEAR)</b>
By a Contractor, replacing valves only, including excavation.	\$10,000 - \$15,000	\$50,000 to \$75,000
Insertion Valves including excavation by contractor.	\$10,000 to 20,000	\$50,000 to \$100,000
With a pipeline project – 8-inch valve.	\$2,500	N/A

# RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

## SUMMARY OF WATER STORAGE TANK IMPROVEMENT COSTS

LOCATION	ESTIMATED COSTS
New Tank at Ireson Hill (Cost Table B.2)	\$1,929,000
Increase Elevation of Jackson Laboratory Tank (Cost Table B.5)	\$581,000
<b>Total Suggested Water Tank Improvements</b>	<b>\$2,510,000</b>

## RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

### SUMMARY OF BOOSTER PUMP IMPROVEMENT COSTS FOR LOW PRESSURE AREAS

LOCATION	ESTIMATED COSTS
Arata Drive/Mountain Avenue Booster Station (Cost Table B.1)	\$528,000
Ferry Terminal Pump Station (Cost Table B.3) (This would only be needed if filling the proposed new tank was difficult in the summer. See Master Plan for more details.)	\$743,000 Not recommended until after new tank is installed and only if there are issues with controlling the tank filling.
Building Improvements at Rockwood Avenue (Cost Table B.4)	\$20,000
<b>Total Suggested Booster Pump Station Improvements</b>	<b>\$548,000/\$1,291,000</b>

# RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

## UPDATED WATER SYSTEM POLICIES OR PROGRAMS

SUGGESTED IMPROVEMENT	ESTIMATE	STATUS
Terms and Conditions	\$5,000	
Construction Specifications for the Water System	\$1,500	In Process
Water Shed Protection Plan	\$10,000 - \$15,000	
Development Review	\$5,000/year	
Implement Limited Service Contracts where suggested: <ul style="list-style-type: none"> <li>oHamilton Hill and future development subdivision lots</li> <li>oKebo Ridge Development</li> <li>oEast Strawberry Hill</li> <li>oCleftstone Road</li> </ul>	Completed by Water System Staff	

# RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

## EAGLE LAKE OUTLET DAM EVALUATION AND IMPROVEMENTS

LOCATION	ESTIMATED COSTS
Structural Inspection and Report	\$10,000
Tree Growth Removal	\$5,000
Sluiceway Board Replacement with controlled release valve	\$50,000
<b>Total Suggested Outlet Dam Improvements</b>	<b>\$65,000</b>

## RECOMMENDED INFRASTRUCTURE AND WATER SYSTEM IMPROVEMENT PLAN (CONTINUED)

### SUGGESTED ADDITIONAL STAFFING FOR DISTRIBUTION SYSTEM MAINTENANCE

Additional staffing within the Water Department would depend upon the position advertised. We would expect that this would as a minimum add between \$45,000 in salary and depending upon the specific benefits an additional \$20,000 for insurances with a minimum impact to the budget of around \$65,000.

VIII D

# DRAFT DRAFT DRAFT

Erin and Jill

For 9/15/20 Council meeting

## Cooperating Agencies Policy

Town of Bar Harbor

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

- A. Four weeks prior to the application ~~submittal~~ deadline, application forms shall be mailed to all agencies ~~which were~~ funded the prior year.
- B. Cooperating Agency funding requests must be submitted five weeks prior to the date the Town Manager is required to submit ~~a his~~ budget to the Town Council.
- C. Any requests received after the above deadline will not be accepted.
- D. All information requested on the ~~Town~~ application form must be provided in its entirety or the request will not be considered.
- ~~E. Applications from agencies not funded by the Town the prior year shall be returned and shall not be funded. Applications from agencies not funded the prior year may be (a.) rejected by the Town Council or (b.) by invitation, presented to the Council for consideration. Following a presentation, the TC may reject the proposal or add the proposal as presented or amended to the Cooperating Agency budget.~~
- F. ~~No agency shall be funded for an amount in excess of its prior year appropriation. Agencies wishing an increase in funding must make a presentation to the Town Council.~~
- G. When compiling the budget, the Town Manager shall use the previous year's Cooperating Agency budget as the funding target, a Cooperating Agency funding target in the same amount as the prior year's Cooperating Agency budget, less the amount previously appropriated for any agency which does not apply for current year funding by the above deadline.

Unresolved:

- Should TC request X free nights use of facility space (Town Hill, Hulls Cove)
- Should any other deadline/timing info go in policy?

# Cooperating Agencies Policy

10-17-06

Town of Bar Harbor

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

- A. Four weeks prior to the application ~~submittal~~ deadline, application forms shall be mailed to all agencies ~~which were~~ funded the prior year.
- B. Cooperating Agency funding requests must be submitted five weeks prior to the date the Town Manager is required to submit ~~his~~ a budget to the Town Council.
- C. Any requests received after the above deadline will not be accepted.
- D. All information requested on the ~~Town~~ application form must be provided in its entirety or the request will not be considered.
- E. ~~Applications from agencies not funded by the Town the prior year shall be returned and shall not be funded.~~ Applications from agencies not funded the prior year may be (a.) rejected by the Town Council or (b.) by invitation, presented to the Council for consideration. Following a presentation, the Town Council may reject the proposal or add the proposal as presented or amended to the Cooperating Agency budget.
- F. ~~No agency shall be funded for an amount in excess of its prior year appropriation.~~ Agencies wishing an increase in funding must make a presentation to the Town Council.
- G. When compiling the budget, the Town Manager shall use ~~a Cooperating Agency funding target in the same amount as the prior year's Cooperating Agency budget,~~ the previous year's Cooperating Agency budget as a funding target, less the amount previously appropriated for any agency which does not apply for current year funding by the above deadline.

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## LEGISLATIVE HISTORY

10-13-06	New policy proposed by Manager
10-17-06	Adopted by Town Council
09-15-20	Amended by Town Council

**9/9/20**

**DRAFT DRAFT DRAFT**

For 9/15/20 Council meeting

JG/EC

## **Cooperating Agency Funding Application**

**Organization Name**

Request HQ/office address?

### **Service Funding Categories**

Check all that apply and describe activities:

#### **Health and Welfare**

Does your program add to the community safety net for town residents at risk (youth, elders, people with disabilities, economically disadvantaged)?

- Physical/mental health, counseling, other health services
- Housing/heat
- Food security
- Transportation
- Child care
- Senior wellness
- Emergency/disaster relief
- Other

#### **Recreation and Culture**

Does your agency provide events or programming that add to quality of life or benefit at-risk populations?

- Provides facilities
- Sponsors events
- Recreational programs for kids, seniors, general
- Art, music, literacy programming
- Other

#### **Local Benefits**

How many BH residents benefited directly from your programs in the past year?

What are the **measurable** benefits of your program?

How does your program or activity build a solution to a problem or ~~help take advantage of an opportunity to~~ improve life for BH residents?

What are the limits of the geographical area do you serve?

#### **Funding**

- Does your program have a direct impact on our municipal budget by reducing or eliminating Town expenditures that would otherwise be needed?

- If your agency serves a population beyond the Town of Bar Harbor, how much are each of the other towns in your service area contributing to your agency?
- Would Town of Bar Harbor funding provide the local match federal, state or private grants?
- Please describe your direct contribution and/or charitable fund-raising activities.
- How did your agency decide how much funding to request? Was a formula or standard used? [Useful?]

# Cooperating Agency Funding Application - 2020/2021

Town of Bar Harbor

CoOp
<i>(Town Use Only)</i>

Program Name								
Organization Name (if different)								
Mailing Address								
City, State, Zip								
Contact Person								
e-mail (if any)								
Phone		<table border="1"> <tr> <td>Prepared By:</td> <td></td> </tr> <tr> <td>Signed:</td> <td></td> </tr> <tr> <td>Date:</td> <td></td> </tr> </table>	Prepared By:		Signed:		Date:	
Prepared By:								
Signed:								
Date:								
Fax								
Tax Identification #								
Funding Requested								

## Summary Financial Statements

(Actual cash income & expenses, not budget)

Data for Fiscal Year Ending:		
Cash Inflows	Amount	Comments
Federal/State Funds		
County Funds		
Town Funds		
Public Donations		
Business Grants/Donations		
Special Event Fundraising		
Users Fees & Service Income		
All Other Income		
<b>Total Inflows</b>		

Cash Outflows	Amount	Comments
Salaries & Benefits		
Program Supplies		
Office/Admin/Supplies		
Rent or Mortgage		
Utilities		
All Other Expenses		
<b>Total Outflows</b>		

# Cooperating Agency Funding Application - 2020/2021

CoOp

## Town of Bar Harbor

(Town Use Only)

Please answer the questions below. Feel free to attach a supplementary sheet, but number and headline each item.

**1. Organization Name**

**2. Funding Categories** – Into which of the following categories does your agency fit? Explain below.

- A. Health & Welfare** – Does your program add to the community-wide safety net for town residents who are at risk: youth, elders, people with disabilities or people who are economically disadvantaged? If so, please explain above.
- B. Recreation & Culture** – Does your agency provide facilities, sponsor events or offer recreation programs that add to the quality of life or benefit the entire town of Bar Harbor population? If so, please explain above.
- C. Economic Development** – Does your program contribute to the economic development of the town of Bar Harbor? If so, please explain above.

**3. Service Area** – What are the limits of the geographical area you serve?

**4. County Funding** – Does your agency receive funding from the Hancock County Commissioners?

**5. Other Towns** – If your agency serves a population beyond the Town of Bar Harbor, how much are each of the other towns in your service area contributing to your agency?

**6. Local Benefits** – How many Bar Harbor residents benefited directly from your programs in the past year?

**7. Local Match** – Would Town of Bar Harbor funding provide the local match for Federal, State or private grants?

**Cooperating Agency Funding Application - 2020/2021**

*Town of Bar Harbor*

CoOp

*(Town Use Only)*

**Organization Name**

**8. Impact on the Municipal Budget** – Does your program have a direct impact on our municipal budget by reducing or eliminating Town expenditures that would otherwise be needed?

**9. Fund Raising Activities** – Please describe your direct contribution and/or charitable fund-raising activities.

**10. Benefits** – What are the measurable benefits of your programs?

**11. Quality of Life** - How does your program or activity build a solution to a problem or help take advantage of an opportunity to improve life for Bar Harbor residents?

**12. Derivation of Request** – How did your agency decide how much funding to request? Specifically, was a formula or standard used?



## Bar Harbor Town Council

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### Vision

The Bar Harbor Town Council is resolute in its commitment to promoting a sustainable and resilient community. Taxpayers appreciate ongoing attention to keep the rate of property tax increase low, with expenses for operations and capital improvement project offset where possible by user-based fees and other revenues. Bar Harbor voters value the role of local government to assure efficient and effective use of public funds in order to improve the quality of life for residents and visitors. Recognizing that much of our economy is based on the natural environment, the Council supports steps to protect those resources. Valuing transparency and mutual trust, town officials and residents work to improve communication so that we all better understand concerns and work through policy choices and practical solutions.

### 2020 Five Year Goals and Strategies

~ FY20 through FY25 ~

#### Goal 1: Increase the year-round livability and quality of life for Bar Harbor citizens

**Strategy 1a:** Work with the Town planning staff and planning board to reduce the cost of home development and increase the supply of year-round housing units for purchase and rental through partnerships with developers, employers and non-profits, and through ordinances that encourage higher and medium density residential development in appropriate zones and stem the conversion of year-round housing to vacation rentals.

*The Planning Board has started work on Strategy #4 with a discussion on density at the September 2, 2020 Planning Board meeting. They will be leading this effort by reviewing each district to see how to increase housing density using the Comprehensive Plan and a series of questions. The Board will be looking at uses, lot coverage, area/family, minimum lot size, height, setbacks, off-street parking requirements, and if the district or part of the district is served by town sewer and water. Their effort corresponds in part to Actions #1 Quantify current zoning density and possible zoning density per housing use; #2 Analyze the LUO dimensional requirement; and 3. Identify opportunities and different housing types.*

**Strategy 1b:** Work with entrepreneurs and employers to determine and reduce barriers to development of year-round businesses paying livable wages.

*The Planning Department had hoped that to start working on Strategy #4 of the Housing Policy Framework, by starting with Action #4 "Organizing a listening session with people/developers/NFPs familiar with the housing market and land use regulations to hear their comments/ideas about the zoning barriers to housing development." Instead, we have decided wait and see how we can support the Planning Board in their efforts (see Strategy 1b above).*

# Council Goals and Strategies

Adopted by Council December 17, 2019

**Strategy 1c:** Work with partners, including Maine Coast Heritage Trust, Acadia National Park, Healthy Acadia, local businesses, organizations and citizens to develop more walking and biking trails and other recreational amenities that encourage residents and visitors to attain greater health and reduce automobile congestion.

**Strategy 1d:** Work with residents of the neighborhoods and villages of Bar Harbor to develop practical approaches that increase people-to-people connections and a greater sense of community.

**Strategy 1e:** Work with citizens and various non-profits to promote the arts as a community-building and economic asset.

**Strategy 1f:** Work with the Superintending School Committee to maintain a facility that provides a quality teaching and learning environment for our students, with an emphasis on safety, sustainability, flexibility and community connections.

*Due to the pandemic, the school committee decided to postpone a \$40 million bond question until 2021.*

## **Goal 2: Create effective plans for a Sustainable Future**

**Strategy 2a:** Explore opportunities to address the climate change emergency by reducing reliance on fossil fuels using additional publicly owned lots for development of solar energy, and other measures that achieve meaningful energy conservation.

*The newly appointed Climate Emergency Task Force began their work in June and meets every 2 weeks. The Planning Department has started work on a solar ordinance that will be ready for a June 2021 town meeting vote.*

**Strategy 2b:** Support the Town Manager in developing the appropriate capacity within the planning department that will allow the town to begin an update of Bar Harbor's Comprehensive Plan in 2020, including vision and goals for the future of the town, and, importantly, the basis for a more workable Land Use Ordinance.

*We will have an RFP out for the Comprehensive Plan soon with hopes to have a firm hired before the end of 2020.*

**Strategy 2c:** Work with the Cruise Ship Committee and other stakeholders to create plans to reduce congestion in the vicinity of the town pier and waterfront by tour busses and various services provided to seasonal visitors, including passengers from cruise ships.

*PD and other parties including Tour Operators and Ocean Properties developed a conceptual plan which was partially exercised in late 2019. Town Council Cruise Ship Tour Bus Policy was updated to reflect the new plan. Further evaluation and implementation is pending due to COVID.*

**Strategy 2d:** Convene stakeholders, including local business leaders, relevant committees and task forces, and residents to ensure the maintenance of a sustainable tourism industry.

## **Goal 3: Improve the Effectiveness and Delivery of Municipal Services**

**Strategy 3a:** Building on lessons learned from our collaboration with the Town of Mount Desert for shared police services, explore additional possibilities in public safety, including dispatching services, and other town services/functions (e.g. human resources and finances), where collaboration among towns could lead to greater effectiveness and efficiency.

*There have been continued improvements in the shared police services; the latest being the completion of switching out Bar Harbor's Arbitrator to the WatchGuard in car video system to a common platform that both departments can use, download, access at either location, etc. Some used WatchGuard equipment from Mt. Desert was donated to Bar Harbor to assist in this transition. No new efforts or changes have occurred regarding human resources and finances. The Town of Bar Harbor is now hosting 'DHQ' (Police info) server that was previously at M.D. to save costs.*

**Strategy 3b:** Study space and facilities needs for public safety functions within Bar Harbor, and recommend shorter-term solutions, even as longer-term exploration of strategies for collaboration with the Town of Mount Desert continues. –

*The interior renovation of the PD was completed in late spring 2020 resulting in safer and more efficient use of existing space enhanced evidence integrity controls, we completed necessary updates to floors and ceilings and improved IT and radio systems infrastructure. Important space needs still exist and were not addressed during the renovation. Roof of the existing PD needs to be replaced, employee workplace safety and HVAC issues need attention / discussion as well. Radio frequency consolidation to support MDI Public Safety dispatching consolidation is accomplished, some minor coverage issues with the federal frequencies exist on MDI and mitigation efforts are ongoing. Parking staff works from the 2 offices located in the upstairs of the Port Security Building and the parts inventory for meters and kiosks is located there.*

*The Chiefs worked with AT&T to place a temporary cell tower at the PSB to support their first responder, first net program. There was significant cell service improvement when the tower came online. AT&T has made inquiries about a possible long-term agreement to remain at the PSB.*

*With the renovation of the PD, and the relocation of the radio equipment to the basement, there is a need to seal up a basement window(water leaking issues). I have talked to PW Director Bethany Leavitt, and Travis Whitehead from Knowles regarding a remedy to fix the problem. I am hoping to have the issue resolved before the end of the year.*

*The Police Chief has made preliminary inquiries from outside vendors regarding the replacement of the oil furnace that heats the police station, and provides hot water for the entire building. The heat system which was not part of the PD renovation, has become unreliable, and is hard to regulate. The Chief plans on drawing up bid specs to replace the boiler, also to include replacing the current thermostats, with modern heat controls.*

*FD staff have built cabinets in the basement to increase our storage capacity. We would like to take out the whistles original air tanks, that are in the communication/radio room, to further increase our storage space for the PSB. In order to remove the tanks, they will need to be dismantled.*

*With the purchase of the new engine, the overhead doors were changed to accommodate the increased size of the truck. The decision was made to change all three of the existing doors at one time, to be proactive for future apparatus. The doors are at the maximum height, that the building will allow. The door change did received approval from the Design and Review Board.*

## **Goal 4: Improve and Maintain Local Infrastructure**

**Strategy 4a:** Monitor and improve the town's seasonal parking and seek additional solutions to on-going parking and congestion problems including promotion of walking, biking and shuttle-bus alternatives to private automobiles in the downtown.

*6 bike racks have been purchased with parking revenue and 3 have been installed. Stenciling was painted on the Eden Path to alert people that it is a shared bike/pedestrian use. There was no Island Explorer bus service due to the pandemic. Staff is meeting with a working group to locate a new hub for Island Explorer's Bike Express.*

**Strategy 4b:** Continue to evaluate opportunities for improved broadband service within downtown and areas of the town not currently served.

*A contract has been signed with Casco Bay Advisors to investigate the opportunities for private/public partnership of a buildout of fiber to the Town's critical infrastructure facilities. Previously Casco Bay Advisors produced a cost analysis of what a buildout would cost so that the Town could evaluate its options, such as cost sharing, more realistically. The driver of this effort is to avoid the new added costs that Spectrum wishes to charge the Town for the use of its fiber under any new franchise agreement. Additionally, a buildout to its designated facilities would provide fiber communication where some do not exist currently.*

**Strategy 4c:** While continuing to develop funding sources for street-scape improvements outlined in plans for Cottage and Lower Main Streets, direct the Planning Board to address elements of the land use ordinance that tend to make such redevelopment more difficult.

**Strategy 4d:** Continue to explore ways in which application of user-fees from parking and cruise-ship visitors, and the possibility of a local-option sales tax, can address needs for infrastructure and other programs related to costs of tourism that that are currently funded through property taxes.

*The Harbor Committee is investigating the best use of the Ferry Terminal. By looking at the option of having some CS tendering at the terminal, there is the option of utilizing cruise ship fees to perhaps help fund the demo of the old pier structure, creating a tendering pier and funding a 3<sup>rd</sup> party shuttle service between the downtown and the ferry terminal. Parking Fund fees would likely be used to fund all costs of a parking area, as well as shuttle related costs. Some of*

## Council Goals and Strategies

Adopted by Council December 17, 2019

*these “costs” would be debt service related to capital construction and some costs would be annual operating costs.*

**Strategy 4e:** Work with the town’s planning, public works and finance departments to devise a spread sheet/financial model that will allow council discussion and public understanding of pending capital improvement and deferred maintenance projects by the Town, along with their likely impact on property taxes and the Town’s credit rating, and encourage exploration of alternative funding strategies.

*More expanded use of the web site and Facebook has already occurred; which includes posting all budgets and relevant financial information on line. Also, the MUNIS on line Citizen’s Self-Serve module has been purchased but only partially trained, so it is not yet rolled out due to COVID19 priorities. This will allow taxpayers/residents/contractors, etc. go on line and see the current status of taxes, utilities, code permits and perform more tasks on line with the access of that current data.*

### **Goal 5: Improve the Effectiveness and Efficiency of our Town Governance and Encourage citizen involvement**

**Strategy 5a:** Continue to improve communications with taxpayers and residents, so that council members better understand the hopes and concerns of residents, and residents better understand the roles, responsibilities and authority of the council.

*The Planning Department has used different types of outreach to better involve stakeholders. In the future, we will be using FAQ material as a tool for education. We also will make sure that information is easily found on the web site instead of being buried in an obscured location.*

**Strategy 5b:** Building on the success of community forums co-sponsored by the Town and various partners in 2018-19, use this format and alternate locations to encourage further citizen engagement to help frame issues, solve problems and collaborate on opportunities that improve life for residents and businesses.

*The Planning Department held neighborhood meetings and listening sessions in different locations to better serve people living in the Town Hill and in Salsbury Cove areas.*

*The pandemic has not allowed remote Council meetings that have been done in the past. There have been 2 pandemic forums by video conference and semi-weekly covid-19 updates are posted on the website and Facebook.*