

Agenda
Bar Harbor Town Council
September 20, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – Town Council Chambers
 - A. **Excused Absence(s)**
- II. **COMMITTEE APPOINTMENTS** –
 - A. Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:
 - 1. **Design Review Board** – Judith Noonan with expiring term of 2019.
 - 2. **Cruise Ship Committee** – Sandy McFarland, Resident-at-Large, with expiring term of 2019.
 - 3. **Marine Resources Committee** – Megan McOsker with expiring term of 2019.
- III. **PUBLIC COMMENT PERIOD** – The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.
- IV. **APPROVAL OF MINUTES** – **September 6, 2016**
- V. **ADOPTION OF AGENDA**
- VI. **FINANCIAL STATEMENTS** – Review and possible adoption of a motion to accept the financial statements as presented.
- VII. **CONSENT AGENDA** – A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:
 - A. **Maine Municipal Association** – Possible motion to appoint the Town Manager as the delegate to the MMA annual meeting
 - B. **Special Amusement Permit: Little A's** – Possible motion to file update status memo from Police Chief
 - C. **Special Town Meeting: November 2016:** Possible motion to sign the Notice of Public Hearing for October 4, 2016 on Warrant articles for November 2016, pursuant to 30A MRSA 2528(5).
- VIII. **REGULAR BUSINESS:**
 - A. **Route 3 Reconstruction** – M.D.O.T. request for acquisition of town property and temporary easements for Route 3 project.
 - B. **Council Goal Setting 2017** - Discussion of dates, potential locations, facilitator and any other arrangements needed for Council's annual goal setting.

C. **Recall of Elected Officials** – Request for a Charter amendment.

D. **Ambulance Bid** – Request of Fire Chief to waive the lowest bidder that does not meet specifications.

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

IX. **TOWN MANAGER'S COMMENTS**

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

XI. **EXECUTIVE SESSION:**

A. **Town Manager's Evaluation** – (To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)

XII. **ADJOURNMENT**

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

Please call 288-4098

Manager's
Memo

To: Bar Harbor Town Council
cc: Department Heads
From: Cornell Knight, Town Manager
Date: Friday, September 15, 2016
Re: **Town Council Meeting of September 20th**

CALL TO ORDER – 7:00 P.M.

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

II. Committee Appointments

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

1. **Design Review Board** – Judith Noonan with expiring term of 2019.
2. **Cruise Ship Committee** – Sandy McFarland, Resident-at-Large, with expiring term of 2019.
3. **Marine Resources Committee** – Megan McOsker with expiring term of 2019.

A nominating motion is in order, no second required.

VI. FINANCIAL STATEMENTS – Finance Director Stan Harmon has enclosed his monthly report. With 2 months into the fiscal year, expenses are ahead of budget due in part to timing of expenses early in the fiscal year. If acceptable a motion: to accept the Financial Report as presented.

VII. CONSENT AGENDA –

A. Maine Municipal Association – Possible motion to appoint the Town Manager as the delegate to the MMA annual meeting

B. Special Amusement Permit: Little A's – Enclosed is the Chief's memo. Possible motion to accept and file the update status memo from the Police Chief.

C. Special Town Meeting: November 2016: Possible motion to sign the Notice of Public Hearing for October 4, 2016 on Warrant articles for November 2016, pursuant to 30-A MRSA 2528(5).

A possible motion: to approve the Consent Agenda as published

VIII. REGULAR BUSINESS:

A. Route 3 Reconstruction – M.D.O.T. request for acquisition of town property and temporary easements for Route 3 project. Because this is a taking and not a sale the Town Charter provision, for Town Meeting approval to sell land, does not apply (Town Attorney agrees). There are small areas of 3 town owned lots along Rte. 3 that will be taken:

1. Parcel 10 is on Ireson Hill where the communications sheds are located. 933 sq ft will be taken. The map and Owner's Offer Assent document is enclosed. The fair market value is \$3,900. A possible motion: to accept the \$3,900 offer from the Maine Department of Transportation for the 933 sq ft of Parcel 10 as identified on the DOT Right of Way Map, Project No. AC-STP-1919(700)X.
2. Parcel 87 is at Hull's Cove near the sewer pump station, 477 sq ft will be taken. The map and Owner's Offer Assent document is enclosed. Fair market value is \$1,300. A possible motion: to accept the \$1,300 offer from the Maine Department of Transportation for the 933 sq ft of Parcel 87 as identified on the DOT Right of Way Map, Project No. AC-STP-1919(700)X.
3. Parcel 155 is the Connors Emerson school lot. A 12+/- foot strip along Eden Street will be taken, that totals .25 acre. The map and Owner's Offer Assent document is enclosed. Fair Market value is \$73,800. A possible motion: to accept the \$73,800 offer from the Maine Department of Transportation for the .25 acre of Parcel 155 as identified on the DOT Right of Way Map, Project No. AC-STP-1919(700)X.

B. Council Goal Setting 2017 – In the past the annual Goal Session was held the last Thursday of October. Ron Beard is available to facilitate the session on October 27th. Possible motion: to schedule the Council Goal Session meeting for Thursday October 27th 5:30 pm at the PW Facility conference room.

C. Recall of Elected Officials – Request for a Charter amendment. Enclosed is a copy of the recall provision distributed by resident Pat Murphy during the public comment at the last meeting. Councilor Hochman asked that it be placed on the agenda for discussion.

D. Ambulance Bid- See the enclosed memo from Fire Chief Matt Bartlett that reviews the ambulance bids. The Chief is recommending acceptance of the Professional Vehicles because it met the bid specs and consistency of the trucks set ups. The Purchasing Policy requires Council approval to accept bids other than the low bid. The Chief is recommending the Professional Vehicles bid for

\$163,233. A possible motion: to accept the ambulance bid from Professional Vehicles for \$163, 233.

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

XI. Executive Session- Town Manager's annual evaluation.

Minutes
Bar Harbor Town Council
September 6, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, Clark Stivers, Matthew Hochman; and Town Manager Cornell Knight.
- A. **Excused Absence(s)** – *All were present.*
- II. **PUBLIC COMMENT PERIOD** – *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – Resident Pat Murphy suggested the Town consider amending our Charter, the same as Mount Desert in 2010 and recently the Town of Tremont. She handed out the section of the Town of Mount Desert’s revision, adding a Recall section.
- III. **APPROVAL OF MINUTES** – *August 16, 2016*
- Mr. St. Germain, with second by Ms. Greenlee, moved to approve the minutes of August 16, 2016 as published. Motion passed 7-0.
- IV. **ADOPTION OF AGENDA** – Ms. Greenlee, with second by Mr. Stivers, moved to adopt the agenda as published. Motion passed 7-0.
- V. **CONSENT AGENDA** – *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*
- A. **General Assistance Ordinance** – *Possible adoption of a motion to schedule a public hearing for October 4, 2016 to consider adoption of the annual revision of maximum benefit level in Town Code, Chapter 102, General Assistance, Appendixes A, B, C and D pursuant to 22 MRSA §4305(4).*
- B. **Special Town Meeting: November 8, 2016** –
1. *Possible motion to sign the Special Town Meeting Warrant for November 8, 2016 as presented.*
2. *Possible motion to confirm the appointment of Patricia Gray as Warden for the State Election, November 8, 2016.*
- C. **Design Review Board** – *Possible motion to approve the Design Review Board’s request changing their meeting start time to 6:00 p.m.*
- Ms. Greenlee, with second by Mr. St. Germain, moved to approve the consent agenda as published. Motion passed 7-0.
- VI. **REGULAR BUSINESS:**

- A. **Resolution** – *Possible motion to sign the resolution to proclaim a day of remembrance and reflection for 9/11 on September 11 at St. Saviour, as requested by Rev. Fleck.* – Councilor Friedmann read the resolution commemorating the fifteenth year anniversary of September 11th. Following the reading, Mr. Friedmann, with second by Mr. St. Germain, moved to approve and sign the Resolution “To Proclaim a Day of Remembrance and Reflection, September 11, 2016”. Motion passed 7-0.

**Resolution
Of The
Bar Harbor Town Council
‘To Proclaim a Day of Remembrance and Reflection’**

Whereas: The events of September 11, 2001, were a watershed in American History, as well as a turning point in relations among religious, ethnic, political and other groups in the United States and the world; and

Whereas: Recent events in our nation and our world have demonstrated that prejudice, suspicion, violence and hatred continue to poison relationships among such groups; and

Whereas: Individuals and organizations in Bar Harbor are working together to commemorate the fifteenth anniversary of September 11 with a community Gathering of Remembrance and Reflection at four o’clock in the afternoon at St. Saviour’s Church;

Therefore, be it Resolved: That the Bar Harbor Town Council commends this Gathering of Remembrance and Reflection; and be it further

Resolved: That September 11, 2016, be proclaimed a Day of Remembrance and Reflection in Bar Harbor.

- B. **Grant Park Renovation** – *Update status and possible approval of final design in preparation to place the project out to bid.* – Public Works Director Chip Reeves reported the Parks and Recreation Committee worked with the VIA through this process, and the committee approved the designed being presented tonight. The design is in keeping with the open grassy space of Grant Park, cleaning and clearly defining the pathway to the shore, and maintaining the access road. The plan includes shrubs, seating amphitheater style bench near the water’s edge, a few picnic tables, and an irrigation system that requires the extension of the water main. An estimated cost of \$210,000, excluding the irrigation system, with \$30,000 donation from the VIA. Following discussion, Mr. Barker, with second by Mr. St. Germain, moved to approve the design dated March 21, 2013 with the latest revision dated August 9, 2016 and put it out for bid. Motion passed 7-0.

- C. **Energy Saving Initiatives** - *Request of Councilor Friedmann that the Council commit to fiscal resilience (saving money and stabilizing future energy costs) and environmental sustainability.* – Councilor Friedmann, together with Ruth Poland (MDIHS Biology teacher), presented to the Council the EPA’s Energy Star Portfolio Manager, an online tool to track and

measure energy and water consumption, and waste and greenhouse gas emissions on existing buildings and provide data on new construction designs. In addition to seeking Bar Harbor as a pilot town for the Island to improve and utilize energy efficiently; they request establishing a net zero energy building standard for municipal buildings. Following discussion, Mr. Barker, with second by Mr. Stivers, moved that the town use the Energy Star Portfolio Manager for energy savings and use best practices, with the goal, to reach net-zero energy impact on future projects. Motion passed 4-3 (Nay: Ms. Greenlee, Mr. St. Germain, Mr. Hochman)

D. **Special Town Meeting: November 8, 2016** – *Review of the required Notice of Public Hearing and set a hearing date of an October meeting, either the 4th or 18th.* – Mr. St. Germain, with second by Ms. Greenlee, moved to approve the notice of Public Hearing for the special town meeting and schedule a public hearing for October 4, 2016. Motion passed 7-0.

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

VII. **TOWN MANAGER'S COMMENTS** – Mr. Knight requested a volunteer for a small committee the Planning Director is forming to review the Cottage Street Streetscape RFP. Ms. Greenlee volunteered with preference to the meeting dates of September 19 or 20 in the afternoon.

In addition, Mr. Knight reported the Salisbury Cove neighborhood meeting date conflicts with the site's availability. He inquired if Council preferred to move the site or the date. By general consensus, Council requested scheduling the meeting for the first meeting in December.

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

Ms. Greenlee announced she can't wait to use the new Grant Park.

Mr. Friedmann reported that he had the pleasure to ride and observe the police officer Brad O'Neil. He thanked Officer O'Neil and Chief Willis for the opportunity and sang praises for Officer O'Neil's handling of his duties, especially a domestic violence situation. He further noted the shared departments between the two towns work well, as he observed the assistance of Mount Desert's officer Lee Gifford.

Mr. Friedmann attested to the cramped working conditions in Bar Harbor's public safety building. He also reported he observed first-hand the parking issue over the Labor Day week. Cars were forced to park illegally. He stated, "We can no longer ignore that Bar Harbor has a parking issue."

Mr. Hochman announced the Parking Solutions Task Force held their first meeting. The next meeting Jim Willis will join them to identify and address parking issues.

He stated that he began reading the State referendum articles for the November vote. The marijuana issue, if passed, would place much of the regulations at the

local level. He would like to discuss, prior to Election Day, the Town's role if it passes, and address possible ordinances restricting the number of establishments and other possible issues.

Mr. Paradis reminded Councilors to get in their Town Manager's evaluation by Tuesday.

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

X. **ADJOURNMENT** – Mr. St. Germain, with second by Ms. Greenlee, moved to adjourn the meeting at 8:25 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk

Memo



To: Town Councilors; Cornell Knight
 From: Stan Harmon, Finance Director
 CC: Department Heads *PAT* 
 Date: 9/14/2016
 Re: Fiscal Year 2017 – August 31, 2016 – 2 Months Results

General Fund

Attached are the financial results for 2 months of operations for FY 2017 through the end of August. The audit “field” work has not yet begun for Fiscal Year 2016—the auditors will be arriving the first week of October. Staff doesn’t anticipate any significant *expense* adjustments that differ from the year end estimates previously provided to the Council. However, we do anticipate a favorable tax *revenue* adjustment reflected in the audit due to better collections.

Expenditures (17% goal)

The August summary statements show 18.2% spent versus 16.8% of the budget spent last year. 16.2% of the \$3.6 million in budgeted municipal wages are spent year-to-date compared to 15.3% in August 2015. No spending anomalies are evident at this early point of the fiscal year other than Solid Waste expenses are trending up seasonally versus last year, partly due to planned PERC price adjustments. Encumbrances from FY16 have been added to the FY2017 budget.

Non-Property Tax Revenues (17% goal)

22% of the budget for non-property tax revenues is now collected versus 20% at this point last year. With only two months of activity booked we are only just out of the starting gate. Vehicle Excise is flat with the prior year; net Ambulance revenues are down \$11,000, or 15% from last year, but Building Permits are up by \$20,000 over 2016.

Ambulance Revenues -

FY 2017	2 Months YTD Runs Billed	160	Ave. <u>Gross</u> Billing (per run)	\$650
FY 2016	2 Months YTD Runs Billed	181	Avg. <u>Gross</u> Billing (per run)	\$627
FY 2015	2 Months YTD Runs Billed	161	Avg. <u>Gross</u> Billing (per run)	\$612

FY 2017	2 Months YTD	Runs billed	160	<u>Net</u> Collections (per run)	\$439
FY 2016	2 Months YTD	Runs billed	181	<u>Net</u> Collections (per run)	\$449
FY 2015	2 Months YTD	Runs billed	161	<u>Net</u> Collections (per run)	\$411

		<u>8/31/2016</u>	<u>8/31/2015</u>
Ambulance Accounts Receivable		\$193,822	\$185,897

Excise-Motor Vehicle Revenues- total revenue data shows we are even with last year.

FY 2017	2 Months YTD	870 units	\$177,696	=\$204 / per vehicle
FY 2016	2 Months YTD	961 units	\$177,756	=\$185 / per vehicle
FY 2015	2 Months YTD	882 units	\$178,198	=\$202 / per vehicle
FY 2014	2 Months YTD	942 units	\$175,373	=\$186 / per vehicle

Building Permitting Revenue- revenue is up due to Jax & Bio Lab permits issued

FY 2017	2 Months YTD	50 permits	\$31,577	=\$631 / permit
FY 2016	2 Months YTD	47 permits	\$11,592	=\$247 / permit
FY 2015	2 Months YTD	50 permits	\$16,205	=\$324 / permit

FY '15 Previously Authorized Council Budget Adjustments or Transfers:

Contingency Fund Activity for FY '17:

Beginning Balance	(Town Meeting Approval)	\$53,366
Minutes-8/16/16	Town Council-PD-CIP-Taser Eq. transfer	<u>-\$2,500</u>
Ending Balance	@ 8/31/16 (available #1036-5906)	\$50,866

Other General Fund Transfers:

From: Expense #xxxx-xxxx	(No approved transfers)	(\$00)
To: Expense #xxxx-xxxx		
	\$00	

Cruise Ship Fund Transfers:

From: Expense #6510-5359 to CIP-PD Eqp	(TC 8/16/16 transfers)	-\$2,500
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Capital Improvement Transfers/Adjustments:

To Rev: CrShipFd Transfer #2188-4364	(Town Council 8/16/16)	\$ 2,500
GenFundContingency Transfer #2188-4806		\$ 2,500
Other Donations-Police Fund #2182-4512		<u>\$ 8,719</u>
To Exp: PD-Tasers #2145-6238 CIP Police Taser Equipment		\$13,719

Property Tax Collection & Receivable Update:

The new 2016 tax bills were mailed on time with a mill rate of 10.73 (same as budget estimate) compared to the 10.59 rate last year---a 1.3% increase. The prior year's taxes are still showing very positive collections. The upcoming 9/30 outstanding balance comparisons will be more indicative of any significant changes to either a positive or negative collection trend.

Tax Year	Property Taxes Outstanding Balance	@ 8/30/16 %	@ 8/31/15 Balance	%
2007	\$ 1,262	0.1%	\$ 2,890	0.1%

2008	\$ 1,642	0.1%	\$ 5,075	0.1%
2009	\$ 3,501	0.1%	\$ 7,740	0.1%
2010	\$ 2,900	0.1%	\$ 9,164	0.1%
2011	\$ 6,088	0.1%	\$ 10,957	0.1%
2012	\$ 5,918	0.1%	\$ 10,536	0.1%
2013	\$ 3,723	0.1%	\$ 148,625	1.1%
2014	\$ 109,236	0.7%	\$ 323,383	2.2%
2015	\$ 266,406	1.7%	\$13,951,181	89.5%
2016	\$13,998,900	88.1%		

Cash Investment and Status Report / Banking

On August 31st, the Town had \$12,515,000 on hand in all funds—approximately \$165,000 more than last year’s total balances at this same time period. Checking interest rates are at .33% vs. the same .33% last year.

Wastewater Division Fund

Financials (17% - 2 month Benchmark)

	Annual Budget	Aug YTD Actual	% Spent
Spending shows the following:			
<i>Oper & Maint-FY2017-this year</i>	\$1,328,665	\$149,857	11%
<i>Oper & Maint-FY2016-last year</i>	\$1,330,551	\$112,292	8%
	<u>8/31/2016</u>	<u>8/31/2015</u>	
Accounts Receivable-Wastewater	\$55,141	\$74,381	

Water Division Fund

Financials (17%-2 month Benchmark)

	Annual Budget	Aug YTD Actual	% Spent
Spending shows the following:			
<i>Oper & Maint-FY2017-this year</i>	\$1,057,692	\$124,132	12%
<i>Oper & Maint-FY2016-last year</i>	\$1,053,291	\$71,646	7%
	<u>8/31/2016</u>	<u>8/31/2015</u>	
Accounts Receivable-Water	\$17,622	\$24,046	

Technology

In August, Steve migrated and installed profiles for new Dispatch, Police, Fire and Water pcs, assisted in a video recording recovery for the Harbormaster, worked with Jeff at Water/Wastewater for the re-location of communication antennas, migrated the Ambulance billing module off the server and on to the Cloud (hosted service), successfully rolled out the new Town Hall Streaming video service and met with *Connectivity Works* on the planning to install white noise masking and a music system in the main hall of the Muni Building this fall.

Assessing

Justin's report highlighted his focus on two main tasks in July/August. First was the preparation of the annual tax commitment, which was completed on a timely basis so that Finance could send out the tax bills. The other focus was the training of Deanne, his assistant, to take and pass the assessing certification exam. The personal property assessor in Ellsworth trained Deanne on the pp work component. She did pass the exam and Justin indicated that he will now introduce more field work into the assistant position.

Justin has a large GIS/E911 project planned for September---basically cross referencing the State address database with the in-house data address points. This will ensure the State (& County dispatch) has the latest information. New individual house units need to be added to the State database manually.

868 Homestead Exemptions were reported this year; the exemption increased from \$10,000 to \$15,000 which lightened the tax burden on each of those homeowners by \$53.65 (5000 x 10.73/1000).

Cruise Ship Fund

Revenue activity so far – 2 months:	<u>Budget</u>	<u>Actual</u>	<u>%</u>
FY2017	\$679,326	\$92,081	14%
FY2016	\$605,735	\$51,802	9%
FY2015	\$632,224	\$86,995	14%

Town of Bar Harbor
Expenses - Period Ending
8/31/16

13-Sep-16

16.7% of Year Completed

General Fund	Dept	A FY '17 Annual Adj'd Budget	B FY '17 2 Months Actual	C FY '16 12 Months Pre-Audit	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	FY '15 12 Months Actual	Comments on variances
Town Council	10	\$ 38,434	\$ 751	\$ 33,557	5,667	2.0%	\$ 37,388	Timing
Town Manager	12	\$ 126,221	\$ 18,377	\$ 116,286	2,702	14.6%	\$ 131,270	
Town Clerk	14	\$ 133,137	\$ 19,346	\$ 117,504	2,888	14.5%	\$ 123,202	
Finance Dept.	16	\$ 335,594	\$ 67,797	\$ 327,892	(11,753)	20.2%	\$ 322,362	Timing
Town Attorney	18	\$ 18,950	\$ 1,200	\$ 18,544	1,965	6.3%	\$ 36,982	
Elections	20	\$ 18,230	\$ 120	\$ 9,764	2,924	0.7%	\$ 12,156	
Technology	22	\$ 149,514	\$ 33,375	\$ 171,317	(8,406)	22.3%	\$ 147,667	Timing
Municipal Building	24	\$ 69,568	\$ 12,523	\$ 84,144	(905)	18.0%	\$ 96,879	
Town Offices	26	\$ 35,646	\$ 10,830	\$ 37,404	(4,877)	30.4%	\$ 35,269	Timing
Employee Benefits	28	\$ 1,434,848	\$ 244,341	\$ 1,346,953	(4,721)	17.0%	\$ 1,252,271	
Code Enforcement	30	\$ 76,432	\$ 11,188	\$ 70,055	1,576	14.6%	\$ 91,282	
Assessing Dept.	32	\$ 134,996	\$ 18,088	\$ 116,749	4,456	13.4%	\$ 116,759	
Planning Dept.	34	\$ 160,456	\$ 21,042	\$ 125,398	5,754	13.1%	\$ 91,360	
Miscellaneous	36	\$ 217,878	\$ 97,943	\$ 201,520	(61,557)	45.0%	\$ 211,723	Timing
Fire / Ambulance Dept	42	\$ 844,514	\$ 141,495	\$ 781,816	(461)	16.8%	\$ 731,679	
Hydrants-Public Fire	43	\$ 585,602	\$ 146,401	\$ 533,036	(48,605)	25.0%	\$ 480,468	Timing
Police Dept.	45	\$ 1,056,842	\$ 180,986	\$ 1,032,819	(4,493)	17.1%	\$ 983,866	
Dispatch Division	47	\$ 215,590	\$ 34,133	\$ 217,475	1,871	15.8%	\$ 204,277	
Public Safety Bldg.	49	\$ 36,143	\$ 3,404	\$ 40,135	2,632	9.4%	\$ 42,602	
Street Lights	51	\$ 71,575	\$ 10,214	\$ 64,625	1,739	14.3%	\$ 69,069	
Harbor Dept.	53	\$ 115,815	\$ 16,227	\$ 113,717	3,114	14.0%	\$ 116,162	
Parks & Rec & Glen M	59	\$ 239,154	\$ 54,676	\$ 239,239	(14,737)	22.9%	\$ 229,730	Timing-seasonal
Emrg Mgt & Gen Assis	63/66	\$ 1,458	\$ 76	\$ 1,269	167	5.2%	\$ 1,170	
Cooperating Agencies	68	\$ 40,038	\$ 1,820	\$ 42,843	4,866	4.5%	\$ 45,231	
Comfort Station	70	\$ 92,432	\$ 20,523	\$ 96,243	(5,087)	22.2%	\$ 83,607	Timing-seasonal
Public Works	75	\$ 147,064	\$ 20,965	\$ 142,561	3,595	14.3%	\$ 144,809	
Highway Dept	77	\$ 1,040,312	\$ 137,243	\$ 949,596	36,489	13.2%	\$ 1,160,595	
Solid Waste	79	\$ 644,199	\$ 145,370	\$ 611,545	(37,789)	22.6%	\$ 611,136	PERC price /seasonal
General Fund Totals		\$ 8,080,642	\$ 1,470,454	\$ 7,644,006	\$ (120,987)	18.2%	\$ 7,610,971	
payroll periods		26	4	26		15.4%	26	

FY17 Budget excludes \$2,500 transferred to CIP by TC during FY17

FY17 Budget Includes \$40,591 in carryover encumbrances from FY2016

General Fund - Revenues

Town of Bar Harbor
YTD August 31, 2016
16.7% - 2 Months

<u>Department</u>	<u>Budget FY'17 12 Months</u>	<u>Actual FY'17 2 Months</u>	<u>Actual FY'16 12 Months</u>	<u>Bud. Var. Favorable (Unfavorable)</u>	<u>% Rev's Received 16.7% Goal</u>	<u>Variances From Budget Goal Comments</u>
Town Clerk Fees	\$ 28,140	\$ 4,550	\$ 25,321	(149)	16%	
Finance Department	\$ 180,197	\$ 43,917	\$ 182,081	13,824	24%	Timing
Municipal Building Rents	\$ 32,000	\$ 9,614	\$ 34,690	4,270	30%	Timing-prepayments
Code Enforcement Permits	\$ 152,194	\$ 39,137	\$ 139,234	13,721	26%	
Planning Fees	\$ 16,550	\$ 3,519	\$ 10,737	755	21%	
Ambulance/Fire Fees	\$ 417,100	\$ 70,317	\$ 299,376	661	17%	
Police Department	\$ 71,889	\$ 23,449	\$ 81,315	11,444	33%	seasonal-timing
Harbor Department	\$ 54,600	\$ 27,902	\$ 66,708	18,784	51%	seasonal-timing
Parks & Recreation	\$ 700	\$ 200	\$ 800	83	29%	
Highway Division	\$ 10,910	\$ 360	\$ 12,018	(1,462)	3%	
Solid Waste-Recycling	\$ 75,300	\$ 10,685	\$ 48,431	(1,890)	14%	lower trend
Departmental	\$ 1,039,580	\$ 233,650	\$ 900,711	60,040	22%	
P.I.L.O.T.'s	\$ 129,100	\$ 2,668	\$ 132,862	(18,892)	2%	Timing
Interest Income	\$ 23,000	\$ 322	\$ 32,353	(3,519)	1%	Timing
Misc, Cable Franch., other	\$ 121,927	\$ 66,048	\$ 121,019	45,686	54%	Timing
Excise & Other Taxes	\$ 995,000	\$ 181,204	\$ 1,057,523	15,039	18%	
Intergovernmental	\$ 242,123	\$ 88,241	\$ 242,427	47,806	36%	Timing
Revenues-Subtotal	\$ 2,550,730	\$ 572,133	\$ 2,486,895	146,161	22%	
Property Taxes	\$ 15,896,514	\$ 15,896,515	\$ 15,602,181	1	100%	
Transfers In-CS & Other Funds	\$ 275,147	\$ -	\$ 265,440	-	0%	
Fund Balance Used	\$ 105,000	\$ -	\$ -	-	0%	
Grand Total-General Fund	\$ 18,827,391	\$ 16,468,648	\$ 18,354,516		87.5%	
Wastewater Revenues	\$ 2,131,500	\$ 24,673	\$ 1,747,577		1%	Oct is the 1st qtr billing
Water Revenues	\$ 2,084,202	\$ 499,941	\$ 1,854,635		24%	1 qtr billed
CIP Fund Rev's/Transfers	\$ 2,265,259	\$ 49,314	\$ 2,629,723		2%	Timing
Cruise Ship Fund Rev's	\$ 679,326	\$ 92,081	\$ 590,354		14%	

**TOWN OF BAR HARBOR
CASH / INVESTMENT STATUS @ August 31, 2016**

Note	Bank	Acct. No.	Purchase	Maturity	Interest Rate	Amount
**CHECKING ACCOUNTS						
GENERAL	BHBT	77548521	GL #10-1140		0.33%	\$ 2,078,000
SEWER	MACHIAS SB	8100333860 / 930	GL #35-1135		0.10%	\$ 73,000
SEWER	BHBT	77548513	GL #35-1140		0.33%	\$ 592,000
WATER	BHBT	77548556	GL #40-1140		0.33%	\$ 866,000
	Total Checking Accounts					\$ 3,609,000
GENERAL	BHBT	ICS - CDARS	FDIC custodial bank deposits	GL #10-1130	0.55%	\$ 837,000
GENERAL	The 1st		collateralized securities	GL #10-1145	0.75%	\$ 1,053,000
GENERAL	The 1st		collateralized securities	GL #10-1146	0.45%	\$ 1,009,000
SEWER	BHBT-	ICS - CDARS	FDIC custodial bank deposits	GL #35-1130	0.55%	\$ 1,054,000
SEWER	MACH S BK	ICS - CDARS	FDIC custodial bank deposits	GL #35-1120		\$ 464,000
WATER	BHBT-bond \$	ICS - CDARS	FDIC custodial bank deposits	GL #40-1130	0.55%	\$ 1,810,000
**CERTIFICATES OF DEPOSIT: money market						
Gen Fnd	The First	14 months	27-Jan-16	27-Jan-17	0.25%	\$ 86,285
Gen Fnd	BHS&L	18 Months	27-Jun-16	27-Dec-17	0.70%	\$ 110,835
Gen Fnd	BHS&L	12 months	04-Dec-15	03-Dec-16	0.65%	\$ 112,416
Gen Fnd	MSB	12 Months	25-Oct-15	25-Oct-16	0.27%	\$ 112,435
Gen Fnd	MSB	1 Year-CDARS	12-Jan-16	12-Jan-17	0.27%	\$ 240,471
Gen Fnd	UTC-Camden	12 Month CD	11-Aug-16	11-Aug-17	0.15%	\$ 107,233
Gen Fnd	UTC-Camden	12 Month CD	10-Feb-16	10-Feb-17	0.15%	\$ 106,910
Gen Fnd	UTC-Camden	1 Year-CDARS	31-Mar-16	29-Sep-16	0.10%	\$ 236,479
#10-1160	Total Certificates of Deposit					\$ 1,113,064
CIP Reserves: Bar Harbor Banking & Trust - Trust Department						
GENERAL: COMB-combined funds			Money Mkt Funds Sweep		0.40%	\$ 206,080
Microsoft Corp			Bond - AAA	03-Nov-18	1.30%	\$ 100,733
Statoil ASA			Bond - AA	15-May-18	1.15%	\$ 99,859
Federal Farm Cr Bank			Bond - AA+	11/27/2017	0.88%	\$ 100,001
Fed Natl Mtg Assoc			Bond - AAA	2/19/2019	0.88%	\$ 250,523
Fed Home Loan Mtg Corp			Bond - AAA	1/4/2018	0.00%	\$ 271,337
Toronto Dominion Bank			Bond - AA-	5/2/2017	1.13%	\$ 100,084
Nippon Teleg & Tel Corp.			Bond - AA-	7/18/2017	1.41%	\$ 100,161
US Treasury Note			Note	9/30/2017	0.63%	\$ 249,990
US Treasury Note			Note	10/15/2018	0.88%	\$ 200,804
Amerisource			Bond - A-	5/15/2017	1.15%	\$ 100,100
Capital One Bank			Bond - AA+	4/8/2019	1.25%	\$ 252,385
#10-1170	Total In Trust Fund					\$ 2,032,057
TOTALS: All CASH & INVESTMENTS						\$ 12,517,121

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.

COMB = Combined General, CIP, School and Cruise Ship Cash Accounts
SWR = Sewer Fund
WTR = Water Fund

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

Town Bond Rating: Affirmed August '15 Aa2 Moody's
Affirmed August '15 AAA S & P's

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



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

VII A.

MEMORANDUM

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Stephen W. Gove, Executive Director

DATE: September 1, 2016

SUBJECT: Voting Credentials for MMA Annual Business Meeting

The Maine Municipal Association Annual Business Meeting is being held in conjunction with the MMA Annual Convention and will take place on **Wednesday, October 5, 2016, at 1:30 p.m. in Ballroom 5 at the Cross Insurance Center in Bangor, Maine.** The MMA Bylaws entitle each member community to one (1) voting representative.

Enclosed please find the *MMA Voting Delegates Credential Form* on which the municipal officers may designate their municipality's voting representative and alternate. We have also attached the Proposed Agenda for the MMA Annual Business Meeting for your reference. The current MMA Bylaws as adopted in 2013 will be available at the MMA Annual Business Meeting or may be viewed on the MMA website at

<http://www.memun.org/public/MMA/Gov/bylaws.pdf>.

Please note that the MMA Executive Committee is not putting forth any proposed amendments to the MMA bylaws for this year. If you plan to be at the MMA Annual Convention and would like to have a Voting Delegate represent your municipality, please complete the MMA Voting Delegate Credential Form and return to our office by **Tuesday, October 4, 2016** or bring it with you to the MMA Annual Business Meeting. We have provided a self-addressed, self-stamped envelope for your convenience.

We look forward to seeing you at this year's MMA Annual Convention in the City of Bangor. If you have any questions on this information, please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or in the Augusta area at 623-8428.

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 5, 2016
1:30 – 2:15 p.m.
Cross Insurance Center, Bangor, Maine
Ballroom 5**

PROPOSED AGENDA

1. **Introductions and Welcoming Remarks** – MMA President Stephan Bunker
(Selectperson, Town of Farmington)
2. **Approval of 2015 MMA Annual Business Meeting Minutes** – Stephan Bunker
3. **MMA President's Report** – Stephan Bunker
4. **Update on Development of MMA's Legislative Agenda** – Laurie Smith, MMA
Vice President and Chair of Legislative Policy Committee
5. **Announcement of Election Results for MMA Executive Committee and
Introduction of New Executive Committee Members** – Stephan Bunker
6. **Executive Director's Report** - Stephen Gove, MMA Executive Director
7. **Other Business** (*comments from the floor*)
8. **Adjournment**

MAINE MUNICIPAL ASSOCIATION
VOTING DELEGATE CREDENTIALS

_____ is hereby designated as the official Voting Delegate and
(name)
_____ as the alternate voting delegate for _____
(name) (municipality)
to the Maine Municipal Association Annual Business Meeting which is scheduled to be held,
Wednesday, October 5, 2016, 1:30 p.m., at the Cross Insurance Center, Bangor Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ Municipality: _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or Signed by a Majority of Municipal Officers:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than **Tuesday, October 4, 2016** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

*MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: 207-626-3358*



**MOUNT DESERT POLICE DEPARTMENT
BAR HARBOR POLICE DEPARTMENT**

James K. Willis, Chief of Police

jwillis@mdpolic.org

VII B



BHPD

Lt. David Kerns

37 Firefly Lane

Bar Harbor, Maine 04609

Tel: 207-288-3391

dkerns@barharbormaine.gov

MDPD

Lt. Kevin Edgecomb

21 Sea Street, PO Box 248

NE Harbor, ME 04662

Tel: 207-276-5111

kedgecomb@mdpolic.org

Date: September 14, 2016

To: Town Manager Cornell Knight

From: Chief James Willis

Subject: Update on Little A's Special Amusement Permit

Since my August update, one new complaint was received about noise at Little A's. It was made late on 8/19/16 about patron noise (voices) from the outside deck and it was from a neighbor. The responding Officer noted in his report that he heard the patrons and did not feel it would have risen to what is required to substantiate a noise complaint.

That evening Officers spoke with management and the issue was quickly resolved by Little A's staff. The next day the owner of Little A's contacted Officer Sundberg to take responsibility for the mistake his staff made and to apologize. He indicated that the staff got very busy and forgot to close access to the outside deck as they normally do. There is no indication this complaint was connected to any activity related to their special amusement permit.

On 9/13/16 Officer Sundberg spoke with the neighbor involved with the complaint and learned that there have been no other noise issues and the neighbor thinks things are "pretty good".

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

NOTICE of PUBLIC HEARING

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 fourth of October, in the year of our Lord Two Thousand and Sixteen at seven 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 eighth of November 2016:

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

Parking

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

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

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

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

USE, ACCESSORY

A. A use which is:

- (1) Subordinate to and serves a principal use;
- (2) Subordinate in area, extent and purpose to the principal use served;
- (3) Located on the same lot as the principal use served, except as otherwise expressly authorized by this chapter; and
- (4) Customarily incidental to the principal use.

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

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

D. Uses allowed by site plan.

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

F. Other requirements.

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

§ 125-18 Village Historic.

F. Other requirements.

[Amended 11-2-2010]

(1) All new construction and/or changes to facades and signs shall require Design Review Board approval if visible from a public way. Single-family homes are exempt from this provision unless otherwise included in Appendix A or B of this chapter.

(2) The Planning Board shall ensure that parking for bed-and-breakfast I shall be shielded from the view of neighboring properties located to the side and rear of the property where the bed-and-breakfast is located. Shielding shall consist of vegetative screening. (Also see parking requirements found in 125-67B(4))...

§ 125-19 Mount Desert Street Corridor District.

C. Allowed uses.

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

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) Principal uses allowed by minor site plan approval: wind turbines, offices, all types of schools, bed-and-breakfast I and II.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; parking lot; theaters...

F. Other requirements.

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

§ 125-20 Village Residential.

D. Uses allowed by site plan.

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

G. Other requirements:

(1) Accessory structures shall be located in the side and rear yard of the property.

(2) The Planning Board shall ensure that parking lots are shielded from the view of neighboring properties by requiring parking lots to provide buffering and vegetative screening. (Also see parking requirements found in 125-67B(4))...

§ 125-21 Downtown Village I.

C. Allowed uses:

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

[Amended 11-5-2013]

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

(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure...

E. Other requirements.

(1) All changes to facades and signs require Design Review Board approval.

(2) Parking requirements. (Also see parking requirements found in 125-67B(4)).

§ 125-21.1 Downtown Village II.

C. Allowed uses.

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

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking deck; parking lot; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers.

(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure...

E. Other requirements.

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

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

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

E. Other requirements.

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

§ 125-49.1 Shoreland General Development III.

D. Uses allowed by site plan.

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

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

Chapter 125 , LAND USE ORDINANCE

APPENDIX C, Table of Permitted Uses

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE V, Site Plan Review

§ 125-67 General review standards.

D. Parking requirements. Any ~~site plan for an~~ activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.

[Amended 11-5-1991; 5-2-1994; 11-4-1997; 3-24-1998; 5-5-2003; 11-4-2003; 5-3-2004; 5-2-2005; 6-13-2006; 6-8-2010; 11-2-2010]

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

(2) Required off-street parking shall be located on the same lot as the principal building or use that it serves, except that ~~in the Downtown Village and Shoreland General Development Districts~~, with site plan approval and subject to such conditions as the Planning Board may impose, off-street parking spaces may be located on land or premises of the same ownership as the lot containing the principal building or use if said land or premises is dedicated for ~~free public parking and is located anywhere within the aforesaid districts~~.

(a) If parking spaces are on an off-site parking lot, such parking lot may not be farther than 500 feet from each entity requesting utilize those spaces. This distance shall be measured following a reasonable, safe walking route between the primary use and the parking lot being utilized.

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

Recommendations:

The 5 member Planning Board recommends adoption by a vote of 4 to 0.

The 22 member Warrant Committee recommends rejection by a vote of 11 to 3 with one abstention.

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

Parking

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

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

D. Uses allowed by site plan.

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

F. Other requirements.

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

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

Parking

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

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses:

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

[Amended 11-5-2013]

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

E. Other requirements.

(1) All changes to facades and signs require Design Review Board approval.

(2) Parking requirements.

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

Parking

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

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21.1 Downtown Village II.

C. Allowed uses.

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

E. Other requirements.

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

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

Parking

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

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

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

Chapter 125 , LAND USE ORDINANCE

APPENDIX C, Table of Permitted Uses

	Educational Institution	Scientific Research
<u>Parking garage</u>	<u>b</u>	<u>b</u>

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

Recommendations:

The 5 member Planning Board recommends adoption by a vote of 4 to 0.

The 22 member Warrant Committee recommends rejection by a vote of 15 to 0.



Given under our hands this twentieth day of September 2016.

Municipal Officers of the Town of Bar Harbor

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

J. Clark Stivers

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 Sixteen.

Attest:

Constable of the Town of Bar Harbor

Attest:
A true copy _____
Patricia A. Gray, Town Clerk of Bar Harbor, ME

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 Sixteen, being at least seven days before the hearing.

Given under our hands this twentieth day of September 2016.

Municipal Officers of the Town of Bar Harbor

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

J. Clark Stivers

Attest: A true copy _____
Patricia A. Gray, Town Clerk of Bar Harbor, ME



STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0016

VII A.

Paul R. LePage
 GOVERNOR

David Bernhardt
 COMMISSIONER

Town of Bar Harbor
 93 Cottage Street
 Bar Harbor, ME 04609-1443

Re:

WIN :	019197.00
PROJECT :	AC-STP-1919(700)X
TOWN :	Bar Harbor
PARCEL NO. :	87

9/7/16

Dear Property Owner:

Today, as the Department's representative, I have explained to you the proposed construction and the effect it will have on your property. I have attempted to answer any questions you had. I have also explained the methods used in preparing our appraisal and the basis for our determination of just compensation for the land and rights to be acquired. I have made you an offer in the amount of \$1,300.00 which represents the just compensation as determined by a qualified appraiser and approved by one of the Department's review appraisers.

The land and/or rights to be acquired from you for this project are as follows:

Valuation Type	Count	Area	Unit
Fee Acquisition	1	477.00	Sq. Feet
Temp. Const. Rights	1	230.00	Sq. Feet

The following is a statement by the Department of Transportation regarding the parcel or parcels of land above referenced:

- A. The highest and best use of the property at the date of taking.
Utility
- B. The fair market value of the real property taken as of the date of taking.
\$1,300.00
- C. Offering price.
\$1,300.00

Form AQ-2
 Revised 09/30/2010



ENVIRONMENTAL

I have explained your recourse if the State's offer is not acceptable. The booklet "A Land Owner's Guide to the Property Acquisition Process" confirms the procedures available to you. If a copy of this booklet has not previously been given to you, please request one. I have also explained that the property owner or designated representative is responsible for informing any potential purchaser of the impending acquisition of land and/or rights as required by Title 23, M.R.S.A. Section 153-3(4).

A great deal of time has been spent in the effort to design an attractive, safe highway; also to design it in the manner that will cause the least damage to adjoining property; and finally to determine by properly made and carefully reviewed appraisals the just compensation due to the owners. I hope that we have accomplished our objective.

Please be advised that if you have a mortgage, the mortgage company holds a recorded interest in your property. Under Maine law, your mortgage company may receive a copy of the condemnation documents and may be named on your just compensation check. If your mortgage company is named on your compensation check, your lender must endorse the check before you can cash it. Your mortgage document quite likely contains a provision that addresses eminent domain takings. If your lender is named on your check, you should review this language in your mortgage carefully and deal with your lender directly. The holders of tax liens or other recorded encumbrances on your property may also appear on your check. Again, their endorsement will be required and you will need to deal with them directly.

PROPERTY MARKERS: Action taken by the 115th Maine Legislature has revised Maine's landmark location law (14 M.R.S.A., Sec. 7554-A). Please be sure to inform me if your property markers do not appear on our plans. The Department does not set property pins, but will re-establish the point of former location of a disrupted pin on request from the owner.

Under certain conditions MaineDOT can reimburse eligible property owners for reasonable cost associated with resetting a property pin on the new right of way line by a Licensed Professional Land Surveyor. If necessary, I will explain the eligibility criteria and application process.

Sincerely,



Berta Estes
MaineDOT

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
Owner's Offer-Assent

Property Owner(s):
Town of Bar Harbor

WIN:	<u>019197.00</u>
Project No:	<u>AC-STP- 1919(700)X</u>
Town:	<u>Bar Harbor</u>
Parcel/Item No:	<u>87</u>

BACKGROUND:

1. It has been determined that public exigency requires the construction or reconstruction by altering, widening, changing the grade of and/or changing the drainage of a portion of State Highway "**Route 3**" in the Town of **Bar Harbor**, County of **Hancock** and State of Maine through a Maine Department of Transportation (the "MaineDOT") project identified by the WIN and Project Number referenced above (the "Project").
2. In connection with the Project, the necessary real property rights (the "Property Rights") to be acquired have been assigned value, surveyed, and identified on a plan known as Right of Way Map, State Highway "**Route 3**", Project No. **AC-STP-1919(700)X**, on file in the Augusta headquarters of MaineDOT, File No. **5-300 DEC 2015**.
3. The Property Rights in and to a certain parcel of land identified on the Right of Way Map as Parcel No. **87**, owned by the above identified Property Owner(s) (the "Property Owner(s)") in said **Bar Harbor**, are required for construction of the Project.
4. MaineDOT intends to acquire the Property Rights by filing a Notice of Layout and Taking (the "Taking") in the **Hancock** County Registry of Deed on or about **11/01/2016**. At MaineDOT's discretion, and with the Property Owner(s)' consent, the Property Rights may be transferred through the execution of a deed or other transactional instrument.
5. MaineDOT has determined just compensation for acquisition of the Property Rights to be **\$1,300.00** (the "Payment"), and this amount will be paid to the Property Owner(s) upon filing of the Taking.

6. The Property Owner(s) does/do hereby acknowledge that **Berta Estes**, Right of Way Agent representing the MaineDOT, met with or wrote to the Property Owner(s) and explained the Property Rights to be acquired, the just compensation Payment, and all construction impacts, changes of location, grade, drainage and slopes as they apply to the Property Owner(s)' land.

AGREEMENT

1. The Property owner(s) accept the Payment as just compensation for all Property Rights taken in connection with the Project.

2. The Property Owner(s) release Maine DOT from any further claims of just compensation arising from the Property Rights taken in connection with the Project; however, if any changes in design or construction occur after the date of this settlement and negatively impact the Property Owner's land in an unanticipated manner, the Property Owner(s) shall have the right to request that this settlement be rescinded.

In witness of the above, the parties have executed this Agreement on the date herein indicated.

Dated: _____

Property Owner(s):

WIN: 019197.00
Parcel #: 87
R/W Form No. N-26
Form AQ-15
Revised 03/07/2011

C OCEAN

P.I. STA. 212+00.13
D = 1°-14'-44.0"
Δ = 2°-54'-20.2" LT.
T = 116.66'
L = 233.28'
E = 1.48'
R = 4600.00'



LS COVE

TOWN OF BAR HARBOR
PARCEL NO. (87)

LAND TAKEN = 477± S.F.

TEMP. CONST. RIGHTS = 230± S.F.(1)

TOTAL AREA = 0.06± AC.(TOWN)

REM. AREA = 0.05± AC.

ME
PA
LA
DR
TE
TO
RE

STEPHEN D. COUGH
VIN A. COUGH
PARCEL NO. (84)

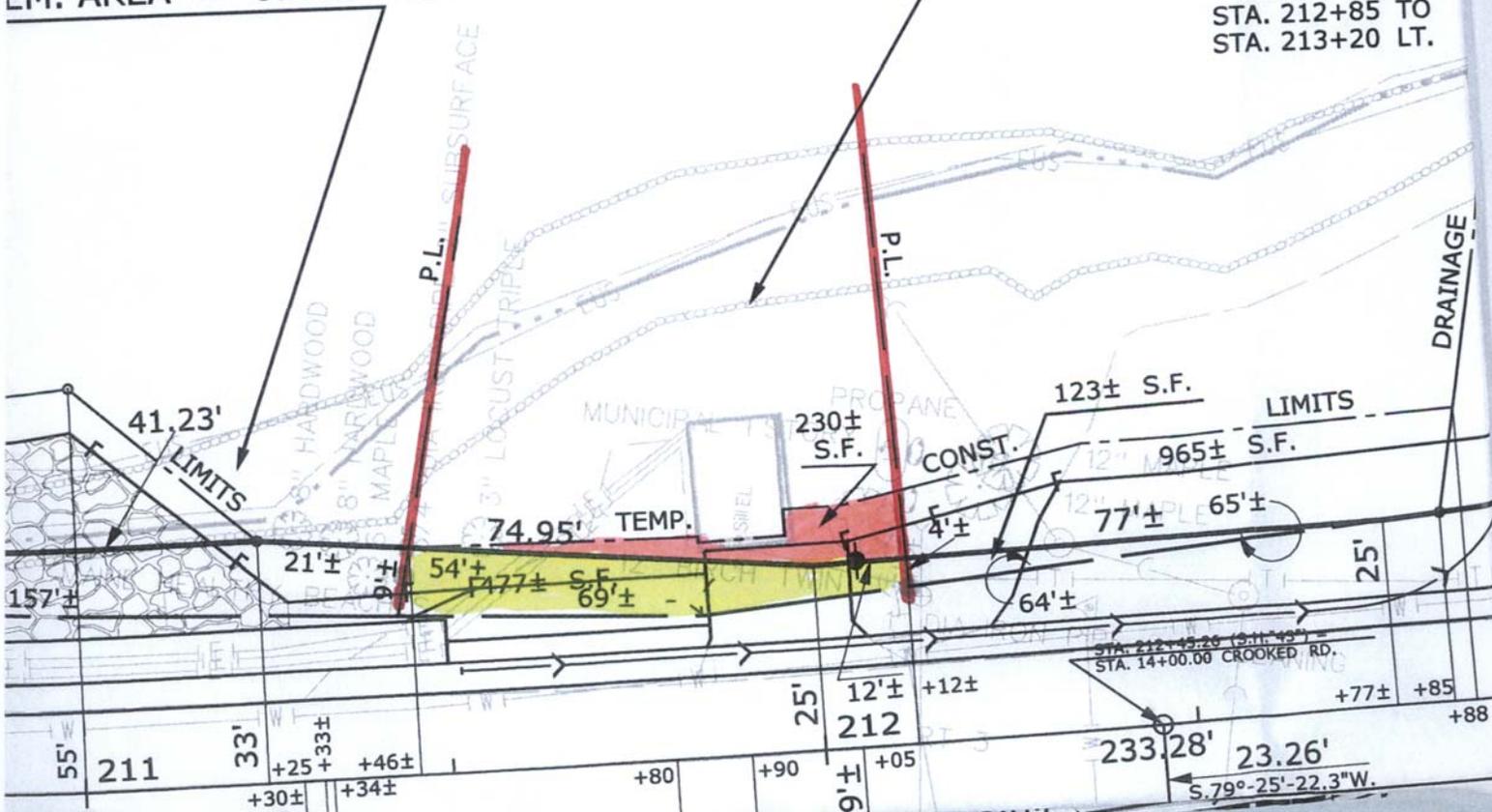
LAND TAKEN = 1307± S.F.

LOPE EASEMENT = 0.05± AC.(1)

TOTAL AREA = 0.07± AC.(TOWN)

REM. AREA = 0.04± AC.

OUTLET DRAINAGE
STRUCTURE
STA. 212+85 TO
STA. 213+20 LT.





STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0016

VIII A

Paul R. LePage
 GOVERNOR

David Bernhardt
 COMMISSIONER

Town of Bar Harbor
 93 Cottage Street
 Bar Harbor, ME 04609-1400

Re:

WIN :	019197.00
PROJECT :	AC-STP-1919(700)X
TOWN :	Bar Harbor
PARCEL NO. :	10

9/7/16

Dear Property Owner:

Today, as the Department's representative, I have explained to you the proposed construction and the effect it will have on your property. I have attempted to answer any questions you had. I have also explained the methods used in preparing our appraisal and the basis for our determination of just compensation for the land and rights to be acquired. I have made you an offer in the amount of \$3,900.00 which represents the just compensation as determined by a qualified appraiser and approved by one of the Department's review appraisers.

The land and/or rights to be acquired from you for this project are as follows:

Valuation Type	Count	Area	Unit
Fee Acquisition	1	933.00	Sq. Feet
Temp. Const. Rights	1	875.00	Sq. Feet

The following is a statement by the Department of Transportation regarding the parcel or parcels of land above referenced:

- A. The highest and best use of the property at the date of taking.
 Institutional
- B. The fair market value of the real property taken as of the date of taking.
 \$3,900.00
- C. Offering price.
 \$3,900.00

Form AQ-2
 Revised 09/30/2010



I have explained your recourse if the State's offer is not acceptable. The booklet "A Land Owner's Guide to the Property Acquisition Process" confirms the procedures available to you. If a copy of this booklet has not previously been given to you, please request one. I have also explained that the property owner or designated representative is responsible for informing any potential purchaser of the impending acquisition of land and/or rights as required by Title 23, M.R.S.A. Section 153-3(4).

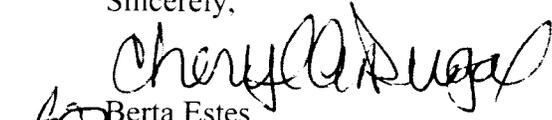
A great deal of time has been spent in the effort to design an attractive, safe highway; also to design it in the manner that will cause the least damage to adjoining property; and finally to determine by properly made and carefully reviewed appraisals the just compensation due to the owners. I hope that we have accomplished our objective.

Please be advised that if you have a mortgage, the mortgage company holds a recorded interest in your property. Under Maine law, your mortgage company may receive a copy of the condemnation documents and may be named on your just compensation check. If your mortgage company is named on your compensation check, your lender must endorse the check before you can cash it. Your mortgage document quite likely contains a provision that addresses eminent domain takings. If your lender is named on your check, you should review this language in your mortgage carefully and deal with your lender directly. The holders of tax liens or other recorded encumbrances on your property may also appear on your check. Again, their endorsement will be required and you will need to deal with them directly.

PROPERTY MARKERS: Action taken by the 115th Maine Legislature has revised Maine's landmark location law (14 M.R.S.A., Sec. 7554-A). Please be sure to inform me if your property markers do not appear on our plans. The Department does not set property pins, but will re-establish the point of former location of a disrupted pin on request from the owner.

Under certain conditions MainesDOT can reimburse eligible property owners for reasonable cost associated with resetting a property pin on the new right of way line by a Licensed Professional Land Surveyor. If necessary, I will explain the eligibility criteria and application process.

Sincerely,


for Berta Estes
MainesDOT

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

Owner's Offer-Assent

**Property Owner(s):
Town of Bar Harbor**

WIN:	<u>019197.00</u>
Project No:	<u>AC-STP- 1919(700)X</u>
Town:	<u>Bar Harbor</u>
Parcel/Item No:	<u>10</u>

BACKGROUND:

1. It has been determined that public exigency requires the construction or reconstruction by altering, widening, changing the grade of and/or changing the drainage of a portion of State Highway "**Route 3**" in the Town of **Bar Harbor**, County of **Hancock** and State of Maine through a Maine Department of Transportation (the "MaineDOT") project identified by the WIN and Project Number referenced above (the "Project").
2. In connection with the Project, the necessary real property rights (the "Property Rights") to be acquired have been assigned value, surveyed, and identified on a plan known as Right of Way Map, State Highway "**Route 3**", Project No. **AC-STP-1919(700)X**, on file in the Augusta headquarters of MaineDOT, File No.**5-300 DEC 2015**.
3. The Property Rights in and to a certain parcel of land identified on the Right of Way Map as Parcel No. **10**, owned by the above identified Property Owner(s) (the "Property Owner(s)") in said **Bar Harbor**, are required for construction of the Project.
4. MaineDOT intends to acquire the Property Rights by filing a Notice of Layout and Taking (the "Taking") in the **Hancock** County Registry of Deed on or about **11/01/2016**. At MaineDOT's discretion, and with the Property Owner(s)' consent, the Property Rights may be transferred through the execution of a deed or other transactional instrument.
5. MaineDOT has determined just compensation for acquisition of the Property Rights to be **\$3,900.00** (the "Payment"), and this amount will be paid to the Property Owner(s) upon filing of the Taking.

6. The Property Owner(s) does/do hereby acknowledge that **Berta Estes**, Right of Way Agent representing the MaineDOT, met with or wrote to the Property Owner(s) and explained the Property Rights to be acquired, the just compensation Payment, and all construction impacts, changes of location, grade, drainage and slopes as they apply to the Property Owner(s)' land.

AGREEMENT

1. The Property owner(s) accept the Payment as just compensation for all Property Rights taken in connection with the Project.

2. The Property Owner(s) release Maine DOT from any further claims of just compensation arising from the Property Rights taken in connection with the Project; however, if any changes in design or construction occur after the date of this settlement and negatively impact the Property Owner's land in an unanticipated manner, the Property Owner(s) shall have the right to request that this settlement be rescinded.

In witness of the above, the parties have executed this Agreement on the date herein indicated.

Dated: _____

Property Owner(s):

WIN: 019197.00
Parcel #: 10
R/W Form No. N-26
Form AQ-15
Revised 03/07/2011

4'-01.9" LT.
.52'
.96'
4'
10.00'

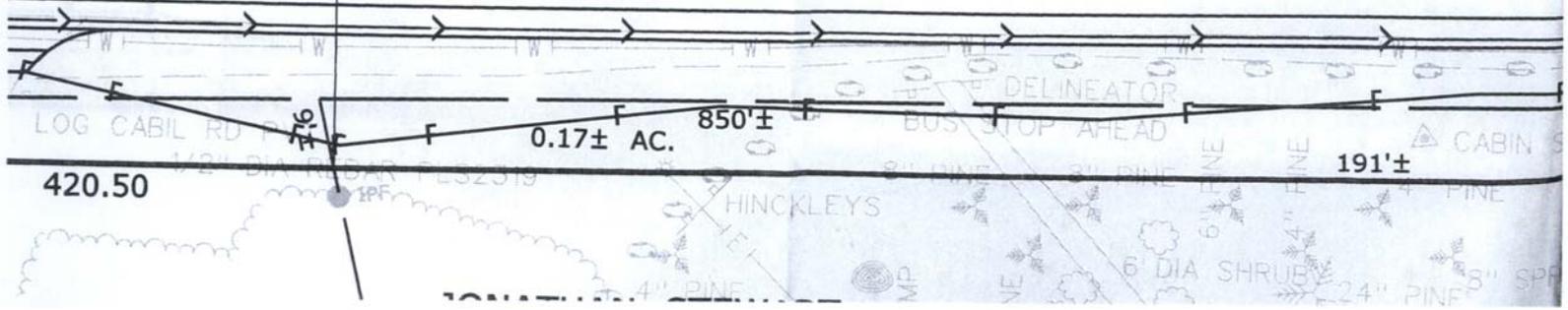
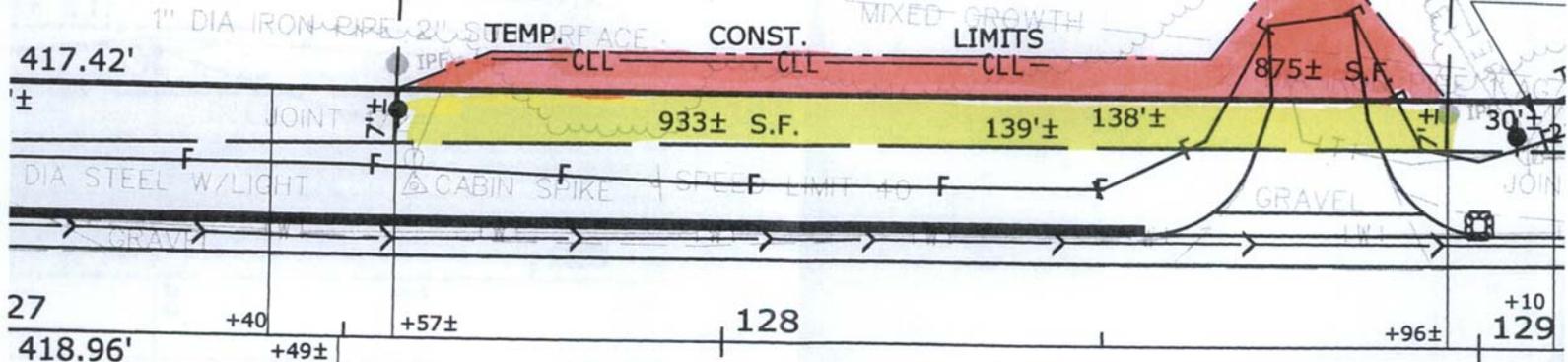
TOWN OF BAR HARBOR
PARCEL NO. (10)
LAND TAKEN = 933± S.F.
TEMP. CONST. RIGHTS = 875± S.F.(1)
TOTAL AREA = 1.74± AC.(TOWN)
REM. AREA = 1.72± AC.

RICHARD OCZKOWSKI, JR.
PARCEL NO (7)

MADE POND

BIRCH

DWOOD





STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0016

VIII A.

Paul R. LePage
 GOVERNOR

David Bernhardt
 COMMISSIONER

Town of Bar Harbor
 93 Cottage Street, Suite 1
 Bar Harbor, ME 04609

Re:

WIN :	019197.00
PROJECT :	AC-STP-1919(700)X
TOWN :	Bar Harbor
PARCEL NO. :	155

9/7/16

Dear Property Owner:

Today, as the Department's representative, I have explained to you the proposed construction and the effect it will have on your property. I have attempted to answer any questions you had. I have also explained the methods used in preparing our appraisal and the basis for our determination of just compensation for the land and rights to be acquired. I have made you an offer in the amount of \$73,800.00 which represents the just compensation as determined by a qualified appraiser and approved by one of the Department's review appraisers.

The land and/or rights to be acquired from you for this project are as follows:

Valuation Type	Count	Area	Unit
Fee Acquisition	1	0.25	Acres
Temp. Const. Rights	3	0.05	Acres

The following is a statement by the Department of Transportation regarding the parcel or parcels of land above referenced:

- A. The highest and best use of the property at the date of taking.
 Institutional
- B. The fair market value of the real property taken as of the date of taking.
 \$73,800.00
- C. Offering price.
 \$73,800.00

Form AQ-2
 Revised 09/30/2010



PRINTED ON RECYCLED PAPER

I have explained your recourse if the State's offer is not acceptable. The booklet "A Land Owner's Guide to the Property Acquisition Process" confirms the procedures available to you. If a copy of this booklet has not previously been given to you, please request one. I have also explained that the property owner or designated representative is responsible for informing any potential purchaser of the impending acquisition of land and/or rights as required by Title 23, M.R.S.A. Section 153-3(4).

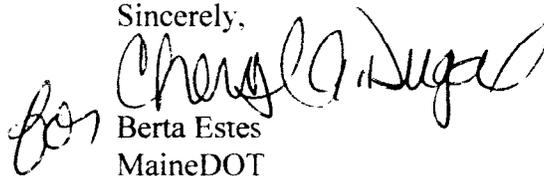
A great deal of time has been spent in the effort to design an attractive, safe highway; also to design it in the manner that will cause the least damage to adjoining property; and finally to determine by properly made and carefully reviewed appraisals the just compensation due to the owners. I hope that we have accomplished our objective.

Please be advised that if you have a mortgage, the mortgage company holds a recorded interest in your property. Under Maine law, your mortgage company may receive a copy of the condemnation documents and may be named on your just compensation check. If your mortgage company is named on your compensation check, your lender must endorse the check before you can cash it. Your mortgage document quite likely contains a provision that addresses eminent domain takings. If your lender is named on your check, you should review this language in your mortgage carefully and deal with your lender directly. The holders of tax liens or other recorded encumbrances on your property may also appear on your check. Again, their endorsement will be required and you will need to deal with them directly.

PROPERTY MARKERS: Action taken by the 115th Maine Legislature has revised Maine's landmark location law (14 M.R.S.A., Sec. 7554-A). Please be sure to inform me if your property markers do not appear on our plans. The Department does not set property pins, but will re-establish the point of former location of a disrupted pin on request from the owner.

Under certain conditions MaineDOT can reimburse eligible property owners for reasonable cost associated with resetting a property pin on the new right of way line by a Licensed Professional Land Surveyor. If necessary, I will explain the eligibility criteria and application process.

Sincerely,


Berta Estes
MaineDOT

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

Owner's Offer-Assent

**Property Owner(s):
Town of Bar Harbor**

WIN:	<u>019197.00</u>
Project No:	<u>AC-STP- 1919(700)X</u>
Town:	<u>Bar Harbor</u>
Parcel/Item No:	<u>155</u>

BACKGROUND:

1. It has been determined that public exigency requires the construction or reconstruction by altering, widening, changing the grade of and/or changing the drainage of a portion of State Highway "**Route 3**" in the Town of **Bar Harbor**, County of **Hancock** and State of Maine through a Maine Department of Transportation (the "MaineDOT") project identified by the WIN and Project Number referenced above (the "Project").
2. In connection with the Project, the necessary real property rights (the "Property Rights") to be acquired have been assigned value, surveyed, and identified on a plan known as Right of Way Map, State Highway "**Route 3**", Project No. **AC-STP-1919(700)X**, on file in the Augusta headquarters of MaineDOT, File No. **5-300 DEC 2015**.
3. The Property Rights in and to a certain parcel of land identified on the Right of Way Map as Parcel No. **155**, owned by the above identified Property Owner(s) (the "Property Owner(s)") in said **Bar Harbor**, are required for construction of the Project.
4. MaineDOT intends to acquire the Property Rights by filing a Notice of Layout and Taking (the "Taking") in the **Hancock** County Registry of Deed on or about **11/01/2016**. At MaineDOT's discretion, and with the Property Owner(s)' consent, the Property Rights may be transferred through the execution of a deed or other transactional instrument.
5. MaineDOT has determined just compensation for acquisition of the Property Rights to be **\$73,800.00** (the "Payment"), and this amount will be paid to the Property Owner(s) upon filing of the Taking.

6. The Property Owner(s) does/do hereby acknowledge that **Berta Estes**, Right of Way Agent representing the MaineDOT, met with or wrote to the Property Owner(s) and explained the Property Rights to be acquired, the just compensation Payment, and all construction impacts, changes of location, grade, drainage and slopes as they apply to the Property Owner(s)' land.

AGREEMENT

1. The Property owner(s) accept the Payment as just compensation for all Property Rights taken in connection with the Project.

2. The Property Owner(s) release Maine DOT from any further claims of just compensation arising from the Property Rights taken in connection with the Project; however, if any changes in design or construction occur after the date of this settlement and negatively impact the Property Owner's land in an unanticipated manner, the Property Owner(s) shall have the right to request that this settlement be rescinded.

In witness of the above, the parties have executed this Agreement on the date herein indicated.

Dated: _____

Property Owner(s):

WIN: 019197.00
Parcel #: 155
R/W Form No. N-26
Form AQ-15
Revised 03/07/2011

From: pdm0312@aol.com
Sent: Sunday, September 11, 2016 3:38 PM
To: council@barharbormaine.gov; manager@barharbormaine.gov
Subject: Item for agenda 9/20/16

Dear Council members,

Please add an agenda item to the next council meeting scheduled for 9/20/16. It concerns a discussion by the council members of the next steps to be taken to amend the town charter with a section concerning "Recall of Elected Officials". At the last council meeting (9/6/16), I provided the wording of an amendment to the Town of Mount Desert Charter passed in 2010. This should be used as a model for the Bar Harbor amendment.

Those of us in the audience would like to hear plans for a timeline, to be presented to the public, so that the amendment can be voted on at the June Annual Meeting 2017.

Thank you for your attention to the matter.

Pat Murphy
13 Arata Drive

9/16/14
PAT MURPHY

Town of Mount Desert Charter

As amended May 3 – 4, 2010 Annual Town Meeting

Page 5 of 12

2.5 RECALL OF ELECTED OFFICIALS (A Political Action).

Any elected official of the Town may be recalled and removed from elective office by the qualified voters of the Town as herein provided:

- (1) Any elected official in the Town shall be subject to a recall election on the written petition of a number of voters equal to at least ten per cent of the number of votes cast in the Town at the last gubernatorial election;
- (2) The grounds for a recall election shall be:
 - (a) violation of this charter or of state or federal law; or
 - (b) conduct causing a loss of confidence in the official's judgment or ability to perform the duties and responsibilities of the office;
- (3) The petition for the recall election shall set forth with particularity the conduct alleged to be the grounds for recall;
- (4) The Board shall call a special town meeting not more than forty-five days after receipt and certification of the petition by the town clerk at which the merits of the allegations in the petition shall be debated and a vote in favor of or against recall shall be taken. If a majority of those voting favor recall, the office shall become vacant.



Bar Harbor Fire Department

37 Firefly Lane
Bar Harbor, Maine 04609
207-288-5554

VIII D

TO: Cornell Knight, Town Manager
FROM: Matthew Bartlett, Fire Chief *MB*
DATE: September 13, 2016
SUBJECT: Approval of purchase for new ambulance

We have solicited bids to purchase a new ambulance, and we received bids from four different companies. The purchase will be paid for from CIP Acct. 2141-6200, with a balance of \$170,539. I am requesting to purchase the new ambulance from Professional Vehicles for \$163,233, which is net of a trade in for our 2002 vehicle. Professional Vehicles is not the lowest bid received. Autronics quoted \$158,844, Greenwood Emergency Vehicles was \$158,725. and P.L. Custom quoted \$169,359. The reasons for going against the low bid and choosing a higher bid are listed below:

1. Autotronics did not meet all bid specs. Their specs had a Ford when we requested a Chevrolet, did not provide financial disclosure, did not provide detailed information on construction specifics, and did not include drawings, sketches or other data. The ambulance they bid on, is a new line to their company. They have no history pertaining to the ambulance, and they did not have a demo for us to look at.
2. Greenwood Emergency Vehicles met all specs except for the Dunn and Bradstreet rating request. Greenwood put a bid in on a Wheeled Coach Ambulance. We currently have two Wheeled Coaches. We have had significant mechanical trouble with our 2008, and the 2002 truck has had mechanical and rusting issues. The box on the truck is small, does not allow for personnel in the back to stand, and has limited space for equipment storage. The demo vehicle brought to the station was showing signs of wear and tear. The interior cabinet trim was falling off and the box did not appear to be well built.
3. Professional Vehicles of Maine met all spec requirements. The reason we prefer to purchase from Professional Vehicles of Maine; they have provided excellent customer service, we have had no mechanical issues, no issues with the box, staff likes the ambulance, the two front line ambulances would be identical in set up and location of the equipment on the trucks would be the same. With the two trucks being identical in setup, it would make for a consistent delivery of patient care regardless which truck responded. Overall, we have been very pleased with Professional Vehicles, and feel it has proven to be a better ambulance for this department.

Cc: Town Council
Pat Gray, Town Clerk
Stan Harmon, Finance Director

Spending Authorization

The Town Manager is designated by the Charter as the Purchasing Agent for the Town. Accordingly, the Manager and Department Heads are authorized to spend within budget appropriations. Purchases within the dollar ranges specified below must meet the requirements listed.

\$0 - \$2,500. Formal competitive bidding is not required. However, the purchaser should endeavor to get the best value for the money spent. Department Head or his designee can approve the purchase.

\$2,500 - \$7,500. Verbal quotations shall be solicited from a minimum of three qualified bidders, if available. The quotes must be documented and attached to purchase order. A purchase order signed by the Town Manager is required.

\$7,500 - \$25,000. Written proposals or bids shall be solicited from a minimum of three qualified bidders, if available and attached to purchase order. A purchase order signed by the Town Manager is required.

Over \$25,000. Written bid specifications or equivalent shall be approved by the Town Manager. The bid shall be advertised by the most efficient means possible, in order to encourage the widest possible competition. Sealed bids shall be specified and opened at a public meeting. The Town Manager may award the bid to the lowest bidder and sign the purchase order or contract. Only the Town Council may award the bid to anyone other than the lowest bidder.

Total Cost Bidding

If the Town Manager feels that it is in the best interest of the Town not to award the bid to the low bidder, he may refer the award of the bid to the Town Council. The Town Council shall award the bid to the best bidder; not necessarily the lowest bidder; keeping in mind the total cost over the life of the project or equipment, the quality of material, availability of service, contributions by the bidder to the local tax or employment base and other significant factors.

Cooperative Purchasing

Competitive bidding requirements may be delegated by the Town Manager to Island-wide, area-wide or State-wide purchasing cooperatives.

Exemptions from Competitive Bidding:

1. Contracts for professional services
2. Hourly rate contracts, which cannot be effectively estimated.

3. Situations in which it is determined by the Town Manager that only one firm can effectively provide the required service or materials.
4. Emergency repair or replacement where it is determined by the Town Manager that the repair or replacement cannot be delayed sufficiently to conform to the policy.
5. The letting of contracts or purchases of additional quantities, where the Town has recently awarded bids as normally required, and the successful bidder is willing to honor his original price.

LEGISLATIVE HISTORY

22-Apr-87 - Original policy adopted.

15-Feb-94 - Amended

30-May-96 - Draft

04-Jun-96 - Amended