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

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

I. **CALL TO ORDER** – 4:00 P.M.

   A. **Excused Absence(s)**

II. **PUBLIC COMMENT PERIOD** - The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Public comment will be allowed in the Municipal Building with social distancing. Seating will be in the auditorium.

III. **APPROVAL OF MINUTES –**

   A. **June 2, 2020 – Regular Meeting**
   B. **June 3, 2020 – Special Budget Meeting**

IV. **ADOPTION OF AGENDA**

V. **FINANCIAL REPORT** - Review and possible adoption of a motion to accept the financial statements 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. **Annual Town Meeting 2020** – Possible motion:
      1. To sign the Municipal Officers' Return regarding the posting of the Notice of Public Hearing.
      2. To sign and post the Annual Town Meeting Warrant.
   B. **FY21 Sewer Spending** – Possible motion to approve a Continuing Resolution that authorizes staff to continue spending Wastewater Division funds at the current levels until a sewer budget is approved.
   C. **FY21 Water Spending** – Possible motion to approve a Continuing Resolution that authorizes staff to continue spending Water Division funds at the current levels until a water budget is approved, except that wages may be increased on July 1 as for other Town employees.
   D. **Black Friar Inn Lease Renewal –** Possible motion to renew the one-year lease.
   E. **Vehicles for Hire** – Police Department approved and proof of insurance provided. Possible motion to approve:
      1. **Wild Iris Farm** request for 2 carriage license renewals as submitted by Sandra Read.
      2. **At Your Service Taxi** request for 1 taxi license renewal as submitted by Clare Bingham Broad.
      3. **Oli's Trolley** request for 7 trolley license renewals as submitted by Denise Morgan.

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

A. New Special Amusement Permit

1. **Kampgrounds of America**, 1453 State Hwy 102, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Gretchen Chauncey.

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

1. Article 2 – LUO Amendment – Addressing Officer
2. Article 3 – LUO Amendment – Permitting Authority etc.
3. Article 4 – LUO Amendment – Employee Living Quarters
4. Article 5 – LUO Amendment – Shared Accommodations
5. Article 6 – LUO Amendment – Boundary Map and New Uses Hulls Cove
6. Article 7 – Citizens' Initiative – Definition of Vacation Rentals in LUO

C. Employee Living Quarters Licensing Ordinance #2020-08 - Public comment and possible motion to enact Chapter 76 of the Municipal Code.

D. Shared Accommodations Licensing Ordinance #2020-09 - Public comment and possible motion to enact Chapter 168 of the Municipal Code.

VIII. REGULAR BUSINESS:

A. Jackson Laboratory – Update by Catherine Longley, Chief Operating Officer.

B. Coastal Resources- Update on the Hampden waste plant operation.

C. Bar Harbor Police Department- Possible motion to schedule a facilitated forum on Community Policing.

D. Parade/Rally Permit Request

E. COVID-19 Updates

1. Superintendent of Schools – Dr. Marc Gousse
2. Meetings – public or video conference
3. Polco Results
4. Town Meeting
5. Governor's Keep ME Healthy Campaign
6. Forums

F. Town Manager's Contract – Possible motion to renew.

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

II. TOWN MANAGER'S COMMENTS

III. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

IV. EXECUTIVE SESSION: (None Scheduled)

V. ADJOURNMENT

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

Manager's Memo

To: Bar Harbor Town Council

cc: Department Heads

From: Cornell Knight, Town Manager

Date: Friday, June 12, 2020

Re: **Town Council Meeting of June 16th**

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 11 months of the 2020 fiscal year. He will review the highlights. If acceptable, a possible motion: to accept the Financial Report as presented.

VI. **Consent Agenda-**

A. Annual Town Meeting 2020 – See the enclosed warrant. A possible motion: to sign the Municipal Officers' Return regarding the posting of the Notice of Public Hearing and sign and post the Annual Town Meeting Warrant.

B. FY21 Sewer Spending – The sewer budget is not yet completed for your review, so in order to continue operations a resolution is needed. A possible motion to approve a Continuing Resolution that authorizes staff to continue spending Wastewater Division funds at the current levels until a sewer budget is approved.

C. FY21 Water Spending – The water budget is not yet completed for your review, so in order to continue operations a resolution is needed. A possible motion: to approve a Continuing Resolution that authorizes staff to continue spending Water Division funds at the current levels until a water budget is approved, except that wages may be increased on July 1 as for other Town employees.

D. Black Friar Inn Lease Renewal – Enclosed is a lease renewal. The fee was reduced to reflect the reduction made to the B & B parking rate. A possible motion to renew the one-year lease with Black Friar Inn as presented.

E. Vehicles for Hire – Police Department approved and proof of insurance provided. A possible motion to approve:

1. **Wild Iris Farm's** request for 2 carriage license renewals as submitted by Sandra Read.
2. **At Your Service Taxi's** request for 1 taxi license renewal as submitted by Clare Bingham Broad.
3. **Oli's Trolley's** request for 7 trolley license renewals as submitted by Denise Morgan.

VII. PUBLIC HEARINGS- Due to the audio problems encountered during the public comment at the Warrant Committee on these LUO articles, the public comments will be done in person at the Municipal Building. The council will be able to view the speakers by zoom and the speakers will be on camera for the broadcast and streaming.

A. New Special Amusement Permit

1. **Kampgrounds of America**, 1453 State Hwy 102, following public comment a possible motion: to approve Kampgrounds of America for a Class 3a special amusement permit.

B. Annual Town Meeting 2020 – See the enclosed questions. No action needed by the Council. Public comment on the following warrant articles:

1. Article 2 – LUO Amendment – Addressing Officer
2. Article 3 – LUO Amendment – Permitting Authority etc.
3. Article 4 – LUO Amendment – Employee Living Quarters
4. Article 5 – LUO Amendment – Shared Accommodations
5. Article 6 – LUO Amendment – Boundary Map and New Uses Hulls Cove
6. Article 7 – Citizens' Initiative – Definition of Vacation Rentals in LUO

C. Employee Living Quarters Licensing Ordinance #2020-08 – see the enclosed ordinance proposal. Also enclosed is the memo introducing these two ordinances last month from Angela Chamberlain, Code Enforcement Officer. Following public comment a possible motion to enact Chapter 76 Employee Living Quarters Licensing Ordinance of the Municipal Code as presented.

D. Shared Accommodations Licensing Ordinance #2020-09 – see the enclosed ordinance proposal. Following public comment, a possible motion: to enact Chapter 168 Shared Accommodations Licensing Ordinance of the Municipal Code as presented.

VIII. REGULAR BUSINESS:

A. Jackson Laboratory – Update by Catherine Longley, Chief Operating Officer. She will participate by video conference.

B. Coastal Resources- Bethany Leavitt, PW Director, will provide an update on the Hampden waste plant operation and the temporary diversion of msw to a landfill.

C. Bar Harbor Police Department- Councilors have been asked questions about police policies and procedures following the Black Lives Matter rallies and marches. The Chief recommends a forum to have a community discussion. A possible motion: to schedule a facilitated forum on Community Policing.

D. Parade/Rally Permit Request- see the enclosed request from Sirohi Kumar for a rally on June 21st. Enclosed is the ordinance section that requires Council action for parades. A possible motion: to approve the rally request and route as presented by Sirohi Kumar.

E. COVID-19 Issues

1. **Schools** – Supt Gousse had a conflict and missed the forum two weeks ago but wanted to provide an update on the school system. He will participate by video.
2. **Meetings** – public or video conference- I'd like some direction regarding public meetings at the Municipal Building this summer; continue with video conference meetings, return to in person meetings or a hybrid meeting like this meeting.
3. **Polco Results**- Nina St. Germain, Engagement Coordinator will be available to review the recent Polco survey that ends on Monday.
4. **Town Meeting**- the plan is to hold a drive-in town meeting at the high school on June 30th. More details at the meeting.
5. **Governor's Keep ME Healthy Campaign**- Enclosed is the Governor's recent plan to waive the 14-day quarantine period. It includes a grant program to municipalities for public education. A possible motion: to authorize the submittal of a grant application to the Maine Dept of Health and Human Services for a public education program and expend the funds if awarded.
6. **Forums**- Councilor Friedmann would like to discuss holding more forums.

F. Town Manager's Contract –I've been here almost 6 years, time flies. The renewal is for 3 years same as the 2 previous contracts. A possible motion: to renew a 3-year employment agreement with the town manager.

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

Minutes
Bar Harbor Town Council
By Video Conference
June 2, 2020

I. CALL TO ORDER – 4:00 P.M.- In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Erin Cough, Jill Goldthwait, Joe Minutolo; and Town Manager Cornell Knight.

A. Excused Absence(s) – all present.

II. PUBLIC COMMENT PERIOD - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Comments should be submitted to the Council Chair by email at jdobbs@barharbormaine.gov and will be read during the meeting* – None.

III. APPROVAL OF MINUTES – May 19, 2020 Regular Meeting

Mr. Hochman, with second by Ms. Cough, moved to approve the minutes of the May 19th meeting as presented. Roll Call Vote:

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

Motion passed 7-0.

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

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

Motion passed 7-0.

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

A. Annual Town Meeting 2020 – *Possible motion* to sign and post the Notice of Public Hearing for June 16, 2020.

B. Special Town Meeting November 2020 – *Possible motion* to sign the Order placing the Charter Modification articles on the November 3, 2020 town meeting warrant.

Order

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

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

Warrant Article

Article ___ - 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.

Warrant Article

Article ___ - 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.**

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;

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.

Warrant Article

Article ___ - 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 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.

Warrant Article

Article ___ - 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.

Warrant Article

Article ___ - 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

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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.

Warrant Article

Article ___ - 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 4th 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 ~~22nd 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 ~~affect~~ 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.

Warrant Article

Article ___ - 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.

Warrant Article

Article ___ - 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.

Warrant Article

Article ___ - 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 then 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.

C. State of Maine Election July 14, 2020 – *Possible motion* to appoint the Town Clerk as Warden for the July 14, 2020 State of Maine Primary and Special Referendum Election.

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

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

Motion passed 7-0.

VI. PUBLIC HEARINGS- *The public can call in at 288-1710 and enter code 0144715 to speak during the following public hearings.*

A. Fire Prevention Ordinance Amendment #2020-06 – *Public comment and possible adoption of the amendment to Chapter 85 of the Municipal Code.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve amendments to Chapter 85 Fire Prevention of the Municipal Code as presented. Roll Call Vote:

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

Motion passed 7-0.

Fire Prevention Ordinance Amendment
Town of Bar Harbor
#2020-06

An Amendment to adopt the 2018 NFPA 101 Life Safety, and the 2018 NFPA 1, Uniform Fire Code as the Life Safety and Fire Prevention Codes with the same amendments the State Fire Marshal recently adopted.

The Town of Bar Harbor hereby ordains that Chapter 85, Fire Prevention, of the Town Code is amended as follows:

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

CHAPTER 85 – FIRE PREVENTION

§ 85-1 Life Safety and Fire Prevention Codes.

A. Life Safety Code adopted. The 20~~09~~18 edition of the NFPA 101 Life Safety Code, as amended to avoid conflict with the Maine Uniform Building and Energy Code and as published by the National Fire Protection Association, is hereby adopted as the official Life Safety Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor.

(1) Amendments. NFPA 101, Life Safety Code, 20~~09~~18 edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Unvented fuel-fired heaters. Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.

~~(b) Extinguishment requirements. The following provisions of NFPA 101, Life Safety Code, 2009 edition, are not incorporated by reference:~~
~~[1] Chapter 12, Section 12.3.5.3, Subsections 3 and 4; and~~
~~[2] Chapter 13, Section 13.3.5.3, Subsections 1 and 2.~~

(~~a~~b) Extinguishment requirements in one- and two-family dwellings. Section 24.3.5.1 of NFPA 101, Life Safety Code, 20~~09~~18 edition, is not incorporated by reference.

(~~d~~c) Stair risers, guards, treads, and tread nosing. The following provisions of NFPA 101, Life Safety Code, 20~~09~~18 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5, is modified to permit a maximum seven-and-three-quarter-inch riser for newly constructed stairs in one- and two-family dwellings only. The minimum height of guards as prescribed in

Chapter 24, Section 24.2.5, is modified to permit a minimum guard height of 36 inches for newly constructed stairs in one- and two-family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5, shall be amended to permit a ten-inch tread depth for newly constructed stairs in one- and two-family dwellings only. Tread nosing as prescribed in Chapter **7**, Section 7.2.2.3.~~5~~3.2, is modified to permit a nosing at least ¾ inch but not more than 1 ¼ inches in depth for newly constructed one- and two-family dwellings. Nosings are not required where tread depth is not less than 11".

(~~e~~d) Separated occupancies. Tables 6.1.14.4.1 ~~a and b~~Part 1 & 2, "Required Separation of Occupancies (hours.)", shall be cross referenced with Table 508.4, Required Separation of Occupancies, of the 2015 International Building Code(IBC). Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

(~~f~~e) Accessory occupancies. Chapter 6, Section 6.1.14.1.3, of NFPA 101, Life Safety Code, 20~~09~~18 edition, is not incorporated. Section 508.2, Accessory Occupancies, of the 2015 International Building Code governs.

(~~g~~f) Dead-end corridors. The following provisions of NFPA 101, Life Safety Code, 20~~09~~18 edition, are modified as indicated: Chapter 18, Section 18.2.5.2, is modified to require dead-end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4, is modified to require dead-end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5, is modified to require that a dead-end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead-end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 feet.

(g) Chapter 33.7.3.6 Add Section 19.7 shall apply in such instances.

B. Fire Prevention Code adopted. In accordance with 30-A M.R.S.A. § 3003, as amended, the NFPA 1, Uniform Fire Code, 20~~06~~18 edition, as published by the National Fire Protection Association, is hereby adopted as the Fire Prevention Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor. Said code is hereby incorporated by reference as the minimum standards for safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(1) Amendments. NFPA 1, Uniform Fire Code, 20~~06~~18 Edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Chapter 13, Section ~~2.2.2~~3.2.20.1, of NFPA 1, Uniform Fire Code, 20~~06~~18 edition, is not incorporated.

(b) ~~Chapter 20, Sections 2.3.5; 3.2.1; 4.2.6; 5.2.5.4; 6.2.6; 7.2.6; 8.2.6; 9.2.2; 10.2; and 11.2, of NFPA 1, Uniform Fire Code, 2006 edition, are not incorporated~~Chapter 13, Section 3.2.3 shall be amended to read as follows: Chapter 13, Section 3.2.3 New buildings housing emergency fire, rescue or ambulance services shall be protected throughout by approved supervised automatic sprinkler systems. Sprinklers shall be permitted to be omitted from emergency fire, rescue or ambulance services that are storing vehicles or equipment only and are not part of a multiple mixed occupancy.

~~(c) Chapter 65, Section 11, of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated. (See Rules of the State Fire Marshal, Chapter **25**, and Title 8 M.R.S.A § 236.)~~

~~(d) Chapter 66, Table(s) 66.2.3.2.1.1(a); 66.2.3.2.1.1(b); 66.2.3.2.1.4, of NFPA 1, Uniform Fire Code, 2006 edition, are not incorporated.~~

~~(e) Chapter 20, Section 11.1, shall be amended to read as follows: Chapter 20, Section 11.1 Application. New and existing one- and two-family dwellings shall comply with Section 20.11 and NFPA 101. Chapter 24, Section 3.5.1, of NFPA 101 shall not be incorporated in this rule.~~

***

[End of Ordinance]

B. Vehicles and Traffic Ordinance Amendment #2020-07 – Public comment and possible adoption of the amendment to Chapter 194 of the Municipal Code. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the amendments to Chapter 194 Vehicles and Traffic Ordinance of the Municipal Code as presented. Roll Call Vote:

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

Motion passed 7-0.

Vehicles and Traffic Ordinance Amendment
Town of Bar Harbor
#2020-07

An Amendment to remove references to specific dates for permit and paid parking enforcement.

The Town of Bar Harbor hereby ordains that Chapter 194, Vehicles and Traffic, of the Town Code is amended as follows:

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

CHAPTER 194 – VEHICLES AND TRAFFIC

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§ 194-15 Paid parking devices on certain streets and public parking lots.

A. When signs are erected giving notice thereof and devices are installed, no person shall park a vehicle except in conformity with the following:

(1) Parking meters. Metered parking spaces will be enforced ~~between 9:00 a.m. and 8:00 p.m., from May 15 to October 31~~ consistent with the Bar Harbor Town Council permit and paid parking policy. Locations and rates of metered parking spaces will be regulated in accordance with the Bar Harbor Town Council permit and paid parking policy.

(2) Multispace Pay Stations or Kiosks. Multispace pay station or kiosk parking spaces will be enforced ~~from 9:00 a.m. to 8:00 p.m. from May 15 to October 31,~~ consistent with Bar Harbor Town Council permit and paid parking policy. Locations and rates of multispace pay station or kiosk parking spaces will be regulated in accordance with Bar Harbor Town Council permit and paid parking policy.

***

§ 194-28 Permit parking only.

A. Parking prohibited except by permit will be enforced consistent with the Bar Harbor Town Council permit and paid parking policy. ~~From May 15 through October 31, i~~It shall be unlawful and in violation of this article for any person to stop, stand or park any vehicle, other than a vehicle displaying a valid permit issued by the Police Chief or their designee ~~under regulations to be prescribed by Council order~~as prescribed in the Bar Harbor Town Council permit and paid parking policy, on those streets or portions of parking areas duly posted and which are described ~~below:~~in the Bar Harbor Town Council permit and paid

parking policy.

***

[End of Ordinance]

C. Special Amusement Permit Renewals

1. **Side Street Cafe**, *49/51 Rodick St, request for Class 3a, three or more musicians with mechanical amplification as submitted by Jena Young*. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Class 3a Special Amusement Permit for Side Street Cafe as presented. Roll Call Vote:

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

Motion passed 7-0.

2. **Havana**, *318 Main St, request for Class 3, three or more musicians without mechanical amplification as submitted by Michael Boland*. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Class 3 Special Amusement Permit for Havana as presented. Roll Call Vote:

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

Motion passed 7-0.

VII. REGULAR BUSINESS:

A. Kids' Corner – *Request from Lori Krupke for rent relief.* Ms. Krupke presented her request. Mr. Hochman, with second by Mr. Friedmann, moved to apply Kids' Corner's rent for March, April, and May to the third quarter of 2020. Roll Call Vote:

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

Motion passed 7-0.

B. Shellfish Ordinance Amendment - *Possible motion to schedule a public hearing for July 21, 2020 to hear comments on an amendment to Chapter 170 of the Municipal Code.* Chris Peterson, Secretary of the Marine Resources Committee, presented the proposed changes. Mr. Hochman, with second by Ms. Cough, moved to schedule a public hearing for July 21, 2020 to hear comments on an amendment to Chapter 170 Shellfish Conservation of the Municipal Code. Roll Call Vote:

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

Motion passed 7-0.

C. Shellfish License Fees – *Possible motion to approve changes as recommended by the Marine Resources Committee.* Mr. Peterson also presented the changes to the fee structure. Mr. Hochman, with second by Ms. Cough, moved to approve the Shellfish License fee changes as presented. Roll Call Vote:

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

Motion passed 7-0.

D. COVID-19 Items:

1. **Parklets & Use of Public Spaces.**
Police Chief Jim Willis, Chamber Director Alf Anderson and Eben Salvatore participated in the discussion and addressed Council questions. Mr. Friedmann, with second by Mr. Hochman, moved to approve the Curbside Temporary Outdoor Restaurant and Retail Operation Permit application process with the exception of the fee being $100 per month. Roll Call Vote:

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

Motion passed 7-0.

2. **4th of July Fireworks** - *As requested by Councilor Goldthwait* – According to Chamber Director Alf Anderson they are postponing the fireworks until

2021. There will be no fireworks provided by the Chamber of Commerce. No action taken.

3. **Lodging and Quarantine.** There was a lengthy discussion. Mr. Friedmann, with second by Mr. Coston, moved to urge the Governor to:
   - Eliminate the 14-day quarantine
   - Restrict lodging with internal corridors to 50% capacity with a phase out of this at the end of Phase 2; 100% for external room access.
   - Develop a level of regular community testing on a basis recommended by epidemiological pathologists with statistical samples of residents and employees to detect increased in Covid-19 infection.
   - Continue requirements for masks and social distancing.

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

4. **Business signage regulations.** Town Planner Michele Gagnon, Code Enforcement Officer Angie Chamberlain and Fire Chief Matt Bartlett participated in the discussion. Since waiving the sign regulations is included in the Emergency Ordinance below, no action taken.

5. **Emergency Ordinance –** *Possible motion to enact.* Mr. Hochman, with second by Ms. Goldthwait, moved to enact the emergency ordinance as presented. Roll Call Vote:
   Dobbs Y
   Hochman Y
   Coston Y
   Friedmann Y
   Minutolo Y
   Goldthwait Y
   Cough Y
   Motion passed 7-0.

E. Resolution: MDI Drama – *Possible motion to sign resolution honoring the MDI Drama Department.* Mr. Hochman read the resolution. Mr. Hochman, with second by Mr. Friedmann, moved to sign the resolution honoring the MDI Drama Department. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y

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

RESOLUTION
of
THE BAR HARBOR TOWN COUNCIL

Whereas, the Mount Desert Island High School Drama department has advanced to the State Championship 9 times in the last 11 years (2010-2011, 2013-2018 and 2020);

Whereas, the Mount Desert Island High School Drama department has distinguished themselves once again by winning the 2020 Class A Downeast regional drama title;

Whereas, the Mount Desert Island High School Drama department had 4 actors named to the All Festival Cast (Zach Uliano, Rawl Blackett, Ruby Mahoney, & Rex DeMuro)

Whereas, the Mount Desert Island High School Drama department received Judges commendations for: Video Design and Operation (Piper Charron, Laura Yeadon), For outstanding Physicality & Choreography (Moxie McBreairty, Anna Redgate & Dezirae Zaman) and for Outstanding set construction (The entire MDI set crew)

Whereas, due to Covid-19 MDI Drama was unable to take their one-act on to the state championship

And Whereas, the Bar Harbor Town Council wishes to recognize these many achievements as well as the MDI Drama Department's passion, dedication, and hard work;

Be It Therefore Resolved, that the Cast and Crew of 'A Beautiful Day in November on the Banks of the Greatest of the Great Lakes' their directors, supportive families, and volunteers are hereby recognized for their outstanding accomplishments.

F. **Treasurer's Warrant** - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Mr. Friedmann, moved to sign the Treasurer's Warrants for paid bills. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

VIII. TOWN MANAGER'S COMMENTS – Mr. Knight reminded Council they are meeting tomorrow at 5:00 for Budget Review.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Hochman acknowledged the world events over the past week and thanked everyone who attended the very peaceful rally on the Village Green the other day. It was well attended. It's important to keep everyone in our thoughts.

Mr. Minutolo hopes everybody can survive this and hopes we've made some good decisions tonight to help people and businesses. The shop has been open and it's been a

struggle at times. On the whole people are trying to do the right thing, trying to keep separated and wearing masks. Be prepared. Hang in there. Keep positive.

Mr. Friedmann wanted to acknowledge all the correspondence he's had with business owners and residents over the last two weeks. My heart goes out to all of you. This Council is doing everything we can to help us through some really challenging times. Together we can take steps to support you and keep this the vibrant community we've come to know and enjoy.

Ms. Cough thanked the COA students for their presentation yesterday on the LUO, for the incredible amount of work they did and for the interactive map they provided us. The make some really good recommendations on the LUO. She also asked that at 4pm on Sunday people line Eagle Lake Road, the Class of 2020 will be going by.

Mr. Coston asked for an update on the status of benches on the street.

Ms. Goldthwait urged everyone to take care of yourselves and stay well.

Mr. Dobbs reported on the forum last Thursday. All in all there was a lot of great information. About 80 people tuned in. I wish it was bigger. Maybe we need to do another one. He thanked all the panelists. He also stated that we get a lot of information, some of it comes in late, I try to read stuff every day. We are doing the best we can. I appreciate everybody. Stay safe.

X. EXECUTIVE SESSION: (none)

XI. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 6:24 p.m. Roll Call Vote:

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

Motion passed 7-0.

Sharon M Linscott, Town Clerk

Minutes
Special Bar Harbor Town Council Meeting
By Zoom webinar
June 3, 2020

I. **CALL TO ORDER** – 5:00 p.m. – In attendance were Councilors Jeff Dobbs, Matt Hochman, Stephen Coston, Gary Friedmann, Joseph Minutolo, Jill Goldthwait, and Erin Cough; and Town Manager Cornell Knight.

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

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

Motion passed 7-0.

III. **REGULAR BUSINESS:**

A. **FY21 Budget –** *Possible motion to adopt the revised budget and recommend it to the Warrant Committee.* Mr. Knight and Finance Director Stan Harmon highlighted the changes. Staff from the town and the school participated in the discussion and addressed Council questions as needed.

Ms. Cough, with second by Mr. Coston, moved to cut the 4th of July by $15,300 and cut the Town Band in half by $5,828 out of non-profit agencies. Roll Call Vote:

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

Motion passed 7-0.

Mr. Coston moved that for FY2021 we do not fund the consultant for the Climate Emergency Task Force. Motion failed for lack of second.

Mr. Coston, with second by Mr. Hochman, moved to ask the Town Manager and Finance Director to find additional cuts of $40,000 in the Town CIP and $60,000 in school CIP line 6654. Roll Call Vote:

Dobbs	Y

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

Mr. Hochman, with second by Ms. Cough, moved to adopt the revised budget as amended and recommend it to the Warrant Committee. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

B. 2020 Annual Town Meeting Warrant

1. *Council's Recommendations on Warrant Budget Articles.* – Mr. Hochman, with second by Ms. Cough, moved to recommend adoption of Education Budget Articles C through Q and Municipal Articles R through X. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

2. *Possible motion for staff to prepare the final Warrant for Council's signature.* – Mr. Hochman, with second by Ms. Cough, moved to direct staff to prepare the final Warrant for Council's signature. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

IV. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 6:58 p.m. Roll Call Vote:

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

Motion passed 7-0.

Sharon M. Linscott, Town Clerk

V

Memo

To: Town Councilors; Cornell Knight

From: Stan Harmon, Finance Director

CC: Department Heads

Date: 6/8/2020

Re: Fiscal Year 2020 – May 31, 2020 – 11 Months Results

General Fund

Attached are the financial results for 11 months of operations for FY 2020 through May. I am now optimistic that the Town will remain within its appropriation spending limits for the year but we certainly won't have the surplus in revenues this year due to the COVID19 impact. Because of the Council's policies in place and adherence to those policies, The Town has not experienced a "cash crisis" this Spring in any of its funds.

Expenditures (92% goal)

The May summary statements show 88.7% spent versus a comparable 90.6% of the budget spent last year. 89.3% of the $4.1 million in budgeted municipal wages are spent year-to-date compared to 89.5% in May 2019. Legal continues to trend higher right now along with Town Offices. Savings in Streetlight electricity (versus budget) is trending favorably due to the LED streetlight conversion. Public Works, Highway & Solid Waste all are clearly trending lower than last year *(collectively $130,000)* and will remain below budget at year end. At end of May, the Town has expended just over $35,000 due to the Coronavirus outbreak which is covered by the Council's Contingency monies. We remain aware of the higher expense hit beyond the budgeted amount for the uncompensated absences budget line item in the Miscellaneous department due to many of the Town staff having to work and cancel their vacations---thus increasing significantly the liability expense to the budget. We will know that number in June.

Non-Property Tax Revenues (92% goal)

92% of the budget for non-property tax revenues is now collected versus 101% at this point last year. With eleven months of activity booked we still remain on the path to reach many of the various budget targets for the year with the likely exceptions of Vacation rental permit income for the year, and as previously noted, we are experiencing the full year of the loss of

Sonogee runs in Ambulance as well as the very negative lower number of runs due to COVID19. COV19 is certainly hurting vehicle Excise taxes collected as we are short of last year by $94,000; however, we still have a possibility of matching the Excise budget. Building Permit revenue passed its budget by over 30%.

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

FY 2020	11 Months YTD Runs Billed	498	Ave. Gross Billing (per run)	$720
FY 2019	11 Months YTD Runs Billed	696	Avg. Gross Billing (per run)	$671
FY 2018	11 Months YTD Runs Billed	736	Avg. Gross Billing (per run)	$649
FY 2020	11 Months YTD Runs billed	498	Net Collections (per run)	$339
FY 2019	11 Months YTD Runs billed	696	Net Collections (per run)	$401
FY 2018	11 Months YTD Runs billed	736	Net Collections (per run)	$369

	5/31/2020	5/31/2019
Ambulance Accounts Receivable	$199,135	$233,990

Excise-Motor Vehicle Revenues- *down 15% in units and off by 9% in revenue. 219 re-registrations done on line this May versus 77 last May.*

FY 2020	11 Months YTD	4054 units	$896,687	=$221 / per vehicle
FY 2019	11 Months YTD	4767 units	$991,801	=$208 / per vehicle
FY 2018	11 Months YTD	4585 units	$957,540	=$208 / per vehicle
FY 2017	11 Months YTD	4502 units	$913,997	=$203 / per vehicle

Building Permitting Revenue-*reached the annual budget target*

FY 2020	11 Months YTD	265 permits	$136,072	=$513 / permit
FY 2019	11 Months YTD	259 permits	$101,786	=$393 / permit
FY 2018	11 Months YTD	230 permits	$ 91,025	=$396 / permit
FY2017	11 Months YTD	267 permits	$115,672	=$433 / permit

Vacation Rentals-*rentals expire & renew May 31st*		Budget	Actual
FY2020	11 Months YTD *(427 so far)*	$175,000	$106,950
FY2019	11 Months YTD	$ 900	$ 6,700

FY '20 Previously Authorized Council Budget Adjustments or Transfers:

Contingency Fund Activity for FY '20:

Beginning Balance	(Town Meeting Approval)	$53,366
Minutes-10/15/10-Park St. School Landscape Design (cancelled)		- 0
Minutes-11/19/19-Ambulance Billing software (to #1042-5368)		-7,188
Minutes-1/7/20-FireAlarm System-Kids Corner (not to exceed)		-8,721
Minutes-3/16/20-Prelim Transfer for Emerg Mgt exps-CV19 (#1063)		-37,457
Ending Balance	@ 5/31/20 (available #1036-5906)	$ - 0-

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

From: #1022-5700 -TSA Comp. Eqpmt -$ 10,000

Town Council 1/21/2020

To: #1053-5830 Marine Resource Com $ 3,800

	Rev:#1053-4512 MCF Clam Grant	$ 3,800

Capital Improvement Transfers/Adjustments:

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

Cruise Ship Fund Transfers: NONE

Parking Fund Transfers: NONE

Property Tax Collection & Receivable Update:
The 2019 taxes outstanding exceeded the prior year by $240,000 at the end of May, a slow improvement compared to the $1 million shortfall we saw at the end of March and the $500,000 shortfall at the end of April due to the emergency action taken by Council to defer payments and interest to 4/30/20. 30 day lien notices were mailed out at the end of May with the liens scheduled to be placed by June 29th. There were 365 notices sent vs. 268 notices mailed last May---up by 36%.

Tax Year	Property Taxes Outstanding Balance	@ 5/31/20 %	@ 5/31/19 Balance	%
2006-12	$ 20,034	0.1%	$ 20,176	0.1%
2013	$ 2,870	0.1%	$ 3,084	0.1%
2014	$ 3,071	0.1%	$ 3,071	0.1%
2015	$ 3,728	0.1%	$ 3,828	0.1%
2016	$ 3,565	0.1%	$ 3,897	0.1%
2017	$ 11,313	0.1%	$ 176,176	1.1%
2018	$ 275,889	1.6%	$ 876,782	5.0%
2019	$ 1,117,232	6.2%		

Cash Investment and Status Report / Banking
On May 31st, the Town had $19,200,000 on hand in all funds—approximately $3.8 million more than last year's total balances at this same time period, due to new Parking fees received, the timing of CIP payments and higher fund balances, but primarily due to the $2.1 million in bond proceeds received this May to pay off (refinance) an old bond. Checking interest rates have dropped to .99% vs. 2.1% last year.

Wastewater Division Fund

Financials (92% - 11 month Benchmark)

Spending shows the following:	**Annual Budget**	**Aprl YTD Actual**	**% Spent**
Oper & Maint-FY2020-this year	*$1,505,039*	*$1,289,470*	*86%*
Oper & Maint-FY2019-last year	*$1,469,846*	*$1,199,616*	*82%*

	5/31/2020	5/31/2019
Accounts Receivable-Wastewater	$82,972	$62,668

Due to a deferral of interest on payments through April 30th, the Wastewater and Water receivables outstanding are higher at month end.

Water Division Fund

Financials (92%-11 month Benchmark)

Spending shows the following:	**Annual Budget**	**May YTD Actual**	**% Spent**
Oper & Maint-FY2020-this year	*$1,126,055*	*$1,025,940*	*91%*
Oper & Maint-FY2019-last year	*$1,106,634*	*$919,023*	*83%*

	5/31/2020	5/31/2019
Accounts Receivable-Water	$22,972	$7,251

Technology

May brought more detailed planning for a MUNIS server migration that will occur soon; also more PC/phone/server/wiring work at the PD as renovations are nearing the end; rebuilt a laptop for remote work by the Deputy Assessor; train more staff on the use of Zoom; assist with meeting broadcasts and webinars, build a new PC for the part time Parking hire in Finance and conduct necessary training; order replacement cameras for Port Security areas and Town Hill; train on the Smart Control system for the new LED lights; and completed WAN switch upgrades (from 1GB to 10GB—ten fold increase) at the Municipal building, Hulls Cove and Public Safety locations.

Assessing

In May Assessing devoted its time primarily to finalizing the annual tax commitment values. Steve reported that deed changes in April dropped by more than half compared to April of last year, but the sales prices, on average, remained close to level. He reminded me that assessments follow the market, but do not predict it. Regarding the first use of Steve's new GPS unit (replacing a 12 year old model) he indicated that it is much more accurate and also ties into the Maine DOT's RTK network of ground based GPS stations which would improve accuracy to less than a meter. The unit also integrates directly into the Town's People Forms system, increasing those efficiencies.

Discretionary Direct spending:

		Budget	Actual-May	
Cruise Ship Fund – Direct Expenses:	FY20	$173,139	$96,461	55%
Chamber, Dues, Ins., Isl Explor, etc.	FY19	$150,112	$112,985	75%

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

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

Note	Bank	Acct. No.	Purchase	Maturity	Interest Rate	Amount
****CHECKING ACCOUNTS**						
GENERAL	BHBT	77548521	**GL #10-1140**		0.75%	$ 8,790,000
SEWER	MACHIAS SB	8100333860 / 930	**GL #35-1135**		0.05%	$ 24,000
PARKING	MACHIAS SB	100184337	**GL #64-1140**		0.25%	$ 19,000
SEWER	BHBT	77548513	**GL #35-1140**		0.75%	$ 1,799,000
WATER	BHBT	77548556	**GL #40-1140**		0.75%	$ 1,809,000
	Total Checking Accounts					**$ 12,441,000**
GENERAL	The 1st		collaterized securities	**GL #10-1145**	1.26%	**$ 1,205,000**
GENERAL	The 1st		collaterized securities	**GL #10-1146**	1.26%	**$ 1,049,000**
PARKING	MACHIAS SB	ICS - CDARS	FDIC custodial bank deposits	**GL #64-1120**	1.10%	**$ 1,084,000**
SEWER	MACHIAS SB	ICS - CDARS	FDIC custodial bank deposits	**GL #35-1120**	1.10%	**$ 577,000**
****CERTIFICATES OF DEPOSIT: money market**						
Gen Fnd	The First	17 months	27-Apr-20	27-Sep-21	0.15%	$ 91,057
Gen Fnd	BHS&L	18 Months	28-Jun-19	28-Dec-20	2.05%	$ 116,933
Gen Fnd	BHS&L	18 Months	19-Jun-19	19-Dec-20	2.05%	$ 117,242
Gen Fnd	UTC-Camden	12 Month CD	11-Feb-20	11-Feb-21	0.35%	$ 110,347
Gen Fnd	UTC-Camden	12 Month CD	10-Feb-20	10-Feb-21	0.20%	$ 109,546
Gen Fnd	UTC-Camden	6 Mos.-CDARS	26-Mar-20	26-Sep-20	0.15%	$ 244,452
#10-1160		Total Certificates of Deposit				**$ 789,577**
CIP Reserves: Bar Harbor Banking & Trust - Trust Department				*@ 3/31/20*		
GENERAL	COMB-combined funds		Money Mkt Funds Sweep		1.51%	$ 253,287
	Toyota Motor Credit Corp		Bond - AA- S&P	4/13/2021	2.95%	$ 101,756
	JP Morgan Chase Co.		Bond - A- S&P	10/29/2020	2.55%	$ 101,077
	Mead Johnson		Bond - A- S&P	11/15/2020	3.00%	$ 70,657
	Apple, Inc.		Bond - AA+ S&P	11/13/2020	2.00%	$ 111,277
	Bank America Corp.		Bond - A- S&P	10/21/2022	2.52%	$ 101,368
	ABBVIE Inc.		Bond - A- S&P	11/6/2022	2.90%	$ 102,258
	Qualcomm Inc.		Bond - A- S&P	5/20/2020	2.27%	$ 100,806
	Boeing		Bond - BBB S&P	10/30/2021	2.35%	$ 47,873
	Morgan Stanley		CD	1/5/2021	2.00%	$ 151,725
	US Treasury Note		Note - Aaa -Moody's	9/30/2020	2.75%	$ 202,608
	Goldman Sachs Bank		CD -	2/6/2023	1.80%	$ 175,942
	IBM Credit LLC		Bond - A S&P	11/30/2021	3.51%	$ 104,580
	Wells Fargo Co.		Bond - A- S&P	7/22/2027	2.60%	$ 100,517
	Canadian Natl Rwy Co.		Bond - A S&P	12/15/2021	2.85%	$ 98,997
	Intercontinental Exchange		Bond - A S&P	12/1/2020	2.74%	$ 101,046
	Wells Fargo Bank NA		CD	9/8/2021	3.06%	$ 102,697
	UBS AG		Bond - A+ S&P	3/13/2023	2.20%	$ 100,017
#10-1170	Total In Trust Fund		***(45/50-1170)***			**$ 2,128,488**
	TOTALS: All CASH & INVESTMENTS					**$ 19,274,065**

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

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

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

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

Town of Bar Harbor

Expenses - Period Ending 5/31/20

05-Jun-20

92% of Year Completed

General Fund	Dept	A FY '20 Annual Adj'd Budget	B FY '20 11 Months Actual	C FY '19 12 Months Pre-Audit	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	FY '18 12 Months Actual	Comments on variances
Town Council	10	$ 39,992	$ 25,206	$ 35,212	11,587	63.0%	$ 33,267	Timing
Town Manager	12	$ 131,109	$ 115,477	$ 124,862	5,143	88.1%	$ 120,121	
Town Clerk	14	$ 126,986	$ 109,048	$ 118,345	7,779	85.9%	$ 111,685	Timing
Finance Dept.	16	$ 357,476	$ 326,672	$ 352,773	2,206	91.4%	$ 322,520	
Town Attorney	18	$ 47,950	$ 55,420	$ 54,220	(11,306)	115.6%	$ 18,858	Higher Trend
Elections	20	$ 18,734	$ 8,888	$ 13,189	8,347	47.4%	$ 18,326	Timing
Technology	22	$ 165,474	$ 152,910	$ 155,231	(674)	92.4%	$ 125,165	
Municipal Building	24	$ 79,511	$ 69,346	$ 86,046	3,804	87.2%	$ 73,551	
Town Offices	26	$ 42,745	$ 49,720	$ 43,163	(10,395)	116.3%	$ 37,465	Timing/Higher trend
Employee Benefits	28	$ 1,606,159	$ 1,479,748	$ 1,505,015	(2,082)	92.1%	$ 1,436,019	
Code Enforcement	30	$ 101,923	$ 92,469	$ 74,430	1,300	90.7%	$ 65,125	
Assessing Dept.	32	$ 151,158	$ 134,095	$ 137,892	4,970	88.7%	$ 126,884	
Planning Dept.	34	$ 221,203	$ 181,604	$ 126,426	21,903	82.1%	$ 134,624	Timing/Lower trend
Miscellaneous	36	$ 201,938	$ 161,598	$ 201,464	24,185	80.0%	$ 209,267	Timing/Higher trend
Fire / Ambulance Dept	42	$ 941,785	$ 850,389	$ 885,013	16,053	90.3%	$ 800,244	
Hydrants-Public Fire	43	$ 585,602	$ 585,604	$ 585,604	(46,850)	100.0%	$ 585,604	Timing
Police Dept.	45	$ 1,283,376	$ 1,118,355	$ 1,272,780	62,351	87.1%	$ 1,036,534	
Dispatch Division	47	$ 234,854	$ 214,356	$ 220,185	1,710	91.3%	$ 214,261	
Public Safety Bldg.	49	$ 49,904	$ 43,202	$ 45,930	2,710	86.6%	$ 35,282	
Street Lights	51	$ 73,575	$ 40,788	$ 65,925	26,901	55.4%	$ 71,608	LED's/Lower Trend
Harbor Dept.	53	$ 129,558	$ 105,982	$ 126,722	13,211	81.8%	$ 111,474	Timing
Parks & Rec & Glen M	59	$ 438,577	$ 407,101	$ 416,358	(3,610)	92.8%	$ 236,375	
EmrgMgt/Gen. Assist	63/66	$ 38,644	$ 36,062	$ 496	(510)	93.3%	$ 1,700	
Cooperating Agencies	68	$ 57,681	$ 57,681	$ 45,092	(4,614)	100.0%	$ 40,038	Timing
Comfort Station	70	$ 99,728	$ 87,638	$ 100,368	4,112	87.9%	$ 93,438	
Public Works	75	$ 153,081	$ 113,071	$ 148,951	27,764	73.9%	$ 143,258	Staff vacancy
Highway Dept	77	$ 1,125,114	$ 968,725	$ 1,082,238	66,380	86.1%	$ 1,033,837	Timing/Lower trend
Solid Waste	79	$ 727,340	$ 592,711	$ 773,154	76,442	81.5%	$ 641,258	Timing/Lower trend
General Fund Totals		$ 9,231,177	$ 8,183,866	$ 8,797,084	$ 308,817	88.7%	$ 7,877,788	
payroll periods		26	24	26		92.3%	26	

FY20 Budget Includes $55,776 in carryover encumbrances from FY2019 & $3800 MCF Clam grant in Harbor

General Fund - Revenues

Town of Bar Harbor
YTD May 31, 2020
92% - 11 Months

Department	Budget FY'20 12 Months	Actual FY'20 11 Months	Audited FY'19 12 Months	Bud. Var. Favorable (Unfavorable)	% Rev's Received 92% Goal	Variances From Budget Goal Comments
Town Clerk Fees	$ 24,320	$ 17,605	$ 28,186	(4,769)	72%	Timing-lower trend
Finance Department	$ 179,396	$ 181,352	$ 181,058	16,308	101%	Budget met
Municipal Building Rents	$ 33,000	$ 33,671	$ 36,705	3,311	102%	Budget met
Code Enforcement Permits	$ 328,800	$ 317,142	$ 214,213	14,646	96%	Permits Up/Vaca Rental down
Planning Fees	$ 16,550	$ 25,985	$ 29,347	10,759	157%	Budget met
Ambulance/Fire Fees	$ 333,200	$ 170,275	$ 342,354	(136,269)	51%	$111,000 short of FY19
Police/Dispatch Department	$ 170,727	$ 122,534	$ 216,286	(34,535)	72%	Timing
Harbor Department	$ 62,700	$ 66,737	$ 68,841	9,053	106%	Budget met
Public Works & Prks & Rec	$ 12,585	$ 17,458	$ 14,342	5,880	139%	Budget met
Solid Waste-Recycling	$ 420	$ 5,058	$ 10,275	4,672	1204%	Budget met
Departmental	**$ 1,161,698**	**$ 957,817**	**$ 1,141,607**	(110,945)	**82%**	
P.I.L.O.T.'s	$ 137,265	$ 156,339	$ 147,061	30,055	114%	Budget met
Interest Income	$ 54,000	$ 96,099	$ 149,787	46,419	178%	Budget met
Misc, Cable Franch., other	$ 124,910	$ 134,239	$ 135,699	19,322	107%	Budget met
Excise & Other Taxes	$ 1,035,000	$ 946,554	$ 1,167,836	(5,646)	91%	$94,000 short of FY19
Intergovernmental	$ 396,369	$ 388,365	$ 336,068	23,706	98%	On target
Revenues-Subtotal	**$ 2,909,242**	**$ 2,679,413**	**$ 3,078,058**	2,910	**92%**	
Property Taxes	$ 17,892,429	$ 17,917,087	$ 17,241,788		100%	
Transfers In-CS & Other Funds	$ 435,692	$ 429,568	$ 363,941		99%	Timing
Fund Balance Used	$ 55,000	$ -	$ -		0%	
Grand Total-General Fund	**$ 21,292,363**	**$ 21,026,068**	**$ 20,683,787**		98.7%	
Wastewater Revenues	$ 2,144,400	$ 1,778,718	$ 2,411,183		83%	3 Qtrs billed - in arrears
Water Revenues	$ 2,151,302	$ 2,144,128	$ 2,295,858		100%	4 qtrs billed in Advance
CIP Fund Rev's/Transfers	$ 3,774,090	$ 3,754,739	$ 7,328,506		99%	
Cruise Ship Fund Rev's	$ 1,133,839	$ 930,055	$ 1,023,708		82%	Budget shortfall
Parking Fund (net of Trans Fees)	$ 510,750	$ 1,293,348	$ 315,765		253%	June to go

VI A1

memo

Town of Bar Harbor

To: Town Council

From: Sharon Linscott, Town Clerk

CC: Cornell Knight, Town Manager

Date: 6/5/20

Re: Notice of Public Hearing - Municipal Officers' Return

The Notice of Public Hearing is being presented to you to sign the Municipal Officer's Return that the Notice was posted on June 5, 2020.

Thank You.

VI A2

THE WARRANT

ANNUAL TOWN MEETING – JUNE 30 & JULY 14, 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 **MDI High School Parking Lot** in said Town on Tuesday the thirtieth day of June, A. D., 2020 at **seven** o'clock in the afternoon, then and there to act on *Articles A through X;*

And to notify and warn said voters to meet in the **Municipal Building, Third Floor Auditorium** in said Town on Tuesday, the fourteenth day of July, A. D., 2020 at eight o'clock in the forenoon until eight o'clock in the afternoon, then and there to act on *Articles One through Eight* of said articles being set out below to wit:

~ Voter Check-in Required ~

"Open Town Meeting", June 30, all Voters must check in to obtain a voter card prior to the start of Town Meeting. Voters are encouraged to arrive at least 45 minutes before the start of the meeting.

Action on Articles A through X will be on
Tuesday, June 30, 2020 starting at 7:00 p.m.
MDI High School Parking Lot

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

Article B **ELECTION OF WARRANT COMMITTEE MEMBERS** - To elect Warrant Committee members as required by Section C-34 of the Town Charter.

Julie Berberian	Donna Karlson	Allison Sasner
Steve Boucher	John Kelly	Christine Smith
Robert Chaplin	Meagan Kelly	Kathleen St. Germain
Sherri Dyer	Amanda Kendall	Lawrence Sweet
Michael Good	James Kitler	Mary Jane Whitney
Emily Henry	Seth Libby	

Note: Articles C through M authorize expenditures in cost center categories.

Article C **EDUCATION BUDGET EXPENDITURES: Regular Instruction -** To see what sum the School Committee is authorized to expend for **Regular Instruction** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$2,899,167*	*$2,899,167*	*$2,899,167*

The School Committee recommends adoption.
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 15 to 0.

Article D **EDUCATION BUDGET EXPENDITURES: Special Education -** To see what sum the School Committee is authorized to expend for **Special Education** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$1,476,693*	*$1,476,693*	*$1,476,693*

The School Committee recommends adoption.
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 15 to 0.

Article E **EDUCATION BUDGET EXPENDITURES: Career and Technical Education –** To see what sum the School Committee is authorized to expend for **Career and Technical Education** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$ 0*	*$ 0*	*$ 0*

The School Committee recommends adoption.
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 15 to 0.

Article F **EDUCATION BUDGET EXPENDITURES: Other Instruction -** To see what sum the School Committee is authorized to expend for **Other Instruction** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$ 109,434*	*$ 109,434*	*$ 109,434*

The School Committee recommends adoption.

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 15 to 0.

Article G **EDUCATION BUDGET EXPENDITURES: Student & Staff Support -** To see what sum the School Committee is authorized to expend for **Student & Staff Support** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$ 593,866*	*$ 593,866*	*$ 593,866*

The School Committee recommends adoption.
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 15 to 0.

Article H **EDUCATION BUDGET EXPENDITURES: System Administration -** To see what sum the School Committee is authorized to expend for **System Administration** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$ 146,739*	*$ 146,739*	*$ 146,739*

The School Committee recommends adoption.
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 15 to 0.

Article I **EDUCATION BUDGET EXPENDITURES: School Administration -** To see what sum the School Committee is authorized to expend for **School Administration** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$ 405,174*	*$ 405,174*	*$ 405,174*

The School Committee recommends adoption.
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 15 to 0.

Article J **EDUCATION BUDGET EXPENDITURES: Transportation & Buses -** To see what sum the School Committee is authorized to expend for **Transportation & Buses** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$ 331,000*	*$ 331,000*	*$ 331,000*

The School Committee recommends adoption.
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 15 to 0.

Article K **EDUCATION BUDGET EXPENDITURES: Facilities Maintenance -** To see what sum the School Committee is authorized to expend for **Facilities Maintenance** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$ 635,446*	*$ 635,446*	*$ 635,446*

The School Committee recommends adoption.
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 15 to 0.

Article L **EDUCATION BUDGET EXPENDITURES: Debt Service and Other Commitments -** To see what sum the School Committee is authorized to expend for **Debt Service and Other Commitments** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$ 0*	*$ 0*	*$ 0*

The School Committee recommends adoption.
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 15 to 0.

Article M **EDUCATION BUDGET EXPENDITURES: All Other Expenditures -** To see what sum the School Committee is authorized to expend for **All Other Expenditures** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$ 105,000*	*$ 105,000*	*$ 105,000*

The School Committee recommends adoption.
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 15 to 0.

Note: Articles C – M authorize a total budget of:

School Committee	*Town Council*	*Warrant Committee*
$6,702,519	*$6,702,519*	*$6,702,519*

Note: ***Articles N & O raise funds for the Proposed School Budget***

Article N **EDUCATION BUDGET: Essential Programs and Services –** To see what sum the voters of the Town of Bar Harbor will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (State Recommends $4,064,624) and to see what sum the voters of the Town of Bar Harbor will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2020 to June 30, 2021.

Explanation*: The Town of Bar Harbor's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
State Subsidy	*$ 585,536*	*$ 585,536*	*$585,536*
Town's Minimum Share	*$3,479,088*	*$3,479,088*	*$3,479,088*
State's Essential Programs & Services Model	*$4,064,624*	*$4,064,624*	*$4,064,624*

The School Committee recommends adoption.
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 15 to 0.

Note: ***Article O raises additional local funds recommended to support the proposed school budget***

Article O **EDUCATION BUDGET: Additional Local Funds -** To see what sum the voters of the Town of Bar Harbor will raise and appropriate in additional local funds for school purposes for the period July 1, 2020 to June 30, 2021, which exceeds the State's Essential Programs and Services allocation model by as required to fund the budget recommended by the school committee.

Explanation*:*
The additional local funds are those locally raised funds over and above the Town of Bar Harbor's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town of Bar Harbor's budget for educational programs. The School Committee recommends the additional

local funds shown below and gives the following reasons for exceeding the State's Essential Programs and Services funding model. The State funding model underestimates the actual costs to fully fund the proposed budget.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
Additional Local Funds	*$2,283,955*	*$2,283,955*	*$2,283,955*
Exceeding EPS by	*$2,283,955*	*$2,283,955*	*$2,283,955*

The School Committee recommends adoption.
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 15 to 0.

Note: Articles N & O raise a total town appropriation of:

School Committee	*Town Council*	*Warrant Committee*
$5,763,043	*$5,763,043*	*$5,763,043*

Note: Article P summarizes the proposed school budget and does not authorize any additional expenditures

Article P **EDUCATION BUDGET: Total Expenditures-** To see what sum the voters of the Town of Bar Harbor will authorize the School Committee to expend for the fiscal year beginning July 1, 2020 and ending June 30, 2021 from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$6,702,519	*$6,702,519*	*$6,702,519*

The School Committee recommends adoption.
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 15 to 0.

Article Q **EDUCATION BUDGET: State, Federal, and Other Funds -** In addition to the amount in Articles C – P, shall the School Committee be authorized to expend such other sums as may be received from state or federal grants or programs or other sources during the fiscal year 2020-2021 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

Current Year Totals: $226,152

Recommendations:
The School Committee recommends adoption.
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 15 to 0.

Article R **MUNICIPAL BUDGET: Expenditures -** To see what sum the Town will raise and appropriate for the Municipal Budget for FY21 (7/1/20 TO 6/30/21).

Explanation:
This is the total amount that the Town Council is allowed to spend from all sources except grants and donations, as provided in Article U, and from reserve accounts.

Recommendations:	*Town Council*	*Warrant Committee*
Total Expenditures	*$15,371,900*	*$15,371,900*

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 15 to 0.

Article S **MUNICIPAL BUDGET: Other Revenues -** To see what sum the Town will vote to reduce the amount to be raised by taxation by using estimated revenues and fund balance for the Municipal Budget for FY21 (7/1/20 TO 6/30/21).

Explanation:
In addition to property taxes, the Town receives other revenues from fees, licenses, excise taxes, etc., and we sometimes use monies left over from prior years (fund balance). The funds shown in this article reduce the amount of property taxes that have to be raised.

Recommendations:	*Town Council*	*Warrant Committee*
Other Revenues	*$ 6,574,330*	*$ 6,574,330*
Fund Balance	*$ 55,000*	*$ 55,000*
Fund Balance - Cruise Sh. Fund	*$ 205,588*	*$ 205,588*
Fund Balance - Parking Fund	*$ 268,592*	*$ 268,592*

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 15 to 0.

Article T **MUNICIPAL BUDGET: Tax Cap Override** – To see if the Town will vote to increase the property tax levy limit of *$8,279,884* established for the Town of Bar Harbor by State law in the event that the FY21 Municipal Budget approved by the Town results in a tax commitment that is greater than the property tax levy limit.

Explanation:
In 2005 the State Legislature passed a "tax reform" law known as LD#1. This bill created a maximum municipal tax levy based upon this year's tax, plus an allowance for personal income growth and the town's tax base growth due to new

construction. However, LD#1 allows Bar Harbor voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. Using the State's formula, the maximum tax levy for Bar Harbor's Municipal Budget is $8,279,884. Currently the proposed budget is $11,495 under the tax cap.

Recommendations:
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 15 to 0.

Article U **MUNICIPAL BUDGET: Grants and Donations** – In addition to the amount in Article R, shall the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY21 (7/1/20 TO 6/30/21) for municipal purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated?

Explanation:
From time to time, the Town Council receives funds from state and federal grants, and donations, as well as sources other than local tax dollars. This article gives the Town Council the authority to spend such funds, as long as no local property tax dollars are required to match them, other than those already in the budget.

Recommendations:
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 15 to 0.

Article V **PREPAYMENT OF TAXES -** To see if the Town will vote to accept tax payments prior to the commitment date and to pay interest on said tax payments in the amount of 0% per year figured on a monthly basis until the tax commitment date is reached.

Explanation:
On rare occasions, taxpayers need to pay their taxes before they have been billed. The Town Treasurer cannot accept such early payments unless an article is passed.

Recommendations:
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 15 to 0.

Article W **TAX DUE DATE AND INTEREST RATE -** To see if the Town will vote that the first half taxes shall be due and payable on or before September 30, 2020 and that second half taxes shall be due and payable on or before March 31, 2021 and that interest shall be charged at the annual rate of 8.0% on any unpaid taxes due on September 30, 2020 beginning October 1, 2020 and on any unpaid taxes due March 31, 2021 beginning April 1, 2021.

Explanation:
The due dates proposed are essentially the same as last year. The proposed interest rate is the highest allowed by State Law to encourage taxes to be paid on time.

Recommendations:
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 15 to 0.

Article X **OVERPAYMENT OF TAXES -** To see if the Town will vote to establish the interest rate to be paid to a taxpayer who is determined to have paid an amount of real estate taxes in excess of the amount finally assessed for 2020 at 4.0% per year on the amount of overpayment.

Explanation:
If a taxpayer prevails in a tax assessment appeal against the Town, we must pay interest on the tax amount being refunded. The Town is required by law to set the interest amount each year. We are suggesting the lowest interest rate allowed by law, which is 4% less than what we charge for late payments.

Recommendations:
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 15 to 0.

Election of Town Officers

Action on the following articles will be at the Town Election with

Polls Open Tuesday, July 14, 2020 from 8:00 a.m. to 8:00 p.m.

Municipal Building Auditorium

Article 1 - ELECTION OF OFFICERS - To elect Town Officers as are required to be elected by secret ballot.

Article 2 - LAND USE ORDINANCE AMENDMENT – Addressing Officer – Shall an ordinance dated December 16, 2019 and entitled "An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor" be enacted?

Addressing Officer

An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor

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 V Site Plan Review

***

§ 125-66 Submission requirements

***

K. Assessor's certification of street names. Written certification of the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) that the proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

§ 125-67 General review standards

***

G. Streets, sidewalks and access.

***

(4) Names.

***

(b) No plan shall be approved unless the Planning Board finds that the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) has issued written certification that proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

EXPLANATION:
The replacement of the words "Municipal Tax Assessor" with the words "Addressing Officer" updates the Land Use Ordinance and aligns it with language used in Chapter 5 (Addressing Ordinance) of the town's Municipal Code (which took effect November 14, 2019).

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 18 to 0.

Article 3 - LAND USE ORDINANCE AMENDMENT – Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District

An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting

by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities 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

***

C. Allowed uses.

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

***

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; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-18 Village Historic

***

C. Allowed uses.

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

***

D. Uses allowed by site plan.

(1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following uses shall be permitted in the district: bed-and-breakfast I; eleemosynary; private club.

(2) In addition to the above-noted uses, the following uses shall be permitted for properties with road frontage or access to the Baymeath Road, Lookout Point Road, and the Syndicate Road only: municipal schools, museums.~~, multifamily I, two-family dwellings.~~

***

§ 125-19 Mount Desert Street Corridor

***

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, multifamily dwelling I, 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 dwelling ~~I and~~ II; theaters.

(3) Principal uses allowed by conditional use permit: retail; restaurants; bed-and-breakfast III and IV.

***

§ 125-20 Village Residential

***

C. Allowed uses.

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

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.

***

§ 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; multifamily dwelling I; 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; farmers market; home occupation.

(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 lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

***

§ 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; farmers market; single-family dwelling; two-family dwelling; home occupation; multifamily dwelling I.

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

***

§ 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; multifamily dwelling I; artist studio; farmers market; home occupation.

(2) Uses allowed by site plan review: multifamily dwelling ~~I and~~ II; parking lot; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-22 Downtown Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Child-care center

Hospital

~~Multifamily dwelling I~~

Parking garage and parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

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

Accessory dwelling

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-24 Hulls Cove Business

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-26 Hulls Cove Residential Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Mineral extraction

Mineral extraction and processing

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

***

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

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-32 Ireson Hill Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery

Eleemosynary, educational or scientific institution

~~Multifamily dwelling I~~

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-37 Salisbury Cove Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery

Kennel, boarding

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-38 Salisbury Cove Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Kennel, boarding

~~Multifamily dwelling I~~

Road construction

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-40 Salisbury Cove Village

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Marina

~~Multifamily dwelling I~~

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Newspaper or printing facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

***

§ 125-44 Town Hill Residential Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Municipal facility and grounds

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

***

§ 125-45 Town Hill Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Marina

Mobile home park

~~Multifamily dwelling I~~

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

***

§ 125-47 Shoreland General Development I

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge

Commercial fish pier

Commercial structure

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

***

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

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-49 Shoreland General Development II

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Road construction

~~Single-family dwelling~~

***

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

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-49.1 Shoreland General Development III

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route

3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals; single-family dwelling and two-family dwelling.

(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) 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; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-49.2 Shoreland General Development IV

***

C. Allowed uses.

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

(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. The following uses shall be permitted by site plan review in any part of this district: motels accessory to cabins and cottages (with such motel providing for no more than 10 sleeping accommodations for transient uses), marina, retail (provided the structure is no greater than 5,000 square feet in floor area), gallery, ~~multifamily dwelling I,~~ museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

***

§ 125-49.3 Shoreland Maritime Activities

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(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 and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II;~~ parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

E. Allowed activities.

(1) Nonintensive recreational uses not requiring structures, such as fishing and hiking.

(2) Emergency operations.

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

***

EXPLANATION:
This amendment will change the permitting authority for all multifamily dwelling I uses from site plan review through the Planning Board process to a permit from the Code Enforcement Officer in all districts where the use is currently allowed. Multifamily dwelling I use is three or four dwelling units on one parcel. Additionally, it will do the following: address an inconsistency in the ordinance by making CEO the permitting authority for two-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by the CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 9 to 7 with 2 abstentions.

Article 4 - LAND USE ORDINANCE AMENDMENT – Employee Living Quarters – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Employee Living Quarters

An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities 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; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-19 Mount Desert Street Corridor District.

***

D. Uses allowed by site plan.

***

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

***

§ 125-20 Village Residential.

***

D. Uses allowed by site plan.

***

(2) Uses allowed by conditional use permit:

(a) F~~f~~or properties with road frontage on or access to Route 3 or 233: all bed-and-breakfast designations; art gallery; cabins; farmers' market; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

(b) Employee living quarters.

***

G. Other requirements:

(1) Accessory structures shall be located in the side and rear yard of the property. Employee living quarters are exempt from this requirement.

***

§ 125-21 Downtown Village I.

***

C. Allowed uses:

***

(2) Uses allowed by site plan review: employee living quarters; 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 lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-21.1 Downtown Village II.

***

C. Allowed uses.

***

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

***

§ 125-24 Hulls Cove Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Employee living quarters

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

§ 125-31 Ireson Hill Corridor.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Employee living quarters

Mineral extraction

Mineral extraction and processing

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

***

§ 125-40 Salisbury Cove Village.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Employee living quarters

Marina

Multifamily dwelling I

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Wireless communications facility

***

§ 125-43 Town Hill Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Employee living quarters

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Newspaper or printing facility

Parking garage and parking lot

Research facility

Research production facility

Road construction

Terminal yard and trucking facility

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Upholstery shop

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

***

§ 125-45 Town Hill Residential.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval

through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Employee living quarters

Marina

Mobile home park

Multifamily dwelling I

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

§ 125-47 Shoreland General Development I.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge

Commercial fish pier

Commercial structure

Employee living quarters

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

Road construction

Ships chandlery

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

***

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

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

<u>Employee living quarters</u>

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

***

§ 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; <u>employee living quarters;</u> ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-49.3 Shoreland Maritime Activities District.

***

C. Allowed uses.

***

(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 and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II;~~ parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: employee living quarters; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

***

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any 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.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(x) Employee living quarters shall not be required to provide parking.

***

§ 125-69 Standards for particular uses, structures, or activities

***

W. Employee living quarters. All employee living quarters shall meet the following standards:

(1) Design: When employee living quarters are visible from the street or from an abutting property to the side or rear lot lines that is under different ownership or control, the employee living quarters shall be visually compatible with the principal building(s) and shall provide for rooflines that are similar in pitch and materials and building materials that are similar in regard to type and color scheme as the principal building(s).

(2) Setback requirements: Employee living quarters shall meet the same setback requirements as principal structures.

(3) Building footprint area: The total building footprint area of the employee living quarters shall not exceed 25% of the total building footprint area of the principal building(s) on the lot.

(4) Density bonus.

(a) An employee living quarters (including its associated accessways and parking areas) may benefit from increased lot coverage not to exceed:

[1] 63% in the Bar Harbor Gateway district

[2] 44% in the Mount Desert Street Corridor district

[3] 63% with sewers and 31% without sewers in the Village Residential district

[4] 85% in the Hulls Cove Business district

[5] 31% in the Ireson Hill Corridor district

[6] 44% in the Salisbury Cove Village district

[7] 63% in the Town Hill Business district

[8] 19% in the Town Hill Residential district

(b) All other (non-employee living quarters, including its associated accessways and parking) uses, activities, and structures, on the lot, shall be subject to the lot coverage requirements of the district it is in, as well as all other requirements of this chapter.

(c) If an employee living quarters (including its associated accessways and parking), increases the lot coverage as allowed under section 125-69 W.(4), it may not be enlarged, expanded, or otherwise provide for any other use, unless the lot coverage is brought into compliance with the requirements of the district it is in.

(5) Change of Use. A change of use from employee living quarters to another use shall comply with all requirements of this chapter, including lot coverage requirements.

(6) Parking benefitting from the density bonus (increased lot coverage) shall be for the exclusive use of the occupants of the employee living quarters.

(7) Every bedroom in employee living quarters shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

***

EMPLOYEE LIVING QUARTERS

An accessory structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary company that owns the parcel where the principal structure is located. Employee living quarters serving a hospital shall not be subject to the 30-day minimum requirement. Employee Living Quarters must serve another use on the lot, meaning it cannot be the only use on the lot.

***

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or employee living quarters.

***

FOOTPRINT AREA, BUILDING

The total square footage of a building or buildings if viewed from above, including areas under overhangs.

***

EXPLANATION:

This amendment would create and define a new use titled "employee living quarters"; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of "family"; and create a new definition titled "floor area, ground"; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities District.

Recommendations:

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

The 22-member Warrant Committee recommends adoption by a vote of 14 to 2 with 2 abstentions.

Article 5 - LAND USE ORDINANCE AMENDMENT – Shared Accommodations – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'" be enacted?

Shared Accommodations

An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'

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 <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-17 Bar Harbor Gateway.

***

C. Allowed uses.

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

***

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; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school;

professional office building; restaurant; retail; road construction; services; shared accommodations (SA-2 and SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 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, shared accommodations (SA-1); single- or two-family dwelling; vacation rentals.

***

D. Uses allowed by site plan.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; shared accommodations (SA-2 and SA-3); theaters.

***

§ 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~~,~~; shared accommodations (SA-1); 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; farmers market; home occupation.

(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 lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community; shared accommodations (SA-2 and SA-3).

***

§ 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~~,~~; shared accommodations (SA-1); vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

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

clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic; shared accommodations (SA-2 and SA-3).

***

§ 125-24 Hulls Cove Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Shared accommodations (SA-2)

Shared accommodations (SA-3)

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor.

***

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

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business.

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

***

§ 125-44 Town Hill Residential Corridor.

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any 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.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(y) Shared accommodations

[1] Shared accommodations (SA-1): Based on maximum occupancy, parking shall be provided at a rate of 0.5 parking space per occupant in the Bar Harbor Gateway, Mount Desert Street Corridor, Hulls Cove Business, Ireson Hill Corridor, Town Hill Business, and the Town Hill Residential Corridor districts. Parking spaces may be allowed in tandem with a maximum of two vehicles in a row. The minimum area per parking space shall be 136 square feet.

[2] Shared accommodations (SA-2 and SA-3): Based on maximum occupancy, parking shall be provided at a rate of 0.2 parking spaces per occupant in the Bar Harbor Gateway and the Hulls Cove Business districts and 0.1 parking spaces per occupant in the Mount Desert Street Corridor District.

***

§ 125-69 Standards for particular uses, structures, or activities

***

X. Shared accommodations. Every bedroom in shared accomodations shall contain not less than 70 square feet of habitable floor area for each occupant, excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

***

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or shared accommodations.

***

SHARED ACCOMMODATIONS

Any group of three or more rooms, other than lodging or vacation rental, where for direct or indirect compensation the occupants live in furnished rooms with shared kitchens for more than 30 days. The occupants do not constitute a family or a single housekeeping unit. The makeup of the occupants is determined by the landlord, property manager, or other third party and not by the occupants themselves. A shared accommodation serving a hospital shall not be subject to the 30-day minimum requirement. There are three different types of shared accommodations:

A. SA-1: 3 to 8 people per structure

B. SA-2: 9 to 32 people per structure

C. SA-3: 33 or more people per structure

***

ARTICLE XIII Design Review

***

§ 125-112 Applicability of design review.

A. Design Review Overlay Districts.

(1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."

(2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor:

the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Village Historic District; and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses, all shared accommodations uses, and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

***

EXPLANATION:
This amendment would create and define a new use titled "shared accommodations" with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of "family".

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 10 to 8.

Article 6 - LAND USE ORDINANCE AMENDMENT – Official District Boundary Map Amendment For Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Uses to the Shoreland General Development II District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district" be enacted?

Official District Boundary Map Amendment for Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Allowed Uses to the Shoreland General Development II District

An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development 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

***

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

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground (Shoreland Districts)

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

TA-9

***

ARTICLE V Site Plan Review

***

§ 125-67 General Review Standards

***

D. Parking requirements. Any 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.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(b) Transient accommodations:

[2] Hotels, motels, TA-9 and conference centers: one parking space for each guest room.

***

ARTICLE XII Construction and Definitions

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

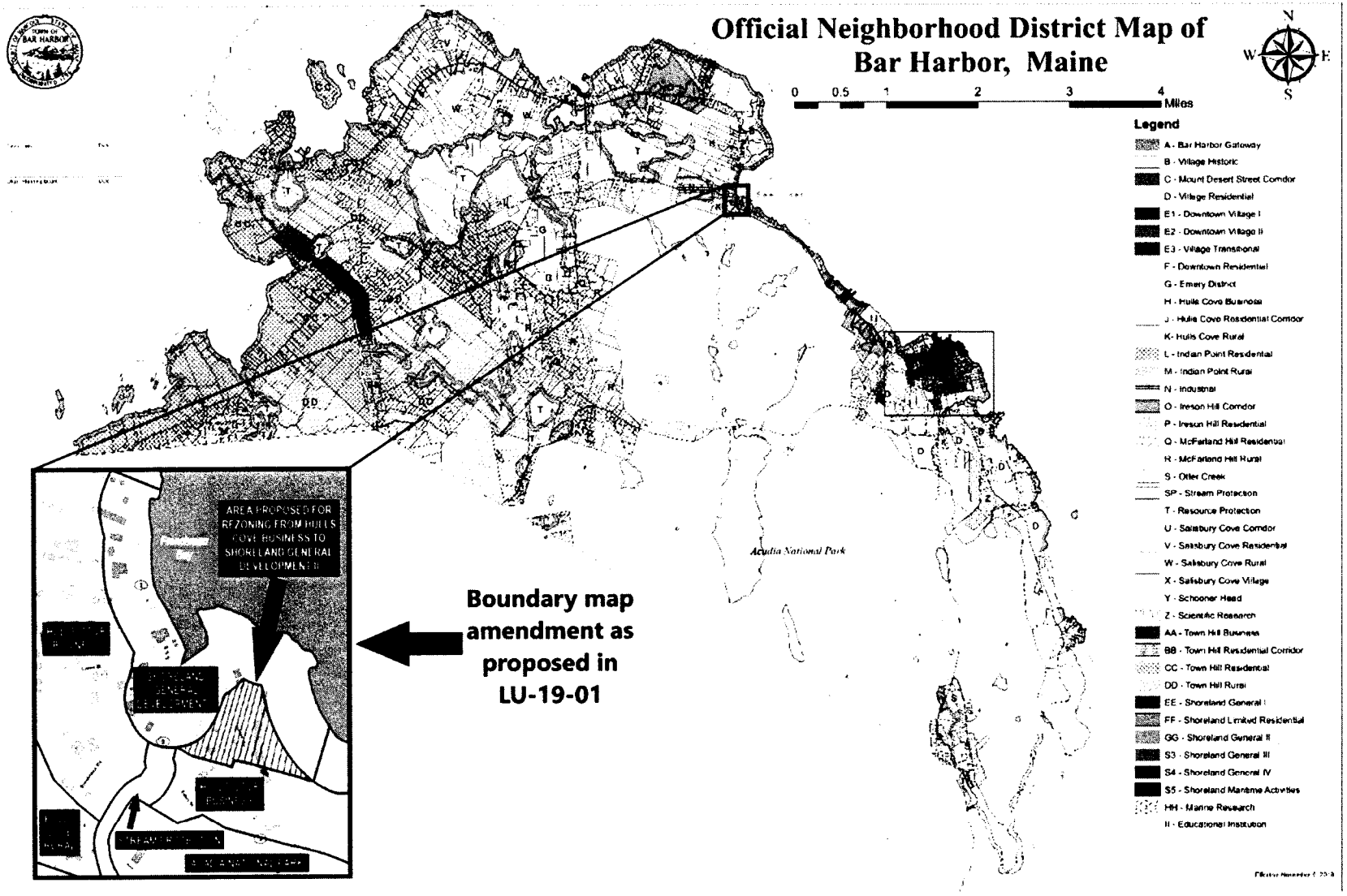
***

TRANSIENT ACCOMMODATIONS

***

I. **TA-9** A building or buildings where for compensation lodging and meals are provided (four to 75 rooms). Accessory uses subject to site plan review include restaurant, conference room, retail establishment, recreational facilities, such as swimming pool, game courts, and recreational rooms or similar uses.

***


Official Neighborhood District Map of
Bar Harbor, Maine
0 0.5 1 2 3 4 Miles
N
W
E
S
Legend
A - Bar Harbor Gateway
B - Village Historic
C - Mount Desert Street Corridor
D - Village Residential
E1 - Downtown Village I
E2 - Downtown Village II
E3 - Village Transitional
F - Downtown Residential
G - Emery District
H - Hulls Cove Business
J - Hulls Cove Residential Corridor
K- Hulls Cove Rural
L - Indian Point Residential
M - Indian Point Rural
N - Industrial
O - Ireson Hill Corridor
P - Ireson Hill Residential
Q - McFarland Hill Residential
R - McFarland Hill Rural
S - Otter Creek
SP - Stream Protection
T - Resource Protection
U - Salisbury Cove Corridor
V - Salisbury Cove Residential
W - Salisbury Cove Rural
X - Salisbury Cove Village
Y - Schooner Head
Z - Scientific Research
AA - Town Hill Business
BB - Town Hill Residential Corridor
CC - Town Hill Residential
DD - Town Hill Rural
EE - Shoreland General I
FF - Shoreland Limited Residential
GG - Shoreland General II
S3 - Shoreland General III
S4 - Shoreland General IV
S5 - Shoreland Maritime Activities
HH - Marine Research
II - Educational Institution
Acadia National Park
AREA PROPOSED FOR REZONING FROM HULLS COVE BUSINESS TO SHORELAND GENERAL DEVELOPMENT II
Boundary map amendment as proposed in LU-19-01

EXPLANATION:
This amendment would amend the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, would create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, would amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 3 to 1.
The 22-member Warrant Committee recommends rejection by a vote of 13 to 3 with 1 recusal.

Article 7 – CITIZENS' INITIATIVE: Changes to the Definition of Vacation Rentals in the Land Use Ordinance – Shall the above-described ordinance be adopted?

To See if the Voters of the Town of Bar Harbor will adopt the following changes to the definition of Vacation Rentals in the Land Use Ordinance.

Old language is ~~stricken~~. New language is <u>underlined</u>

§ 125-109 **Definitions.**

VACATION RENTALS

<u>Non-Hosted Vacation Rental</u>

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

<u>Hosted Vacation Rental</u>

<u>The use of a dwelling unit, or portion thereof, on a homestead exemption property, for rent to a family for a period of less than 30 consecutive days.</u>

The list of attached zones it would apply to:

District	Vacation Rental Permitting Authority
Bar Harbor Gateway	CEO
Village Historic	CEO
Mount Desert Street Corridor	CEO

Village Residential	CEO
Downtown Village I	CEO
Downtown Village II	CEO
Downtown Village Transitional	CEO
Downtown Residential	CEO
Emery	CEO
Hulls Cove Business	CEO
Hulls Cove Residential Corridor	CEO
Hulls Cove Rural	CEO
Indian Point Residential	CEO
Indian Point Rural	CEO
Industrial	
Ireson Hill Corridor	CEO
Ireson Hill Residential	CEO
McFarland Hill Residential	CEO
McFarland Hill Rural	CEO
Otter Creek	CEO
Resource Protection	
Salisbury Cove Corridor	CEO
Salisbury Cove Residential	CEO
Salisbury Cove Rural	CEO
Salisbury Cove Village	CEO
Schooner Head	CEO
Scientific Research	CEO
Town Hill Business	CEO
Town Hill Residential Corridor	CEO
Town Hill Residential	CEO
Town Hill Rural	CEO
Shoreland General Dev. I	CEO
Shoreland Limited Residential	CEO
Shoreland General Dev. II	CEO
Shoreland General Dev. III	CEO
Shoreland General Dev. IV	CEO
Shoreland Maritime Activities	
Stream Protection	
Marine Research	
Educational Institution	CEO

CEO – Code Enforcement Officer
SP- Site Plan
Blank – Not allowed

EXPLANATION: The changes would differentiate between owner-occupied vacation rental properties (homestead qualified, year-round residences) and dwelling units owned by non-residents. Non-residents would be prohibited from doing more than a single vacation rental per dwelling unit and from renting for stays of fewer than five days.

Recommendations:
The five-member Planning Board recommends rejection by a vote of 3 to 2.

The 22-member Warrant Committee recommends rejection by a vote of 10 to 5 with 2 abstentions.

Article 8 – STRAW POLL: To gauge the Town's interest, as an advisory vote, are you in favor of the School Board continuing planning efforts for a combined, district-wide middle school?

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

The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, July 14 2020 for election of Town officers and referendum. Absentee ballots will be processed on Saturday, July 11, 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. ***Applications for absentee ballots may be made in writing or in person up to and including the day of the election.***

The Registrar of Voters of the Town of Bar Harbor hereby gives notice that she 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 the registration of persons desiring to register for this election. Must provide proof of identity and official document showing residence address, not a post office box. A Maine Driver's license with current residence address would satisfy both requirements.

Given under our hands this sixteenth day of June 2020.

Municipal Officers of the Town of Bar Harbor

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

Jill Goldthwait

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 D

Lease

Agreement made, in duplicate originals and effective May 1, 2019 by and between the Town of Bar Harbor, a municipal corporation situated in Hancock County, Maine (hereinafter referred to as the "Town") and Steven Woitasek, dba Black Friar Inn, his principal place of business at 10 Summer Street Bar Harbor (hereinafter referred to as Mr. Woitasek).

Witnesseth

Whereas the Town is desirous of leasing a portion of Map 104 lot 58 of the town's land in said Bar Harbor in order to provide parking to Mr. Woitasek's guests.

Whereas that portion of the Town's land which Mr. Woitasek is desirous of leasing is bounded and described in Exhibit A which is attached hereto and made a part hereof;

Whereas the Town is willing to lease the Premises to Mr. Woitasek upon certain terms and conditions;

Wherefore the Town hereby leases the Premise to Mr. Woitasek and Mr. Woitasek hereby leases the Premises from the Town upon the following terms and conditions to wit:

1. Term: This lease shall be for one (1) year period commencing on May 1, 2020 and terminating at midnight on April 30, 2021.
2. Rent; Mr. Woitasek shall pay to the Town, in advance the sum of $2,000 for the period commencing May 1, 2020 and terminating April 30, 2021.

USE

Mr. Woitasek shall use the Premises for the purposes of at least 2 parking spaces to be used by guests of Black Friar Inn. As long as at least 2 spaces are used for parking, remaining portions of the Premises can be used by Mr. Woitasek, provided they are permitted in the Land Use Ordinance.

General Indemnification and Hold Harmless

Mr. Woitasek will defend and will indemnify the Town and its employees and Town Council members, save them harmless from any and all injury, loss claim, damage arising from the use of the premises by Mr. Woitasek.

Assignment

This lease is personal to Mr. Woitasek and shall not be assigned in whole or in part without the prior written approval of the Town.

Insurance

Mr. Woitasek agrees to maintain in full force during the term hereof a policy of public liability and property damaging insurance which the Town and Mr. Woitasek are named as insured.

In Witness Whereof, the Parties have caused this instrument to be executed by their duly authorized representatives as of the dates set forth below.

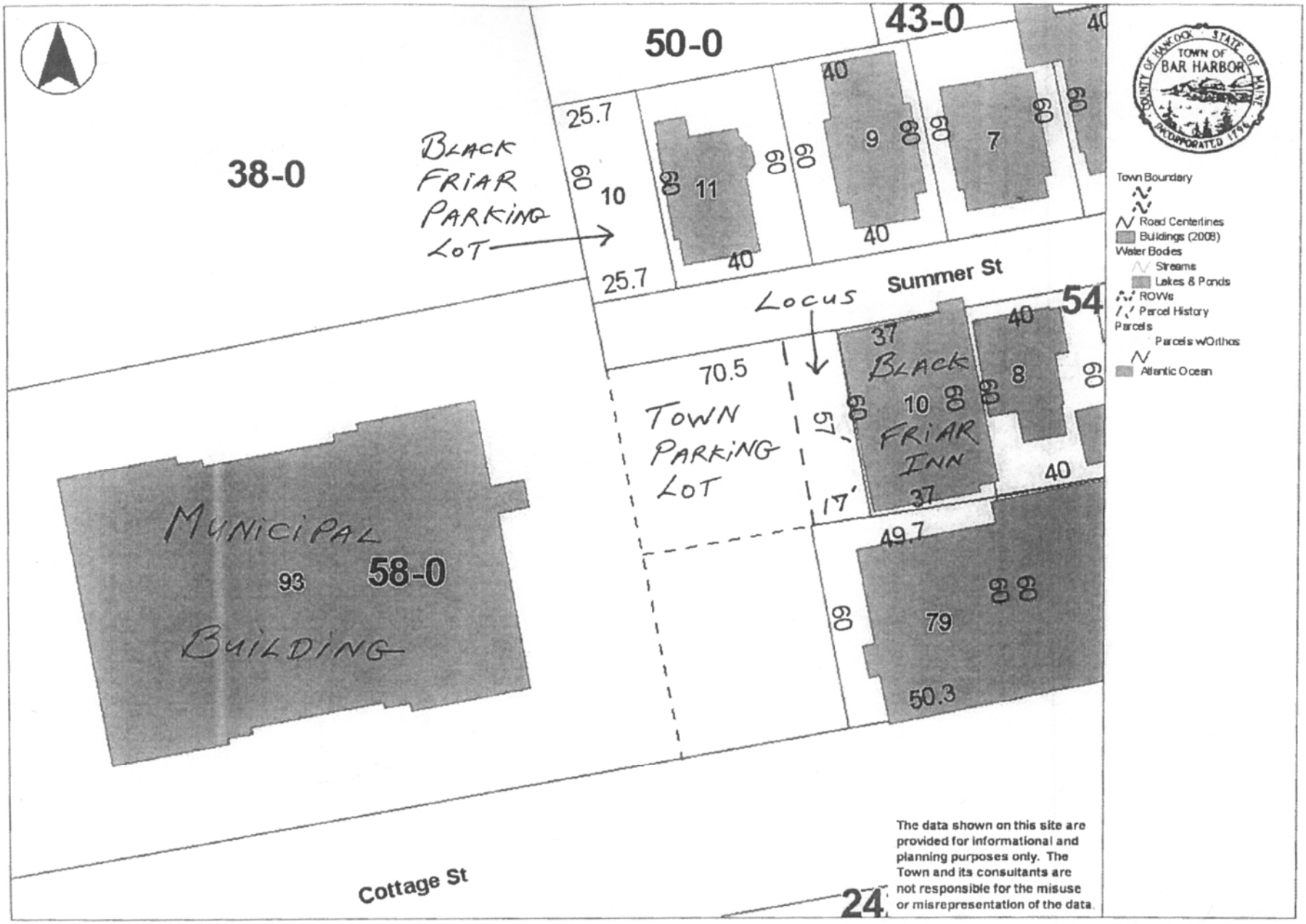
Town of Bar Harbor

By _____

Town Manager

Mr. Steven Woitasek

By _____



50-0
43-0
38-0
Black Friar Parking Lot
25.7
60
10
11
9
7
40
Summer St
Locus
54
37
Black Friar Inn
8
70.5
Town Parking Lot
57'
17'
Municipal Building
93
58-0
49.7
79
50.3
Cottage St
24
Town Boundary
Road Centerlines
Buildings (2008)
Water Bodies
Streams
Lakes & Ponds
ROWs
Parcel History
Parcels
Parcels w/Orthos
Atlantic Ocean
The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.
0
40
80 ft
MapsOnline

RECEIVED

VI E 1 MAY 28 2020

Town of Bar Harbor
Manager/Clerk's Office

Town of Bar Harbor

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

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

Owner's Name: Sandra J. Read d/b/a: Wild Iris Farm LLC

Address: 2 Lakewood Farm Rd, Bar Harbor ME. 04609

Phone (land): 207-288-5234 Phone (cell): 207-812-2322

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

Name: Sandra Read ME Driver's Lic

Name: Marc Jaffrey ME Driver's Lic

Name: ME Driver's Lic

Name: ME Driver's Lic

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

Type of Vehicle Bus/Carriage/Limo/Taxi/Pedicab	Year/Make/Model/Serial or VIN	# Seats	Own or Lease
Carriage	2012 Savanagh Vis-Vis Serial #1427	6	Own
Carriage	2011 Farmwagon	10	Own

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

Owner's Signature Sandra J Read Date 5-26-2020

For official use:

Approvals: Police Department [signature] Date 05.26.2020

Town Clerk, Fee Paid Kathryn Rodgers, Deputy Date 05/28/2020

Proof of Insurance (DEC page with VIN) Sharon M Linscott Date 05/28/2020

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

Revised 03/18/2015

Apple Creek Equine Medicine
710 Main Road
Carmel, ME 04419
(207) 525-4596

The following horses belonging to Wild Iris Ranch were examined by me on April 24th, 2020 and were found to be fit for carriage service.

Truman	Black Shire gelding	17 yrs old
Zeke	Black Shire gelding	13 yrs old

With professional regard,

Tanja N Ebel DVM

Tanja N. Ebel, DVM

Wild Iris Farm

COVID-19 PROTOCOL FOR HORSE-DRAWN CARRIAGE RIDES

- Staff must wear face masks at all times when giving public carriage rides
- Ask passengers to also wear masks – we will provide if necessary
- Keep social distancing of 6 feet if possible
- Sanitize carriage seats and handles with approved wipes after every ride
- Rides to be for one couple or one family at a time
- Staff to use hand sanitizer between rides
- If a staff member feels ill, do not report for work

VIE2

RECEIVED
MAY 29 2020
Town of Bar Harbor
Manager/Clerk's Office

Town of Bar Harbor

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

FEE SCHEDULE

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

Owner's Name: CJTL, Inc d/b/a: At Your Service

Address: 3 Acadia Pines Lane, Mount Desert

Phone: 288-9222 Email: atyourservicetours@gmail.com

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

Name: Chase Bingham Brad ME Driver's Lic #:

Name: [redacted] ME Driver's Lic #:

Name: See attached ME Driver's Lic #:

Name: ME Driver's Lic #:

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

Type of Vehicle Bus/Carriage/Limo/Taxi/Pedicab	Year/Make/Model/Serial or VIN	# Seats	Own or Lease
Taxi	[redacted]		
	'10 Town + Country - Chrysler		
	2A4RR8DX4AR387571	6	own

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

Owner's Signature Chase Bingham Brad Date 5-21-20

For official use:

Approvals:

Police Department [signature] Date 05-26, 2020

Town Clerk, Fee Paid Karen M. Rodgers, Deputy Date 5/29/2020

Proof of Insurance (DEC page with VIN) Katie M. Rodgers, Deputy Date 5/29/2020

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

Revised 05/01/2020

Town of Bar Harbor

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

VI E3

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

Owner's Name: Oli's Trolley Inc. d/b/a: _____

Address: po 794 BAR HARBOR ME 04609

Phone (land): 207-288-9899 Phone (cell): 207-266-5847

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

Name: SEE ATTACHED ME Driver's Lic #: _____

Name: _____ ME Driver's Lic #: _____

Name: _____ ME Driver's Lic #: _____

Name: _____ ME Driver's Lic #: _____

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

Type of Vehicle Bus/Carriage/Limo/Taxi/Pedicab	Year/Make/Model/Serial or VIN	# Seats	Own or Lease
	SEE ATTACHED		

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

Owner's Signature LDMorgan Date 3/5/2020

For official use:

Approvals: Police Department [signature] Date 06.09.2020

Town Clerk, Fee Paid Karen M. Rodgers, Deputy Date 6/11/2020

Proof of Insurance (DEC page with VIN) Karen M. Rodgers, Deputy Date 6/11/2020

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

Revised 03/18/2015

2020 Olis Trolley Vehicle list

NAME	YEAR	MAKE	MODEL	VIN #	PASSENGER	plate	MGE
ACADIA	2006	FRGHT	MB55	4UZAACBWX6CX74652	36	8156	131852
MOUNT DESERT	2008	FORD	F-53	1F6NF53Y680A04894	36	7922	112422
BAR HARBOR	2010	FORD	F-53	1F66F5DY9BOAOO901	34	9491	65400
ACADIA-2	2011	FORD	F-53	1F6NF53Y880A04248	34	9495	62753
EDEN	2013	FORD	F-53	1F66F5DY3D0A08902	24	8856	27143
CADILLAC	2014	FORD	F-53	1F66F5DY7EOA11979	36	10499	57039
SDM	2016	FORD	F-53	1F66F5DY5G0A09747	30	10135	13911

Town of Bar Harbor
Application for Special Amusement Permit

VII A

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

Date: 05/20/20 Application Type: New X Renewal _____ Permit Number: _____ (assigned by Town)

Applicant Name: Kampgrounds of America, Inc. Business Name: Terramor Outdoor Resort Bar Harbor

Business Address: 1453 State Hwy 102 *Physical Address in Bar Harbor* Mailing Address: Same *If different*

Type of Business: Glamping Resort *Restaurant, Bar, Nightclub, etc.* Location to be used: Lodge Bar/Restaurant, Pavilion, Common Firepit Area, and Pool Deck *Where on the premises will the amusement take place? Use back of page if necessary.*

Phone: 207-412-8737

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

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

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

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

Without Mechanical Amplification

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

With Mechanical Amplification

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

With Mechanical Amplification and Dancing*

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

*Dancing also requires a state permit & Fire Marshall inspection

Other Entertainment or Amusement

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

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

Applicant's Signature

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

Sharon M Linscott, Town Clerk

Revised 07/08/2019

TOWN OF BAR HARBOR
Town Clerk's Office

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

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

June 5, 2020

NOTICE OF PUBLIC HEARING

New Special Amusement Permit Request

The Bar Harbor Town Council will hold a public hearing **Tuesday, June 16, 2020 at 4:00 pm** by video conference to consider a request for a Class 3a Special Amusement Permit, three or more musicians with mechanical amplification as submitted by:

Kampgrounds of America
Terramor Outdoor Resort Bar Harbor
1453 State Hwy 102

The public can call in at 207-288-1710 and enter code 0157456 to speak during the public hearing.

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

VII B

NOTICE OF PUBLIC HEARING - JUNE 16, 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 by video conference on Tuesday, the sixteenth of June, in the year of our Lord Two Thousand and Twenty at four o'clock in the afternoon, then and there to hear public comment on the following articles placed on the secret ballot of the Annual Town Meeting to be held on Tuesday, the fourteenth of July 2020. The public can call in at 288-1710 and enter code 0157456 to speak during the public hearing.

Article 2 - LAND USE ORDINANCE AMENDMENT – Addressing Officer – Shall an ordinance dated December 16, 2019 and entitled "An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor" be enacted?

Addressing Officer

An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor

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 V Site Plan Review

***

§ 125-66 Submission requirements

***

K. Assessor's certification of street names. Written certification of the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) that the proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

§ 125-67 General review standards

***

G. Streets, sidewalks and access.

***

(4) Names.

***

(b) No plan shall be approved unless the Planning Board finds that the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) has issued written certification that proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

EXPLANATION:
The replacement of the words "Municipal Tax Assessor" with the words "Addressing Officer" updates the Land Use Ordinance and aligns it with language used in Chapter 5 (Addressing Ordinance) of the town's Municipal Code (which took effect November 14, 2019).

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 18 to 0.

Article 3 - LAND USE ORDINANCE AMENDMENT – Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District

An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities 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 <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-17 Bar Harbor Gateway

***

C. Allowed uses.

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

***

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; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-18 Village Historic

***

C. Allowed uses.

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

***

D. Uses allowed by site plan.

(1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following uses shall be permitted in the district: bed-and-breakfast I; eleemosynary; private club.

(2) In addition to the above-noted uses, the following uses shall be permitted for properties with road frontage or access to the Baymeath Road, Lookout Point Road, and the Syndicate Road only: municipal schools, museums.~~, multifamily I, two-family dwellings.~~

***

§ 125-19 Mount Desert Street Corridor

***

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, multifamily dwelling I, 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 dwelling ~~I and~~ II; theaters.

(3) Principal uses allowed by conditional use permit: retail; restaurants; bed-and-breakfast III and IV.

***

§ 125-20 Village Residential

***

C. Allowed uses.

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

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.

***

§ 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; multifamily dwelling I; 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; farmers market; home occupation.

(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 lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

***

§ 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; farmers market; single-family dwelling; two-family dwelling; home occupation; multifamily dwelling I.

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

***

§ 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; multifamily dwelling I; artist studio; farmers market; home occupation.

(2) Uses allowed by site plan review: multifamily dwelling ~~I and~~ II; parking lot; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-22 Downtown Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built: .

Child-care center

Hospital

~~Multifamily dwelling I~~

Parking garage and parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

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

Accessory dwelling

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-24 Hulls Cove Business

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-26 Hulls Cove Residential Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

<u>Multifamily dwelling I</u>

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Mineral extraction

Mineral extraction and processing

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

***

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

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-32 Ireson Hill Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery

Eleemosynary, educational or scientific institution

~~Multifamily dwelling I~~

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-37 Salisbury Cove Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery

Kennel, boarding

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-38 Salisbury Cove Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Kennel, boarding

~~Multifamily dwelling I~~

Road construction

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-40 Salisbury Cove Village

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Marina

~~Multifamily dwelling I~~

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Newspaper or printing facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

***

§ 125-44 Town Hill Residential Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Municipal facility and grounds

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

***

§ 125-45 Town Hill Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Marina

Mobile home park

~~Multifamily dwelling I~~

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

***

§ 125-47 Shoreland General Development I

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge

Commercial fish pier

Commercial structure

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

***

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

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-49 Shoreland General Development II

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Road construction

~~Single-family dwelling~~

***

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

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-49.1 Shoreland General Development III

***

C. Allowed uses.

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

(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) 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; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-49.2 Shoreland General Development IV

***

C. Allowed uses.

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

(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. The following uses shall be permitted by site plan review in any part of this district: motels accessory to cabins and cottages (with such motel providing for no more than 10 sleeping accommodations for transient uses), marina, retail (provided the structure is no greater than 5,000 square feet in floor area), gallery, ~~multifamily dwelling I,~~ museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

***

§ 125-49.3 Shoreland Maritime Activities

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(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 and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II;~~ parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

E. Allowed activities.

(1) Nonintensive recreational uses not requiring structures, such as fishing and hiking.

(2) Emergency operations.

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

***

EXPLANATION:
This amendment will change the permitting authority for all multifamily dwelling I uses from site plan review through the Planning Board process to a permit from the Code Enforcement Officer in all districts where the use is currently allowed. Multifamily dwelling I use is three or four dwelling units on one parcel. Additionally, it will do the following: address an inconsistency in the ordinance by making CEO the permitting authority for two-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by the

CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 9 to 7 with 2 abstentions.

Article 4 - LAND USE ORDINANCE AMENDMENT – Employee Living Quarters – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Employee Living Quarters

An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities 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 <u>underlined</u>.]

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; <u>employee living quarters</u>; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate

of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-19 Mount Desert Street Corridor District.

***

D. Uses allowed by site plan.

***

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

***

§ 125-20 Village Residential.

***

D. Uses allowed by site plan.

***

(2) Uses allowed by conditional use permit:

(a) F~~f~~or properties with road frontage on or access to Route 3 or 233: all bed-and-breakfast designations; art gallery; cabins; farmers' market; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

(b) Employee living quarters.

***

G. Other requirements:

(1) Accessory structures shall be located in the side and rear yard of the property. Employee living quarters are exempt from this requirement.

***

§ 125-21 Downtown Village I.

***

C. Allowed uses:

***

(2) Uses allowed by site plan review: employee living quarters; 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 lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-21.1 Downtown Village II.

***

C. Allowed uses.

***

(2) Uses allowed by site plan review: employee living quarters; hotel, motel; multifamily

dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic.

***

§ 125-24 Hulls Cove Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Employee living quarters

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

§ 125-31 Ireson Hill Corridor.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Employee living quarters

Mineral extraction

Mineral extraction and processing

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

***

§ 125-40 Salisbury Cove Village.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Employee living quarters

Marina

Multifamily dwelling I

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Wireless communications facility

***

§ 125-43 Town Hill Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

<u>Employee living quarters</u>

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Newspaper or printing facility

Parking garage and parking lot

Research facility

Research production facility

Road construction

Terminal yard and trucking facility

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Upholstery shop

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

***

§ 125-45 Town Hill Residential.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Employee living quarters

Marina

Mobile home park

Multifamily dwelling I

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

§ 125-47 Shoreland General Development I.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge

Commercial fish pier

Commercial structure

Employee living quarters

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

Road construction

Ships chandlery

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

***

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

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Employee living quarters

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

***

§ 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; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-49.3 Shoreland Maritime Activities District.

***

C. Allowed uses.

***

(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 and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II;~~ parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: employee living quarters; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

***

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any 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.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(x) Employee living quarters shall not be required to provide parking.

***

§ 125-69 Standards for particular uses, structures, or activities

***

W. Employee living quarters. All employee living quarters shall meet the following standards:

(1) Design: When employee living quarters are visible from the street or from an abutting property to the side or rear lot lines that is under different ownership or control, the employee living quarters shall be visually compatible with the principal building(s) and shall provide for rooflines that are similar in pitch and materials and building materials that are similar in regard to type and color scheme as the principal building(s).

(2) Setback requirements: Employee living quarters shall meet the same setback requirements as principal structures.

(3) Building footprint area: The total building footprint area of the employee living quarters shall not exceed 25% of the total building footprint area of the principal building(s) on the lot.

(4) Density bonus.

(a) An employee living quarters (including its associated accessways and parking areas) may benefit from increased lot coverage not to exceed:

[1] 63% in the Bar Harbor Gateway district

[2] 44% in the Mount Desert Street Corridor district

[3] 63% with sewers and 31% without sewers in the Village

Residential district

[4] 85% in the Hulls Cove Business district

[5] 31% in the Ireson Hill Corridor district

[6] 44% in the Salisbury Cove Village district

[7] 63% in the Town Hill Business district

[8] 19% in the Town Hill Residential district

(b) All other (non-employee living quarters, including its associated accessways and parking) uses, activities, and structures, on the lot, shall be subject to the lot coverage requirements of the district it is in, as well as all other requirements of this chapter.

(c) If an employee living quarters (including its associated accessways and parking), increases the lot coverage as allowed under section 125-69 W.(4), it may not be enlarged, expanded, or otherwise provide for any other use, unless the lot coverage is brought into compliance with the requirements of the district it is in.

(5) Change of Use. A change of use from employee living quarters to another use shall comply with all requirements of this chapter, including lot coverage requirements.

(6) Parking benefitting from the density bonus (increased lot coverage) shall be for the exclusive use of the occupants of the employee living quarters.

(7) Every bedroom in employee living quarters shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

***

EMPLOYEE LIVING QUARTERS

An accessory structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary company that owns the parcel where the principal structure is located. Employee living quarters serving a hospital shall not be subject to the 30-day minimum requirement. Employee Living Quarters must serve another use on the lot, meaning it cannot be the only use on the lot.

***

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or employee living quarters.

***

FOOTPRINT AREA, BUILDING

The total square footage of a building or buildings if viewed from above, including areas under overhangs.

***

EXPLANATION:
This amendment would create and define a new use titled "employee living quarters"; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of "family"; and create a new definition titled "floor area, ground"; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities District.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 14 to 2 with 2 abstentions.

Article 5 - LAND USE ORDINANCE AMENDMENT – Shared Accommodations – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'" be enacted?

Shared Accommodations

An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'

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.

***

C. Allowed uses.

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

***

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; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; shared accommodations (SA-2 and SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 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, shared accommodations (SA-1); single- or two-family dwelling; vacation rentals.

***

D. Uses allowed by site plan.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; shared accommodations (SA-2 and SA-3); theaters.

***

§ 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~~,~~; shared accommodations (SA-1); 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; farmers market; home occupation.

(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 lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community; shared accommodations (SA-2 and SA-3).

***

§ 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~~,~~; shared accommodations (SA-1); vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic; shared accommodations (SA-2 and SA-3).

***

§ 125-24 Hulls Cove Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Shared accommodations (SA-2)

Shared accommodations (SA-3)

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor.

***

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

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business.

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

***

§ 125-44 Town Hill Residential Corridor.

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any 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.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(y) Shared accommodations

[1] Shared accommodations (SA-1): Based on maximum occupancy, parking shall be provided at a rate of 0.5 parking space per occupant in the Bar Harbor Gateway, Mount Desert Street Corridor, Hulls Cove Business, Ireson Hill Corridor, Town Hill Business, and the Town Hill Residential Corridor districts. Parking spaces may be allowed in tandem with a maximum of two vehicles in a row. The minimum area per parking space shall be 136 square feet.

[2] Shared accommodations (SA-2 and SA-3): Based on maximum occupancy, parking shall be provided at a rate of 0.2 parking spaces per occupant in the Bar Harbor Gateway and the Hulls Cove Business districts and 0.1 parking spaces per occupant in the Mount Desert Street Corridor District.

***

§ 125-69 Standards for particular uses, structures, or activities

***

X. Shared accommodations. Every bedroom in shared accomodations shall contain not less than 70 square feet of habitable floor area for each occupant, excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

***

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or shared accommodations.

***

SHARED ACCOMMODATIONS

Any group of three or more rooms, other than lodging or vacation rental, where for direct or indirect compensation the occupants live in furnished rooms with shared kitchens for more than 30 days. The occupants do not constitute a family or a single housekeeping unit. The makeup of the occupants is determined by the landlord, property manager, or other third party and not by the occupants themselves. A shared accommodation serving a hospital shall not be subject to the 30-day minimum requirement. There are three different types of shared accommodations:

A. SA-1: 3 to 8 people per structure

B. SA-2: 9 to 32 people per structure

C. SA-3: 33 or more people per structure

***

ARTICLE XIII Design Review

***

§ 125-112 Applicability of design review.

A. Design Review Overlay Districts.

(1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."

(2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Village Historic District; and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses, all shared accommodations uses, and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

***

EXPLANATION:
This amendment would create and define a new use titled "shared accommodations" with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of "family".

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 10 to 8.

Article 6 - LAND USE ORDINANCE AMENDMENT – Official District Boundary Map Amendment For Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Uses to the Shoreland General Development II District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district" be enacted?

Official District Boundary Map Amendment for Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Allowed Uses to the Shoreland General Development II District

An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development 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

***

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

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground (Shoreland Districts)

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

TA-9

***

ARTICLE V Site Plan Review

***

§ 125-67 General Review Standards

***

D. Parking requirements. Any 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.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(b) Transient accommodations:

[2] Hotels, motels, TA-9 and conference centers: one parking space for each guest room.

***

ARTICLE XII Construction and Definitions

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

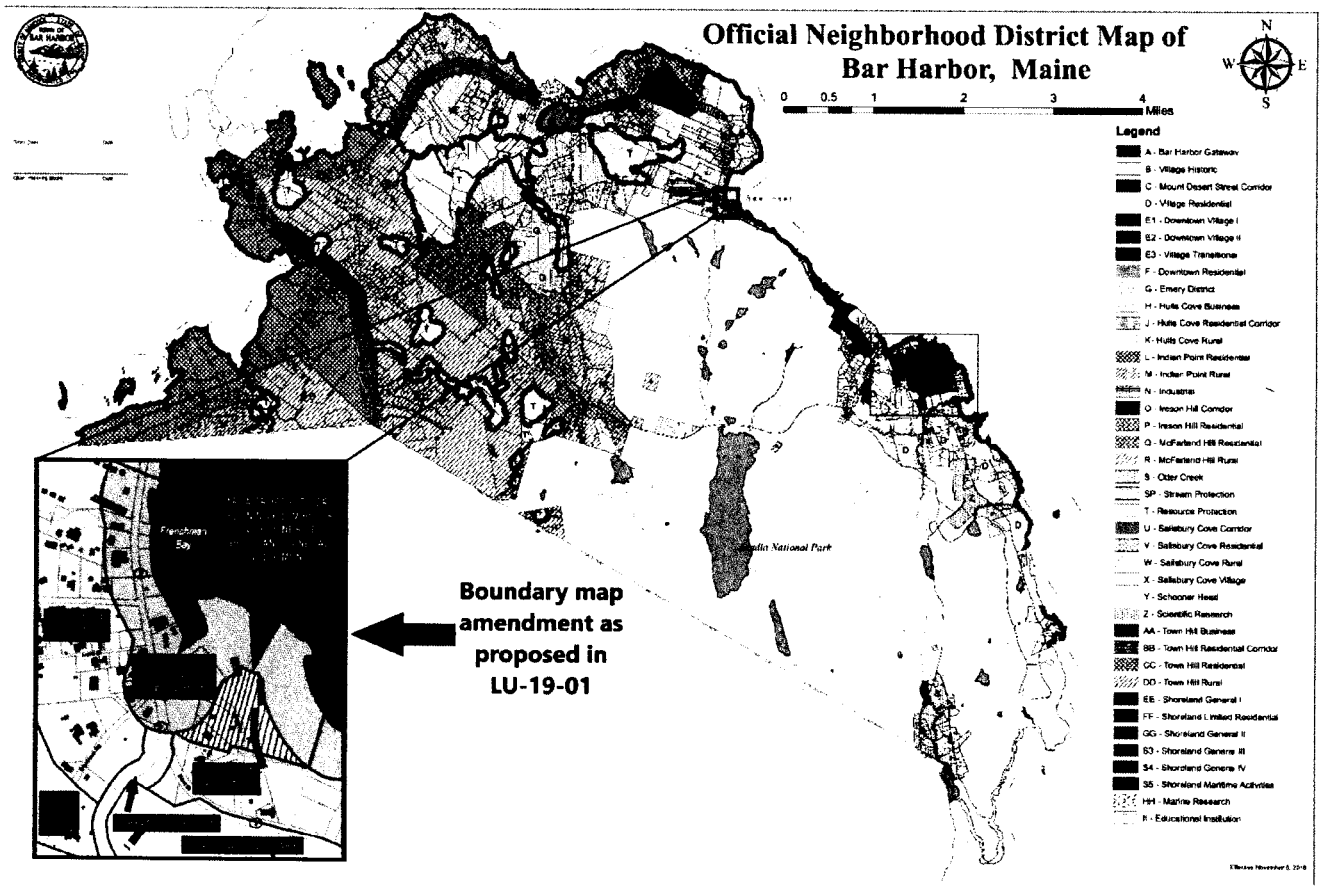
***

TRANSIENT ACCOMMODATIONS

***

I. **TA-9** A building or buildings where for compensation lodging and meals are provided (four to 75 rooms). Accessory uses subject to site plan review include restaurant, conference room, retail establishment, recreational facilities, such as swimming pool, game courts, and recreational rooms or similar uses.

***



EXPLANATION:

This amendment would amend the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, would create and define a new level of transient accommodation use (proposed as

"TA-9") in §125-109 and establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, would amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 3 to 1.
The 22-member Warrant Committee recommends rejection by a vote of 13 to 3 with 1 recusal.

Article 7 - CITIZENS' INITIATIVE: Changes to the Definition of Vacation Rentals in the Land Use Ordinance – Shall the above-described ordinance be adopted?

To See if the Voters of the Town of Bar Harbor will adopt the following changes to the definition of Vacation Rentals in the Land Use Ordinance.

Old language is ~~stricken~~. New language is <u>underlined</u>

§ 125-109 **Definitions.**

VACATION RENTALS

<u>Non-Hosted Vacation Rental</u>

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

<u>Hosted Vacation Rental</u>

<u>The use of a dwelling unit, or portion thereof, on a homestead exemption property, for rent to a family for a period of less than 30 consecutive days.</u>

The list of attached zones it would apply to:

District	Vacation Rental Permitting Authority
Bar Harbor Gateway	CEO
Village Historic	CEO
Mount Desert Street Corridor	CEO
Village Residential	CEO
Downtown Village I	CEO
Downtown Village II	CEO
Downtown Village Transitional	CEO
Downtown Residential	CEO
Emery	CEO
Hulls Cove Business	CEO
Hulls Cove Residential Corridor	CEO
Hulls Cove Rural	CEO
Indian Point Residential	CEO

Indian Point Rural	CEO
Industrial	
Ireson Hill Corridor	CEO
Ireson Hill Residential	CEO
McFarland Hill Residential	CEO
McFarland Hill Rural	CEO
Otter Creek	CEO
Resource Protection	
Salisbury Cove Corridor	CEO
Salisbury Cove Residential	CEO
Salisbury Cove Rural	CEO
Salisbury Cove Village	CEO
Schooner Head	CEO
Scientific Research	CEO
Town Hill Business	CEO
Town Hill Residential Corridor	CEO
Town Hill Residential	CEO
Town Hill Rural	CEO
Shoreland General Dev. I	CEO
Shoreland Limited Residential	CEO
Shoreland General Dev. II	CEO
Shoreland General Dev. III	CEO
Shoreland General Dev. IV	CEO
Shoreland Maritime Activities	
Stream Protection	
Marine Research	
Educational Institution	CEO

CEO – Code Enforcement Officer
SP- Site Plan
Blank – Not allowed

EXPLANATION: The changes would differentiate between owner-occupied vacation rental properties (homestead qualified, year-round residences) and dwelling units owned by non-residents. Non-residents would be prohibited from doing more than a single vacation rental per dwelling unit and from renting for stays of fewer than five days.

Recommendations:
The five-member Planning Board recommends rejection, by a vote of 3 to 2.
The 22-member Warrant Committee recommends rejection by a vote of 10 to 5 with 2 abstentions.

Given under our hands this second day of June 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Stephen Coston

Erin E. Cough

Jill Goldthwait

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 5th day of June 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

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 5th day of June in the year of our Lord Two Thousand and Twenty, being at least seven days before the hearing.

Given under our hands this sixteenth day of June 2020.

Municipal Officers of the Town of Bar Harbor

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

Jill Goldthwait

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

VII C & D

MEMORANDUM

TO: Town Council Members
CC: Cornell Knight, Town Manager ✓
Michele Gagnon, Planning Director
Matthew Bartlett, Fire Chief
FROM: Angela M Chamberlain, Code Enforcement Officer
DATE: May 7, 2020
SUBJECT: Licensing Ordinances

Attached, for comment and input, are the draft Employee Living Quarters and Shared Accommodations licensing ordinances and related application forms.

As you are aware, the Planning Department has been developing Land Use Ordinance amendments for Employee Living Quarters and Shared Accommodations. In anticipation of the possibility of those amendments passing in July 2020, we have developed licensing language and related applications forms.

We recognize the importance of having the licensing language in place and ready for implementation if one, or both, of these amendments pass. This was something that both the Planning Board and the public expressed interest in having prepared before the ordinance amendments would take effect.

In developing these regulations and application forms, staff worked with the Fire Department, the Police Chief and sent the final drafts to the Planning Board for their review.

Note that the licensing ordinances are consistent with, and mentioned in the Employee Living Quarter and Shared Accommodations Final Report dated January 9, 2020. They also meet strategy #9 "Ensure Quality Rental Housing" in the 2019 Housing Policy Framework.

The next step would be the formal adoption process with an effective date contingent on the passage of the ELQ and SA ordinances in July. Prior to that formal process, I would like to request an opportunity to present these for Council comments and feedback at your next meeting, with the possibility that you may call for a public hearing on these ordinances.

VII C

EMPLOYEE LIVING QUARTERS LICENSING

Town of Bar Harbor

#2020-08

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

CHAPTER 76. Employee Living Quarters Licensing Ordinance

§ 76-1 Title and Purpose

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

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

§ 76-2 Definitions

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

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

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

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

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

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

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

Violation, Third

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

§ 76-3 License Required

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

§76-4 Application for license; procedure

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

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

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

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

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

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

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

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

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

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

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

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

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

§76-5 Fees

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

§76-6 General Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

§76-7 Inspections

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

§76-8 Enforcement; violations and penalties

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

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

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

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

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

(a) Town Council action.

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

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

§76-9 Appeals

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

[End of Ordinance]

VII D

SHARED ACCOMODATIONS LICENSING

Town of Bar Harbor

#2020-09

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

CHAPTER 168. Shared Accommodations Licensing Ordinance

§ 168-1 Title and Purpose

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

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

§ 168-2 Definitions

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

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

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

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

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

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

§ 168-3 License Required

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

§168-4 Application for license; procedure

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

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

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

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

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

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

   (6) The applicant shall provide written documentation that demonstrates compliance with all requirements of §168-6.

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

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

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

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

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

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

§168-5 Fees

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

§168-6 General Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

§168-7 Inspections

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

§168-8 Enforcement; violations and penalties

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

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

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

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

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

(a) Town Council action.

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

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

§168-9 Appeals

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

[End of Ordinance]

VIII D

From: Sirohi Kumar <sirohigkumar@icloud.com>
Sent: Wednesday, June 10, 2020 3:44 PM
To: Cornell Knight <cknight@barharbormail.org>
Cc: Gary Friedmann <gary@garyfriedmann.com>
Subject: Marching permit information

Hello Cornell,

I hope you're doing well! This is the information that you told Gary that our group needed to provide for the 6/16 Town Council agenda to get a marching permit.

Time: the rally is at 5:00, the marching will be around 5:30
Date: 6/21
Location: Start at the Village Green
Route: Starting at the Village Green, going up high street, down Cottage, down Main Street, on pleasant street, up Ledgelawn.
Responsible parties: myself, Charlie Parker (22cparker@mdirss.org), Alex Burnett (21aburnett@mdirss.org)
Approximate numbers: last week we had 350-400 attendees, so around that many.

Best,
Sirohi

--
Sirohi Kumar
(she/her/hers)
Mount Desert Island High School - Class of 2022
Girls Who Code Bar Harbor - Facilitator
Climate Emergency Action Coalition - Founding member

Town of Bar Harbor, ME
Tuesday, February 18, 2020

Chapter 147. Public Places

§ 147-2. Obstruction of traffic.

No person or persons shall congregate or remain in any public street, public thoroughfare, public sidewalk, public park, or any other public place in the Town of Bar Harbor in such a manner as to obstruct the flow of pedestrian or vehicular traffic, except that parades may be held with the written permission of the Town Council.

VIII E5

Mills Administration Unveils "Keep Maine Healthy" Plan to Protect Maine People, Visitors & Support Small Businesses During Tourism Season

June 8, 2020

Building on expanding capacity, the plan provides testing option as an alternative to Maine's 14-day quarantine

The Mills Administration today unveiled an alternative to the State's 14-day quarantine requirement for people entering Maine. The multilayered plan, called Keep Maine Healthy, aims to protect the health of Maine people and visitors while allowing the opportunity for people to visit Maine and support Maine small businesses during the summer months. The plan rests on three cornerstones: 1) having visitors certify that they have received a recent negative COVID-19 test to stay in lodging establishments, such as hotels, as an alternative to quarantine; 2) increasing symptom checks at places where visitors tend to go; and 3) supporting community promotion of COVID-19 prevention best practices and public health education.

"The COVID-19 pandemic has loomed large over our state's tourism industry. Many Maine people are fearful that more visitors will increase the spread of the virus while many small businesses are fearful that a lack of visitors will force them to permanently close their doors," **said Governor Janet Mills.** "It is my hope that by creating layers of protection to reduce the risk of transmission of the virus this plan will protect public health, establish Maine as a safe place to visit, and allow tourists to come to Maine to support our small businesses."

"We look forward to safely welcoming tourists to Maine," **said Heather Johnson, Commissioner of the Department of Economic and Community Development.** "We believe that tourists will be selecting destinations that are safe and still have the high quality experiences that Maine is known for."

"Maine people and businesses should be proud that their commitment to public health and science-based precautions has limited the spread of COVID-19," **said Jeanne Lambrew, Commissioner of the Department of Health and Human Services.** "As we enter the summer months, Maine is prepared to support visitors as well as residents of our state in keeping Maine healthy."

To protect Maine people during the onset of the COVID-19 pandemic, the State implemented a quarantine requirement – a proven public health strategy to mitigate the spread of the virus – that required those entering Maine to quarantine for 14 days. Nearly half the states in the country, including all in New England, implemented some form of quarantine for travelers since the start of the pandemic.

Recognizing the value of the tourism and hospitality industries to Maine's economy, and knowing that people will travel to locations that are safe, the Mills Administration has been working collaboratively to develop a proposal that aims to protect the health of Maine people and visitors while allowing the opportunity for tourists to enjoy Maine's incredible summer and support our small businesses. Over the course of the past several weeks, the Administration has engaged with tourism and hospitality industry leaders, business owners, local chambers of commerce, public health experts, lawmakers, and municipal officials, among others, to devise the Keep Maine Healthy plan.

Keep Maine Healthy has three cornerstones:

1. **Testing as an Alternative to Quarantine:** The State will allow adults who obtain and receive a negative COVID-19 test no later than 72 hours prior to arrival forgo the 14-day quarantine upon arrival in Maine. This test indicates that, even when coming from areas with a higher prevalence of the disease than Maine's, such individuals are unlikely to have COVID-19 and to spread it to Maine residents and other visitors. Maine is strongly urging visitors to "Know Before You Go," meaning they should get tested and receive their test results in their home state before traveling to Maine, which will allow them to take appropriate action depending on the result. Individuals may be tested upon arrival in Maine as well, but they must quarantine while awaiting the results.

   Additionally, the State will exempt residents of New Hampshire and Vermont from the testing and 14-day quarantine requirement altogether because, when adjusted for population, the prevalence of active cases of COVID-19 in these states is similar to that in Maine. There is no other state with as low a prevalence of COVID-19 within a 12 hour drive. Meanwhile, the prevalence of the virus in states like Massachusetts, New York, and New Jersey – where nearly half of Maine's tourists historically originate – is eight to eleven times higher than the population-adjusted cases in Maine. This exemption is effective immediately for travel and effective June 12th for stays in lodging establishments. The State will continue to evaluate possible additional exemptions based on trends in other states.

   People who are not residents of Maine, New Hampshire or Vermont and are visiting Maine will be asked to sign a Certificate of Compliance indicating either that they have received a negative COVID-19 test result, that they will quarantine in Maine for 14 days, or that they have already completed their quarantine in Maine. This compliance form must be provided to check-in at all Maine lodging, campgrounds, seasonal rentals, overnight camps, and other commercial lodging, such as Airbnb. Visitors may be asked to furnish proof of the negative test result upon request. It will become effective July 1 (Stage 3) when lodging establishments may begin serving residents outside of Maine, New Hampshire, and Vermont. The Department of Economic and Community Development, in conjunction with the Department of Health and Human Services, has prepared a draft form for public feedback and will finalize it in the coming week. Signing a compliance form in order to stay in lodging establishments is also a policy employed by both the states of New Hampshire and Vermont.

2. **Increasing Symptom Checking:** Given that at least half of all people with COVID-19 show symptoms, the State will encourage symptom checks through State and local systems, as well as through the private sector, like those the State has already required for some COVID-19 Prevention Checklists utilized by Maine businesses.

   The Department of Health and Human Services will partner with the Maine Community College System to enlist Maine students in the health professions under the guidance of the Public Health Nursing Program to ask visitors in high-traffic places in tourist destinations, such as visitors' centers and beach parking lot entrances, about such symptoms and to offer advice on staying well. Additionally, the Department of Transportation will place signs at key sites – such as along major roadways entering Maine, State Parks, or State Ferries – instructing people to stay home or seek medical care if they have symptoms of COVID-19. These signs will also include the requirement that most out-of-state visitors quarantine or get tested for COVID-19. High-density private sector businesses, such as museums and retail stores, will be encouraged to use symptom checks as well.
3. **Supporting Local Public Health and COVID-19 Prevention Efforts:** Recognizing that municipalities are on the front lines for community questions and concerns related to COVID-19 and that many municipalities would like to partner with the state to be part of the solution, the State will incentivize municipalities to develop and implement their own COVID-19 prevention and protection plans by reimbursing municipal costs associated with public health education and prevention activities. The State will support up to a total $13 million statewide from the 100 percent federal Coronavirus Relief Fund. Local prevention and education plans should include a point of contact for the municipality or Tribal government and one or more of the following:

   - Public education activities: This could include printing and posting of existing State or national COVID-19 prevention information and developing local educational activities that are consistent with CDC guidelines. Costs eligible for reimbursement would include staff time for planning and education activities and costs for signage, materials, website development, brochures and mailing.
   - Physical distancing and public health support: This could include fences, tape, and signage for physical distancing in public spaces and closed streets; providing staff to limit crowds in front of restaurants, bars, beaches and other sites; new traffic pattern signage and education; purchases of personal protective equipment and hand sanitizer to be made available for staff, visitors, and for use at public locations; and extra cleaning supplies and additional staff time required for enhanced cleaning and management of public spaces and restroom facilities.
   - Local business assistance: This includes staff time for a Code Enforcement Officer, Local Health Officer, or other person designated by the municipality or Tribe to be the local contact for educating local businesses on best practices. This may include following up on public complaints and, for certain cases, reporting to State officials when there is a potential public health violation that cannot be quickly resolved through educational means.

"The Maine Municipal Association commends and thanks Governor Mills and her Administration for developing the Municipal COVID-19 Awareness Campaign opportunity for cities and towns," **said Christine Landes, President of Maine Municipal Association and Gardiner City Manager.** "Not only will the program help offset local expenses, it also recognizes the front line role municipal officials have played, and continue to play, in keeping their residents and visitors safe since the COVID-19 health crisis took hold in mid-March. By making $13 million in CARES Act funding available, the Governor's partnership plan provides municipalities with reimbursement for local public health education and support activities and local business assistance. MMA encourages municipalities that have the capacity and interest to take advantage of this local coronavirus assistance program."

The three elements of this plan – testing, symptom checks, and local prevention – will complement the State's work to raise awareness of best practices to keep Maine safe during the COVID-19 pandemic. To that end, the Department of Health and Human Services has launched a public awareness campaign called "Keep It Maine" to motivate people to continue the COVID-19 prevention best practices that have helped Maine maintain its low case counts compared to other states, including physical distancing, wearing of cloth face coverings, and hand hygiene.

In addition to the prevention measures, a new standing order and significantly expanded testing will support employees of Maine's tourism industry. Employees and customer service are the core of the Maine tourism experience, and this expanded testing will ensure they have access to testing to protect themselves, their families, and the people at their hotels or other hospitality sites.

Throughout this process, Maine CDC will monitor epidemiological data, as it has throughout the entire reopening process, including case trends, hospitalization rates, and reports of COVID-like symptoms, as well as health care readiness and capacity. If a review of these metrics in their totality and in context finds evidence of a concerning increase in COVID-19, the State reserves the right to move swiftly to limit harm and protect Maine people, including the potential of rolling back some sector-specific re-openings in a community or region.

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner

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Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

Keep Maine Healthy

2020 Municipal COVID-19 Awareness Campaign

Financial Assistance Available for Maine Municipalities and Tribal Governments to Help Keep Maine Residents and Visitors Safe This Summer and Fall

Funding Period: June 8 – October 31, 2020

Applications must be Submitted to Maine CDC by Monday, June 22, 2020

Municipalities and Tribal governments are best positioned to create local education and prevention plans to encourage Maine businesses, residents and summer visitors to follow best practices to prevent the spread of the Coronavirus and COVID-19 infections during the reopening of the State's economy and as we resume many recreational activities quintessential to the Maine experience.

As part of the Keep Maine Healthy initiative, the Department of Health and Human Services (DHHS) has created the 2020 Municipal COVID-19 Awareness Campaign to encourage municipalities and Tribes to implement their own COVID-19 prevention, education and protection plans in partnership with DHHS. Municipalities and Tribal governments that submit plans approved by DHHS will be reimbursed for costs associated with approved public health education and prevention activities during the funding period from June 8 through October 31, 2020. Costs incurred between June 8 – June 30 that are directly attributed to this education and prevention campaign will be considered for plan inclusion and reimbursement; however, reimbursement is not guaranteed until the application is approved by the CDC.

Maine's public health agency within DHHS, the Maine Center for Disease Control & Prevention (CDC) will oversee this initiative. Applications must be submitted to CDC by **Monday June 22, 2020**. You can email the completed Application to michael.abbott@maine.gov. Or, if you wish to send a paper version of this Application, please mail to:

Michael Abbott P.E., C.G., Interim Associate Director
Division of Environmental & Community Health
Maine CDC
286 Water Street
Augusta, ME 04333

Who is eligible to apply for funding? All municipal and Tribal governments in Maine are eligible to apply for available funding using this Application. Municipalities or Tribal governments who wish to partner with community organizations, including visitor centers, public health groups, or chambers of commerce, to implement approved prevention and education activities will be allowed to subcontract.

How much funding is available for each municipality or Tribe? The amount of funding available for reimbursement to each municipality or Tribe will be based on the plans and budgets they request, subject to limits. Such limits will be based on whether proposed expenditures are consistent with this initiative as well as

factors such as the year-round population combined with an estimate of the increase in population during the peak of the summer tourist season, as this number will influence the amount of work needed to complete the tasks involved in COVID-19 prevention activities.

What kinds of prevention activities should be included in the plan? Local prevention and education plans should include a point of contact for the municipality or Tribal government and one or more of the following:

- Public education activities: This could include printing and posting of existing State or national COVID-19 prevention information and/or developing local educational activities that are consistent with CDC guidelines. Costs eligible for reimbursement would include staff time for planning and education activities and costs for signage, materials, website development, brochures and mailing.

- Physical distancing and public health support: This could include fences, tape, and signage for physical distancing in public spaces and closed streets; hiring or reassigning staff to limit crowds in front of restaurants, bars, beaches and other sites; new traffic pattern signage and education; purchases of personal protective equipment and hand sanitizer to be made available for staff, visitors, and for use at public locations; and extra cleaning supplies and additional staff time required for enhanced cleaning and management of public spaces and restroom facilities.

- Local business assistance: This includes staff time for a Code Enforcement Officer, Local Health Officer, local law enforcement, or other person designated by the municipality or Tribe to be the local contact for educating of local businesses on best practices. This may include following up on public complaints and, for certain cases, providing information to State officials when there is a potential public health violation that cannot be quickly resolved through educating the business or individual.

What project expenses are not eligible for reimbursement? Work performed outside of the funding period (June 8 – October 31, 2020) is not eligible for reimbursement. However, salaries for staff already hired or redeployed and working on eligible activities can be paid with these funds for the duration of the state contract. Costs incurred between June 8 – June 30 that are directly attributed to this education and prevention campaign will be considered for plan inclusion and reimbursement; however, reimbursement is not guaranteed until the application is approved by the CDC.

Municipal and Tribal governments may not submit allowable expenditures for reimbursement under this program that are, or may, also be eligible for reimbursement from any other available federal or other public funding source for COVID-19 relief that is now, or that becomes available during the term of this Agreement, including, but not limited to the Federal Emergency Management Agency (FEMA), the Centers for Disease Control (CDC), Health and Human Services including Medicaid and Medicare, Treasury or the Small Business Administration until application has been made for such other funding and been disallowed or paid only in part. If an allowable expenditure is denied or covered only in part by such alternate relief funding source, the expenditure or remainder will be allowed under this Agreement during the period of reimbursement in which the denial or partial payment decision is received, subject to the statutes, rules and guidance for the alternate funding source. For example, at this time, FEMA reimbursement is for 75% of allowable costs, but the 25% State or local match cannot be made up from other federal funds.

How will the CDC determine which municipalities and Tribal governments will be approved? Each Application will be reviewed for completeness and a determination that the proposed activities and budgets are consistent with the goals of this program as outlined above.

When will the approved applications be announced? Funding recipients will be informed on or before June 30, 2020. Cost settled contracts will be awarded to all approved municipalities and Tribal governments. Upon

award, the Department will begin working with the awarded entity to establish contracts and to finalize budgets based upon the award amount. Contracts will include reporting requirements and the mechanism for reimbursement of expenses. Contract budgets, which will include subcontractors, will be reviewed for allowable expenses.

Are there specific requirements in place for the administration of these grants? This grant is being issued under the Corona Virus Relief Fund (CRF), CFDA # 21.019; therefore, the Federal Uniform Guidance 2 CFR 200 applies to the administration of these grant funds. Specifically, award recipients (municipal and Tribal governments) and sub-recipients (your community partners) must adhere to all applicable federal requirements, including Office of Management Budget (OMB) guidance: Title 2 C.F.R. subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. §200). Due to the nature of these grants, it is almost certain that you will be considered a sub-recipient of the State. Additionally, if you enlist the aid of your local partners, you may be creating additional subrecipient relationships. Please be especially mindful of the "sub-recipient" requirements set forth in 2 CFR 200.330 and 2 CFR 200.331.

Thank you for your interest in 2020 Municipal COVID-19 Awareness Campaign to protect public health. Actions taken by municipal and tribal representatives will greatly aid the State in our efforts to prevent the spread of the Coronavirus and COVID-19 infections in Maine. Please complete the Application below, including a project narrative and a budget detailing anticipated expenses for the activities indicated, as well as anticipated subcontracts and related expenses and a vendor form (if you are not already an approved vendor). If you need additional information or have questions about this Application, please contact Michael Abbott at 207-287-5684 or 207-592-2174 (mobile). Or, send your questions via email to michael.abbott@maine.gov.

2020 Municipal COVID-19 Awareness Campaign
APPLICATION

Please complete this form and return to the CDC no later than **June 22, 2020.** Applications received after this date will not be eligible for funding.

Contact Information for Municipality or Tribe

Name of Municipality or Tribe: County:

Population (Year-round): Estimated Summer Peak Population:

Municipal or Tribal Representative, Name: Title:

Mailing Address (Street or Box #):

City:	State:	Zip Code:
Phone:	Email:	

Municipality or Tribe public health protection plan will include the following activities (check all boxes that apply):

Public Education

☐ **Print and post COVID-19 Educational Signs**

☐ **Create and distribute COVID-19 Informational Brochures**

☐ **Provide educational campaign on local social media platforms**

☐ **Develop training events for local businesses (online or in person)**

☐ **Develop educational pages on Municipality or Tribe website**

☐ **Other similar items (please describe in one sentence or less):**

Physical Distancing and Public Health Support

☐ Post signs and install physical barriers to limit congregation, encourage social distancing

☐ Close streets to expand outdoor dining and pedestrian opportunities

☐ Provide staff to control congregations in front of restaurants, bars, at beaches and parks

☐ Provide personal protective equipment (PPE) and hand sanitizer for staff and public use

☐ Increase sanitization of public spaces, including benches, picnic tables, public restrooms

☐ Other similar items (please describe in one sentence or less):

Local Business Assistance

☐ Provide Local Health Officer, Code Enforcement Officer and/or other designee of Municipality or Tribe to act as contact for educating local businesses and individuals on best practices. Duties to include the following:

- Provide proactive education and training to areas businesses on compliance with best public health practices and DECD check-list guidance
- Follow up on complaints received by Municipality, Tribe or State licensing agency. This will include contacting or visiting the business or individual and educating them on COVID-19 guidance
- Report public health violations to appropriate State licensing agency
- Refer criminal activity to local law enforcement.

Resource Name and Contact Information (include phone number and email address):

☐ Other similar items (please describe in one sentence or less):

Provide a brief 1-page narrative describing additional public health activities unique to the Municipality or Tribe (e.g., name specific parks, beaches, recreational areas or other public spaces that will be included in plan).

Also include, within the narrative, an explanation for each item selected that describes how the costs were determined and will be tracked.

Budget

Complete the attached budget detailing anticipated expenses for the activities indicated in the plan. This should include anticipated subcontracts and related expenses.

Municipalities are responsible for promptly submitting revised budgets for approval should there be any deviation of planned activities or identified subcontracts. Reimbursement of expenses will not be approved unless they correspond to the submitted, approved budget.

NOTE: If a municipality intends to subcontract with an organization, then the organization needs to be identified and the contracting vehicle must be submitted to the Department. If a subcontract is for $25,000 or more of the requested funding, then the organization receiving the subcontract must also submit a budget for the Department's approval.