

AGENDA
Bar Harbor Town Council
By Video Conference
September 1, 2020

The public can monitor by watching Spectrum channel 7 or by live streaming on the town's website, www.barharbormaine.gov

I. CALL TO ORDER – 5:00 P.M.

A. Excused Absence(s)

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

1. **Cruise Ship Committee**
 - a. Lawrence Sweet, Taxi & Tour Representative, term expiring 2023
2. **Marine Resources Committee**
 - a. Fiona de Koning, term expiring 2023
 - b. John Avila, term expiring 2021
3. **Parking Solutions Task Force**
 - a. Stephen Coston, term expiring 2023

III. PUBLIC COMMENT PERIOD - The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Comments can be made through the Zoom webinar or may be emailed in advance to the Council Chair at jdobbs@barharbormaine.gov to be read during the meeting.

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

V. ADOPTION OF AGENDA

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

- A. Vehicles for Hire** – Police Department approved and proof of insurance provided.
Possible motion to approve:
1. **Bar Harbor Coastal Cab** request for 1 taxi license renewal as submitted by Craig Wood.

VII. REGULAR BUSINESS:

- A. Cooperating Agencies Policy** – Tabled from 8/4/2020.
- B. COVID** – Bar Harbor Chamber of Commerce request for letter to Gov. Mills.
- C. Task Force on the Climate Emergency** – Review bylaws and possible motion to amend.

D. Parks & Recreation – Possible motion to allow Lifeflight to build a landing pad at the ballfield.

E. Amusements Ordinance Amendments –

1. Review revised emergency ordinance and possible motion to adopt.
2. Review permanent ordinance amendment and possible motion to schedule a public hearing for October 6, 2020.

F. Special Town Meeting November 2020

1. Council Recommendations for warrant on Charter Modification articles 2-10.
2. **Special Town Meeting Warrant** – Possible motion for staff to prepare final Warrant for Council’s signature.
3. **Notice of Public Hearing** - Possible motion for staff to prepare final notice for Council’s signature and schedule the public hearing for October 20, 2020.

G. Treasurer’s Warrants – Request of Treasurer to authorize paid bills.

VIII. TOWN MANAGER’S COMMENTS

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

X. EXECUTIVE SESSION: (None Scheduled)

XI. ADJOURNMENT

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88335995988?pwd=aVp0T0ZEUkdzcXc5TWIybhBOeGJ4UT09>

Passcode: 374427

Or iPhone one-tap :

US: +13017158592,,88335995988# or +13126266799,,88335995988#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 883 3599 5988

International numbers available: <https://us02web.zoom.us/j/88335995988>

Manager's Memo

To: Bar Harbor Town Council
cc: Department Heads
From: Cornell Knight, Town Manager
Date: Friday, August 28, 2020
Re: **Town Council Meeting of September 1st**

- I. A. Excused Absence(s)** – None that I am aware of but if there is one a possible motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).
- II. Committee Appointments** – as presented on the agenda, no second required.
- VI. CONSENT AGENDA -**
- A. Vehicles for Hire**
1. **Bar Harbor Coastal Cab** – a possible motion: to approve the taxi license renewal as submitted by Craig Wood.
- A possible motion: to approve the Consent agenda as published.
- VII. REGULAR BUSINESS:**
- A. Cooperating Agencies Policy** – Tabled from 8/4/2020. Councilors Goldthwait and Cough may provide an update or it can be tabled.
- B. COVID** – see the enclosed letter from the Bar Harbor Chamber of Commerce asking the Town Council to request that the governor remove travel restrictions to Massachusetts residents. A possible motion: to send a letter to Gov. Mills to request the travel restrictions on Massachusetts residents be lifted.
- C. Task Force on the Climate Emergency** – see the enclosed email from Brian Booher, Chair of the Task Force requesting a by-law change to allow all members to make motions. A possible motion: to amend the Task Force on the Climate Emergency Bylaws to allow motions can be made by any member of the Task Force.
- D. Parks & Recreation** – See the enclosed memo from Chief Bartlett regarding a permanent landing pad for Lifelight at the Ballfield. Instead of using 2 sites at different times of the year, a permanent site at the Ballfield would be a better solution. The Parks & Rec Committee recommended approval. A possible motion: to allow Lifelight to build a landing pad at the ballfield as presented in a concept sketch date June 12, 2020.
- E. Amusements Ordinance Amendments** –
1. Councilor Hochman is proposing an emergency ordinance (good for 60 days) to allow outdoor amplification. A possible motion: to approve the amendments to the Amusements Ordinance Chapter 14 as presented and

make it effective immediately under the Emergency Ordinance provisions of the Town Charter.

2. Councilor Hochman is proposing amendments to Chapter 14 Amusements Ordinance that provides an additional class for outdoor amplification. If acceptable a possible motion: to schedule a public hearing for October 6th 2020 to hear comments on the proposed amendments to Chapter 14 Amusements Ordinance.

F. Special Town Meeting November 2020- in preparation for the November special town meeting there are a few housekeeping items:

1. **Council Recommendations for Charter Modifications-** possible motion for each article 2 thru 10: move that the Town Council recommend adoption/rejection of article ____.
2. **Special Town Meeting Warrant** – Possible motion: for staff to prepare final Warrant for Town Council's signature.
3. **Notice of Public Hearing** - Possible motion for staff to prepare final notice for Town Council's signature and schedule the public hearing for October 20, 2020.

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

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

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

A. Excused Absence(s) – all present.

II. PUBLIC COMMENT PERIOD - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Public comment can be made 1) through the Zoom webinar utilizing the raise hand function or 2) in person with social distancing and masks in the Council Chambers with seating in the Municipal Auditorium or 3) sending comments in advance to the Council Chair by email jdobbs@barharbormaine.gov or by mail to 93 Cottage St, Bar Harbor, ME 04609 to be read during the meeting.* – Arthur Greif congratulated Sharon Linscott’s managing of the Warrant Committee meeting this week and in reference to the Town Manager’s comments in the minutes from last meeting, wants to state for the record that 107 registered voters requested a recount.

III. APPROVAL OF MINUTES – *August 4, 2020 Regular Meeting*

Ms. Goldthwait, with second by Mr. Hochman, moved that the minutes be approved.

Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

IV. ADOPTION OF AGENDA – Mr. Hochman, with second by Ms. Cough, moved to add discussion of an emergency ordinance for special amusement permits, which was emailed to Council prior to the meeting; it meets the condition that harm would be caused to the livelihood of local musicians by not acting on it immediately.

Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait N

Cough Y

Motion passed 6-1 (Nay: Goldthwait).

Mr. Hochman, with second by Mr. Minutolo, moved to approve the agenda as amended.

Roll Call Vote:

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

Motion passed 7-0.

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

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

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

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

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

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

Motion passed 7-0.

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

A. **Special Amusement Permit Renewal**

- 1. **Bar Harbor Beer Works, 119 Main Street**, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Jeremy Bond. There being no public comment, Mr. Friedmann, with second by Ms. Cough, moved to approve a Class 3ad Special Amusement Permit for Bar Harbor Beer Works. Roll Call Vote:

- Dobbs Y
- Hochman Y
- Peacock Y

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

B. LUO Amendment November 2020 - Public comment and possible motion to sign the order placing the Vacation Rental LUO amendment on the November 3, 2020 special town meeting warrant. Donna Karlson, Arthur Greif, Elissa Chesler, Alf Anderson, Jim Secor, Jeff Miller, Diane Vreeland, Earl Brechlin, Anna Durand, Loren Hubbard, Julia Walker Thomas, Missy Nordan, Karen Moore, Erica Brooks, Abigale Parker, Ed Damm and Karina Pomroy commented through the webinar. Comments emailed in advance from Laura Kebich & Hans Bader, Amber Howard, Norman Beamer, Melody Kronenberg, Sherry & Ivan Rasmussen, Brian Timko & Leslie Barroso, Ellen Grover, Cheri & Aldo Miceli, Lena & Dana Hatch, Stephen Coston, Carol Chappell, Marie Yarborough, Michael & Lisa Preble, Damian DeFalco, Matt Frongillo & Rachel Sisson, Cara Ryan and Adele & Rudy Abolafia were read during the hearing. Town Attorney Ed Bearor, Town Planner Michele Gagnon, and Code Enforcement Officer Angie Chamberlain participated in the discussion. Following a lengthy discussion, Council took no action but agreed this should move forward to be on the June warrant.

C. CDBG Grant – Public comment and possible motion to appoint the advisory committee and sign the resolution allowing the Town Manager to apply for and accept a \$200,000 Housing Assistance Community Development Block Grant (CDBG). There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to appoint the advisory committee and sign the resolution allowing the Town Manager to apply for and accept a \$200,000 Housing Assistance Community Development Block Grant (CDBG). Roll Call Vote:

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

VII. REGULAR BUSINESS:

A. YMCA Annual Report – Presentation of the Annual Report for Recreational Services. Tommy Parham, YMCA Executive Director, referenced the report and talked about what the Y has been doing during the COVID pandemic. Council thanked Mr. Parham. No action taken.

B. Bar Harbor Chamber of Commerce – Possible motion to approve use of Newport Drive for a crafts fair on Sept. 26-27. Ms. Goldthwait, with second by Mr. Minutolo, moved to approve. Roll Call Vote:

Dobbs Y
Hochman Y

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

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

Councilor Goldthwait presented the report. Town Attorney Ed Bearor participated in the discussion. Ms. Goldthwait, with second by Mr. Hochman, moved that Council approve fundraising for the purposes of meeting the goals of the climate task force, with prior notice to Town Council for amounts over \$1,000. Roll Call

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

D. Emergency Ordinance for Special Amusement Permits – Councilor Hochman

presented his request. Police Chief Jim Willis and Town Attorney Ed Bearor participated in the discussion. Following discussion, it was decided there is no emergency and the amendments to the Amusements Ordinance will be on the 9/1 agenda. No action taken.

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

Following discussion, Council agreed to continue with Zoom meetings for September and October with a start time of 5:00pm. No action taken.

F. Treasurer’s Warrant - Request of Treasurer to authorize paid bills. – Mr.

Hochman, with second by Ms. Cough, moved to sign the Treasurer’s Warrants for paid bills. Roll Call Vote:

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

VIII. TOWN MANAGER’S COMMENTS – The town received \$33,083 in round 2 of the Keep ME Healthy funding, it will go towards more masks and more signage. Parking revenue for August has picked up. We are at 65% of where we were last year. For August we are within \$10,000 of where we were last year. We are averaging \$10,000-12,000 per day.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Cough thanked the Police Department for going after the grant we approved this evening.

Mr. Hochman thanked the Planning Department, all the people who spoke and all the Councilors. It was a long meeting with tough decisions but I feel comfortable with the decision we made. He also talked about a fun podcast he participated in about the town petitioning the NFL to play in a bubble on Bubble Rock.

Ms. Peacock also thanked Michele and the Planning Department with appreciation for their work and professionalism. She also gave a shout out to the schools and the superintendent department. They had tough decisions but I feel they made good decisions. It's a good place to start and we're in good shape compared to other places.

Mr. Minutolo requested an economic strategy forum for ideas on year round employment, pulling in some of our bigger employers to strategize on how to be more marketable. We need to create jobs here and look at a long term vision for our town. He also thanked everybody for their patience.

Mr. Friedmann thanked everyone for a good conversation tonight. We got through some tough issues. Everyone was so thoughtful and listening to each other.

Mr. Dobbs stated he really didn't look forward to tonight but is really happy with the result. He reminded people we need to get this on the ballot in June and also to remind people of the big picture as part of the comprehensive plan to achieve the goals that we have. He also thanked the Planning Department. It is a thankless job at times and I really applaud their professionalism.

X. EXECUTIVE SESSION

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

Mr. Hochman, with second by Ms. Cough, moved to go in to Executive Session at 9:24 pm as permitted by 1 MRSA §405(6)(D) for discussion of the Union Local contract. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

Council returned to regular session at 9:32pm. Mr. Hochman, with second by Ms. Goldthwait, moved to approve a two-year contract expiring June 30, 2022 with Teamsters Union Local #340 Highway, Solid Waste and Sewer Departments as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

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

XI. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 9:34 p.m. Roll Call Vote:

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

Sharon M Linscott, Town Clerk



Town of Bar Harbor
Application for Bus/Carriage-for-Hire/Limousine/Taxicab/Pedicab License

VI A1

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

Owner's Name: Bar Harbor Coastal Tours LLC d/b/a: Bar Harbor Coastal Cab
 Address: 3 Oak Street, Bar Harbor, Maine 04609
 Phone (land): 207-288-1222 Phone (cell): 207-460-6270

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

Name: Craig Wood ME Driver's Lic #: _____
 Name: Ellen Finn ME Driver's Lic #: _____
 Name: _____ ME Driver's Lic #: _____
 Name: _____ ME Driver's Lic #: _____

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

Type of Vehicle Bus/Carriage/Limo/Taxi/Pedicab	Year/Make/Model/Serial or VIN	# Seats	Own or Lease
Taxi	2018/Dodge/Caravan/2C4RDGEG9JR221288	7	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 [Signature] Date 3/17/2020

For official use:

Approvals: Police Department [Signature] Date 08-23-2020
 Town Clerk, Fee Paid [Signature] Date 08/25/2020
 Proof of Insurance (DEC page with VIN) [Signature] Date 08/25/2020

Copy of Chapter 40 of the Bar Harbor Town Code provided

Cooperating Agencies Policy

10-17-06

Town of Bar Harbor

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

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

LEGISLATIVE HISTORY

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



August 25, 2020

Bar Harbor Town Council
93 Cottage Street
Bar Harbor, ME 04609

Dear councilors,

The 2020 summer season is almost in the books and it is expected that the town of Bar Harbor will see far fewer visitors this September and October than it has in many years. With no cruise ships docking in Bar Harbor, there will be far fewer customers patronizing the downtown shops, restaurants, and sightseeing experiences.

Every customer will be extremely valuable to businesses this year, which is why, last week, the Bar Harbor Chamber of Commerce sent a letter to Governor Janet T. Mills seeking relief. The Chamber's board of directors specifically asked Governor Mills to lift the travel restrictions on residents of Massachusetts.

In most years, Massachusetts is the top source of out of state visitors to Bar Harbor. According to parking data from ParkMobile, Massachusetts residents made up 17% (or 2403) of all ParkMobile transactions for the month of August 2019. That figure is tracking far lower in August of 2020 due to travel restrictions currently placed on residents from Massachusetts.

We are asking the Bar Harbor Town Council, in a show of support for the Bar Harbor business community, to submit its own request to Governor Mills asking that travel restrictions on Massachusetts residents be lifted immediately. At this time, there does not appear to be any empirical justification for excluding Massachusetts from the list of states eligible for unrestricted travel to the state of Maine.

As of today, August 25, Massachusetts' 7-day average of positive test results (2.0%) is comparable to where Connecticut, New Hampshire, New Jersey, New York, and Vermont were in early July, when the Governor allowed residents from these states to visit without testing or quarantine requirements. Furthermore, Massachusetts' current Rt number (the average number of people who become infected by an infectious person) of 0.92 is as low or lower than all but one state (New Hampshire) currently on the list of states excluded from testing and/or quarantine requirements.

This is also an issue of fairness to the residents of Massachusetts, who have long been visiting our town and supporting our business community. There is well-founded fear among Bar Harbor business owners that the exclusion of Massachusetts residents this year will do lasting damage to visitation rates in future years.

Our local businesses have shown the ability to safely host and serve customers over the past three months and we are confident that they will do so going forward. Forecasts show that visitation in

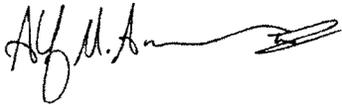
Bar Harbor Chamber of Commerce

September and October will be considerably lower than the levels we have seen in late July and August. As these businesses attempt to generate enough sales revenue to sustain them through the coming offseason and allow them to reopen in 2021, we are simply asking that they be offered a fighting chance to succeed.

Please show your support for our local business community by asking Governor Mills to add Massachusetts to the list of states whose residents may visit Maine without testing or quarantine requirements.

I will gladly make myself available to answer questions during your September 1, 2020 scheduled meeting.

Sincerely,



Alf Anderson
Executive Director

VII C

Cornell Knight

From: Brian Booher <brian@boohers.org>
Sent: Wednesday, August 26, 2020 1:55 PM
To: Council
Cc: Sirohi Kumar
Subject: Student member of Task Force on Climate Change

Dear Council,

We have a student member of the Task Force on Climate Change, as per the bylaws.

It's our understanding that the student member cannot vote as they cannot register to vote (too young) and Task Force voting members must be registered voters in the Town of Bar Harbor.

But, can they make motions or 2nd them?

I would advocate that our student member should be able to do that because otherwise they really don't have much power to participate on the task force, not much more than someone from the public who might attend one of our meetings.

I suggest that our Bylaws be amended to clarify that.

-Brian

Brian Booher
27 LedgeLawn Ave, Bar Harbor, ME 04609
207-590-1159
brian@boohers.org

**Town of Bar Harbor
Task Force on the Climate Emergency Bylaws**

The mission of the Climate Emergency Task Force is to define and recommend climate goals with the objective of drawing down carbon from the atmosphere and reducing community-wide greenhouse gas emissions by December 31, 2030.

Appointment

The Task Force shall consist of 10 members: 8 residents of Bar Harbor, one student representative and one Town Councilor.

The remaining participants of the Task Force shall consist of representatives from local stakeholder groups including educational and nonprofit organizations, businesses, youth, and concerned citizens.

The term of each resident member shall be for three years, except the initial appointments which shall be three appointments for 1 year; two appointments for two years and three appointments for three years. The term of the student representative shall be for two years and the term of Town Councilor shall be for one year. All newly designated task force members are to be sworn in by the Town Clerk.

The Task Force shall elect a Chair, Vice-Chair, and Secretary at the first regular meeting of each year for a one year term. The Chair shall call a meeting at least once a month unless there are no agenda items. The secretary shall take minutes at each meeting and send approved minutes to the Town Clerk. A quorum is 5 members of the Task Force. Meeting agendas shall be posted on the bulletin board in the Municipal Building lobby and on the town's website.

Compensation

There shall be no compensation provided for the members of the Task Force.

Duties and Responsibilities

The Task Force will:

- Educate and engage Bar Harbor residents about the climate emergency and the broader ecological crisis, as well as actions they can take to address the impacts and causes of the climate emergency.
- Explore and identify the most effective and economically beneficial opportunities for emergency-speed greenhouse gas emissions reductions across the community in the following areas:
 - Renewable energy
 - Energy efficiency
 - Housing and buildings
 - Transportation
 - Land use
- Provide significant opportunities for public input into strategic planning, project development for greenhouse gas emissions reductions, and all other investigations and work of the Task Force.

- Develop a comprehensive Bar Harbor “Climate Mobilization Action Plan” addressing climate mitigation, climate adaptation, and community education.
- Identify and pursue outside funding sources to advance the work of the Task Force.
- Assist the Town Manager in hiring a consultant to support these duties and responsibilities.

The recommendations of the Task Force will be presented to the Town Council and made available to the public.

Amendment

These bylaws may be amended only by action of the Town Council.

LEGISLATIVE HISTORY

01/21/2020 – Adopted by Town Council

04/07/2020 – Amended by Town Council

VII D

Bar Harbor Fire Department

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

TO: Cornell Knight, Town Manager
FROM: Matthew Bartlett, Fire Chief; Bethany Leavitt, Public Works Director
DATE: August 26, 2020
SUBJECT: Approval of Permanent Landing Zone at the Ballfield

Background

Since the inception of Lifeflight of Maine, the Ballfield has become the established landing site for Lifeflight, when they respond to Bar Harbor. On average, Lifeflight serves Bar Harbor between 40 to 50 times per year, with the majority of these occurring during the summer months. The Ballfield has been the perfect landing site for Lifeflight due to its proximity to the fire station and MDI Hospital. Unfortunately, the Ballfield site can only be used during the spring, summer, and fall months due to the grass surface. Over the years, alternative landing sites have been used in Bar Harbor; however, all have come with their own set of issues. For the past several years, the Ferry Terminal has been used during winter months. Changes to the open space at the Ferry Terminal site are in the planning stages, and once those improvements are completed, this site will be a challenge to use in the winter months. Earlier this spring, Lifeflight and the Fire Department began discussions about developing a year-round landing pad in Bar Harbor.

Project Introduction

The Fire Department collaborated with Public Works, who maintains the Ferry Terminal site in the winter months and the Ballfield in summer months. An informal discussion ensued on whether either of these two sites could be developed into a year-round landing pad, as well as, looking at new locations that could serve this purpose. Although no formal document exists discussing the pros and cons of various sites throughout Town, it was clear after meeting with Lifeflight at the Ballfield that it was their preferred location. They are able to serve Bar Harbor residents and visitors who need their service best from this location. This is the location Lifeflight currently uses when they land in Bar Harbor. As a result, we began looking at what it would take to create a year-round landing site at the Ballfield, using the corner of Main/Park Street.

We reviewed Lifeflight's requirements for the year-round landing pad in Bar Harbor. They require a minimum of 30 feet by 30 feet clear open space on the ground to land the helicopter, but prefer a larger area if space allows. Aerially, they need 100 feet clear open space in the direction of approach and departure. The Fire Department also has preferences in how to access the landing pad and these requirements helped shape the recommendations presented to the Parks and Recreation Committee on June 15th. Refer to attachment A for an overview of the proposed project footprint.

Bar Harbor Fire Department

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

Project Challenges

The Ballfield land was deeded to the Town with restrictions. In order to satisfy the deed restrictions (see attachment B), the landing site will double as a recreational area, that will be designed to support a variety of outdoor games, sports and athletics. The Town's attorney reviewed the deed and found that a dual purpose pad which provide the healthful pursuit of shuffleboard, pickle ball or similar activities played on a large flat surface with the added purpose of landing Lifeflights relatively infrequently would not be in violation of the covenants imposed by the 1934 deed. Some of the activities that could occur on the pad include a beginner roller skate/in-line skate surface, individual cross training, yoga, four square, etc. When Lifeflight is called to Bar Harbor, the Fire Department will arrive at the landing site and clear any users away from the landing pad to allow safe landing of the helicopter.

Since Lifeflight is in favor of the project, they have also agreed, through their foundation, to raise the funds needed to pay for the project.

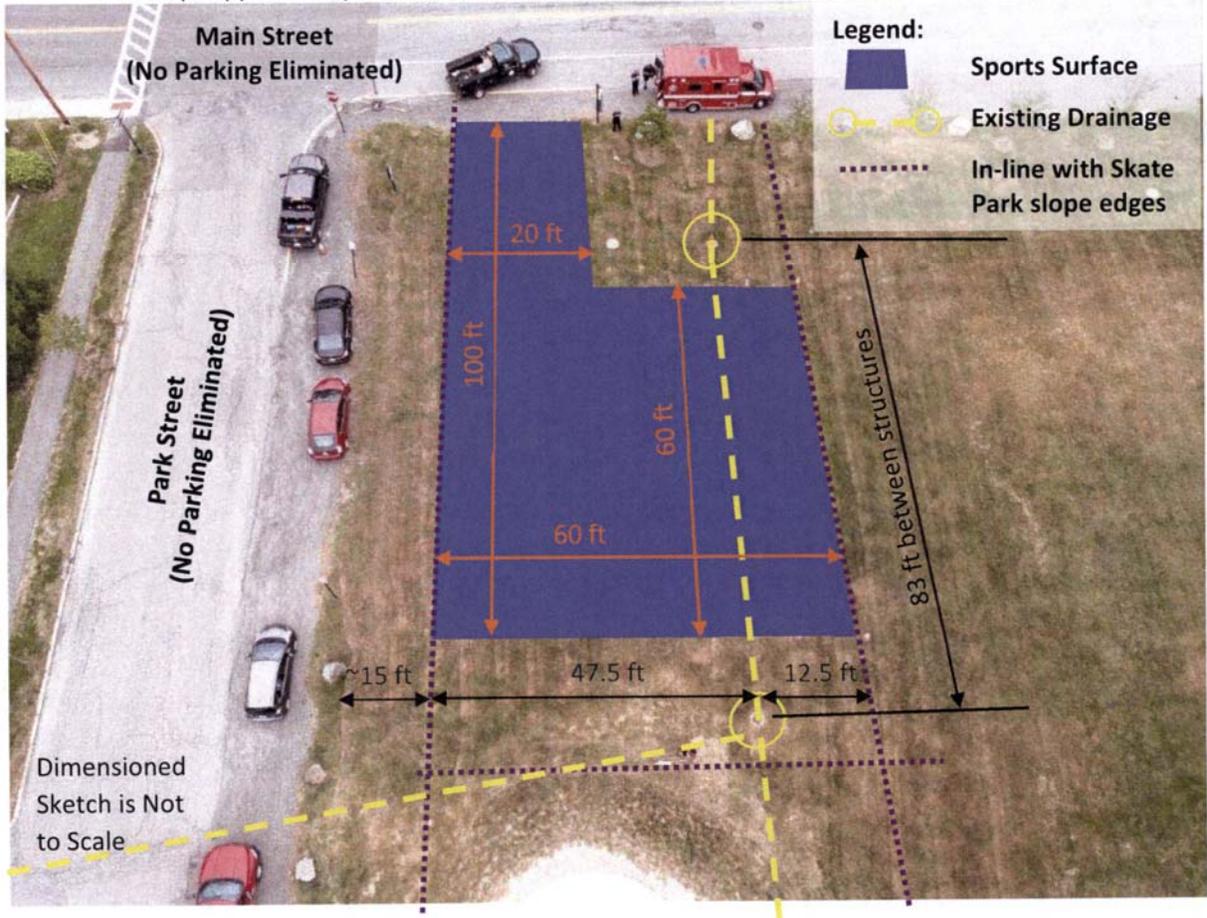
Parks and Recreation Committee Recommendation

On June 15th the committee unanimously voted to pursue a flexible sports surface / combination Lifeflight pad as illustrated in attachment A. In addition, the committee unanimously voted to mitigate several trees along Main Street that when fully grown will impact the landing pad. Public Works reviewed those trees and is looking into moving them to replace two trees that are dead at the Ball Field (one along Main Street and one along the parking lot off of Park Street).

Request of Town Council

The Fire Department and Public Works respectfully requests Town Council to approve the project as described above and to approve the Fire Department working with Life Flight to raise the funds needed for the project.

Concept approved by the Bar Harbor Parks and Recreation Committee – June 15, 2020



Flexible Uses (examples):

- Beginner Roller Skate Surface
- Hopscotch
- Four Square
- Cross-training
- Individual & Group Yoga
- Shuffle Board

Specifications:

- Pavement surface for ease of maintenance and to support flexible uses – see examples
- Slight slope to shed water towards drainage inlets
- Designed to support the weight of a Helicopter

KNOW ALL MEN BY THESE PRESENTS,
 THAT I, Arnold R. Morey of Stonington in the county of Hancock and State of Maine in consideration of one dollar and other valuable considerations paid by Louise Gross of said Stonington the receipt whereof I do hereby acknowledge, do hereby GIVE, GRANT, BARGAIN, SELL AND CONVEY, unto the said Louise Gross her heirs and assigns forever, a certain lot or parcel of land situate in said Stonington and bounded and described as follows, to wit:

U S I R
 Stamps
 \$.50

Beginning at a bolt in the ledge on the western line of said lot adjoining land of Hannah Eaton; Thence North, by land of said Eaton, ninety four (94) feet to a large tree; Thence East two and one-half (2½) feet; Thence south parallel with the first described line thirty six and one-half (36½) feet; thence East one hundred and thirty nine feet (139) by the road as surveyed to Grace E. Gott's land; thence south by land of said Grace E. Gott to the salt water; thence by the salt water, to a point south of and opposite the place of beginning. including wharf and wharf privileges. excepting and reserving from the above described premises a strip 30 feet in width as conveyed by Nathan B. Allen, et al., to Robert Jones, Nov. 16th, 1909, see Hancock county registry of Deeds, Vol. 454, Page 333; also a certain strip 2½ by 36½ feet conveyed to Ralph E. Seekins, see deed John W. Pendleton from J. Washburn Ingraham, Jr. June II, 1912, said Register of Deeds, Book 489, Page 414.

The above being the same premises as was conveyed to me et al by Warranty Deed, by Martha I Hamblen, dated July 5th, 1929, and recorded in Hancock county Registry of Deeds in Book 625, Page 453.

TO HAVE AND TO HOLD the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said Louise Gross her heirs and assigns, to her and their use and behoof forever.

AND I do COVENANT with the said Grantee, her heirs and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs shall and will WARRANT AND DEFEND the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said Arnold R. Morey and I, Marian Morey wife of the said Arnold R. Morey, joining in this deed as Grantor, and relinquishing and conveying all right by descent and all other rights in the above described premises, have hereunto set our hands and seals this twenty first day of November in the year of our Lord one thousand nine hundred and thirty four. Signed, Sealed and Delivered

in presence of
 Paul W. Scott

Arnold R. Morey (L.S.)
 Marion P. Morey (L.S.)

STATE OF MAINE,
 Hancock SS.

Nov. 21, 1934. 19 .

Personally appeared the above named Arnold R. Morey and acknowledged the above instrument to be his free act and deed.

Before me,

Notarial
 SEAL

Paul W. Scott

Notary Public.

Rec'd Dec. 3, 1934 at 9h. -m. A. M. and entered by,

George R. Hadlock, Reg'r.

THIS INDENTURE made this fourteenth day of November, in the year of our Lord one thousand nine hundred and thirty-four, by and between Augustus Thorndike, of Boston, Suffolk, County, Massachusetts, George B. Dorr, Ernesto G. Fabbri, Charles F. Paine, Guy E. Torrey, A. Stroud Rodick and A. H. Lynam, all of Bar Harbor, Hancock County, Maine, parties of the first part; and the Inhabitants of the Town of Bar Harbor, a municipal corporation, by its Selectmen, being hereunto duly authorized, by vote of said Town, party of the second part.

WITNESSETH:

THAT WHEREAS the parties of the first part are Trustees under a certain deed of trust dated the 22nd day of September, 1914, and recorded in the Hancock County, Maine, Registry of Deeds in Book 510, Page 174; and

WHEREAS certain terms and conditions of the said Trust have been fulfilled; and

WHEREAS the Inhabitants of the Town of Bar Harbor, through its Selectmen, have requested the transfer of certain lands held by the Trustees in accordance with said Trust instrument;

NOW, KNOW ALL MEN BY THESE PRESENTS, That We, Augustus Thorndike, George B. Dorr, Ernesto G. Fabbri, Charles F. Paine, Guy E. Torrey, A. Stroud Rodick, and A. H. Lynam, Trustees as aforesaid, in consideration of one dollar and other valuable considerations, but less than one hundred dollars, paid by the Inhabitants of the Town of Bar Harbor, the receipt whereof is hereby acknowledged, do hereby sell and convey unto the said Inhabitants of the Town of Bar Harbor its successors and assigns, a certain lot or parcel of land situated

and being in the town of Bar Harbor, Hancock County, Maine, and bounded and described as follows, to wit:

Bounded on the north by Park Street, formerly Livingston Road Extension; on the east by Main Street; on the South by land now or formerly of Scott; and on the west by School Street, said tract being known as the Bar Harbor Athletic Field.

The property herein described as conveyed is conveyed subject to the following restrictions, to wit:

1. Said land shall be used, except for public Ceremonies of the Town, only for outdoor games, sports and exhibitions, and the development of athletics among the youth of the community.

2. No building or structure of any nature whatsoever shall be erected, maintained or be allowed upon said land except such building or structure as may be useful and important for the development and encouragement of outdoor games, sports and athletics.

3. The field shall not be leased at any time or privileges upon it granted, whether to provide a source of revenue to the Town or profit to others except that the Town may permit local organizations to carry on Athletic Contests and Exhibitions and sporting events, and charge admission to defray expenses; also the Town may permit the Athletic Associations of the various public schools of the Town, Patriotic Societies and Charitable Organizations of the Town, to sponsor Athletic Contests and Exhibitions and charge admission for the same provided the funds received from said Athletic Contests and Exhibitions shall, after paying expenses, be used solely for and by the Athletic Associations of the various public schools and Patriotic Societies and Charitable Organizations in the furtherance of the purposes for which they were organized; but in no case shall a lease or privilege be granted to any of the above Athletic Associations, Patriotic Societies and Charitable Organizations, or Organizations of any kind, except from day to day; nor shall it be so used as to lower the dignity and pleasantness of the land conveyed to be a park area in the Town or allowed to become a source of annoyance to citizens or visitors or of impairment to the value of adjoining property.

The purpose and intent of this gift, is, as was planned at the beginning, and has been carried out by the Trustees during the twenty years that they have held the property, to provide opportunity for healthful exercise and wholesome sport. To this, all other use is secondary and of this the Town and citizens, in accepting the gift, become henceforth the guardians.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said Inhabitants of the Town of Bar Harbor, its successors and assigns forever.

AND the parties of the first part in their capacity as Trustees, do hereby covenant to and with the said party of the second part, its successors and assigns, that they are the lawful Trustees under said Trust indenture; that they have power under said indenture to sell as aforesaid; and that in making this conveyance they have in all respects acted in pursuance of the authority granted in and by the said Indenture of Trust.

AND the said Inhabitants of the Town of Bar Harbor, a municipal corporation, by its Selectmen, hereunto duly authorized, by vote of said Town, in consideration of the foregoing and by the acceptance of this deed, do Covenant to and with the parties of the first part, that the conditions and restrictions hereby placed upon said property, shall be duly observed and enforced.

IN WITNESS WHEREOF the said Augustus Thorndike, George B. Dorr, Ernesto G. Fabbri, Charles F. Paine, Guy E. Torrey, A. Stroud Rodick and A. H. Lynam, Trustees, parties of the first part, have hereunto set their hands and seals the day and year first above written, and the Inhabitants of the Town of Bar Harbor, by its Selectmen, duly authorized, by vote of said Town, party of the second part, have caused this instrument to be signed in its name and behalf and its corporate seal to be hereto affixed, the day and year first above written.

George B. Dorr (L.S.)
 Ernesto G. Fabbri (L.S.)
 Augustus Thorndike (L.S.)
 Charles F. Paine (L.S.)
 Guy E. Torrey (L.S.)
 A. Stroud Rodick (L.S.)
 A. H. Lynam (L.S.)

Trustees as aforesaid.

L. Lee Abbott
 R. C. Masterman
 A. L. Abbott
 Seth E. Libby
 Bennett J. Williams
 Selectmen of Town of Bar Harbor.

Municipal
 SEAL

STATE OF MAINE.

HANCOCK, ss.

Nov. 14, 1934.

Personally appeared the above named George B. Dorr and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Trustees, and personally appeared the above named L. Lee Abbott and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Selectmen of Bar Harbor.

Before me,

Notarial
 SEAL

Ruth L. Sleeper
 Notary Public.

Rec'd Dec. 3, 1934 at 12h. 40m. P. M. and entered by,
 George R. Hadlock, Reg'r.

EMERGENCY ORDINANCE

Whereas, a pandemic emergency exists; and

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

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

Whereas, the pandemic will affect the business community,

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

Amusements Ordinance Amendment

Town of Bar Harbor

#2020-11

An Amendment to allow amplified music outdoors.

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

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

CHAPTER 14 – AMUSEMENTS

Article I: Special Amusement Permits

§ 14-2 Definitions.

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

AMPLIFIED ACOUSTIC INSTRUMENT

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

§ 14-4 Classes of permit; reapplication.

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

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

§ 14-6 Regulation of noise.

An applicant for a special amusement permit hereunder shall, as part of his/her application, demonstrate his/her ability to prevent the emanation of excessive noise from the premises sought to be licensed brought about by music, dancing or entertainment, except for a radio or other mechanical device excluded under 28-A M.R.S.A. § 1054 or amendments thereto. ~~The performance of amplified music out of doors by licensees is categorically declared to be in violation of this article.~~ Amplified outdoor music shall be limited to amplified acoustic instruments as defined in this chapter and one vocal microphone per performer, all outdoor amplification must adhere to Bar Harbor's noise Ordinance and all attempts must be made to mitigate excess noise.

The performance of nonamplified music out of doors by licensees is prohibited between the hours of 10:00 p.m. and 9:00 a.m. The performance of amplified music out of doors by licensees is prohibited between the hours of 9:00 p.m. and 11:00 a.m.

[End of Ordinance]

VII E2

Amusements Ordinance Amendment

Town of Bar Harbor

#2020-xx

An Amendment to allow amplified outdoor music.

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

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

CHAPTER 14 – AMUSEMENTS

Article I: Special Amusement Permits

§ 14-2 Definitions.

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

AMPLIFIED ACOUSTIC INSTRUMENT

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

§ 14-4 Classes of permit; reapplication.

- A. Special amusement permits granted by the Town Council shall be limited to the following classes:
 - (1) Without mechanical amplification:
 - (a) Class 1: single musician.
 - (b) Class 2: two musicians.
 - (c) Class 3: three or more musicians.
 - (2) With mechanical amplification:
 - (a) Class 1a: single musician.
 - (b) Class 2a: two musicians.
 - (c) Class 3a: three or more musicians.
 - (3) With mechanical amplification and dancing:
 - (a) Class 1ad: single musician.

- (b) Class 2ad: two musicians.
- (c) Class 3ad: three or more musicians.
- (4) With outdoor mechanical amplification:
 - (a) Class 1ao: single musician.
 - (b) Class 2ao: two musicians.
 - (c) Class 3ao: three or more musicians.
- (45) Other entertainment or amusement:
 - (a) Class 4: any other type of entertainment, as provided by 28-A M.R.S.A. § 1054(1)(C).

§ 14-6 Regulation of noise.

An applicant for a special amusement permit hereunder shall, as part of his/her application, demonstrate his/her ability to prevent the emanation of excessive noise from the premises sought to be licensed brought about by music, dancing or entertainment, except for a radio or other mechanical device excluded under 28-A M.R.S.A. § 1054 or amendments thereto. ~~The performance of amplified music out of doors by licensees is categorically declared to be in violation of this article.~~ Amplified outdoor music shall be limited to amplified acoustic instruments as defined in this chapter and one vocal microphone per performer, all outdoor amplification must adhere to this chapter as well as Bar Harbor's noise ordinance and all attempts must be made to mitigate excess noise.

The performance of nonamplified music out of doors by licensees is prohibited between the hours of 10:00 p.m. and 9:00 a.m. The performance of amplified music out of doors by licensees is prohibited between the hours of 9:00 p.m. and 11:00 a.m.

[End of Ordinance]

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

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

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

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

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

Charter Modification

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

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

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

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

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

- 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.

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

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

Rationale:

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

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

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

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

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

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

- A. Departmental CIP and operating budget requests. ~~Fifty six days before the Town Manager is required to submit the budget to the Town Council, all department heads and board or committee chairs, except for the School Committee, shall submit their CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C(2) through (4).~~ shall be prepared according to a timeline set by the Town Manager to allow for submission of the budget by the last Tuesday in January each year. Budget submissions shall be in accordance with the provisions set forth in § C-29 and § C-30.
- ~~B. Departmental operating budget requests. Forty two days before the Town Manager is required to submit the budget to the Town Council, the department heads, board or committee chairs, except for the School Committee and cooperating agencies shall submit their budget requests to the Town Manager. Said requests shall include the information required in § C-29B through D.~~
- B. School Committee budget request. Fourteen days before the Town Manager is required to submit the budget to the Town Council, the School Committee shall submit its operating budget and CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C (2) through (4), as well as § C-29B through D.
- C. Submittal of budget to the Council and Warrant Committee. The Town Manager shall compile the budget information submitted, prepare the budget as provided in this section, and submit the operating budget and CIP to a joint meeting of the Town Council and Warrant Committee on or before the third Tuesday in January last Tuesday in January each year. The Town Warrant Committee and Town Council shall then jointly meet with town staff for detailed presentation of the municipal budget by town staff before proceeding to independent review.
- D. Warrant Committee and Town Council Review. The Warrant Committee shall review the municipal budget and submit its recommendations to the Council at a joint meeting of those bodies on or before the 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 ~~effect~~ effect on the tax rate. Full copies of the detailed budget shall be made available for public review at the office of the Town Clerk.
- G. Adoption of budget by Council. The Town Council shall hear public comment at the budget hearing, review the budget, adopt it with or without change and recommend it to ~~the Warrant committee on or before February 22~~ Town Meeting on or before the 4th Tuesday in March.
- ~~H. Submittal to Warrant Committee. No later than seven days following the date of adoption, the Town Manager shall submit to the Town Warrant Committee the complete detailed budget as adopted by the Town Council~~
- H. ~~Warrant Committee review. The Town Warrant Committee shall review the budget and submit its recommendations to the Council prior to April 1. The Council shall review the recommendations as submitted by the Warrant Committee and submit the budget to Town Meeting with or without changes. The recommendations of the Warrant Committee pertaining to the municipal and education budgets~~ budget shall be provided as a commentary to the Town Meeting as set forth in §C-5 1A and §C-5 2B.

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

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

Rationale:

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

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

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

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

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

The last day to request an absentee ballot or to vote by absentee ballot in the presence of the clerk is Thursday, October 29, 2020. The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, November 3, 2020 for election of the Moderator and referendum balloting. Absentee ballots will be processed on Saturday, October 31, 2020 starting at 9:00 a.m., or immediately following a requested inspection, and on Election Day every hour on the hour starting at 9:00 a.m.

Given under our hands this fifteenth day of September 2020.

Municipal Officers of the Town of Bar Harbor

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

Valerie Peacock

Attest:

A true copy _____
Town Clerk of Bar Harbor, ME

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

DRAFT
NOTICE OF PUBLIC HEARING – October 20, 2020
TOWN OF BAR HARBOR

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

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

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

Charter Modification

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

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

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

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

form of the number of Committee members and the number of Committee members voting for and against the recommendation;

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

- 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.

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

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

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

Rationale:

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

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

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

Charter Modification

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

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

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

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

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

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

Rationale:

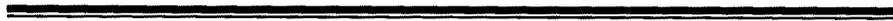
- This recommended change allows for the Town Council compensation to be decided annually by the Town through the budget process.
- This recommended change allows for the School Committee compensation to be decided annually by the Town through the budget process.

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.



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

Charter Modification

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

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

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

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

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

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

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

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

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

Charter Modification

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

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

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

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

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

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

Rationale:

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

Recommendations:

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

The seven-member Town Council recommends adoption/rejection by a vote of X to Y.

The 22-member Warrant Committee recommends adoption/rejection by a vote of X to Y.

Given under our hands this fifteenth day of September 2020.

Municipal Officers of the Town of Bar Harbor

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

Valerie Peacock	

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

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

MUNICIPAL OFFICERS' RETURN

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

Given under our hands this sixth day of October 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Jill Goldthwait

Erin Cough

Joseph Minutolo

Valerie Peacock

Attest:

A true copy _____
Town Clerk of Bar Harbor, ME