

Warrant Committee 2021

Monday, February 8, 2021

- I. Call to Order/Roll Call:** 7:00 pm by Chair Libby; 21 voting members present (basic majority is 11 or more)

Present: J. Berberian, S. Boucher, B. Chaplin, C. Chappell, J. Collier, C. Cough, M. Good, J. Kelly, M. Kelly, A. Kendall, J. Kitler, S. Libby, C. Reed, C. Ryan, A. Sasner, C. Smith, K. St. Germain, L. Sweet; **Present but not at Roll Call:** S. Dyer (arrived at 7:06pm), D. Karlson (arrived 7:08pm), E. Henry (arrived at 7:13pm)

II. Approve Agenda

A motion to approve this meeting's agenda was made by Mr. Chaplin and seconded by Mr. Kelly. *The motion was approved unanimously (18 Yes, 0 No).*

III. Introduction and Public Comment

Chair Libby stated that this meeting would be mostly procedural. He introduced the public comment period, although no members of the public were present at this time. They are welcome to be heard during this portion of the meeting.

IV. Membership

Chair Libby stated that there is a vacancy on the Warrant Committee, with Ms. Whitney stepping down. There are three applications for this position. The Nominating Committee will need to convene, and Chair Libby will ask a chair from another subcommittee to join. As the Health, Recreation, and Welfare subcommittee has the fewest members, he will ask Ms. Henry if she can participate in the nomination process. The goal will be to have the nominations wrapped up next week before the next full Warrant Committee meeting. Chair Libby will schedule the Nominating Committee meeting in consultation with Vice Chair Berberian, Secretary Smith, and Ms. Henry. Mr. Kelly asked if more nominees should be solicited. Chair Libby responded that the Town Clerk had recently had an advertisement in the paper seeking applications.

V. Approve minutes: 8/17/20, 8/25/20, 8/31/20, and 9/8/20

The next item on the agenda was the approval of multiple minutes. A few changes were suggested to the Warrant Committee Secretary: a misspelled name in the 8/25/20 minutes, a copy/paste error in the 9/8/20 minutes, and a request by Ms. Karlson for additional language in the 9/8/20 minutes. Ms. Karlson was asked to describe her rationale behind her request and the wording she sought to have included in the minutes. She asked for greater detail after the

phrase, "More in depth information is available in the town website," and shared her suggested language: "Ms. Ryan asked if moving language stripping the Town Meeting of its exclusive power to amend the LUO from Article III to Article IV was still a problem because this change was not reflected in the question presented to the voters. Ms. Karlson said Ms. Ryan's question was very important. Ms. Karlson added that simply moving this critical language from one Article to another didn't fix the problem: that Bar Harbor voters were not informed in the questions presented to them that they were surrendering this exclusive power." Ms. Karlson was open to her wording being edited by others and asked for any objections. Mr. Knight advised caution in making changes to minutes suggested by a plaintiff in a current lawsuit against the town, when the changes relate to an issue in said lawsuit. Ms. Ryan did not recall her exact wording or what she asked, though it was related to the voters not seeing the backstory of the issue. The 9/8/20 Warrant Committee meeting in question was not recorded. Ms. Ryan asked why the meeting was not recorded, and Mr. Knight did not recall. Chair Libby suggested that it may have been a staffing issue. Ms. Karlson was grateful that the recording issue was raised, as those recordings are the official record. In this case, the written minutes may then be the official record. Ms. Karlson noted that Warrant Committee meetings were not recorded in the past, but then that policy was changed so that the public would have better access. The expense of adding Warrant Committee recordings was approved with this updated policy. Warrant Committee subcommittee meetings are not recorded. Mr. Kelly stated that minutes are not a transcript and suggested not getting caught up in the word-by-word document. He made a motion that the Warrant Committee should move forward with the approval of the minutes from the meetings held on 8/17/20, 8/25/20, and 8/31/20 with the correction of Ms. Durand's name; that Secretary Smith will double check that her 9/8 minutes reflect what was recorded; and that the Warrant Committee will hold off the approval of the 9/8/20 minutes. This was seconded by Chair Libby. Mr. Good wanted to point out that Ms. Karlson was not in a lawsuit against the town, but in a 10 person complaint, which is a different type of litigation. Mr. Kelly responded that this was not germane to the motion. Chair Libby had a recollection of the points raised by Ms. Karlson and was open to Secretary Smith checking her notes and coming back in two weeks with additional language added to reflect the overall sentiment of Ms. Karlson's concerns. Mr. Collier was not certain that he was at all of the meetings included in this motion, and decided he would abstain. Chair Libby reiterated the motion on the floor, including postponing arrival of the 9/8/20 minutes. *The motion was approved unanimously (20 Yes, 0 No, 1 Abstention).*

VI. Legal authority, responsibility, and limitations

Chair Libby reviewed the authority and responsibility of the Warrant Committee. It is a review committed without any sovereign power. It responds to actions taken by the Town Council and by citizens in the form of budgets and warrants. To the extent that there is disagreement between the two bodies, differences may be addressed at Town Meeting. The Warrant Committee season is generally short, consisting of 6-8 weeks that ends in March.

Chair Libby reminded all present that Warrant Committee members are elected officials. He stated that if a member finds that they are in a public or private setting with other members of

the Warrant Committee, they are bound by Maine ethics requirements. There should be no more than three Warrant Committee members discussing Warrant Committee business. Ms. Karlson also stated that emails are considered like meetings, and that people need to be mindful about what they email. Those should be confined to scheduling meetings and not a discussion of upcoming topics and votes. Chair Libby echoed this reminder, and said that Warrant Committee members should be careful of group email chains. Group conversations should be avoided, as they are non-public meetings and therefore not authorized. He is able to answer questions from new members, and they should feel free to call or email him.

VII. Meeting schedule

Chair Libby discussed the Warrant Committee budget binders, and that the schedule of the budget timeline was included in the front. The Warrant Committee meetings are on the bottom third of that page. The first substantial meeting of the Warrant Committee will be on February 22 at 7pm. Meetings will continue each Monday night after that until March 22. On March 23rd the Warrant Committee has a joint meeting with the Town Council. These meetings will be at 7pm. If there is snow on Monday afternoons during this time frame, the Town Clerk will try to send an alert about a cancellation by 2 or 3pm. In this case, Chair Libby would also try to send an email to the Warrant Committee. Any meetings missed due to weather will be made up later in the Warrant Committee season.

VIII. Budget status and overview

Chair Libby let Town Manager Mr. Knight review the budget and give Warrant Committee members an overview of the sections. Mr. Knight said that in the budget binder, the first tab includes a memo from Mr. Knight to the Warrant Committee following the review of the Town Council. This shows there is a slight decrease in taxes for the municipal portion. Due to an announcement by the Canadian government that they would not have cruise ships until at least February 2022, there will need to be changes in our cruise ship budget; this will affect the tax rate. Mr. Knight will have the revised budget for the Town Council meeting on February 16 and for the Warrant Committee subcommittee meeting on February 18. The memo also indicates that no new staff will be hired with this budget, and there will be one bond request for the municipal fiber project. Page 4 of the first tab shows the calculations used to arrive at the tax rate. Likewise, page 5 of the first tab shows the calculations for property taxes, and the total increase for the year. Mr. Knight continued by saying that tab 2 has revenues and tab 3 has expenditures. Tab 4 covers the cruise ship budget; some changes are still in process there. Tab 5 is the parking fund, which has a little increase from the prior year, as the season will be started earlier this year. He expects to meet the 2021 budget estimates. Tab 6 covers the Capital Improvement Program, which this year includes the purchase of a new ambulance which was delayed by a year, as well as 2 police cruisers, and a used road grader. The Solid Waste Division will spend the balance of its bond money to install solar panels and a battery back-up at the transfer station. Tab 7 has information on fund balances and general expense details are covered on pages 4-10. That latter section is particularly useful if Warrant Committee members have questions about expenses from tab 3. Mr. Knight concluded by

stating that the debt service information is in tab 8, nonprofits are in tab 9, and that tab 10 is the school budget.

Chair Libby said that he is happy to talk to people if they have questions about the budget and the interrelatedness of the different sections. Mr. Collier said that he reviewed the language used for budgets as to the years covered. It was confirmed that the budget that will be reviewed started July 1, 2021 and runs through June 30, 2022 (the municipal tax year). Mr. Knight added that the confusing part is that the cruise ship and parking funds go through two seasons.

Chair Libby stated that Mr. Knight is a resource for Warrant Committee members, as is the Finance department. Stan Harmon retired recently but is providing help with the adjustments for the cruise ship budget. Sarah Gilbert is the new Finance Director. If Warrant Committee members do email Mr. Knight, they should also copy Chair Libby on that correspondence. Chair Libby added that all Warrant Committee members, as subcommittee members, will have a specific part of the budget they are reviewing and may have questions about a line budget item. He encouraged all to approach the budget with an open and curious mind, and to review sections prior to our meetings so that the ensuing conversation may be more lively and productive.

IX. Budget layout and format

X. Capital Improvement Program

Mr. Knight stated that the Capital Improvement Program has its own specific section, and that the best way to think of it is a rainy day fund. The town makes annual expenditures for future large items, so that rather than having the large purchase in a single year, some money goes into specific accounts every year. There are many big projects that accumulate funds over a period of time, and then the Town Council can spend those funds when the financial goal is met. Ultimately, these items are part of the larger budget.

XI. Questions and answers

XII. Subcommittees: development of tentative meeting times

Chair Libby reminded Warrant Committee members that the current list of subcommittee assignments was recently shared. There is still some flexibility in assignments, but anyone wishing to change to a different subcommittee should contact him. Tentative assignments for new Warrant Committee members are as follows: Mr. Cough is on the Protections subcommittee, Ms. Ryan is on the General Government subcommittee, Ms. Reed is on the Education subcommittee, and Mr. Collier is on the Public Works & Harbor subcommittee. For clarification, the Protections subcommittee primarily covers the Fire and Police budgets and will share their recommendations on the March 15 meeting.

XIII. Other business

Mr. Kelly asked if there could be some efficiency in the number of votes we take in undergoing a line by line analysis of the budget; was there a reason for the level of detail and vote on each line. He suggested that we may be able to group some items together to reduce the overall number of votes. Mr. Knight suggested that part of the reason was based on prior history and routine. Mr. Kelly added that this may help the Town Clerk have a simpler agenda with fewer votes. Mr. Kitler stated that voting by section makes organizational sense, and that there is time for questions and a vote on the whole section. He added that we spend time when an issue arises, and that this is what can be time consuming. Some of the discussions have been about monetarily small items, but that those have represented a larger discussion about philosophy or direction. He concluded that he is in favor of saving time, but that simplifying votes may not have much overall effect. Mr. Kelly said that this would do for a quick discussion. He will bring additional detail to the Warrant Committee at a later date, and any suggestions are not necessarily for implementation this year.

Mr. Kitler asked if subcommittee meetings would be conducted by Zoom. Chair Libby said that was the case, as it would be for the Nominating Committee.

Ms. Reed asked about the scheduling of subcommittee meetings. Chair Libby responded that the particular date is set by the Chair of each subcommittee in conference with other members of that subcommittee. Each subcommittee meets before they present their recommendations at the particular full Warrant Committee meeting covering their items. Those subcommittee meetings typically last one to one and a half hours. Mr. Good said that he would be in touch with Ms. Reed soon about the scheduling of the Education subcommittee meeting.

Ms. Karlson asked if this past year had seen increased expenses due to the town dealing with COVID, and if those increases are spelled out in one spot in the budget or in each relevant line throughout the budget. She also asked if we received funds from the state, and if those were also in the budget. Mr. Knight responded that there was some money added to the budget in the emergency management section (page 8, tab 3 of budget binder). He is unsure if there will be more grant money this year, but we did get approximately \$130,000 from the state this past summer for masks, signage, and education.

XIV. Adjournment

There being no further business, Chair Libby moved and Mr. Good seconded to adjourn the meeting. The meeting adjourned at 7:50 pm. The next meeting is February 22 at 7pm via Zoom.

Respectfully submitted,

Christine Smith
Secretary, Warrant Committee