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## MEMORANDUM

To: Bar Harbor Town Council  
cc: Department Heads  
From: Kevin Sutherland, Town Manager  
Date: April 19, 2022  
**Re: Manager Comments**

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### **Congressional Discretionary Spending (CDS)**

Three applications were submitted to Senator King's office last Friday (4/15) and the same three were submitted to Senator Collin's office the prior week. For more information on the three applications, see the write up found in the [April 5<sup>th</sup> Manager Comments memo](#).

### **Cruise Ship Tour Bus Queuing**

During Council Comment at the April 5<sup>th</sup> meeting, I was asked about the status of where buses were going to be queuing why waiting for passengers.

As a reminder, at your December 7, 2021 meeting, the Council amended the [Cruise Ship Tour Bus and Tour Vehicle Policy](#) to delete, in Section 5, "at the corner of Cromwell Harbor Road and Great Meadow Drive (former Highway Garage location)."

The intent, I believe based on the conversations I've had with Councilors and staff was to give the Police Chief and Harbormaster more flexibility about where we would be asking buses to wait.

Speaking with the Chief, it looks as though, our plan for this year is to have bus queuing occur what it has historically, Newport Drive / Agamont Park.

### **Review of Budget Process**

I'll be asking the Council (and the public) to weigh in on this years' budget process at the May 3<sup>rd</sup> Council meeting. In the lead up to the meeting we've created a survey to help structure some of the conversation. Prior to sending this memo out, I sent an email to Council, the Warrant Committee, and Senior Staff with the link to the survey. I am looking to solicit feedback for the next week (deadline end of day April 26<sup>th</sup>).

I am providing a link to the FY23 [Budget Process Survey](#) for members of the public to also provide feedback.

### **Upcoming 5/3 Agenda**

The Conservation Commission will be coming to the Council to discuss the Open Space plan and what options the Council could consider taking up as action items.

## **Residential Speeding Complaints**

During Council Comment at the April 5<sup>th</sup> meeting, I was asked about the status of residential speeding.

Speed limits are statutorily regulated by the Maine Department of Transportation, via [T29A section 2023](#)

Rates of speed are also set by guiding legislation. School zones are 15 when school is in session, residential areas are generally set at 25 and all other roads are 45 unless otherwise posted. The otherwise posted is where DOT would use their traffic engineering process to determine the proper speed limit for an area. There are times when requests get made to lower a limit that actually result in the limit being increased as dictated by the engineers' methods.

The town does not have authority to set speed limits. We can request speed limit changes through a formal process with the DOT. That process is very slow and can take years to complete. DOT uses a specific approach when setting speed limits. Data collection to learn what is happening in the area is a key component. We are able to assist by collecting data we can share with DOT.

The Bar Harbor Town Council policy regarding speed limit change requests can be found [HERE](#).

The Chief has shared this with me to share with everyone:

We've developed a systematic approach within the PD to help the Town Council make informed decisions relating to speed limits. Here is some relevant information from our internal guiding policy;

### MANAGING THE SPEED COMPLAINT

The speed management program is a strategy that addresses the community's concerns of unlawful and undesirable speeds at a specific location, major routes, or any other public road within this agency's jurisdiction. In addition, this agency includes in this program other egregious traffic complaints such as stop sign violations and pedestrian crosswalk issues. The speed management program benefits this agency by reducing fatal crashes from speed-related crashes, increasing public awareness to help prevent crashes, enhancing the safety of pedestrians, cyclists, and motorists, education of the public, and enhancing a safety culture within the community where safety is a top priority for this agency. Figure 1.1 below shows the speed management process for this agency.

Figure 1.1

**Step 1:** *Identify/Verify the speeding issue or related traffic complaint.*

**Step 2:** *Identify countermeasures (Need for speed trailer deployment, directed patrol, etc.)*

**Step 3:** *Implement the countermeasures identified in Step 2. (Deploy Trailer, Initiate directed patrol.*

**Step 4:** *Evaluate and control the implemented countermeasures (Review Directed Patrol CAD notes and enforcement efforts. Review traffic data reports to learn the days of the week and times, in which, the problem is mostly occurring. Adjust directed patrol efforts as needed.*

Step 1: Identify and verify the speeding or other related traffic issue. Often, this agency will receive both walk-ins and complaints by phone from citizens concerned with a traffic issue within the Towns of Bar Harbor and Mount Desert. It is the responsibility of the assigned officer to speak with the complainant about their concerns and generate a law incident card to document the complaint. The primary officer should make the speed management supervisor aware of the complaint through any means of communication (email, memo, in-person.) This allows for the manager to be aware of the complaint and to reach out to the complainant again to discuss the complaint more in detail and to inform them of the actions this agency intends to take to mitigate the issue. (Note: It should be left to the discretion of the supervisor as to the validity of the complaint. If a complaint does not appear to be justified, no further action should be taken.) The supervisor or his/her designee will update the annual speed management roster for that given year in PowerDMS (Note: A new roster will have to be created each year.) The purpose of having a speed complaint roster is to easily track the number of traffic related complaints throughout the year; the name, address, and phone number of the complainant; and a disposition of the complaint. In addition, a second roster should be created which outlines substantiated complaints so that the speed manager may effectively address the speeding issues in identified areas.

Step 2: Identify and select which countermeasures will be taken. This agency is currently equipped with four mobile speed/message board trailers that are readily available to be deployed as necessary to collect data in a specific problem area or to be used as a deterrent to passing motorists. If a trailer is deployed, it should be noted in the disposition section of the speed complaint roster in PowerDMS as well as on Spillman RMS CAD Screen. This will assist the manager and his or her designees with knowing where the equipment is at all times and what countermeasures have been implemented. The supervisor or designees should assess whether or not a directed patrol is warranted for the complaint. If it is determined that a directed patrol is needed, the manager should create a directed patrol card for the area, and have it assigned to them so they can monitor its progress. Further, the associated directed patrol incident # should be placed on Spillman's Flex Home Screen so officers can re-open the card as needed and document their efforts.

Step 3: Implement the selected countermeasures.

Speed/Message Trailers: All speed/message trailers have been labeled as BHST1, BHMT2, MDST3, MDMT4, MDST5 both physically on the device in large black letters and numbers, as well as on Spillman CAD for easy access. If and when speed or message trailers are deployed, they should be set up in an area that is clearly viewable to passing motorists and pedestrians, but in a spot that is not going to create a safety or traffic hazard. The trailer should be properly erected and turned on with a full battery (battery level can be viewed in the All-Traffic Solutions Management Screen.) Each trailer has been equipped with a new locking mechanism and weatherproof Bluetooth entry padlock for security. Bluetooth lock access is provided by Captain Kerns or his designee. The Bluetooth lock is easily opened by using the Master Lock Vault App on any smart phone. This tracks the users who open the unit. After the trailer is deployed, the deploying officer should ensure that the trailer is locked, and a cone placed in front or next to the device to warn passing motorists.

Directed Patrols: If a directed patrol is decided to be a part of the enforcement process for a complaint, the manager should frequently monitor the involvements section and CAD notes of this law incident card. The manager will be able to see whether officers are actually conducting the directed patrols and what enforcement they have taken. If no enforcement was taken during a certain patrol, the officer should be documenting in the CAD Notes area their observations during the time

they spent in the specific area. It is the responsibility of the supervisor to ensure that officers are getting to directed patrol areas and documenting their efforts. Directed patrol efforts should be both meaningful and purposeful (i.e. More than 5 or 10 minutes.) As a rule of thumb, directed patrols should remain in place for a period of two weeks. This allows for officers to get to the area and conduct their efforts and also provide enough meaningful information to report back to the complainant or Chief of Police as needed. At the discretion of the supervisor, a directed patrol may remain in place for a period of more than two weeks if there is just cause to continue the directed patrol effort based on the findings.

Step 4: Evaluate the progress of the countermeasures taken. The speed manager should ensure that countermeasures taken are achieving the goals of the agency's speed management program. After two weeks, the supervisor or his/her designee should re-contact the complainant to follow-up and inform them of both the police departments efforts and findings. A supplemental report should be included in the initial motor vehicle complaint card to reflect this conversation.

Remember, any part of this 4-step plan can be adjusted as needed to meet the goals and objectives of the program.

#### Why all the background?

I received a letter from a resident last week asking about the status of their speed control request from October. The envelope included a letter written by said resident from early October and a copy of the memo from the clerk's office they had received (Sent to Council in the Non-Agenda packet that week).

Based on the Council policy, no Councilor asked for the Council to request data collection to be used for MDOT's consideration and therefore it has not gone any further.

#### Follow up

I did ask the Chief to have the department reach out to the individual to inform them of where this stood, but it looks like data had previously been collected (See response):

Regarding the area the resident is concerned with, we had two documented incidents of relevance last year. The first was in May / June, 2021, the second in September, 2021. We also observed home-made 20 mph speed limit signs posted in the area, warned the responsible party, and asked they be removed.

Here are excerpts from the Police Department reports;

On May 30, 2021, Officer Caleb Mora deployed a speed trailer to the area. The trailer remained on Bloomfield Road through June 13, 2021.

On July 1, 2021, I reviewed the data reports and observed that a total of 3098 cars had passed the trailer throughout the time the trailer was deployed there and 98% of the vehicles were following the posted speed limit. The other 2% were found to be in the low risk category, traveling less than + 10 over the speed limit.

This complaint was found to be unsubstantiated.

On September 13, 2021, a directed patrol was initiated for Highbrook, after this agency received a speeding complaint. The directed patrol was in effect from this date until October 3, 2021. During this time, Officers conducted concentrated patrols five times. In addition, two speed trailers were deployed to the area to collect data for both east and westbound. In review of officer's efforts, no stops were made. Officers indicated that traffic was below the posted speed limit at the time of these patrols.

In review of the traffic data reports:

1060 vehicles passed by the westbound sign:

- 1026 vehicles showed to be in compliance (96.79 %),
  - 33 at low risk (1-10 over) (3.11%),
  - 1 medium risk (10-20 over) (0.09 %), and
  - 0 high risk (20 + over) (0 %).

2748 vehicles passed by the eastbound sign:

- 2713 vehicles showed to be in compliance (98.72%),
  - 35 at low risk (1-10 over) (1.27%), and
  - 0 in the medium and high-risk categories.

After reviewing related traffic data and officer observations of the area, I am finding this complaint unsubstantiated. The directed patrol was removed from the Flex home screen on October 3, 2021.

I hope all this documentation helps!

### **Tax Relief Program**

In order to provide some relief to our most vulnerable senior year-round residents, Councilor Goldthwait and I had been working on developing a program for Council to consider. Completing this has been a bit delayed due to the budget process, our retreat, union negotiations, and a host of other items. My hope had been to have something before you this evening for further discussion. I will commit to having a draft ready for discussion in May.