

AGENDA
Bar Harbor Town Council
By Video Conference
August 4, 2020

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

I. CALL TO ORDER – 4:00 P.M.

A. Excused Absence(s)

II. PUBLIC COMMENT PERIOD - The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. 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.

III. APPROVAL OF MINUTES – July 21, 2020 Regular Meeting

IV. ADOPTION OF AGENDA

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. Certification of Property Owners and Abutters Mailing Lists – Possible motion to sign the certification of the mailing list used for notice of the Town Council's Public Hearing August 18, 2020 for the Vacation Rental LUO Amendment for the November 3, 2020 special town meeting warrant.

B. CDBG Grant – Possible motion to call for a public hearing on August 18, 2020 to hear public comment on a \$200,000 Housing Assistance Community Development Block Grant (CDBG) as required by HUD.

C. Quit Claim Deed - Possible motion to authorize the Town Manager to sign the Quit Claim Deed on behalf of the Inhabitants of the Municipality of Bar Harbor to Ian Hulbert, on the property located on 116 Cottage Street, Tax Map 104 Lot 161.

D. Fire Department – Possible motion to approve placement of a plaque at the fire station flag pole.

VI. REGULAR BUSINESS:

A. Solar Ordinance Proposal – Requested by Councilor Friedmann. Presentation by MDIHS student interns with A Climate to Thrive.

B. Ferry Terminal Property

1. **RFQ** - Possible motion to approve GEI Consultants as recommended by the Harbor Committee.

2. **Review Parking/Boat Launch Site Plans**

- C. MRC Solid Waste** – Update by Public Works Director Bethany Leavitt.
- D. Special Amusement Ordinance** – Request by Councilor Hochman for review.
- E. Cooperating Agencies Policy** – Request by Councilors Goldthwait and Cough for review.
- F. Public Hearings/Comments** – Request by Councilor Peacock to discuss how to get public input during COVID.
- G. Hancock County**
 - 1. Possible motion to request a 2021 county budget freeze.
 - 2. Possible motion to nominate a councilor to the Hancock County Budget Advisory Committee.
- H. Treasurer’s Warrants** – Request of Treasurer to authorize paid bills.

VII. TOWN MANAGER’S COMMENTS

VIII. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

IX. EXECUTIVE SESSION: (None Scheduled)

X. 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:

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Manager's Memo

To: Bar Harbor Town Council
cc: Department Heads
From: Cornell Knight, Town Manager
Date: Friday, July 31, 2020
Re: **Town Council Meeting of August 4th**

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).

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. **Certification of Property Owners and Abutters Mailing Lists** – see the enclosed memo from Sharon Linscott, Town Clerk regarding the mailing list for the public hearing. A possible motion: to sign the certification of the mailing list used for notice of the Town Council’s Public Hearing August 18, 2020 for the Vacation Rental LUO Amendment for the November 3, 2020 special town meeting warrant.

B. **CDBG Grant** – see the enclosed memo from Michele Gagnon, Planning Director regarding the next step in the Bar Harbor Housing Authority’s CDBG application process. A possible motion: to call for a public hearing on August 18, 2020 to hear public comment on a \$200,000 Housing Assistance Community Development Block Grant (CDBG) as required by HUD.

C. **Quit Claim Deed** - see the enclosed memo from Sarah Gilbert, Tax Collector regarding a sewer lien. A possible motion to authorize the Town Manager to sign the Quit Claim Deed on behalf of the Inhabitants of the Municipality of Bar Harbor to Ian Hulbert, on the property located on 116 Cottage Street, Tax Map 104 Lot 161.

D. **Fire Department** – see the enclosed memo from Matt Bartlett, Fire Chief regarding recognition of a former firefighter and benefactor. A possible motion: to approve placement of a plaque at the fire station flag pole honoring Mr. Colket.

A possible motion: to approve the Consent agenda as published.

VI. **REGULAR BUSINESS:**

A. **Solar Ordinance Proposal** – Councilor Friedmann requested this agenda item. See the enclosed solar proposal and presentation from the interns at A Climate To Thrive. Lily Crikelair will review their proposal to develop an ordinance for

free standing solar arrays. A possible motion: to ask the Planning Department staff to develop a solar land use ordinance for the June 2021 town meeting.

B. Ferry Terminal Property

1. **RFQ** – see the enclosed memo from Charlie Phippen, Harbormaster regarding a proposal to study the structural integrity of the ferry terminal pier at a cost of \$58,000. Charlie will be available to answer questions. A possible motion: to approve GEI Consultants as recommended by the Harbor Committee for the pier assessment and fund the contract from account # 2153-6258.
2. **Review Parking/Boat Launch Site Plans-** CES is doing the engineering work on the site before the town's side of the lot is to be paved. Sam Coplon submitted 3 landscape plan options to the Harbor Committee and they selected option 3 with the long boat ramp. CES has enclosed their comments and concerns with that option. The ramp would be very long, steep and be within the setback. A possible motion: to prepare engineering plans for the ferry terminal lot using the ___ option.

C. MRC Solid Waste – Enclosed is a memo from Public Works Director Bethany Leavitt regarding the waste plant status in Hampden. While closed msw is being sent to PERC. Bethany will be available to answer questions.

D. Special Amusement Ordinance – Request by Councilor Hochman for review. Enclosed is the ordinance, state statutes and a section from the MMA Licensing Handbook.

E. Cooperating Agencies Policy – Request by Councilors Goldthwait and Cough for review. Enclosed is the Council's current policy.

F. Public Hearings/Comments – Request by Councilor Peacock to discuss how to get public input during COVID. It can be arranged to allow public comments in person at the Council chambers by using the overflow area for seating/viewing the meeting and speaking at a microphone at the door to the Council chambers.

G. Hancock County- Councilor Friedmann requested these items.

1. Consider requesting that the County Commissioners freeze their next budget due to reduced state revenue. A possible motion: to send a letter to the Hancock County Commissioners requesting a budget freeze for the 2021 budget.
2. Nomination of a councilor to the Budget Advisory Committee. A possible motion: to nominate Councilor _____ for the Hancock County Budget Advisory Committee.

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

Minutes
Bar Harbor Town Council
By Video Conference
July 21, 2020

I. CALL TO ORDER – Town Clerk Sharon Linscott called the meeting to order at 4:00pm - 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. ORGANIZATIONAL MATTERS

A. Election of Officers

1. *Chair*

The Town Clerk called for nominations. Mr. Minutolo nominated Jeff Dobbs. There being no further nominations, Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Jeff Dobbs was elected Chair by a vote of 7-0.

2. *Vice-Chair*

Chair Dobbs called for nominations. Mr. Minutolo nominated Matt Hochman. There being no further nominations, Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Matt Hochman was elected Vice-Chair by a vote of 7-0.

B. Council Committee Appointments – all terms are for one year.

1. *Appointments Committee – Appointment of three Councilors.*

Mr. Hochman nominated the current slate of Councilors Friedmann, Minutolo and Cough. There being no further nominations, Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Ms. Cough, Mr. Friedmann and Mr. Minutolo were appointed to the Appointments Committee by a vote of 7-0.

- 2. *Cruise Ship Committee – Appointment of one Council representative.*

Ms. Cough nominated Matt Hochman. There being no further nominations, Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Matt Hochman was appointed to the Cruise Ship Committee by a vote of 7-0.

- 3. *Parking Solutions Task Force – Appointment of one Council representative.*

Ms. Cough nominated Matt Hochman. There being no further nominations, Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Matt Hochman was appointed to the Parking Solutions Task Force by a vote of 7-0.

- 4. *Task Force on the Climate Emergency – Appointment of one Council representative.* Mr. Dobbs nominated Jill Goldthwait. There being no further nominations, Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Jill Goldthwait was appointed to the Task Force on the Climate Emergency by a vote of 7-0.

- 5. *Joint (School) Budget Advisory Committee – Appointment of two Councilors.* Mr. Dobbs nominated Val Peacock and Joe Minutolo. There being no further nominations, Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>

Goldthwait _____ Y

Cough _____ Y

Val Peacock and Joe Minutolo were appointed to the Joint School Budget Advisory Committee by a vote of 7-0.

6. *MD/BH Joint Police Chief Sharing – Appointment of two Council representatives.*

Mr. Hochman nominated Jeff Dobbs and Gary Friedmann. There being no further nominations, Roll Call Vote:

Dobbs _____ Y

Hochman _____ Y

Peacock _____ Y

Friedmann _____ Y

Minutolo _____ Y

Goldthwait _____ Y

Cough _____ Y

Jeff Dobbs and Gary Friedmann were appointed to the MD/BH Joint Police Chief Sharing Committee by a vote of 7-0.

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

1. **Age Friendly Committee: Three-year term**
 - a. *Allie Bodge, expiring 2023*
2. **Appeals Board: Three-year terms**
 - a. *Anna Durand, expiring 2023*
 - b. *Robert Webber, expiring 2023*
3. **Board of Assessment Review: Three-year term**
 - a. *Terence O'Connell, expiring 2023*
4. **Cruise Ship Committee: terms as listed**
 - a. *John Kelly ANP Representative, expiring 2021*
 - b. *Amy Powers Rep w/knowledge of cruise industry in ME, expiring 2023*
 - c. *Greg Gordon Shore Excursion Representative, expiring 2023*
5. **Design Review Board: Three-year term**
 - a. *Barbara Sassaman, expiring 2023*
6. **Harbor Committee: Three-year terms**
 - a. *Francis "Pancho" Cole, expiring 2023*
 - b. *Robert Garland, expiring 2023*
 - c. *Lynne Williams, expiring 2023*
7. **Housing Authority Board – Four-year term**
 - a. *Denise Beaudoin, Tenant-at-Large, expiring 2024*
8. **Marine Resources Committee: Three-year terms**
 - a. *Natalie Springuel, expiring 2023*
 - b. *Scott Swann, expiring 2023*
9. **Parking Solutions Task Force: Three-year term**
 - a. *Heather Sorokin, expiring 2023*
10. **Parks & Recreation Committee: Three-year terms**
 - a. *Jeff Dobbs, expiring 2023*

b. Amy Schwartz, expiring 2023

11. Planning Board: Three-year terms

a. Joseph Cough, expiring 2023

b. Millard Dority, expiring 2023

Mr. Friedmann, with second by Mr. Minutolo, moved to approve the slate of nominees as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

- IV. PUBLIC COMMENT PERIOD** - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Public comment will be allowed through the Zoom webinar. Comments can also be emailed in advance to council@barharbormaine.gov – None.*

V. APPROVAL OF MINUTES –

A. June 16, 2020 – Regular Meeting

B. July 7, 2020 – Special Meeting

Mr. Hochman, with second by Mr. Friedmann, moved to approve the June 16 Regular Meeting minutes and the July 7 Special Meeting minutes as presented.

Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

- VI. ADOPTION OF AGENDA** – Mr. Friedmann, with second by Mr. Hochman, moved to approve the agenda but add Ania Wright's request for a March on 8/2 as item F under Regular Business. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

VII. FINANCIAL REPORT - *Review and possible adoption of a motion to accept the financial statements as presented.* Finance Director Stan Harmon presented his report that covers the full fiscal year. The numbers are pre-audit. He reminded Council there will be no financial report in August due to the audit. After Council questions, Mr. Hochman, with second by Ms. Cough, moved to accept the financial report as presented. Roll Call Vote:

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

Motion passed 7-0.

VIII. 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. Auditor for FY20 & FY21** – *Possible motion to appoint James W. Wadman, CPA as auditor for FY20 and FY21.*
- B. Climate** – *Possible motion to approve the submission of grant funding for sea level rise impacts as presented.*
- C. Vehicles for Hire** – *Police Department approved and proof of insurance provided. Possible motion to approve:*

- 1. **Amy’s Taxi and Tours** request for 1 taxi license renewal as submitted by Amy Walton.

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

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

Motion passed 7-0.

IX. PUBLIC HEARINGS:

- A. Shellfish Conservation Ordinance Amendment #2020-10** – *Public comment and possible adoption of the amendment to Chapter 170 of the Municipal Code.* No public comment. Mr. Hochman, with second by Ms. Cough, moved to approve the amendments to Chapter 170 of the Municipal Code Shellfish Conservation Ordinance as presented. Roll Call Vote:

Dobbs Y
Hochman Y
Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

Shellfish Conservation Ordinance Amendment

Town of Bar Harbor

#2020-10

An Amendment to define a new junior commercial license class and a new unlimited classification for licenses.

The Town of Bar Harbor hereby ordains that Chapter 170, Shellfish Conservation of the Town Code is amended as follows:

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

CHAPTER 170 – SHELLFISH CONSERVATION

§ 170-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

JUNIOR

A person who is under 18 on the first day of the licensing period.

NONRESIDENT

Anyone not qualified as a resident under this chapter.

RESIDENT

A person who has been domiciled in this municipality for at least three months immediately prior to the time his/her claim of such residence is made.

SHELLFISH and CLAMS

Soft-shell clams, Mya arenaria.

§ 170-5 Licensing.

B. Designation, scope and qualifications.

- (1) Resident commercial shellfish license. The license is available to residents of the Town of Bar Harbor. It entitles the holder to dig, take or possess any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.
- (2) Nonresident commercial shellfish license. The license is available to nonresidents of this municipality. It entitles the holder to dig, take or possess any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.
- (3) Resident junior commercial license. This license is available to any resident, who has attained his or her 13th birthday, but has not yet attained their 18th birthday as of the first day of the current licensing year. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.
- (4) Nonresident junior commercial license. This license is available to any nonresident, who has attained his or her 13th birthday but has not yet attained their 18th birthday as of the first day of the current licensing year. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.
- (35) Resident recreational shellfish license. The license is available to residents and real estate taxpayers of this municipality and reciprocating municipalities. It entitles the holder to dig, take or possess no more than one peck of shellfish in any one day for

personal use. This license is not available, nor valid, to holders of a Maine commercial shellfish license.

- (46) Nonresident recreational shellfish license. The license is available to any person not a resident of this municipality. It entitles the holder to dig, take or possess not more than one peck of shellfish in any one day for personal use. This license is not available, nor valid, to holders of a Maine commercial shellfish license.
- (57) All shellfish licenses. It shall be unlawful for an individual to possess any Bar Harbor shellfish license if their state shellfish harvesters license is under suspension or revocation for any reason for the period of state suspension at a minimum.
- (68) License must be signed and consent to inspection. In order for a Town shellfish license to be valid, it must be signed. Any person who signs a Town shellfish license has a duty to submit to inspection and search for violations related to the licensed activity by the Town Shellfish Warden or other Law Enforcement Officer under the following conditions:
 - (a) Watercraft or vehicles and the equipment located on watercraft or vehicles which are used primarily during shellfish harvesting activity may be searched or inspected at any time if the Shellfish Warden or other Law Enforcement Officer has a reasonable suspicion of a violation of the Town Shellfish Conservation Ordinance by the licensed individual.
- (79) Conservation time requirements for commercial shellfish license. No ~~resident or nonresident~~ commercial license shall be issued until the applicant has completed the minimum number of mandatory conservation hours. Qualifying conservation time includes attending Marine Resources Committee meetings, clam flat population and recruitment surveys, reseeding and any other approved activity. Any member of the Bar Harbor Marine Resources Committee may verify hours for approved activities. The minimum required conservation hours will be established by the Marine Resources Committee at least six months prior to current license expiration date. Conservation time must be accumulated in the previous licensing year; however, if an individual obtains the appropriate conservation time, but is unable to obtain a commercial license, their conservation time will rollover to the next year or until they are offered a license to the next year or until they are offered a license. Conservation time requirements are waived for anyone ~~47~~16 and under at the end of the previous licensing year.
- (810) Commercial license eligibility. Individuals possessing Bar Harbor commercial shellfish harvesting licenses for four of the previous five years and who have accumulated the required conservation time are eligible to obtain their licenses two weeks in advance of the next license year. The Marine Resources Committee shall determine the number of advance licenses available for the next year no later than six months in advance. If the number of eligible individuals exceeds the number of advance licenses available, those licenses shall be assigned through a lottery. Any licenses not issued before the first working day of the new license year will be available to any eligible individual that has met the conservation time requirement.

- E. Limitation of diggers. Because the shellfish resources are limited and a commercial or recreational digger can be expected to harvest a certain volume of clams per year, the number of diggers must be controlled. This number will vary from year to year depending upon estimates of the resource capabilities and management requirements consistent with good resource utilization. The following procedures will be followed to exercise the control:
 - (1) Number of licenses established. Prior to May 1 the Town Marine Resources Committee, with the approval of the Maine Commissioner of Marine Resources, will establish the number of commercial and recreational licenses to be permitted following the requirements of 12 M.R.S.A. § 6671(3-A).
 - (2) Notice to Town Clerk. Prior to June 1 the Town Marine Resources Committee will notify the Town Clerk in writing of the number of licenses to be issued.
 - (3) Public notice. Not less than 10 days prior to the period of issuance notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general

circulation, effective in reaching persons affected. Notice shall also be posted in the municipal offices until the period of issuance concludes.

- (4) Limited License Sales. The number of licenses issued may be limited and will be issued according to the Municipal License Allocation Request as approved by DMR. The Town Clerk shall issue licenses to residents and nonresidents as allocated for the first 90 days of the period of issuance after which any unsold licenses shall be made available to residents and nonresidents alike on a first-come, first-served basis or by lottery, at the approved fee per available license class.
- (5) Unlimited License Sales. When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year, it can change to unlimited license sales within a category. The Town Clerk shall issue licenses as allocated. On the first day of license sales, the total number of non-resident commercial licenses shall be issued in accordance with DMR Regulations Chapter 7.4 section 1. Thereafter, non-resident licenses will be issued in accordance with the 10% rule as described in 12 M.R.S.A. §6671(3-E) and DMR Regulations Chapter 7.4, Section 2, Table 1.
- (46) Dates of issuance. The Town Clerk shall issue licenses to ~~residents and nonresidents~~ as allocated from the first day of July. Categories with limited license sales shall be offered until the 28th day of September, after which licenses in these categories shall be issued to residents and nonresidents on a first come, first served basis.

[End of Ordinance]

B. New Special Amusement Permits

- 1. **Mainely Meat BBQ Dreamwood Hill, 369 State Hwy 3, request for Class 3, three or more musicians without mechanical amplification, as submitted by Laura Johnson.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Class 3 Special Amusement Permit for Mainely Meat BBQ Dreamwood Hill. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>
<u>Motion passed 7-0.</u>	

- 2. **Choco-latte Cafe, 240 Main St, request for Class 2, two musicians without mechanical amplification, as submitted by Michael Boland.** There was no public comment. Mr. Hochman spoke with Mr. Boland and Choco-latte did not submit their town approved liquor license application to the state. Mr. Hochman, with second by Mr. Minutolo, moved to approve the Class 2 Special Amusement Permit for Choco-latte Café dependent on their approval for a state liquor license. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>

Cough Y
Motion passed 7-0.

3. **Ivy Manor Inn, 194 Main St, request for Class 1, single musician without mechanical amplification, as submitted by Peter Hastings.** There was no public comment. Mr. Hochman noticed they have had a musician with a microphone, which is mechanical amplification. The Town Clerk will send a letter with the approved permit reminding them their permit does not allow for mechanical amplification. Mr. Hochman, with second by Ms. Cough, moved to approve the Class 1 Special Amusement Permit for Ivy Manor Inn.

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

C. Special Amusement Permit Renewal

1. **MaMa DiMatteos, 34 Kennebec Pl, request for Class 3, three or more musicians without mechanical amplification, as submitted by Eric Olson (asking for a reduced level from last year's 3a with amplification).** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Class 3 Special Amusement Permit for MaMa DiMatteos as presented.

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

X. REGULAR BUSINESS:

- A. **Tabled from 7/7/2020 – COVID Mask Ordinance – Possible motion to prepare ordinance.** Mr. Hochman, with second by Ms. Goldthwait, moved to remove this item from the table.

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

Police Chief Jim Willis and Nina Barufaldi-St. Germain participated in the discussion. Mr. Hochman moved to have staff prepare an emergency mask ordinance for review at the August 4th Council meeting. Motion failed for lack of second. Ms. Cough, with second by Mr. Hochman, moved to make the following statement: The Town Council of Bar Harbor firmly stands with the Governor's Executive Orders regarding masks and will support our local businesses in that all individuals must wear face coverings while in any indoor spaces and congested village areas accessible to the public, as well as those serving these public spaces and businesses. Roll Call Vote:

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

Motion passed 7-0.

B. LUO Amendment Vacation Rental for November 2020 - Possible motion to sign the Certification of Ordinance and schedule a public hearing for August 18, 2020. Town Planner Michele Gagnon gave an introduction and summarized the process to date. Ms. Gagnon suggested alternative text regarding transferability. Following discussion, Mr. Friedmann, with second by Mr. Hochman, moved to sign the Certification of Ordinance Land Use Amendment Vacation Rental and schedule a public hearing for August 18, 2020 with the following amendments: 1. Change the transferability clause for VR-2 with the language the Town Planner suggests and 2. Eliminate VR-3s. Roll Call Vote:

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

Motion passed 6-1 (Nay: Cough).

C. Review of the Community Policing Forum – Nina St. Germain and Police Chief Jim Willis. Chief Willis provided some history that led to the forum, which he sees as the first step of ongoing community conversation around police policies, racism and equity. Nina Barufaldi-St. Germain also spoke about looking for ways the town can collaborate with other active groups and agencies and offer support. Following discussion, no action taken.

D. Annual Review of Council Policies:

1. *Acquired Property*
2. *Alcoholic Beverage*

3. *Appointments*

Discussion but no action taken.

4. *Banking*

5. *Cable TV Public Access*

6. *Consent Agreement*

7. *Cooperating Agencies*

Ms. Cough, with second by Ms. Goldthwait, moved to place the Cooperating Agencies Policy on a future agenda before Nov 1. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

8. *Council – Staff Interaction*

9. *Cruise Ship Fee*

10. *Cruise Ship Tour Bus*

Discussion but no action taken.

11. *Curb Cut*

12. *Debt Compliance*

13. *Debt Management*

14. *Fund Balance*

15. *Grants*

16. *Investment*

17. *Land Acquisition*

18. *Liquor Licensing*

19. *Outside Water Discount*

20. *Permit and Paid Parking*

21. *Poverty Abatement*

22. *Purchasing*

Stan Harmon, Finance Director recommends adjusting the Purchasing Policy spending levels to account for inflation (60% since 1996). So the ranges would be \$0-\$4000, \$4000-\$12,000, \$12,000-\$40,000 and over \$40,000. Mr. Hochman, with second by Ms. Cough, moved to amend the Purchasing Policy with Stan’s changes. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

23. *Road Acceptance*

24. *Road and Sidewalk Opening*

25. *Road Discontinuance*

26. *Rules of Order*

Request by Councilor Cough to go back to 7:00 start times. No action taken.

27. *Safety*

28. *Severance Clause*

29. *Snow Removal*

30. *Speed Limit*

31. *Storm and Sewer Backup*

32. *Street Light*

Mr. Hochman, with second by Ms. Cough, moved to strike, under Installation #4, "4000 lumen high pressure sodium (HPS) fixtures" and replace with "LED fixtures". Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

33. *Surplus Property*

34. *Tax Payment*

35. *Tobacco Free Recreation*

36. *Utility Location Permits*

E. MDI YMCA – Permission to facilitate a public fitness initiative. Nick Tymoczko from the Y presented the request. Town Planner Michele Gagnon stated the Design Review Board will look at the signs at their meeting on Thursday. Mr. Hochman, with second by Ms. Cough, moved to approve the YMCAs request to facilitate a public fitness initiative pending Design Review Board approval. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

F. Request by Ania Wright for a March on 8/2. – Chief Willis spoke about the impact to the police department. Sirohi Kumar participated in the discussion and requested a standing permit as they plan to march every 2 weeks for the foreseeable future. Mr. Hochman, with second by Mr. Friedmann, moved to approve the request starting August 2 through the last day of August. Roll Call Vote:

Dobbs Y

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

G. 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.

XI. TOWN MANAGER'S COMMENTS – 1). We did have a request for a recount on two of the land use articles that passed at town meeting. Sharon will review those registered voters to make sure they have enough, they need 100. If they do she'll schedule a recount. She did notice in the tally sheets that the one that passed by 4 votes actually passed by 14 votes. 2). Parking revenue is about 42% of the amount a year ago, which is better than I was thinking. It is starting to pick up. 3). There will be another COVID update forum by Zoom webinar on July 28 from 6-7:30 with the same cast as the end of May.

XII. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Peacock thanked the Town of Bar Harbor for electing her. I definitely have a lot to learn about how to participate and work with you all to get things done. I hope I have something to contribute to this group and the town. I have an optimistic outlook and we can work together to do things that increase equity and justice and are good for as many people as possible. I like to talk about goals, the comp plan, strategic plan. I'm excited to be here and look forward to working with you all.

Ms. Goldthwait is grateful for the opportunity to put in a full term on Council. I'll miss Stephen Coston's voice, it was clear and consistent. She thanked him for his service. She also asked if the Police Forum was accessible online. Mr. Knight stated they did record it through Zoom but when they uploaded it, it started 45 minutes into the session. You can see the last 45 minutes only. Ms. Goldthwait referenced last meeting's minutes requesting an update on MRC Solid Waste. Mr. Knight will have Bethany report at the August 4th meeting, she has another virtual meeting either Wednesday or Thursday.

Ms. Cough also thanked the town for another term. We had good things we accomplished the past 3 years and I'm happy and proud to continue that work going forward. I hope this Council is as civil as the last one and I'm looking forward to new perspectives and diving into the big issues we have in front of us.

Mr. Minutolo welcomed Val, congratulated Erin and Jill and thanked Stephen, he worked really hard.

Mr. Friedmann echoed congratulations. I enjoyed having Stephen sit to the right of me, we'd chat during meetings. I'll have to have a new seat mate soon.

Mr. Hochman welcomed Val and encouraged her to reach out to fellow Councilors. Every question is valid. There is a lot to learn and it's a steep learning curve. He thanked Sharon and all of the election workers for a very smooth election. He requested a review of the Special Amusement ordinance at a future meeting. He also asked for an update on the Council Chamber renovations. Mr. Knight stated we were working with the architect but COVID brought it to a halt.

Mr. Dobbs welcomed the new Council. I look forward to discussions like we had tonight. It's nice to have consensus. I learn a lot every time, every day. Thank you for voting me in as Chair. I did it for a year and actually enjoyed it.

XIII. EXECUTIVE SESSION: (none)

XIV. ADJOURNMENT – Mr. Hochman, with second by Ms. Peacock, moved to adjourn at 8:08 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

memo

V A

Town of Bar Harbor

To: Town Council
From: Sharon Linscott, Town Clerk
CC: Cornell Knight, Town Manager
Date: 7/28/2020
Re: Certification of Mailing List

The LUO Amendment - Vacation Rental public hearing scheduled for August 18 requires a town wide mailing. Attached to this memo is the notice that will be posted and mailed August 5 to meet statutory requirements. The mailing is going to 2,479 property owners. Due to its length, the full mailing list will be emailed to you in the same email as your agenda packet but as a separate PDF attachment for your review. Also attached to this memo is a copy of the certification of that mailing list that will need to be signed by Council.

Possible motion to sign the certification of the mailing list used for notice of the Town Council's Public Hearing August 18, 2020 for the Vacation Rental LUO Amendment for the November 3, 2020 special town meeting warrant.

Thank You.



Bar Harbor Town Council
Notice of Public Hearing for a proposed amendment to the
Bar Harbor Land Use Ordinance
for November 3, 2020 Town Meeting

August 5, 2020

«Own_Name1» «Own_Name2»
«Mad_Mail_Addr1» «Mad_Mail_Addr2»
«Mad_Mail_City», «Mad_Mail_State» «Mad_Mail_Zip»

Dear Bar Harbor Property Owner:

This is to notify the public that, under the requirements of Bar Harbor Land Use Ordinance, Chapter 125, Article I General Provisions, Section 125-9, the Bar Harbor Town Council will hold a public hearing on the proposed Land Use Ordinance amendment below and consider placement on the November 3, 2020 special Town Meeting Warrant for voting thereon. The public hearing will be held on **Tuesday, August 18, 2020 at 4:00 PM** via Zoom webinar.

LAND USE ORDINANCE AMENDMENT – Vacation Rental - Shall an ordinance, dated June 18, 2020, and entitled “An amendment to Vacation Rental allowing currently registered vacation rentals to continue operating as long as the registration is renewed annually; creating two types of vacation rentals (VR-1 and VR-2) allowed in the same 34 zoning districts where vacation rentals are presently allowed; creating definitions for primary residence and vacation rental license; and regulating the rental of the entire dwelling unit or a part of thereof, the rental period (minimum number of nights), the maximum number of licenses that may be issued, and the transferability of licenses;” be enacted?

EXPLANATION

- It would allow all currently registered vacation rentals to continue operating as long as the registration/license is renewed annually.
- It would create two different types of vacation rentals (VR-1 and VR-2).
- It would allow VR-1 and VR-2 in the same 34 zoning districts where vacation rentals are presently allowed.
- VR-1:
 - In the primary residence or at the location of the primary residence.
 - May be an entire dwelling unit or part of a dwelling unit.
 - No minimum rental period/number of nights restriction (i.e. nightly rental would be allowed).
 - Maximum number of VR-1 licenses would be two – it may be in the primary residence and/or at the location of the primary residence.
 - Transferability: not applicable
- VR-2:
 - Not in the owner’s primary residence.
 - Must be an entire dwelling unit.
 - Minimal rental period of four nights.
 - The maximum number of licenses issued would be 7.5% of the town’s total number of dwelling units.
 - Transferability: Not transferable except for a summer home to a spouse, parent, grandparent, child, grandchild, or sibling.

The full text amendment can be viewed in the Town Clerk’s office or Planning Department at 93 Cottage Street or on the Town’s website www.barharbormaine.gov under Latest News. Public comment is encouraged during the public hearing but may be emailed in advance to jdobbs@barharbormaine.gov.

Certification

of

Property Owners and Abutters Mailing List

for

Bar Harbor Town Council Notice of Public Hearing for August 18, 2020 for the proposed Land Use Ordinance Amendment Vacation Rental for the November 3, 2020 special town meeting warrant.

Pursuant to Bar Harbor Town Code Chapter 125-9, the Bar Harbor Town Council hereby certifies that the attached mailing list which contains the list of property owners, abutters and addresses were mailed the notice entitled “Bar Harbor Town Council Notice of Public Hearing for a proposed amendment to the Bar Harbor Land Use Ordinance for November 3, 2020 Town Meeting” on August 5, 2020 from the Bar Harbor Post Office, 55 Cottage Street, Bar Harbor, Maine.

Given under our hands and seal at Bar Harbor on this fourth day of August, 2020

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Valerie Peacock

Erin E. Cough

Jill Goldthwait



IV B

Town of Bar Harbor Planning & Code Department

Memorandum

To: Town Council
Copy: Cornell Knight, Sharon Linscott, and Duane Bartlett
From: Michele Gagnon, Planning Director
Re: Housing Assistance CDBG
Date: July 29, 2020

I write to ask the Council to call for a public hearing on August 18, 2020 to discuss acceptance of a \$200,000 Housing Assistance Community Development Block Grant (CDBG), as required by HUD. At the August 18 meeting, I will also ask the council to pass a resolution allowing the manager to apply for and accept the grant.

History - On February 18, 2020, the Town Council allowed the manager to apply (as a pass through) for a \$200,000 Housing Assistance CDBG on behalf of the Bar Harbor Housing Authority (BHHA). In June, the Maine Department of Economic and Community Development (DECD) informed the manager that the project was invited into the project development phase of the application process. The CDBG will be matched with \$50,000 of BHHA money. The grant will be used to make overdue repairs to the Rodick Lorraine Apartments, which houses low-income elderly and disabled residents.

COUNCIL RESOLUTION

STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Town of Bar Harbor wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and **the community has conducted at least one duly advertised public hearing**; and

WHEREAS, the Town of Bar Harbor is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

NOW THEREFORE, be it resolved by the Council of the Town of Bar Harbor that the Town Manager:

- 1) Is authorized and directed to submit an application for the following program and dollar amount within the State of Maine's CDBG Program: 2020 Housing Assistance in the amount of \$200,000, to the Department of Economic and Community Development on behalf of the Town of Bar Harbor, substantially in the form presented to this council;
- 2) Is authorized to make assurances on behalf of the Town of Bar Harbor required as part of such applications, and
- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program, consistent with the Charter of the Town of Bar Harbor and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

DATE ENACTED: August 18, 2020

Municipal Seal

AUTHORIZED SIGNATURES - Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Date

Matthew A. Hochman, Vice Chair

Date

Erin E. Cough

Date

Gary Friedmann

Date

Jill Goldthwait

Date

Joseph Minutolo

Date

Valerie Peacock

Date

- A. **CDBG Grant** – Possible motion to apply for a CDBG grant, and accept funding if awarded, on behalf of the Bar Harbor Housing Authority to make overdue repairs to the Rodick Lorraine Apartments.

Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as published. Motion passed 6-0.

VIII. PUBLIC HEARINGS

- A. **Special Amusement Permit Renewal: 1932 Criterion Theatre, 35 Cottage St,** request for Class 4 Other Entertainment as submitted by Richard Cleary. Councilor Hochman stated he no longer has a financial conflict of interest with the Criterion. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for the 1932 Criterion Theatre for a Class 4 Other Entertainment as submitted. Motion passed 6-0.
- B. **Fire Prevention Ordinance Amendment #2020-02** – Public comment and possible adoption of the amendment to Chapter 85 of the Municipal Code. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to adopt the amendments to the Fire Prevention Ordinance Chapter 85 of the Municipal Code as presented. Motion passed 6-0.

Fire Prevention Ordinance Amendment
Town of Bar Harbor
#2020-02

An Amendment to resolve code conflicts with the Maine Uniform Building and Energy Code (MUBEC) in Chapter 36.

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

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

CHAPTER 85 – FIRE PREVENTION

§ 85-1 Life Safety and Fire Prevention Codes.

A. Life Safety Code adopted. ~~The Town of Bar Harbor ordains the most current~~ The 2009 edition of the NFPA 101 Life Safety Code, as amended to avoid conflict with the Maine Uniform Building and Energy Code and as published by the National Fire Protection Association, is hereby adopted as the official Life Safety Code of the Town of Bar Harbor, ~~with the same force and effect as though set out in full herein.~~ A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor.

(1) Amendments. NFPA 101, Life Safety Code, 2009 edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

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

(b) Extinguishment Requirements. The following provisions of NFPA # 101, Life Safety Code, 2009 edition, are not incorporated by reference:

[1] Chapter 12, section 12.3.5.3, subsections 3 & 4; and,

[2] Chapter 13, section 13.3.5.3, subsections 1 & 2.

(c) Extinguishment Requirements in One- and Two- Family Dwellings. Section 24.3.5.1 of NFPA 101, Life Safety Code, 2009 edition, is not incorporated by reference.

(d) Stair risers, guards, treads, and tread nosing. The following provisions of NFPA 101, Life Safety Code, 2009 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for

VC

Memo



To: Stan Harmon, Treasurer
From: Sarah M. Gilbert, Tax Collector
Date: 7/29/2020
Re: Quit Claim Deed for Ian Hulbert

On August 30, 2018, a sewer lien was recorded on 116 Cottage Street, owner Ian Hulbert, account 0047330, Map 104 Lot 161. This lien matured, and automatically foreclosed on March 1, 2020. The charges, interest and penalties were paid in full on July 22, 2020. Subsequent liens have been paid in full. As of today, the account is current, both utility and tax. As Treasurer, you are able to sign discharges but not quitclaim deeds, so this deed is to be signed by Town Manager. I respectfully request this quitclaim deed be presented to Town Council for review and approval.

Thank you.

Bar Harbor Fire Department

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

IV D

To: Cornell Knight, Town Manager
From: Matthew Bartlett, Fire Chief
Re: Plaque Honoring Mr. Tristram Colket
Date: July 28, 2020

Mr. Tristram Colket passed away on July 6, 2020. Mr. Colket has been a long-time, ardent supporter of the Bar Harbor Fire Department, having served as a Call Firefighter since the early '70's. Upon his retirement from the Fire Department, Mr. Colket continued to support the FD through his generous gift giving, supporting employees and family to join the fire service, and his continued keen interest in what was happening with the Fire Department. I was especially honored to have him join us last summer when MDI Hospital hosted their annual EMS recognition luncheon here at the Fire Station.

During his time on the fire department there were many changes evolving in the fire service, particularly with personal protective equipment. Mr. Colket bought new, safer helmets and the first complete sets of turn out gear for each individual firefighter in the department. Over the years he has helped purchase self-contained breathing apparatus, ambulance stretchers, extrication equipment, chain saws, thermal imaging cameras, and other vital equipment.

As a way to show our thanks to Mr. Colket for his years of service and support, we would like to place a plaque of remembrance at the base of the flag pole, in front of the fire station. We plan to mount the plaque on a piece of pink granite from, his Kenarden Property. The plaque and mounting will be funded through private donations.

Proposed wording for the plaque will read:

TRIS COLKET
1938-2020
FIREFIGHTER
BENEFACTOR

I am seeking Council approval to have the plaque placed by the flag pole, and have a plaque dedication ceremony, at a date and time to be determined.

Cc: Sharon Linscott, Town Clerk
Town Council

Introductions:

We are a group of interns from ACTT, members of the Climate Emergency Action Coalition, Bar Harbor residents, Matilda Allen, Lily Crikelair, and Ayano Ishimura.

Proposal

We are here to ask you to consider a change to Bar Harbor’s zoning around solar which we would hope to have on the ballot for the June 2021 special town meeting. Currently, the town of Bar Harbor does not allow free-standing solar as a principal use for any land within the town. We would like the town to make addressing this problem a priority so that we can promote renewable energy and financial savings by developing regulations to allow for ground-mounted solar facilities with onsite battery systems.

Policy Objectives

- 1) Promote safe, effective and efficient use of solar energy as a principal use for land
- 2) Integrate ground-mounted solar facilities into the landscape without diminishing the quality of life
- 3) Include termination/decommission requirements
- 4) Develop standards based on impact and size of projects instead of the capacity and the use of power.

Reasoning:

In the town council’s goals for 2020, you stated, in goal 2a, that you want to “explore opportunities to address the climate change emergency by reducing reliance on fossil fuels using additional publicly owned lots for development of solar energy, and other measures that achieve meaningful energy conservation.” Additionally, in the declaration of the climate emergency, the council stated intentions to develop a climate action plan to work on reducing Bar Harbor’s CO₂ emissions. And finally, LD1494, signed by Governor Mills in June of 2019, expanded the state of Maine’s Renewable Portfolio Standard to 80% renewable energy by 2030. None of these goals can be achieved without free-standing solar.

Beyond meeting these goals, development of solar would be a significant source of savings, both for the town and taxpayers and for residents who might participate in a community solar array. For example, the town of Tremont recently implemented a 153 KW solar array on their landfill, giving them the largest solar array on MDI, and this project is expected to save the town \$400,000 in electricity costs over the next 25 years.

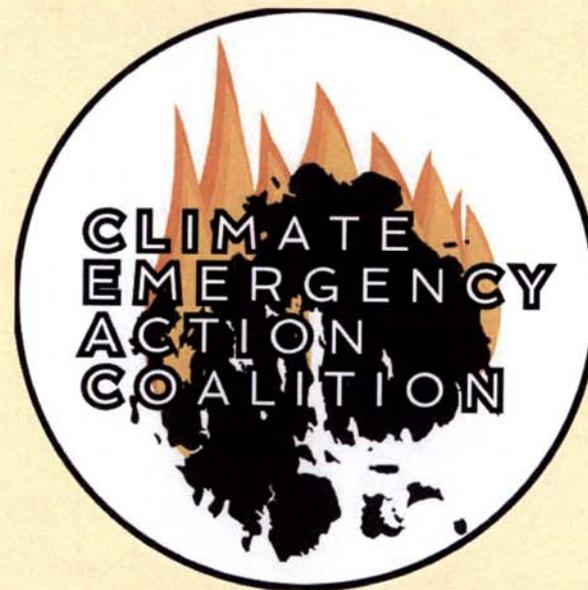
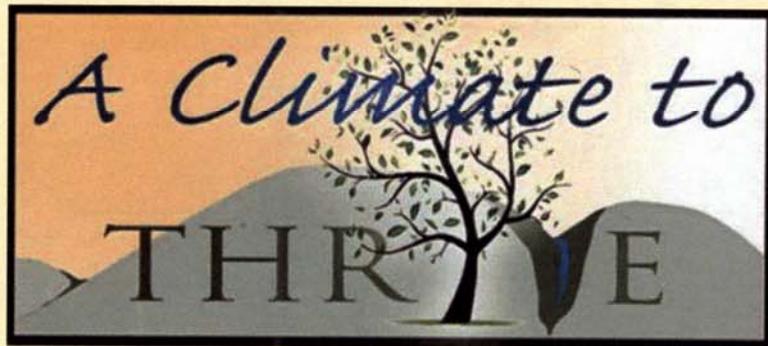
Since free standing solar can both help advance the town council's goals and save money for taxpayers, it seems like it would be obvious that someone could put up solar panels on land within the town, as long as they meet certain requirements. However, this is not the case because free-standing solar has not yet been addressed in Bar Harbor's zoning ordinance. The current zoning unnecessarily inhibits Bar Harbor's solar potential both to save money and to reduce carbon emissions.

Conclusion

With the passage of new solar legislation in 2019, the opportunities to save money with solar energy are greater than ever. Bar Harbor's proximity to Acadia National Park gives yet another reason for the town to encourage solar development, to promote our image as an environmentally friendly vacation destination and a leader in sustainability. There is no reason that Bar Harbor should have to miss out on these benefits when our neighboring towns are successfully taking advantage of them. This change to Bar Harbor's zoning would not be something radical or new but rather just a step in the right direction, where the outcome is already proven to be a good one.

We urge the town council to make solar-related zoning changes a priority so Bar Harbor can continue to be a leader in clean energy.

Introductions





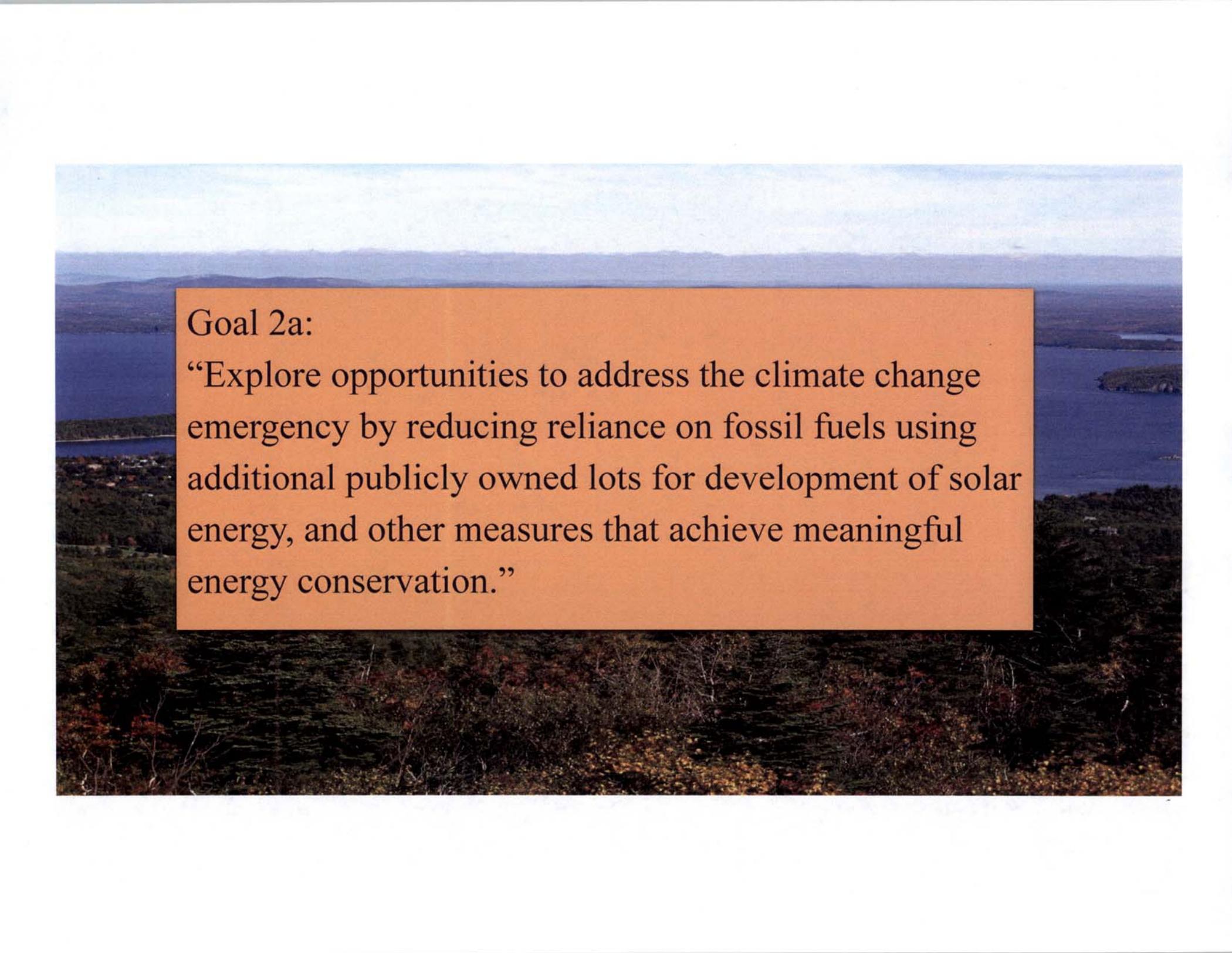
Goal: develop regulations to allow for ground mounted solar facilities with onsite battery systems.

Policy goals and objectives

1. Promote safe, effective and efficient use of solar energy as a principal use for land
2. Integrate ground mounted solar facilities into the landscape without diminishing the quality of life
3. Include termination/decommission requirements
4. Develop standards based on impact and size of projects instead of the capacity and the use of power.

Reasoning:

1. Necessary to meet town and state goal for reducing carbon emissions
2. Lower energy costs

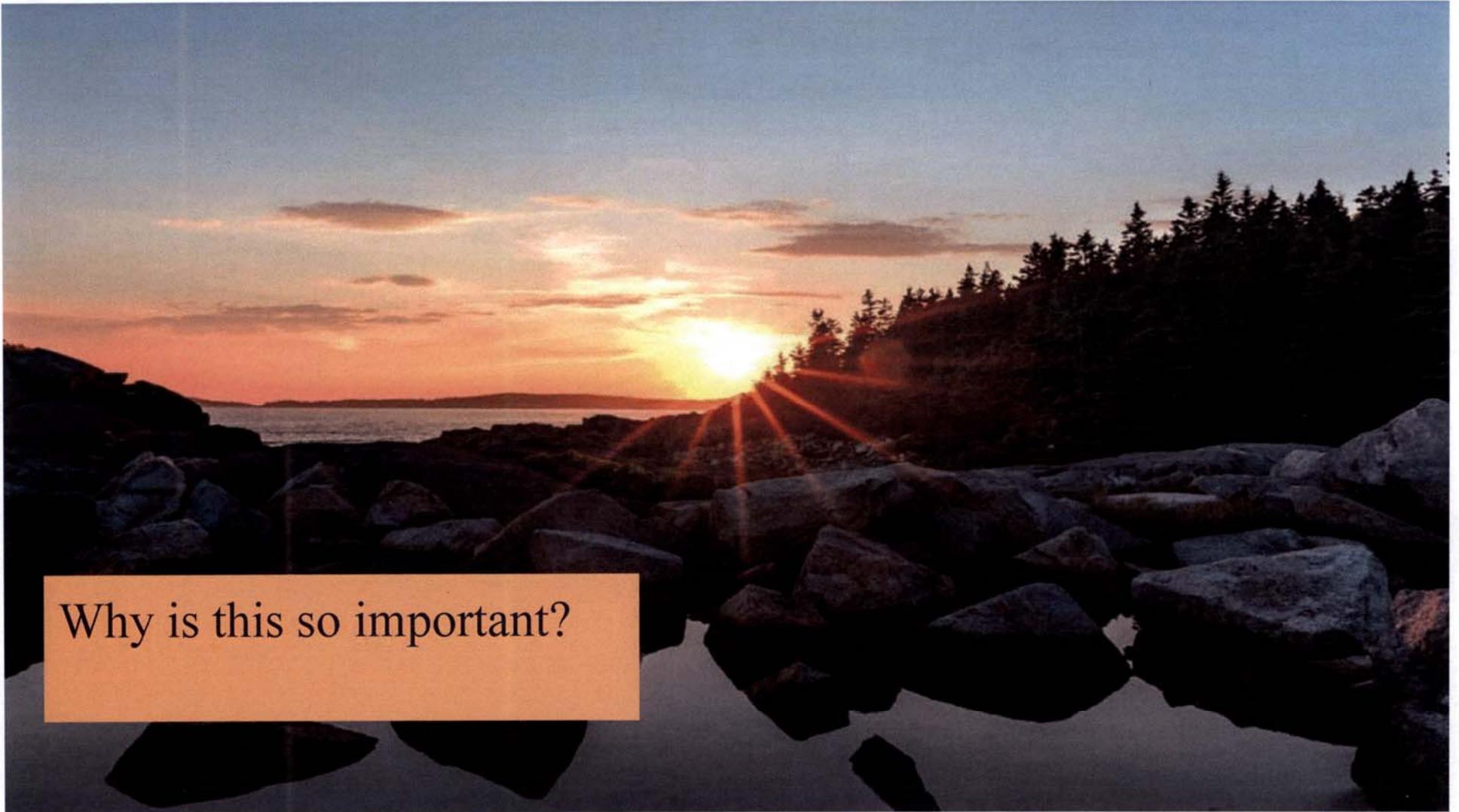


Goal 2a:

“Explore opportunities to address the climate change emergency by reducing reliance on fossil fuels using additional publicly owned lots for development of solar energy, and other measures that achieve meaningful energy conservation.”

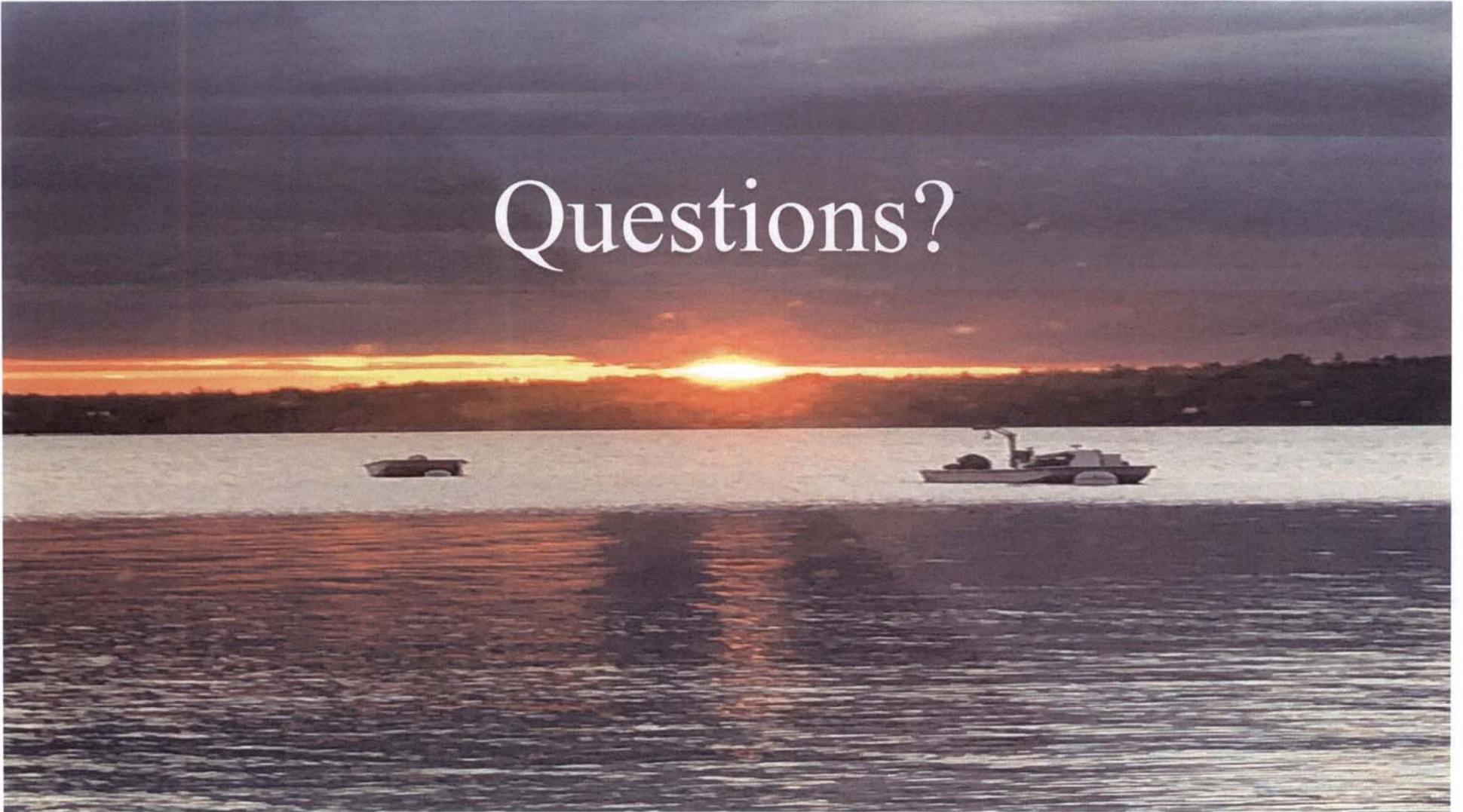
The town of Tremont is expected to save \$400,000 over the next 25 years with their new solar array





Why is this so important?

Questions?



VI B1

Charles A. Phippen
Harbormaster
1 Town Pier
Bar Harbor, Maine 04609



(207) 288-5571
FAX 288-1034
VHF 16 & 09
bhmaster@barharbormaine.gov

Memorandum

To: Cornell Knight
From: Charlie Phippen
Date: July 14, 2020
Re: Harbor Committee recommendation for Ferry Terminal Structural Integrity Assessment

The Harbor Committee has been working with G.F. Johnston and Associates Engineering on developing an RFQ and selecting a firm to undertake a Structural Integrity Assessment of the marine infrastructure at the Ferry Terminal. The RFQ went out at the end of March 2020 with a due date of May 29, 2020 at 4:00 p.m. The Town received four proposals, three of which were fully qualified for consideration. After careful consideration and clarification of some questions, Greg Johnston, Bethany Leavitt and I came to an agreement to recommend GEI Consultants, Inc. to the Harbor Committee as lowest qualified bidder at \$58,000.00.

The Harbor Committee met yesterday at the Ferry Terminal and voted unanimously to recommend GEI Consultants to the Town Council for the structural assessment at the Ferry Terminal. The Committee feels strongly that it is important to get this assessment completed, so that we are aware of the structural integrity of the existing pier. It is likely that parts or all of the structure will be found to be in need of extensive re-habilitation or removal. The structure may be found to be unusable or condemned as a danger to the public, which would then confirm liability concerns and prompt the Town to close off access to the pier area of the Ferry Terminal.

I request this recommendation be placed on the agenda for the August 4, 2020 Town Council meeting. I will provide the GEI Consultants proposal for inclusion in the Town Council packet.

Charles A. Phippen
Harbormaster



G.F. Johnston & Associates
*Civil Engineers and
Land Use Consultants*
12 Apple Lane Unit #3, P.O. Box 197 Southwest Harbor, Maine
04679
207-244-1200 Phone /Fax

July 13th, 2020

Charlie Phippen
Town of Bar Harbor -Harbor Master
Bethany Leavitt- Public Works Director
Harbor Committee
21 Ells Pier
Bar Harbor, Maine
04609

RE: Ferry Terminal
Request for Structural Marine Integrity Assessment

Dear Charlie and Committee Members:

We have reviewed the responses to the RFQ for the Ferry Terminal Assessment. During the review process we requested further information for clarity on June 23rd from the RFQ respondent GEI (attached). GEI provided a response on June 25th. Based on their proposal and subsequent clarification memo, we believe that GEI is the apparent lowest and qualified firm for the project. Based on our review to date we believe that GEI can successfully complete the project as outlined in the RFQ. We recommend awarding the project to GEI as the preferred consultant for the assessment. Once the Town provides a notice of award an actual contract for the work will need to be drawn up and signed between the two parties. We apologize that we could not attend the meeting this afternoon, however we are available at your convenience for questions and look forward to this project advancing for the Town.

Sincerely,

Greg Johnston P.E.
Registered Civil Engineer
G.F. Johnston & Associates



Working
Title
Subject

May 29, 2020
Proposal 1900304

VIA EMAIL: cphippen@barharbormaine.gov

Mr. Charlie Phippen, Harbormaster
Town of Bar Harbor
93 Cottage Street
Bar Harbor, Maine 04609

Dear Mr. Phippen:

Re: Ferry Terminal Marine Structure Evaluation; Town of Bar Harbor, Maine

GEI Consultants, Inc. is pleased to submit this proposal for inspection and assessment of the existing Ferry Terminal Pier located at 121 Eden Street in the Town of Bar Harbor, Maine. GEI is providing this proposal in response to the Town's Request for Proposals dated March 30, 2020.

GEI's Coastal and Waterfront Engineering Division has extensive experience in waterfront facility inspection and assessment. Our licensed engineers and engineer-divers specialize exclusively in waterfront projects, providing expertise on above and underwater inspections, assessment methods, repair procedures, and constructability constraints unique to the coastal environment. Our staff's waterfront inspection experience crosses a wide range of facilities from municipal piers (for example, Stonington, ME Fish Pier, South Portland, ME Municipal Pier), to major marine facilities (for example, Citgo South Portland Terminal, Massport Conley Terminal).

As an organization, GEI strives to understand our clients' goals and apply ingenuity, creative thinking, and professional expertise to meet them in practical and efficient ways. Our in-house, focused expertise sets us apart from other waterfront/marine engineering firms. GEI has the in-house expertise, resources, availability, and experienced personnel to competently complete this project on time and on budget.

We trust that GEI's qualifications, understanding, and approach described in this proposal will demonstrate our ability to effectively work with the Town of Bar Harbor on this project. Thank you for the opportunity to be considered. Please contact me at (207) 347-2372 or at dbannon@geiconsultants.com if you have any questions.

Sincerely,

GEI CONSULTANTS, INC.

Daniel J. Bannon, P.E., CFM
Project Manager / Senior Waterfront Engineer

Alan D. Pepin, P.E.
Senior Project Manager / Diver

DJB:ADP

c: greg@gfjcivilconsult.com; bethanyl@barharbormaine.gov

B:\Working\BAR HARBOR ME, TOWN OF\Proposals\1900304 Ferry Terminal Upgrade\Cover Letter\Cover Letter_Bar Harbor.docx

Working Title Subject

GEI Consultants, Inc.
5 Milk Street, Portland, ME 04101
207.797.8901 fax: 207.797.4704

7 Project Schedule

Proposed Project Schedule

Ferry Terminal Investigation

Bar Harbor, Me



		Year													
		2020													
		Month		July		Aug		Sept		Oct		Nov		Dec	
Day		1	15	1	15	1	15	1	15	1	15	1	15	1	15
Task 1	Project Kickoff														
	Kickoff Meeting with Harbor Committee		X												
Task 2	Background Information Review														
	Review and Compile Background Information		X	X											
	Submit Summary Memo to Client			X											
Task 3	Project Coordination														
	Biweekly Progress Reports														
Task 4	Field Inspection														
	Field Inspection (1 week duration)				X										
	Submit Draft Inspection Report					X									
Task 5	Structural Analysis														
	Load Rating Analysis of Pier							X	X	X	X	X			
	Submit Draft analysis Report to Town									X					
Task 6	Concept Design Development														
	Concept Design, Plan, Cost Estimate Development									X	X	X			
Task 7	Progress Meeting														
	Meeting with Harbor Committee to Present Task 3-6 Findings										X				
Task 8	Final Reporting														
	Finalize project report and deliverables												X		
	Meeting with Harbor Committee to Present Final Deliverables												X		

The anticipated project schedule is outlined above. GEI anticipates that the work will be performed during summer and fall 2020, and that the project will be complete with all deliverables provided by November 15, 2020. This is contingent on there being no unforeseen circumstances such as delays in obtaining background materials or weather impacts to field work. This schedule is based on performing the field inspection during the month of August. As with any waterfront inspection, it will be important to coordinate the field work around tides, weather, and other site uses. As such, the final schedule for onsite work will be determined closer to the time the work will be performed. GEI will notify the client of any required changes to the schedule that develop. Due to GEI performing the work in-house we will have the flexibility to reschedule field work on relatively short notice if needed.

Given the difficulties created by the ongoing COVID-19 crisis, the performance of the services included in this Proposal as well as the satisfaction of the schedule described herein, are contingent and conditioned upon GEI having the ability to deploy the required resources as well as having access to the required site and data/documents to complete the services. These resources include, but are not limited to GEI staff, subcontract vendors, and materials providers. GEI will immediately notify the Town of Bar Harbor in the event it becomes aware that services will be interrupted or otherwise delayed as discussed herein.

6

Project Budget

PROPOSED PROJECT BUDGET

TASK	DESCRIPTION	LABOR	DIRECT EXPENSES	TOTAL
1	Project Kickoff	\$2,000	\$200	\$2,200
2	Background Information Review	\$3,000	\$-	\$3,000
3	Project Coordination	\$1,600	\$-	\$1,600
4	Field Inspection - Base Bid	\$18,000	\$2,300	\$20,300
5	Structural Analysis	\$17,000	\$-	\$17,000
6	Concept Design of Rehabilitation Measures	\$9,000	\$-	\$9,000
7	Progress Meeting	\$1,400	\$200	\$1,600
8	Final Reporting	\$3,100	\$200	\$3,300
	Total	\$55,100	\$2,900	\$58,000
BID ALTERNATE - DEDUCT				
1A	Reduced Investigation Scope	\$7,600	\$400	\$8,000

GEI proposes to provide the services for the lump sum costs by task outlined in the table above. These budgets are based on assumptions about the scope of work and availability of information as outlined in this proposal. In the event that changes to the scope of work are necessitated by field conditions, need for additional investigation, direction of the client, or other factors, it may become necessary to negotiate modifications to the above budget. GEI will notify the client immediately of any project issues anticipated to impact the budget.

It is anticipated that work will be performed under GEI's Standard Professional Services Agreement. A copy of this agreement and GEI's insurance certificates are available upon request.

VI B2

Cornell Knight

From: Sam Coplon <scoplon@coplonassociates.com>
Sent: Tuesday, June 9, 2020 2:31 PM
To: Cornell Knight
Cc: Tom Crickelier
Subject: BH Ferry Terminal Parking Strategies
Attachments: BH Ferry Terminal Final Parking Strategies.pdf

Hi Cornell

Attached please find the updated ferry terminal concept with the options for the boat ramp and coach queuing. I think the base plan works pretty well. The boat ramp has not been closely studied but it's in the location others thought would work. It is a challenge as it requires backing across the one way parking access and trailer parking would eliminate approx 20 spaces. The bus queuing option would temp take 24 spaces and a layby would be built into the public open space.

If it looks good to you and other stakeholders I will forward along to CES and work with them to advance the details of the design. There are some opportunities to mitigate run-off with the landscape islands that would be great to explore.

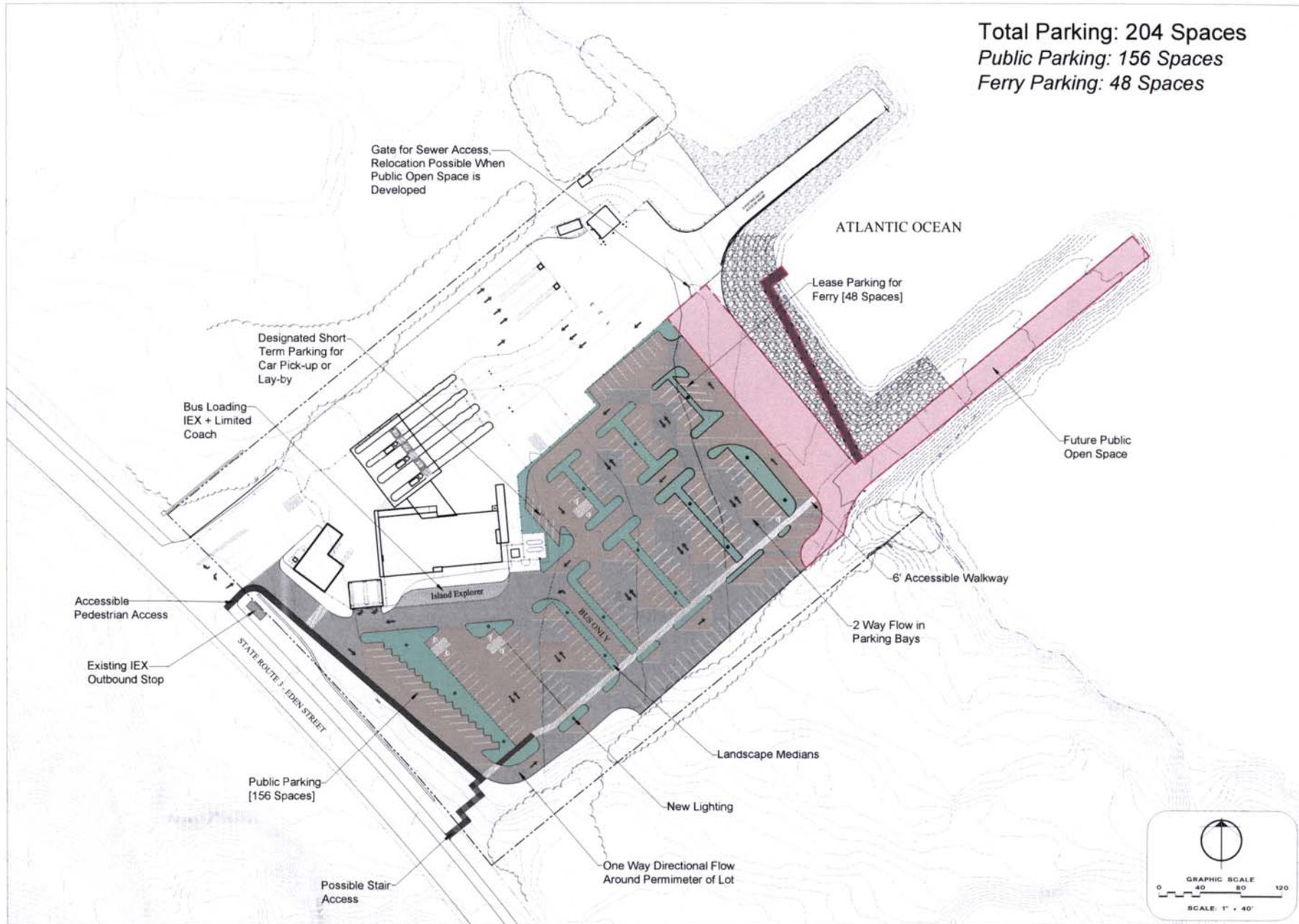
Thanks and look forward to next steps.

Cheers

Sam

--
Samuel R. Coplon, FASLA, LEED AP COPLON ASSOCIATES Landscape Architecture and Planning 112 Cottage Street Bar Harbor, ME 04609 www.coplonassociates.com t: 207 288 4122 c: 207 266 5414 f: 207 288 5269 e: scoplon@coplonassociates.com Maine Licensed Landscape Architect

Total Parking: 204 Spaces
Public Parking: 156 Spaces
Ferry Parking: 48 Spaces



COPLON ASSOCIATES
 Landscape Architecture and Planning
 110 Cottage Street
 Bar Harbor, Maine 04819
 207 288-4128 FAX 207 288-5288
 www.coplonassociates.com

NOTES

REVISIONS

STAMP

DRAWN: CMC CHECK: SRC

CONSULTANTS

OWNER: Town of Bar Harbor

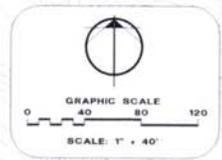
PROJECT: Ferry Terminal Site

SHEET TITLE: Concept Site Plan

PHASE: Concept

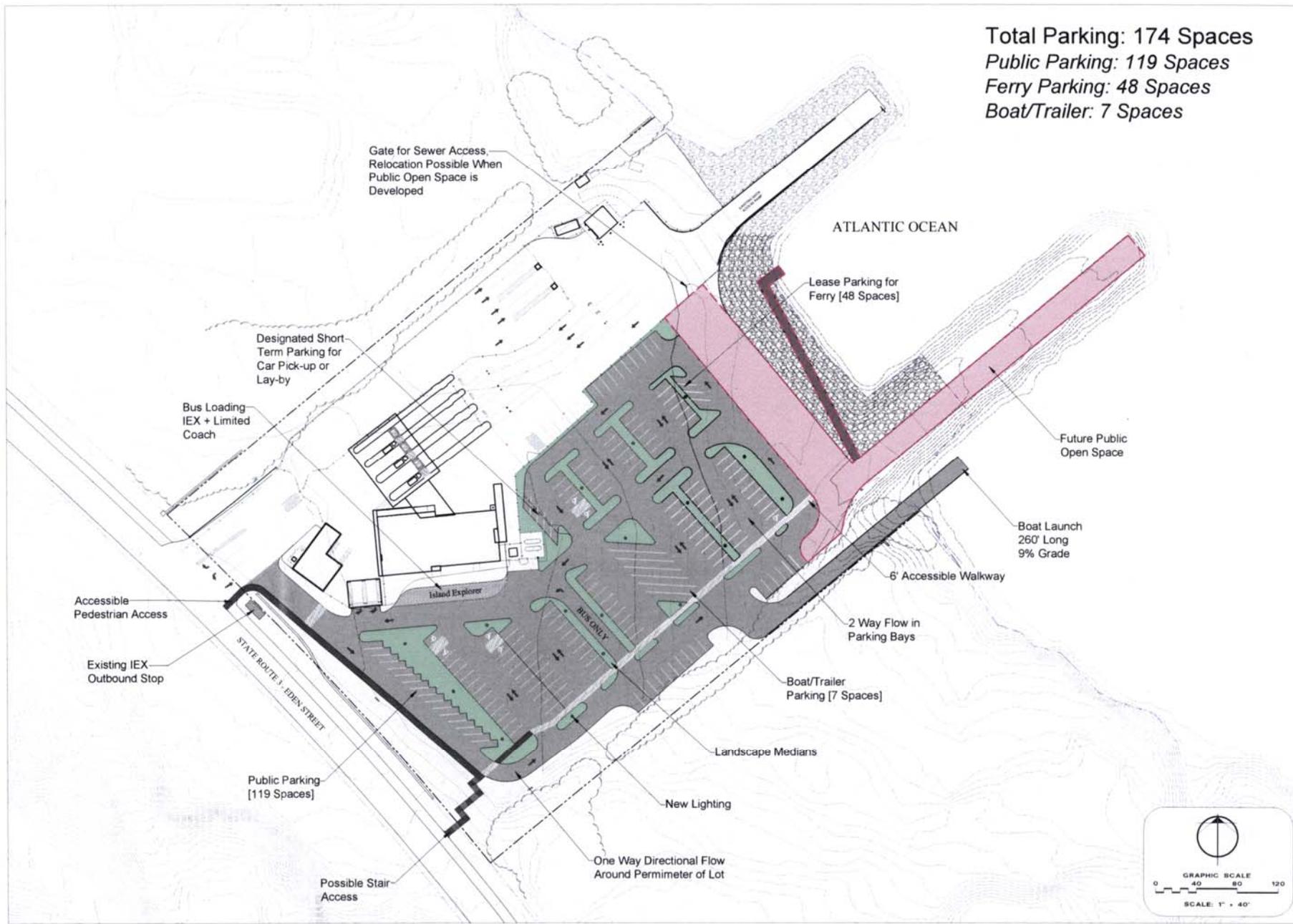
SCALE: 1.0" = 40.0' DATE: 6.9.2020

SHEET: **Concept Site Plan**



COPLON ASSOCIATES, 110 COTTAGE STREET, BAR HARBOR, MAINE 04819, TEL: 207-288-4128, FAX: 207-288-5288, WWW.COPLONASSOCIATES.COM

Total Parking: 174 Spaces
Public Parking: 119 Spaces
Ferry Parking: 48 Spaces
Boat/Trailer: 7 Spaces



GDFLON ASSOCIATES
 Landscape Architects and Planning
 110 College Road
 The Harbor, New Harbor
 207 289-1120 FAX 207 289-0268
 www.gdfilon.com

NOTES

REVISIONS

STAMP

DRAWN: CMC CHECK: SRC

CONSULTANTS

OWNER: Town of Bar Harbor

PROJECT: Ferry Terminal Site

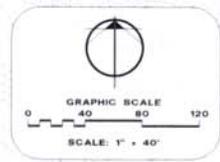
SHEET TITLE: Concept Site Plan

PHASE: Concept

SCALE: 1.0" = 40.0' DATE: 6.9.2020

SHEET

Boat Launch Option



GDFLON ASSOCIATES 110 COLLEGE ROAD THE HARBOR, NEW HARBOR, ME 04856 TEL: 207-289-1120 FAX: 207-289-0268 WWW.GDFLON.COM



Engineers ♦ Environmental Scientists ♦ Surveyors

July 30, 2020

Cornell Knight, Town Manager
Town of Bar Harbor
93 Cottage Street
Bar Harbor, Maine 04609

Re: Boat Launch Option Assessment | Bay Ferries Parking Lot | Bar Harbor, Maine

Dear Mr. Knight:

As requested, CES, Inc (CES) examined the option to include a boat ramp to the southeast of the proposed parking lot. CES examined the accessibility of the current boat launch layout, completed an engineer's opinion of probable cost (OPC), and looked for potential conflicts and concerns. The current proposed parking lot configuration includes a total of 204 parking spaces. 48 parking stalls will be leased spaces for the ferry, and the remaining 156 spaces will be for public parking. Constructing a boat ramp and providing 7 parking stalls for boat/trailer parking, would result in a net decrease of 30 parking spaces for the overall project. The 48 leased ferry parking spots would remain the same, but the public parking would be reduced to 119 parking spots, for a total of 174 spaces.

CES utilized Autoturn on the site to model the vehicle movements of a passenger vehicle with a boat trailer to verify that the current design layout would allow for vehicles to access the boat launch. Based on the current layout, it appears that vehicles with a boat trailer will be able to access the parking lot, boat launch, and the designated parking spots. No issues were found with the design layout turning movements, and a plan showing the vehicle turning movements is included with this letter.

In regard to the design of the boat ramp, we assumed that the boat launch would be approximately 260 feet long, 16 feet wide, and constructed at a ten percent grade. The standard for boat ramps is 10%-15%. The boat launch would be paved with the same buildup as the parking area and require approximately 12 precast concrete boat ramp planks and 50 cubic yards of heavy rip rap on the shoreline. We completed an engineer's OPC to estimate the costs to design and construct a boat launch adjacent to the Bay Ferries parking lot and calculated that the additional project costs would be approximately \$153,400.

One item of note and possible concern is the boat launch proximity to the abutter to the southeast of the property. The boat launch accessway is less than two feet from the abutter, which would make construction difficult and could impact the abutter's property. The site grade will need to be adjusted to allow for a smooth grade down to the water, which could impact the property to the southeast. Additionally, the Town's land use ordinance (LUZO) requires a setback of 25 feet from the property line. The option of asking for a variance from the setback could be explored.

Town of Bar Harbor | 07.30.2020 | 10156.011 | Page 1



Sensible Solutions | www.cesincusa.com

One Merchants Plaza
Suite 701
Bangor, Maine 04401
T 207 989 4824
F 207 989 4881

Unfortunately, you would likely never meet the hardship tests. Most notably the test that the property cannot meet a reasonable return without the variance, would be difficult to prove at best.

In summary, the construction of a boat launch would result in a net reduction of 30 parking spots at the Bay Ferries Parking Lot, cost the project an additional approximately \$153,400, and poses possible impacts to the southeast abutter. Additionally, the boat launch does not meet set back requirements of LUZO. If you have any questions or concerns, please feel free to contact the undersigned at (207) 989-4824.

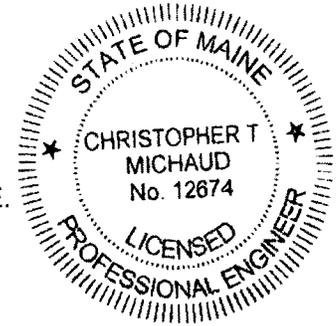
Sincerely,
CES, Inc.



Chip Reeves
Senior Project Manager



Christopher T. Michaud, P.E.
Senior Project Engineer



CTM/CPR/cmc
Enc.

10156.011 - Bar Harbor Boat Ramp Option
 Construction Cost Estimate
 7.20.2020

Item No.	Description	Unit Cost	Unit	QTY	Amount
1	Mobilization (Assumed part of overall project)	\$ -	-	-	\$ -
2	Temporary Erosion Control	\$ 2,500.00	LS	1	\$ 2,500.00
3	Quality Control/Quality Assurance	\$ 2,500.00	ALLOW	1	\$ 2,500.00
4	Site Preparation	\$ 5,000.00	LS	1	\$ 5,000.00
5	Common Excavation	\$ 26.00	CY	485	\$ 12,610.00
6	MDOT Type D Sub-Base Gravel , 18"	\$ 50.00	CY	310	\$ 15,500.00
7	MDOT Type A Base Gravel , 6"	\$ 75.00	CY	105	\$ 7,875.00
8	19 mm Binder Pavement	\$ 30.00	SY	615	\$ 18,450.00
9	9.5mm Surface Pavement	\$ 20.00	SY	615	\$ 12,300.00
10	Roadway Geotextile	\$ 2.00	SY	615	\$ 1,230.00
11	Precast Concrete Boat Ramp Planks	\$ 2,500.00	EA	12	\$ 30,000.00
12	Heavy Rip Rap	\$ 100.00	CY	50	\$ 5,000.00
13	4-Inch Loam	\$ 62.00	CY	20	\$ 1,240.00
14	Seed and Mulch	\$ 75.00	UNIT	2	\$ 150.00

Construction Subtotals	\$ 114,355
20% Contingency	\$ 22,645
Construction Administration & Inspection	\$ 5,000
10% Engineering Fees	\$ 11,400
Total Improvements	\$ 153,400



Memo

VI C

Bar Harbor Public Works Department
50 Public Works Way
Bar Harbor, ME 04609
(207) 288-1026

To: Cornell Knight, Town Manager

From: Bethany Leavitt, Public Works Director

Subject: Municipal Review Committee (MRC) Status Update

Date: 7/28/2020

Purpose

This memo is in response to the Council's request for an update on the situation with Coastal Resources of Maine (CRM) and the Municipal Review Committee (MRC). I am also including some background information that may be helpful to Council members.

Status of CRM Facility Coming Back Online

On May 28, 2020, the CRM facility was forced to suspend operations due to financial issues. According to the MRC, CRM ran out of operating cash. As a result of the suspension, the following changes to Bar Harbor's waste disposal have occurred since May 28th:

- MSW began diversion from CRM to Juniper Ridge, a landfill in Old Town. As of July 1, 2020, MSW is transported to PERC in Orrington, where the MSW is recycled into steam and electricity, and no longer ends up in the Juniper Ridge landfill.
- SSR began diversion from CRM to Casella, a recycling facility in Old Town
- Transport of MSW and SSR continues to be performed by the Town's contractor, Wyndsaung Farm Trucks; however, the Town does incur an added charge for hauling to locations other than the contracted destination.

Since operations were suspended, MRC stepped in on behalf of its member communities to address the issues with CRM. MRC issued a 30-day notice to cure, which ended on June 26th. At that time, MRC expected to receive a plan from CRM that showed when the plant would be operational again and that CRM was financially stable. The deadline passed; however, MRC has not severed the contractual relationship with CRM, but rather continues to work with CRM to secure financial investors and re-open the facility as soon as possible. One of the ironies in the current situation is that the Facility was actually performing very well at the time the financial issues forced the suspension. In the meantime, Maine DEP issued the beneficial use license to sell its product. This license is key to making the Facility attractive to potential investors.

At the outset, MRC has been proactive in working with CRM and Maine DEP to keep the Facility viable for new investors. The Facility was secured and operations were

suspended rather than shut-down. To that end, we were recently informed that the MRC is working with four potential investors. Due to confidentiality agreements, not much more could be said about the investors themselves. The MRC is hopeful that the Facility will be operational again, but could not provide a timeline.

Summary of MSW and SSR Diversions – January - June 2020

Table 1 below provides a summary of the impacted waste streams before and after the suspension of the CRM Facility. As shown in the Table, there were MSW and SSR diversions prior to May 28th; however, these diversions were due to operating issues at the CRM Facility, not financial issues.

Table 1 – MSW and SSR Tons by Month (2020)

MONTH	MSW Destination		PERC (Electricity)	MSW Total Tonnage
	Coastal Resources of Maine	Juniper Ridge (Landfill)		
JAN	106.32	108.27		214.59
FEB	189.92	0.00		189.92
MAR	115.07	102.13		217.20
APR	146.29	43.10		189.39
MAY*	211.7	39.89		251.59
JUN		309.03		309.03
JUL**			160.09	160.09

Subtotal to Date	769.30	602.42	160.09	1531.81
---------------------	--------	--------	--------	---------

MONTH	SSR Destination		SSR Total Tonnage
	Coastal Resources of Maine	Casella Old Town (Recycling)	
JAN	25.00	6.26	31.26
FEB	27.62		27.62
MAR	29.99		29.99
APR	25.68		25.68
MAY*	29.48		29.48
JUN		53.65	53.65
JUL**			0.00

Subtotal to Date	137.77	59.91	197.68
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* Diversion began after May 28, 2020.

** July MSW data is through July 9, 2020.

Overview of Municipal Solid Waste Disposal in Bar Harbor

Both Municipal Solid Waste (MSW) and Single Sort Recycling (SSR) were recycled at the CRM recycling facility in Hampden, Maine. According to the MRC website (www.mrcmaine.org) “The Municipal Review Committee (MRC) is a non-profit association of Maine communities led by an elected, volunteer board of directors. 115 members have joined together to ensure the affordable, environmentally sound disposal of MSW in the long-term and send their MSW to the Coastal Resources facility in Hampden for processing.”

The Town of Bar Harbor is directly contracted with CRM to receive Bar Harbor’s MSW and SSR. This contract expires on 12/31/2021.

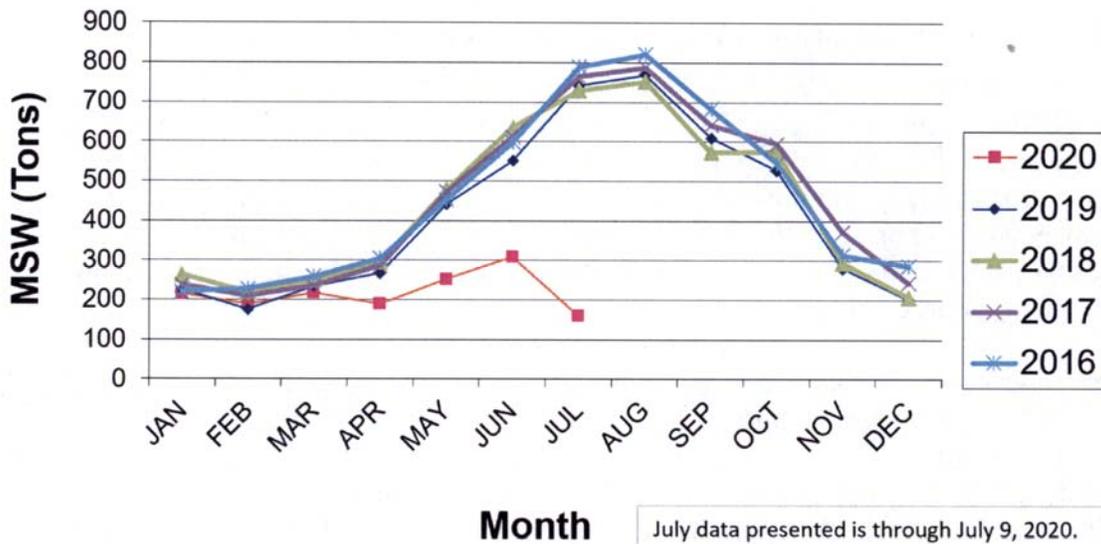
Since the CRM facility uses technology that requires MSW and recycling to be co-mingled on the same processing floor, many MRC communities have eliminated their SSR stream and now collect MSW and recycling in one disposal container for transport to the CRM Facility for processing (resource recovery and recycling). To date, Bar Harbor has not followed suit with other communities, and instead, maintains the two separate streams (MSW and SSR). This has proven to be beneficial during periods when the CRM Facility was forced to suspend operations. In these situations, and up until July 1, 2020, Bar Harbor’s MWS was diverted to a landfill; however, Bar Harbor’s SSR was able to be diverted to a recycling facility. It should be noted that SSR does cost more to dispose of than MSW on a per ton basis and that is due to the increased hauling costs associated with the smaller SSR container.

Historical MSW and SSR Tons by Month

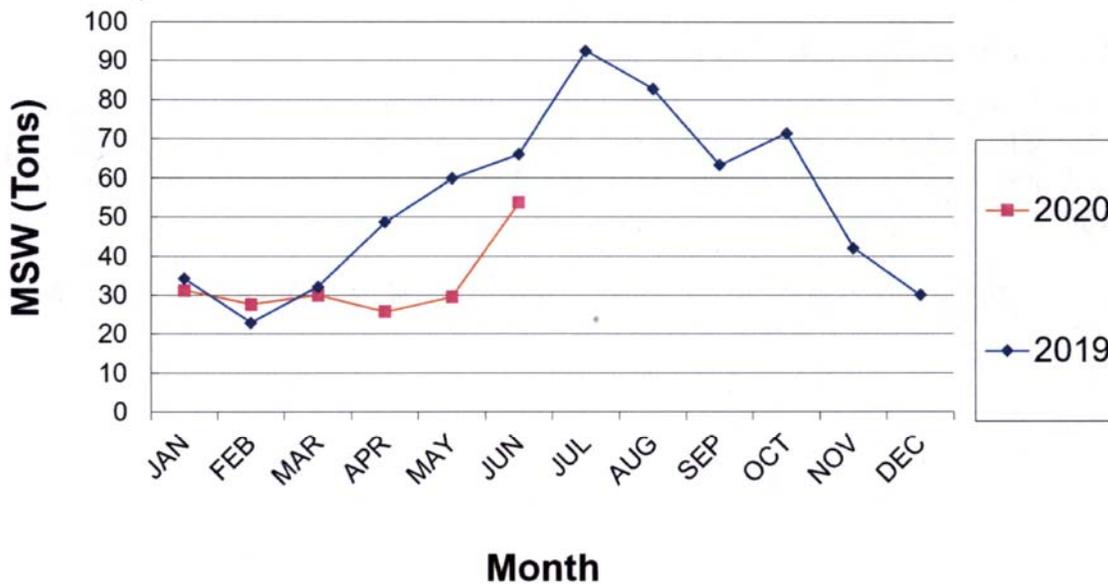
Figure 1 below provides the 5-year historical MSW tons by month. As can be seen by the graphic, MSW tons was down over previous years for the past 3 months. This is largely due to the pandemic slowing commercial business, and therefore, commercial waste.

Figure 2 provides the historical SSR tons by month. CRM began accepting SSR in May 2019.

**Figure 1: CY 2016-2020
Municipal Solid Waste Totals**



**Figure 2: CY 2019-2020
Single Sort Recycling Totals**



CHAPTER 14 – AMUSEMENTS

Article I: Special Amusement Permits

§ 14-1 Title and purpose.

- A. Title. This article shall be known and may be cited as the "Special Amusement Permit Ordinance of the Town of Bar Harbor."
- B. Purpose. The purpose of this article is to control, as required by 28-A M.R.S.A. § 1054, the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor or malt liquor in the Town of Bar Harbor.

§ 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:

COMPLAINT

A verbal or written notice received by the Police Department from a member of the public or from a police officer that, in the opinion of the complainant, the licensee violated this article.

DECIBEL

The practical unit of measurement for sound-pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals), abbreviated dB. The abbreviation dB(A) shall refer to readings taken on the A-weighted scale.

ENTERTAINMENT

Any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

LICENSED PREMISES

The physical location described in the special amusement permit application.

LICENSEE

The holder of a license issued pursuant to the provisions of 28-A M.R.S.A., Liquors, as amended, or any person, individual, partnership, firm, association, corporation or other legal entity acting as agent or employee of any holder of said license.

LICENSEE'S MANAGER

Person in charge of the licensed premises, including, by way of example and without limitation, manager, partner, agent, employee or person otherwise authorized to oversee the operation of the licensed premises in the absence of the licensee.

LOUD AND UNREASONABLE NOISE

Any sound, the intensity of which exceeds the standards set forth in § 14-6 or § 14-7 of this

article.

MUSICIAN

One who performs music, whether instrumental or vocal.

OWNER

The person or persons having the right of legal title to or the beneficial interest in a building or parcel of land, as their interest is recorded in the tax records of the Town of Bar Harbor.

VIOLATION, FIRST

A first violation is deemed to have occurred if a police officer concludes that there are reasonable grounds to believe that a violation of this article has occurred and within the immediately preceding 12 months a licensee has received no summonses and no written warnings for violation of this article. Special amusement warnings and summonses issued prior to January 1, 2003, shall not be considered as within said twelve-month period.

VIOLATION, SECOND

A second violation is deemed to have occurred if a police officer concludes that there are reasonable grounds to believe that another violation of this article has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warning of a first violation; provided, however, that if a second violation occurs within five calendar days after the first violation, the verbal warning previously issued to the licensee or licensee's manager shall be sufficient.

VIOLATION, SUBSEQUENT

A subsequent violation is deemed to have occurred if a police officer concludes that there are reasonable grounds to believe that another violation of this article has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warning of a third violation; provided, however, that if a subsequent violation occurs within five calendar days after the third violation, the verbal warning previously issued to the licensee or licensee's manager shall be sufficient.

VIOLATION, THIRD

A third violation is deemed to have occurred if a police officer concludes that there are reasonable grounds to believe that another violation of this article has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warning of a second violation; provided, however, that if a third violation occurs within five calendar days after the second violation, the verbal warning previously issued to the licensee or licensee's manager shall be sufficient.

§ 14-3 Permit required; application procedure.

- A. No licensee for the sale of liquor or malt liquor to be consumed on his/her licensed premises, situated in the Town of Bar Harbor, shall permit on said licensed premises any music, except a radio or other mechanical device, or any dancing or entertainment of any sort unless the licensee shall have first obtained from the Town Council of Bar Harbor a special amusement permit approved by at least a majority of the members of said Town Council.
- B. Applications for all special amusement permits shall be made in writing to the Town Clerk on forms provided by the Clerk for that purpose and shall state the name of the applicant; his/her residence address; the name of the business to be conducted; his/her business

address; the nature of his/her business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; the type of music and entertainment intended by the applicant to be permitted on the licensed premises; whether dancing is permitted, and any additional information as may be needed by the Town Council in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

- C. The Town Council may revoke or refuse to issue a special amusement permit if the premises or building to be used for the purposes do not fully comply with all ordinances, articles, rules and regulations of the Town of Bar Harbor.
- D. The Town Council shall set the fee for the special amusement permit from time to time.
- E. Within 15 days of the Town Clerk's receipt of a complete application for a special amusement permit, the Town Council shall hold a public hearing, at which time the testimony of the applicant and any interested member of the public shall be taken. Prior to the hearing, reasonable notice of the same shall be given to all owners of land within 300 feet of the applicant's premises as provided below.
 - (1) For purposes of the issuance of a new permit for an applicant for a particular location, reasonable notice to owners of land within 300 feet of the applicant's premises shall include written notice sent by United States Mail, first class postage prepaid, which notice shall be mailed at least five days prior to the hearing.
 - (2) For purposes of renewing a permit for an applicant against whom no complaint, warning or summons has been lodged in the preceding year, reasonable notice to all persons may be achieved by giving notice of the hearing in a newspaper of general circulation in the Town of Bar Harbor at least three days prior to the hearing.
 - (3) For purposes of renewing a permit for an applicant against whom one or more complaints, warnings or summonses (in any combination) have been lodged in the preceding year, reasonable notice may be achieved by sending a written notice by United States Mail, first class postage prepaid, which notice shall be mailed at least five days prior to the hearing.
- F. The Town Council, after hearing and upon such terms and conditions as it reasonably deems necessary to protect the public interest and to fulfill the purposes of this article, shall grant or renew a permit unless it finds that issuance of the permit will be detrimental to the public health, safety or welfare or would violate municipal ordinances or rules and regulations, articles or bylaws.
- G. A permit shall be valid only for the license year of the applicant's existing liquor license.

§ 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) Other entertainment or amusement:
 - (a) Class 4: any other type of entertainment, as provided by 28-A M.R.S.A. § 1054(1)(C).
- 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.
- C. During the period for which a license is valid, the licensee may reapply for a new special amusement permit, if he/she elects to permit dancing, music or entertainment which exceeds that permitted by the current permit. Said reapplication shall be governed by all the provisions of this article with respect to applications for a special amusement permit in general, including the payment of the usual permit fee.
- D. A violation of this section by a licensee shall be grounds to revoke or suspend his/her permit and/or to refuse to grant a permit upon subsequent application by the same licensee.

§ 14-5 Enforcement; violations and penalties.

- A. Enforcement authority. The provisions of this article shall be enforced by the Bar Harbor Police Department.
- B. Violations. Each violation of this article following a warning or summons issued by a police officer shall constitute a separate violation.
- C. Delivery of notices. Any notice mailed or delivered to any licensee as provided in this article shall be effective as to the licensee identified in the notice notwithstanding such licensee's refusal to accept delivery of the notice and notwithstanding any failure of any other licensee to actually receive notice. Any notice required under this article to be sent to the applicant or licensee shall be mailed or hand delivered to the applicant's address as shown on the application form filed with the Town Clerk, unless the licensee or applicant has provided written notice to the Town Clerk of a change of address.
- D. Warning for first violation. Should a police officer conclude that a first violation of this article has occurred or is occurring, the officer shall immediately give a verbal warning to the licensee or the licensee's manager on the premises. Within not more than five calendar

days of this warning, the Police Department shall deliver in hand to the licensee, or send by first class mail, a written narrative report of the incident, a copy of this article and a written notice advising the licensee that the Police Department has substantiated a violation on the licensed premises.

- E. Warning for second violation. Should a police officer conclude that a second violation of this article has occurred or is occurring, the officer shall immediately give a verbal warning to the licensee or the licensee's manager on the premises. Within not more than five calendar days of the second violation, the Police Department shall deliver in hand to the licensee, or send by first class mail, a written narrative report of the incident, a copy of this article and a written notice advising the licensee that the Police Department has substantiated a violation on the licensed premises.
- F. Summons for subsequent violations. Should a police officer conclude that a third violation or subsequent violation of this article has occurred or is occurring, the officer shall immediately give verbal notice to the licensee or the licensee's manager on the premises. Within not more than five calendar days of this violation, the Police Department shall deliver in hand to the licensee, or send by first class mail, a written narrative report of the incident, a copy of this article and a written notice advising the licensee that the Police Department has substantiated a violation on the licensed premises and requesting the licensee to present himself or herself at the Police Department to accept service of a summons. The police officer shall write a summons for the licensee to appear in the Maine District Court to answer therefor. The Police Department shall also provide a copy of all pertinent documentation to the Town Clerk, who shall place the matter on the next available Town Council agenda for action under § **14-5F(2)** below. Court action under Subsection **F(1)** below and Town Council action under Subsection **F(2)** below are separate, independent remedies which the Town may pursue concurrently, and neither is a prerequisite to the other. Failure of the licensee to present herself or himself to accept the summons shall not be cause for postponement of the Town Council hearing nor negate possible suspension or revocation of the license.
 - (1) Court action. A third violation or subsequent violation shall constitute a civil offense. The penalty for the conviction of said third violation shall be a fine of no less than \$100 and no more than \$1,000. The penalty for the conviction of a subsequent violation shall be no less than \$100 more than the penalty assessed for the previous conviction but no more than \$1,000. Any penalties assessed hereunder shall inure to the benefit of the Town of Bar Harbor. Any violation of this article shall be deemed a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction, irrespective of whether a summons has been issued or a civil penalty has been sought.
 - (2) Town Council action.
 - (a) Upon being informed of a third or subsequent violation, the Town Clerk shall provide written notice to the licensee, either in hand or by certified mail, return receipt requested, and to all owners of land within 300 feet of the licensee's premises, by first class mail, that, in not less than seven days after the date of the notice, the Town Council shall conduct a public hearing to consider whether the licensee committed a violation. Neither the failure of any landowner actually to

receive notice nor the licensee's refusal to accept certified mail shall necessitate another hearing or invalidate any action taken by the Council at such hearing.

(b) Following a hearing the Council, by a preponderance of the evidence, shall make a determination of whether the licensee committed a violation of this article.

[1] If the Council finds the licensee committed a third violation, Council shall suspend the licensee's special amusement permit for a period of 30 days from the date of the hearing.

[2] If the Council finds that the licensee committed a subsequent violation, it shall revoke the licensee's permit for a minimum of 30 days, but not more than one year, at the discretion of the Council, and the Council may refuse to approve future licensee applications for a special amusement permit.

§ 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. 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.

- A. Sources of noise. Sources of noise contemplated by this section shall include musical instruments, sound modification or amplification devices used in connection with musical instruments and/or other similar devices which produce, reproduce or amplify sound created by musical instruments. Sources of noise shall further include any noise or sound produced directly or indirectly by the applicant's music, dancing or entertainment except for those mechanical devices specifically excluded under 28-A M.R.S.A. § 1054 or amendments thereto.
- B. Noise. Sources of noise shall be required to be muffled so as not to be objectionable due to intermittence, beat, frequency, shrillness, intensity or volume.
- C. Noise control. The maximum permissible sound-pressure level of any continuous, regular, frequent, intermittent or periodic source of noise produced by any activity regulated by this article shall not exceed 71 dB(A) at any time at the measuring locations specified in § 14-6D(3)(e) below.
- D. Measurement procedures. For the purpose of determining noise levels as set forth in this article, the following procedures shall be used:
 - (1) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.
 - (2) Instruments used to determine sound-level measurements shall conform to the standards of ASI Type I or Type II meters.
 - (3) The general steps listed below shall be followed when preparing to take sound-level measurements:
 - (a) The instrument manufacturer's specific instructions for the preparation and use of

the instrument shall be followed.

- (b) The sound-level meter shall be calibrated before and after each set of measurements. The calibrator itself shall be recalibrated at least once every year.
- (c) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound-level meter as per the manufacturer's instructions. No sound-level measurement shall be taken at wind speeds greater than 12 miles per hour; neither shall measurements be taken during periods of precipitation.
- (d) The sound-level meter shall be placed as specified by the manufacturer's instructions and at least four feet above the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements.
- (e) Measurements shall be taken at points outside the licensed premises which are no less than five feet and no more than 10 feet from the lot lines of the licensed premises.
- (f) No less than two readings taken by the sound-level meter within a fifteen-minute period shall constitute a reasonable basis for averaging a set of measurements. A simple arithmetic average may be taken, summing all the measurements and dividing the sum by the number of measurements taken. This is known as "L50 descriptor," representing the mean sound-pressure level which is exceeded 50% of the time.

§ 14-7 Loud and unreasonable noise.

Regardless of whether or not the mean sound-pressure level limit as set forth in § 14-6C is exceeded, the licensee or his/her authorized representative shall not permit the use of the premises to result in any continued, excessive or loud and unreasonable noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety of individuals or which results in disturbing the peace and tranquility of the neighborhood.

§ 14-8 Decision on permit application.

Any applicant requesting a special amusement permit from the Town Council shall be notified in writing of its decision no later than 15 days from the date his/her request was received by the Town Council. In the event that an applicant is denied a permit, the applicant shall be provided with the reasons for denial in writing. The applicant may not reapply for a permit within 30 days after an application for a permit has been denied, except with the consent of the Town Council.

§ 14-9 Appeals.

Any applicant who has requested a permit and has been denied or licensee whose permit has been revoked or suspended may, within 30 days of denial, suspension or revocation, appeal the decision as provided by Title 28-A MRSA § 1054.

§ 14-10 Admission charge.

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

§ 14-11 Severability.

The invalidity of any provision of this ordinance shall not invalidate any other part.

[End of Ordinance]

§1054. Permit for music, dancing or entertainment

1. Activities and entertainment prohibited.

[PL 2017, c. 13, §2 (RP).]

2. Permit required. A municipality or, in the case of an unincorporated place, the county commissioners may require a licensee for sale of liquor to be consumed on the premises to obtain a permit for music, dancing or entertainment from the municipality or, in the case of an unincorporated place, the county commissioners of the county in which the licensed premises are located. The permit must specify which activities are prohibited on the licensed premises and may include a list of which activities are authorized, in accordance with local ordinances or regulations adopted by the municipality or unincorporated place.

[PL 2017, c. 13, §2 (AMD).]

3. Term of permit. A permit is valid only for the license year of the existing license.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Public hearing on permit application.

[PL 2017, c. 13, §2 (RP).]

5. Permit requirements.

[PL 2017, c. 13, §2 (RP).]

6. Issuance or denial of permit. Within 15 days of receiving the permit application, the municipal officers shall give the applicant written notice of their decision.

A. If the municipal officers deny a licensee a permit, they shall provide the licensee with the reasons for the denial in writing. [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The licensee may not reapply for a permit within 30 days after denial of an application for a permit. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1987, c. 45, Pt. A, §4 (NEW).]

7. Municipal suspension or revocation of a permit. After a public hearing preceded by notice to interested parties, the municipal officers may suspend or revoke any permits which they have issued under this section on the grounds that the music, dancing or entertainment permitted constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

8. Appeal procedure. Any licensee who has applied for a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the municipal board of appeals, as defined in Title 30-A, section 2691, within 30 days of the denial, suspension or revocation. The municipal board of appeals, if the municipality has such a board, may grant or reinstate the permit if it finds that:

A. The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal ordinances or regulations; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The denial, revocation or suspension was arbitrary and capricious. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1991, c. 377, §16 (AMD).]

9. Admission.

[PL 2017, c. 13, §2 (RP).]

10. Definition of entertainment.

[PL 2017, c. 13, §2 (RP).]

11. Municipal ordinances or regulations. A municipality shall adopt ordinances or authorize the municipal officers to establish written regulations governing the following aspects of the permits.

A. These ordinances or regulations must govern:

- (1) The issuance, suspension and revocation of these permits;
- (2) The classes of permits and fees for the issuance of these permits;
- (3) The music, dancing or entertainment permitted under each class; and
- (4) Other limitations on these activities required to protect the public health, safety and welfare. [PL 2017, c. 13, §2 (AMD).]

B. These ordinances or regulations may specifically determine:

- (1) The location and size of premises to which the permits may apply;
- (2) The facilities that may be required for the permitted activities on those premises;
- (3) The hours during which the permitted activities may take place; and
- (4) The lighting level required, which may be lowered when the entertainment is provided. [PL 1987, c. 342, §81 (AMD).]

[PL 2017, c. 13, §2 (AMD).]

12. Unincorporated place. If licensed premises are located in an unincorporated place, the county commissioners of the county in which the unincorporated place is located shall grant, suspend or revoke permits in the same manner and with the same authority as municipal officers. The county commissioners shall adopt regulations in the same manner as municipal officers. [PL 2017, c. 13, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§80,81 (AMD). PL 1991, c. 377, §16 (AMD). PL 2017, c. 13, §2 (AMD).

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municipalities, counties, districts, quasi-municipal corporations or public waste disposal corporations may combine under 1304-B(5-A). Alternative method is provided by the Maine Refuse Disposal District Act in 38 M.R.S.A. Chapter 17. Regardless of organization, all municipal and regional waste facilities must meet all state and federal standards and obtain licenses described above to operate a solid waste disposal facility.

53. Special Amusements

Statutes: 28-A M.R.S.A. § 1054; 30-A M.R.S.A. § 2691

Permitting Authority: Municipal officers.

Fees: Established by ordinance.

License Expiration: One year.

Licensing Standards & Procedures: Before granting a permit and after reasonable notice to the municipality and the applicant, the municipal officers shall hold a public hearing at which testimony of the applicant and any interested members of the public shall be taken. The municipal officers shall grant a permit unless they find that issuance of the permit would be detrimental to the public health, safety or welfare, or would violate municipal ordinances, rules or regulations. The decision of the municipal officers shall be put into writing and made within 15 days of receiving the permit application. If the application is denied, the reasons for that denial shall be put into writing. The appeal procedure is detailed below.

Revocation Standards & Procedures: After notice is given to interested parties, the municipal officers shall hold a public hearing regarding permit revocation. The municipal officers may suspend or revoke any permit on the grounds that the music, dancing or entertainment permitted constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations. An applicant aggrieved by permit revocation, suspension or denial may appeal the decision to the municipal board of appeals, as defined in 30-A M.R.S.A. § 2691. The board of appeals may grant or reinstate the permit if there is a finding that the decision of the municipal officers was arbitrary and capricious or the permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal regulation.

Additional Information: Without the permit described above, no licensee for sale of liquor to be consumed on the premises may allow on the premises any live music, dancing or entertainment of any sort. “Entertainment” is defined as “any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensee whose incidental duties include activities with an entertainment value.”

28-A M.R.S.A. § 1054(11) indicates that a municipality shall adopt ordinances or authorize the municipal officials to establish written regulations governing the issuance of special amusement permits, including provisions for standards of review, permit fees, classes of permits with the music, dancing or entertainment permitted under each class, the location and size of premises to which the permits may apply, required on-site facilities, the hours of operation, lighting levels, etc.

54. Street Excavation

Statutes: 23 M.R.S.A. § 3351 et seq.

Permitting Authority: The municipal road commissioner, commissioner of public works, or such officer as the municipal officers may appoint.

Fees: Established by the municipal officers, based on the reasonable costs of repairing the highway cuts and any cost of necessary inspections.

License Expiration: Specified on the permit.

Permitting Standards & Procedures: Those wishing to make excavations into public roads must apply for and receive a permit from the designated authority. The application shall include a map or sketch of the proposed highway cut. The permit shall specify the allowed size of the excavation and the times when the excavation may remain open.

Section 3351-A provides that if a municipality issues a permit to open a street within five years after that street or highway was paved or substantially repaired, the municipality *may require* the permittee to re-lay the full width of the road surface on both sides of the cut for a distance of 20 feet from the furthest outside edges of the cut. If that repair overlaps the edge of a repair from a previous opening, the municipality *may require* the permittee to re-lay the full width of the road to the furthest edge of that previous repair. The municipality may

VI E

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

VI GI

Cornell Knight

From: Gary Friedmann <gary@garyfriedmann.com>
Sent: Thursday, July 30, 2020 1:02 PM
To: Cornell Knight; Jeff Dobbs
Subject: Fwd: Maine Shortfall Forecast

Hi Cornell and Jeff -- Commissioner Blasi has alerted me to two items that I would like to see on the Council agenda for the August 4 or 18 meeting.

1. Send a letter requesting a 2021 county budget freeze. The commissioners began working on the 2021 budget earlier this month. There is concern at the Maine Counties organization that State shortfalls may result in losses at the county level.
2. Consider nominating a Bar Harbor Councilor to the County's Budget Committee.

Thank you,
Gary

----- Forwarded message -----
From: Antonio Blasi <Antonio.Biasi@co.hancock.me.us>
Date: Thu, Jul 30, 2020 at 12:48 PM
Subject: Fwd: Maine Shortfall Forecast
To: Gary Friedmann <gary@garyfriedmann.com>

[Get Outlook for Android](#)

From: Lauren Haven <lauren.haven@mainecounties.org>
Sent: Thursday, July 30, 2020, 12:08 PM
Subject: Maine Shortfall Forecast

- FYI:
- The Legislature's Revenue Forecasting Committee is predicting a \$1.4 Billion shortfall over the next three years in Maine. The forecast includes a \$523 million drop for the fiscal year that began July 1, a continuing shortfall of \$433 million in fiscal 2022 and \$449 million in fiscal 2023.

Thank you!
Lauren Haven
 Maine County Commissioners Association
 4 Gabriel Drive Suite 2, Augusta, ME 04330
 Phone: 207-623-4697 Fax: 207-512-2124

Website: www.mainecounties.org



----- Forwarded message -----

From: **sgorden** <sgorden@maine.rr.com>

Date: Thu, Jul 30, 2020 at 6:50 AM

Subject: Blast to County Commissioners

To: Lauren Haven <lauren.haven@mainecounties.org>

Cc: Mike Cote <mjcote@yorkcountymaine.gov>, William Blodgett <wblodgett@roadrunner.com>, Peter Baldacci <pkbaldacci@gmail.com>, Norman Fournier <anfournier@roadrunner.com>, Amy Fowler <district3@waldocountyme.gov>

Lauren,

Please send this out as a reminder that the Counties are not totally safe with their long-term State funding requirements.

Steve

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested. Please be advised that this communication is for information purposes only and should not be regarded as an official confirmation or as an official statement of the entity sending this message. Email transmissions cannot be guaranteed to be secure or error-free. Therefore, this information may not be complete or accurate and it should not be relied upon as such; additionally, all information is subject to editorial and factual changes without notice.



COUNTY OF HANCOCK

Commissioners' Office
50 State Street, Suite 7
Ellsworth, Maine 04605

VI G2

Commissioners:
William Clark, District I
John Wombacher, District II
Antonio Blasi, District III / Chair

Scott A. Adkins
County Administrator

To: 1st Selectmen / Town Managers of Hancock County

From: Hancock County Commissioners

Subject: Warrant Giving Public Notice of Commissioner District Caucus
for election of Budget Advisory Committee Member(s).

Date: July 27, 2020

Pursuant to 30-A MRSA §763(1)(A), and 30-A MRSA §2523, we request that you notify all voters of your municipality to assemble for the purpose of electing a municipal officer or a member of the public who is a resident of the commissioner's district to serve on the budget advisory committee.

**Location: Due to COVID-19 restrictions, the caucus will be held remotely via Zoom
Please visit www.co.hancock.me.us for the meeting link**

Date: Thursday, August 27, 2020 at 3 p.m.

We further request that you post an attested copy of the warrant in a conspicuous public place located in your municipality at least 7 days prior to the caucus unless your municipality has adopted a different method of notification.

We finally request that you complete the Return of Warrant stating the manner of notice and the time when it was given (copy of return enclosed) and return such to our office upon completion.

Thank you, in advance, for your cooperation and participation in this process!!

Respectfully requested,

Scott A. Adkins, County Administrator

RETURN OF WARRANT

I, _____, municipal officer of the town/city of _____, hereby certify that I notified all voters by posting an attested copy of said Hancock County Commissioners Caucus Warrant in a conspicuous public place at least 7 days before the caucus date on _____
(specify date & time)

or _____
(indicate alternative method of notice)

Signature: _____

Printed Name: _____

Position: _____

Return to:

***County of Hancock
County Commissioners Office
50 State Street, Suite 7
Ellsworth, ME 04605***

**HANCOCK COUNTY COMMISSIONERS CAUCUS
WARRANT**

**TO: ALL HANCOCK COUNTY ELECTED OFFICIALS
and THE GENERAL PUBLIC IN COMMISSIONER'S DISTRICT III**

FROM: COMMISSIONER ANTONIO BLASI

SUBJECT: HANCOCK COUNTY BUDGET ADVISORY COMMITTEE

Pursuant to 30-A MRSA, §763 (1)(A), and 30-A MRSA §2523, No later than 100 days before the start of a fiscal year, the county commissioners shall notify all municipal officers in the county and the public to caucus by county commissioner districts at a specified date, time and place for the purpose of electing either one municipal officer or a representative of the public from each district as a member of the budget advisory committee.

On Thursday, August 27, 2020, a caucus chaired by Commissioner Antonio Blasi will be held remotely via ZOOM at 3:00 p.m. for the purpose of electing one municipal officer to serve a three year term on the budget advisory committee. Please visit www.co.hancock.me.us for the meeting link.

MRSA §763 (3)

The budget advisory committee shall annually select one of its members to chair the committee.

MRSA §763 (2)

The Hancock County legislative delegation shall annually select one member of the delegation who resides in Hancock County to serve on the budget advisory committee.

MRSA §764

The Hancock County commissioners shall hold a public hearing on the budget estimate at least 90 days before the end of the county's fiscal year and an informational meeting on the advisory committee's budget estimates at least 30 days before the end of the county's fiscal year.

MRSA §765

The Hancock County commissioners shall submit a budget estimate to the budget advisory committee no later than 90 days before the end of the county's fiscal year for the coming year. The budget advisory committee shall review the budget estimate and make recommendations to the Commissioners at least 45 days before the end of the county's fiscal year. The county commissioners shall act on the budget no later than 15 days before the end of the county's fiscal year.

Dated: July 27, 2020

Scott A. Adkins, County Administrator

**PLEASE POST and
DISTRIBUTE A COPY OF THIS NOTICE TO ALL ELECTED OFFICIALS**

SENT VIA EMAIL

The Ellsworth American
Legal Advertising

Please place the following as a legal ad in your August 13 and August 20, 2020 editions of the Ellsworth American and invoice the County Commissioners Office at 50 State Street, Suite 7, Ellsworth, Maine 04605 or via email at rebekah.knowlton@co.hancock.me.us.

PUBLIC NOTICE
HANCOCK COUNTY COMMISSIONERS ANNUAL CAUCUS

Pursuant to 30-A MRSA, §763, sub § 1, and as amended by Public Law #440, The Hancock County Commissioners will caucus for the purpose of electing at least one municipal officer or one representative of the public as a member of the Hancock County Budget Advisory Committee as follows:

*DISTRICT #1: COMMISSIONER WILLIAM F. CLARK on Thursday, August 27, 2020 at 1:00 p.m. The caucus will be held remotely via Zoom; please visit www.co.hancock.me.us for the meeting link. *Term to fill:* one municipal officer to a three-year term.*

*DISTRICT #2: COMMISSIONER JOHN WOMBACHER on Thursday, August 27, 2020 at 2:00 p.m. The caucus will be held remotely via Zoom; please visit www.co.hancock.me.us for the meeting link. *Term to fill:* one municipal officer OR a representative of the public to a three-year term.*

*DISTRICT #3: COMMISSIONER ANTONIO BLASI on Thursday, August 27, 2020 at 3:00 p.m. The caucus will be held remotely via Zoom; please visit www.co.hancock.me.us for the meeting link. *Term to fill:* one municipal officer to a three-year term.*

Dated: July 27, 2020
Scott Adkins, County Administrator