

Warrant Committee 2021

Monday, March 8, 2021

I. Regular Business

- A. Call to Order/Roll Call:** The meeting was called to order at 7:02 pm by Chair Libby; 21 voting members present (basic majority is 11 or more)

Present: J. Berberian, C. Chappell, J. Collier, C. Cough, S. Dyer, M. Good, D. Karlson, J. Kelly, M. Kelly, A. Kendall, J. Kitler, S. Libby, C. Reed, C. Ryan, A. Sasner, C. Smith, B. Stillman, L. Sweet; **Present but not at Roll Call:** B. Chaplin (arrived at 7:05pm), E. Henry (arrived 7:08pm), K. St. Germain (arrived at 7:05pm); **Absent (excused):** S. Boucher

- B. Approval of Minutes – March 1, 2021:** Chair Libby noted that there was a minor error in the March 1, 2021 set of minutes that need to be corrected, as a motion's second was recorded as having been made by Ms. Sasner rather than Ms. Kelly. Mr. Good made a motion to accept the minutes from the March 1, 2021 meeting, with the correction included. This was seconded by Vice Chair Berberian. *The motion passed unanimously (20 in favor, 0 opposed, 0 abstain; Ms. Henry had not yet joined the meeting for this vote).*
- C. Introduction of Staff:** Chair Libby introduced Town staff present: Cornell Knight – Town Manager, Sarah Gilbert – Finance Director, and Charlie Phippen – Harbormaster.
- D. Announcements:** Chair Libby had an announcement related to the March 1, 2021 Warrant Committee meeting which covered budgets for Cooperating Agencies. At the time, it was reported that Downeast Transportation had not sent their application in time, and so their request was not included in the budget. However, Downeast Transportation has since been able to show with email records that they applied in a timely manner. The Town Council will review this budget item at their upcoming March 16, 2021 meeting, and it is likely that it will then be available for review by the Warrant Committee. The Health, Welfare, and Recreation subcommittee may need to schedule a brief meeting to review this item, before it is presented to the full Warrant Committee for approval at its March 22 meeting. Mr. Kelly asked if the Town Council or Warrant Committee should take action on this item first. Chair Libby responded that this plan was proposed by Town Clerk Linscott. He added that while the Warrant Committee could present a motion to add something to the budget, he didn't feel comfortable with this option because it could open an additional avenue for other agencies to request funds.

Mr. Good wanted to use this portion of the meeting to bring something to the Warrant Committee's attention. Nomination papers need to be taken out for the 15 person Warrant Committee, and that this would normally be the time when Chair Libby would start to ask current Warrant Committee members if they would like to be on the 22-person slate to be presented at Town Meeting. He added that there is a 10-person legal complaint regarding the recent revisions to the Town Charter and that the outcome is still to be determined. Mr. Good suggested that the Warrant Committee may need to prepare for both situations. He was not sure if this was the right time to make a motion, but would be willing to do so at the appropriate time. Mr. Kelly asked what that motion would be. Mr. Good replied that there would be a preliminary meeting about the 10-person complaint soon. If that is voted in favor of the complaint, then the Warrant Committee should have in place a 22-person slate. If the judge decides in favor of the Town, then 15 people will need to file papers with the Town. If there is a gap, then he wants to ensure that both options are covered. Mr. Kelly asked if the Warrant Committee should get the Town attorney's opinion about a process that has been changed. Chair Libby offered to provide background about this item. The Warrant Committee has been a 22-member body historically elected as a slate at the Town Meeting. One of the changes to the Charter would reduce the size of the Warrant Committee to 15 people, who would be elected individually like members of the Town Council and serve 3-year terms. He continued, saying that there was a lawsuit challenging the Charter changes, and that the decision is still pending. There exists the possibility of an injunction, which would prevent changes from going through. This would mean that changes related to the Warrant Committee would be frozen until the court could hear the case. Chair Libby stated that Mr. Good's concern is that the Warrant Committee is approaching what would be its election season. The Nominating Committee would be held at about this time, at which the Chair of the Nominating Committee, Mr. Bill Ferm, would consult Chair Libby, Vice Chair Berberian, and two citizens and they would together review applicants for the Warrant Committee, including current members, to arrive at a slate of 22. The concern expressed by Mr. Good is that if there is an injunction or the case goes to the plaintiffs and there is not a slate of people ready, the Warrant Committee will not be seated and there will not be a backup available. Therefore, the proposal is that people who wish to serve on the Warrant Committee should take out nomination papers, file them by the deadline, and be prepared to run independently for a Warrant Committee seat. The Warrant Committee should also then convene its Nominating Committee as it has done to pick a slate of 22 to present at the Town Meeting. Chair Libby stated then that Mr. Kelly's concern was that this was a question for legal counsel. Mr. Kelly then noted that the process does not exist because it has changed, and that until there is an injunction or a change according to the court, the Warrant Committee must operate as it does currently. Chair Libby responded that this true, and he was

teeing up the issue, and that if there is an injunction the Warrant Committee may try to accommodate both sides of the coin. Mr. Kelly said that if the Warrant Committee did revert to a previous procedure, it would reconvene and take care of what needed to be done. He did not think there was current authority to call a slate of candidates. Mr. Good stated that he wanted the Warrant Committee to be prepared for either option, and wanted to make a motion to give Chair Libby that authority. Chair Libby did not want to have a motion on this issue at the current meeting, and felt that it was adequately presented. He recommended that current Warrant Committee members should be prepared to get papers so as to be on the ballot. He was not aware of any injunction at this time. Chair Libby noted that the Warrant Committee was up against a deadline as part of the charter, needing steps taken 75 days out, but felt that the Warrant Committee could handle the process as things evolve. Ms. Karlson was glad that this issue was being discussed, and asked what the deadline was to return signed nomination papers to the Town Clerk. Chair Libby thought it was April 15. Ms. Chappell stated that the Town website indicated that the deadline was Friday, April 9 at 5pm. Ms. Karlson wanted to state that there 11 plaintiffs party to the legal review. She underscored that if people wished to be on the Warrant Committee it was imperative that they get their nomination papers in before the deadline. Ms. Karlson added that historically the Warrant Committee Chair would ask who wished to serve the following year, and did not see a problem with the Chair asking how many people would like to be on the slate. Chair Libby said the most important thing was for Warrant Committee members to get their papers and signatures and to be aware of deadlines. Mr. Good asked if Chair Libby would speak with Mr. Ferm to start that process. Chair Libby stated that he would touch base with Town Manager Knight first and keep the Warrant Committee apprised of the conversation. Ms. Karlson stated that the Town attorney would be arguing the Town's response to the legal challenge. She suggested that the lawyer on the case could be made aware of the deadline related to the slate of candidates and asked to accommodate that timing. Chair Libby said that he would leave that to the plaintiffs. He stated that he would talk with Mr. Knight, Town Clerk Linscott, and Vice Chair Berberian and keep the Warrant Committee apprised of steps and/or actions. He added that Warrant Committee members were welcome to email him their opinions on the matter.

E. Public Comment: No public comments.

Chair Libby turned the meeting over to Harbor and Public Works subcommittee chair Kitler. Chair Kitler noted that the subcommittee had met two weeks earlier, all subcommittee members had been in attendance, and that the meeting went well.

II. Budget Cost Center
A. Harbor Master's

- a. **Revenues** - Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$66,050** for Harbor Master's revenues.

Ms. Karlson noted that in looking at the 2020 actual revenue, it seemed that as many people came into Town as in years past, even with the pandemic. Harbormaster Phippen responded that it was a very robust yacht visitation year, and expects that this will continue. He added that all vessels were in compliance with the governor's quarantine requirements.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

- b. **Expenses** - Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$139,848** for Harbor Master's expenses.

Secretary Smith noted that \$2,000 would be spent in the current year by the Marine Resources Committee, and asked how that was spent. Harbormaster Phippen replied that the Marine Resources Committee received a research grant that they had applied for and received, and that this figure is the addition of the grant to their expenses

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

- c. **Capital Improvement Program (CIP)** - Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$147,336** for Harbor Master's CIP expenses.

Chair Kitler noted that numbers on the budget sheet in yellow had been changed from the original budget as a result of the revised cruise ship estimates for the year.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

B. Cruise Ship Fund

- a. **Revenues** – Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$174,024** for Cruise Ship Fund revenues.

Chair Kitler noted that the Canadian government had shut down any possibilities of cruise ships in 2021. Town Manager Knight noted that the revenues in this line reflect estimates for May and June of 2022 and some smaller American cruise line ships (100 passengers or fewer) in 2021.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

- b. **Expenses**

- i. **Total Expenditures** – Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$224,063** for Cruise Ship Fund total expenditures.

Ms. Reed asked if these covered the same period of time, May and June of 2022. As there were no cruise ships coming in this year, how was the money being spent. Town Manager Knight responded that funds were spent on insurances, fund transfers to pay debt, Life Flight contributions, and allocated expenses for Town operations. Mr. Kitler noted that certain expenses continue with obligations, regardless of the number of cruise ships that visit. Mr. Sweet noted that all visitors that come into our community benefit from these expenditures. Ms. Karlson said that she realized there was a need for many cuts, but saw that there were no funds allocated to environmental monitoring. She thought that there may be a few ships coming and that it might be good to add a small bit of funding for environmental monitoring. She also noted that the industry relations line item was being funded at the \$1,000 level and wondered if that full amount was needed for the coming year. Lastly, Ms. Karlson asked what the cruise ship contingency funds were spent on, and if other areas include a line for contingencies. Town Manager Knight replied that the cruise ship contingency line item was a catch-all for things not included in direct expenses, such as something the police department would need. He and Mr. Phippen could look at the prior year's contingency expenses. As for the industry relations line, it had been higher in the original budget, but the Town Council reduced that to the current \$1,000. Lastly, environmental monitoring could be added to the next year's budget so that could start again on July 1. Mr. Good asked what was happening with the Town part of the ferry terminal property. Harbormaster Phippen responded that the Harbor Committee had just finalized its recommendations to be made to the Town Council regarding future uses of the property outside of Bay Ferries' footprint. These recommendations include the demolition of most of the existing structure to get obsolete and deteriorated material out of the property footprint and eventually build a new facility for a boat launch, marina, and working waterfront activity. He thought people would be happy to see the progress made by the Harbor Committee with the consultant, GEI Engineering, which did an extensive study showing that the current infrastructure built out over the water is in poor condition and is a danger to pedestrians. Mr. Phippen added that there was also a proposal to work with other Town committees which focus on upland uses of the ferry terminal. Mr. Good expressed his thanks to Mr. Phippen and the

Harbor Committee. Mr. Chaplin asked if the recommendations would include tendering for cruise ships. Mr. Phippen replied that this is one of the items that the committee is considering, in hopes of easing some traffic congestion in the downtown area. Ms. Ryan asked if the Island Explorer was expected to be operational in the coming summer. Mr. Kelly said that he could respond as Acadia National park funds most of the Island Explorer's operation. He reported that in the next month or so a truncated Island Explorer would start their service routes for the season. The overall approach would be to maintain more buses on the routes, with fewer people on those buses to facilitate social distancing. Mr. Chaplin, who works for Island Explorer, added that there would be 12 passengers per bus, and outlined the routes that would be serviced. He noted that there would be less traffic at the Village Green, and no buses to Northeast Harbor or other Towns on the west side of the island. The buses would be departing quite frequently, so passengers would be kept moving. There would also be no bike express to Eagle Lake.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

C. Public Works Director's

a. Revenues

- i. **Highway Division** – Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$9,730** for Highway Division revenues.

Director of Public Works Leavitt and Highway Division Superintendent Jamison joined the meeting. Chair Kitler noted that sand, salt, and gas sales are down, as Acadia National park is no longer purchasing those supplies from the Town. Mr. Good asked how the solar farm was doing in terms of generating income and electricity. Town Manager Knight replied that the Town does not have that data as the panels in question are now privately owned, and the revenue reflects lease income. The panels on top of the Public Works Department are in capital to purchase from Revision Energy, so that the Town may own those next year.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

- ii. **Solid Waste Division** – Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$420** for Solid Waste Division revenues.

Chair Kitler noted that the town is currently unable to sell any recyclables. Chair Libby asked if the Town was back to working with

PERC (Penobscot Energy Recovery Company). Town Manager Knight responded that municipal solid waste was going to PERC, but that recyclables go to Casella in Old Town before being transferred to their facility in Lewiston. Chair Libby asked if there was any hope for Fiberight opening. Mr. Knight replied that this was looking good, and that there was a meeting about this the following day. Director of Public Works Leavitt added that there was a signed agreement to negotiate a purchase with an entity from Pennsylvania, and that they are hoping it gets started again. Mr. Good asked if trash was still going to Juniper Ridge. Ms. Leavitt replied that municipal solid waste was going to PERC in Orrington, and that is being incinerated to make electricity. Single sort is being recycled by Casella in Old Town. Mr. Sweet noted that the benefits of our single sort efforts are going to Casella, and that this is costing the Town funds and taxpayers' time. He hoped that Fiberight would be back on soon as well, and suggested that the Town should reevaluate the current arrangement with Casella. Mr. Good agreed and appreciated that this issue was raised. Mr. Sweet stated that it is good to recycle, and PERC is one way to do it temporarily until Fiberight is available. If the Town is still struggling with Fiberight, something may need to change next year as Town staff is better utilized than dealing with single sort. Chair Libby encouraged members of the Warrant Committee to raise these points with the Town Council.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

b. Expenses

- i. Public Works Department** – Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$163,614** for Public Works Department expenses.

Chair Kitler asked if overtime wages were down due to the lack of cruise ships. Director of Public Works Leavitt responded that the overtime wages were down due to a reduction in staff time needed for meetings. The Parks and Recreation Committee now has a secretary, so only 1 staff member now attends. Mr. Collier thanked Ms. Leavitt for her participation in the subcommittee meeting and the excellent information she was able to provide. Ms. Ryan noted a significant jump in wages for the Director of Public Works from 2020 to 2021 and 2022. Ms. Leavitt responded that the former Director left the position at the beginning of September that year, and she stepped into the position the following January. That resulted in about 4 months with no wage expenses.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

- ii. **Highway Division** – Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$1,163,871** for Highway Division expenses.

Ms. Karlson asked how much Town funds were spent in the summer season on washing streets. Director of Public Works Leavitt responded that it takes 4 people a couple of hours every morning, plus water and equipment. She offered to get back to Ms. Karlson with an estimate. Ms. Karlson asked if other coastal communities clean their streets as frequently. Town Manager Knight responded that Town staff have learned that if they do not stay ahead of the cleaning, there can be flies and that it gets messy. Mr. Sweet agreed that the streets need to be washed every day early in the morning, and that one of the most common comments he hears from visitors is how clean the Town is, and how grateful they are for it. He added that it helps with the Town's image and as such is a good investment.

Ms. Ryan wondered if there could be a place for the dumping and processing of brush in Town, rather than having residents drive to Southwest Harbor to dispose of clippings. They do not accept this type of yard waste in Hulls Cove, and she thought it a worthwhile thing to offer to home gardeners. Mr. Collier voiced his support for this item. Ms. Karlson agreed that this was a problem for home gardeners in Town with small lots. These people often have to pay people to take their brush away, and that the process of toting brush gets harder as one gets older. She noted that the funds spent by the Town on keeping the streets clean is concentrated in the downtown area, but that help with brush collection would benefit all residents. Ms. Karlson also added that other towns take leaves away as well. Chair Libby stated that this is beyond the purview of the Warrant Committee, but he appreciated the discussion. Ms. Ryan asked what the process would be to have this issue addressed. Mr. Knight stated that the Town Council could be asked. Chair Libby stated that if there was an existing budget line item, the Warrant Committee could add to that amount. But given the likely support, a motion could be made from the floor of the Town Meeting. Ms. Ryan replied that she had brought it to a Town Council meeting at which Ms. Leavitt was present. In that meeting, Ms. Leavitt had noted some obstacles to a change, and the issue died. Ms. Ryan noted that if

the streets could be kept clean, then the brush could also be addressed. Ms. Karlson noted that per Warrant Committee bylaws, this body could present recommendations to the Town Council during the upcoming joint meeting. Chair Libby agreed that this was another option.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

- iii. **Solid Waste Division** – Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$759,066** for Solid Waste Division expenses.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

- c. **Capital Improvement Program (CIP)**

- i. **Highway Division**

- 1. **Expenses** – Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$1,004,430** for Highway Division CIP expenses.

Vice Chair Berberian asked about the parking lot acquisition line item. She had read the narrative, but wondered if there was something the Town had in mind. Town Manager Knight replied that there was not a specific lot in consideration. It is a reserve in case a lot does come on the market that would offer a wise or strategic Town parking option, there would be funds available for purchase.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

- ii. **Solid Waste Division**

- 1. **Expenses** – Chair Kitler moved and Mr. Sweet seconded a motion to recommend to the voters of Bar Harbor the amount of **\$28,390** for Solid Waste Division CIP expenses.

The motion passed unanimously (21 in favor, 0 opposed, 0 abstain).

- III. **Other business:** Vice Chair Berberian, the Chair of the Protections subcommittee, informed Warrant Committee members that this subcommittee meeting would be held March 9 at 5:30pm via Zoom. Mr. Kitler asked if the Zoom link is the same for all meetings or if that changes. Town Manager Knight responded that the link is the same for all regular Monday meetings, but subcommittee meetings and the upcoming joint meeting with the Town Council do have different meeting IDs and

links. Mr. Collier asked about the next regular meeting and Chair Libby confirmed that it would be the following Monday at 7pm via Zoom.

IV. Adjournment

There being no further business, Chair Libby moved and Mr. Good seconded to adjourn the meeting. The meeting adjourned at 8:24pm. The next meeting is March 15 at 7pm via Zoom.

Respectfully submitted,

Christine Smith
Secretary, Warrant Committee