

Warrant Committee Meeting
Wednesday, March 29, 2023

- 1. Call to Order/Roll Call:** 7:02 pm by Chair Libby; 14 voting members present at the start of the meeting

Present: J. Berberian, B. Chaplin, C. Chappell, C. Cough, K. DesVeaux, M. Kelly, S. Libby, L. Lopez, E. Salvatore, A. Sasner, E. Sassaman, C. Smith, K. St. Germain, J. Young; **Absent excused:** B. Reece

- 2. Public comment period**

- a. Nina St. Germain on behalf of the Bar Harbor Chamber of Commerce
 - i. Ms. St. Germain asked for reconsideration of the Bar Harbor Chamber of Commerce's request for a pre-pandemic funding amount. The Town Council approved budget funds the Wayfinding Services from the Cruise Ship Fund at \$42,000 for FY24, rather than the requested \$60,000. She noted that as this was coming from the Cruise Ship Fund, the additional funds would not directly affect taxpayers.

- 3. Opening remarks**

- a. Chair Libby noted that this was the second to last meeting of this season's Warrant Committee, and that this evening the Warrant Committee was primarily tasked with responding to the budget as adopted by the Town Council on March 21, 2023. Any discrepancies or changes from that budget go to the floor of the Town Meeting.
- b. At this meeting, subcommittee chairs will first explore whether there are potential motions within their respective departments. To the extent possible, motions within departments will be combined but may be broken into segments if need be.
- c. There will be brief presentations from Town Staff about items that will be up for review at the next meeting including 4 Land Use Ordinance amendments and the school bond.
- d. Tentative date of Wednesday, April 5 for the next full Warrant Committee meeting.

4. Presentation of pending non-budget warrants

- a. Chair Libby moved and Mr. Chaplin seconded moving the presentations ahead of the budget votes to not keep town staff at the meeting later than was necessary.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain)

Prior to beginning her presentations of the 4 Land Use Ordinance Articles, Code Enforcement Officer Angie Chamberlain noted that together these Articles were prepared to reduce barriers to construction and therefore barriers to increased residential housing. Some ordinances may be overly restrictive and beyond the needs of other, related ordinances. These 4 items in particular can be stricken from the Land Use Ordinance in their entirety without causing ripple effects in other sections of the LUO.

- b. Code Enforcement Officer Angie Chamberlain presented Article ____ Land Use Ordinance Amendment - Double Setback Distances - Shall an ordinance, dated December 8, 2022, and entitled "An amendment to remove the double setback distances" be enacted?

Ms. Chamberlain noted that this was originally enacted to protect property owners so that in the event that they subdivided, there would be the appropriate setback in place.

- c. Code Enforcement Officer Angie Chamberlain presented Article ____ Land Use Ordinance Amendment - Floor Area Ratio Shall an ordinance, Dated December 8, 2022, and entitled "An amendment to remove the Floor Area Ratio requirement" be enacted?

Ms. Chamberlain gave an example of this ordinance in practice, which highlighted its onerous nature and how property owners are subject to the building plans of their neighbors on a continuous, rolling basis.

- d. Code Enforcement Officer Angie Chamberlain presented Article ____ Land Use Ordinance Amendment - Conversion of Multifamily Use - Shall an ordinance, dated December 8, 2022, and entitled "An amendment to remove the Conversion to Multifamily Use Requirements" be enacted?

Ms. Chamberlain noted that as this ordinance stands, limits are set on the conversion of buildings to tiny homes. If this article passes, property owners would still need to comply with requirements related to family numbers.

- e. Code Enforcement Officer Angie Chamberlain presented Article ____ Land Use Ordinance Amendment - Underground Utilities - Shall an ordinance, dated December 8, 2022 and entitled “An amendment to remove the requirement that all utilities be installed underground” be enacted?

Ms. Chamberlain added this the Planning Board has waived this requirement on an individual basis on a regular basis, and builders may still install utilities underground if they choose. It will reduce costs for builders and developers.

- f. Conners Emerson School Principal Heather Webster presented Article ____ NEW ELEMENTARY SCHOOL– Shall the Town of Bar Harbor:
 - i. Approve the construction and equipment of a new elementary school to replace the existing Conners Emerson school buildings (the “Project”);
 - ii. Authorize the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to provide by Order for the issuance of general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed \$58,538,288 (the “Bonds”);
 - iii. Appropriate the proceeds of the Bonds, including principal of up to \$58,538,288, as well as bond premium and investment proceeds, to provide for the costs of the Project, including issuance costs;
 - iv. Delegate the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof, to the Treasurer and Chair of the Town Council; and
 - v. Accept grants and donations for the Project (“Project Gifts”), if any.

Conners Emerson School Principal Heather Webster noted that at the Monday, April 3 School Board meeting, Harriman and Associates will give a presentation about the new building. This meeting will be in the Conners Emerson library and also on Zoom. Chair Libby noted that Principal Webster had already presented this bond to the Town Council, and the Warrant Committee could review that recorded video for more information.

5. Subcommittee recommendations on the Town Council’s adopted budget

a. General Government Subcommittee

- i. Chair Chappell moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Finance Director's Department budget, including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

There was some expressed concern about the level of staff wage rates and the 6% cost of living adjustment (COLA), and whether these rates would persist for a longer period of time than the current inflation. Finance Director and Interim Town Manager Sarah Gilbert discussed the union salary negotiation procedure and current contracts, and how the COLA rates have had varying levels in the past. She also outlined which Town staff were in unions across departments. The Teamsters typically have three year contracts, and the most recent one started July 1, 2022. Ms. Gilbert also noted that energy costs, supplies, and other budget items have been higher. If those decrease and those expenses go down, then there will be a larger fund balance.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- ii. Chair Chappell moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Town Clerk's Department budget, including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- iii. Chair Chappell moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Planning Department budget, including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- iv. Chair Chappell moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Town Manager's Department budget, including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain)

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- v. Chair Chappell moved and Chair Libby seconded a motion to separate line 1068 5946 related to the Bar Harbor Historical Society Cooperating Agency for a separate vote due to a previously determined conflict of interest.

The motion passed (12 in favor, 1 opposed, 0 abstain).

- vi. Chair Chappell moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of budget line 1068 5946 related to the Bar Harbor Historical Society Cooperating Agency as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (13 in favor, 0 opposed, 0 abstain).

- vii. Chair Chappell moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of Miscellaneous Expenses sections 1068 (with the exception of line 5946), 1086, 1088, and the CIP Fund Grand Totals as adopted by the Town Council on March 21, 2023.

Chair Chappell noted that we had requested that the Town Council consider funding Cooperating Agencies at their 2024 requested amounts, but that recommendation was declined. The current motion references the original 2024 budgeted amounts.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

b. Public Safety

- i. Chair Berberian moved and Ms. Smith seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Fire Department budget, including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- ii. Chair Berberian moved and Ms. Smith seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Police Department budget, including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- iii. Chair Berberian moved and Ms. Smith seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Harbor Department budget, including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- iv. Chair Berberian moved and Ms. Smith seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Parking Meter Fund budget, including revenues, expenses, and allocations as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- v. Chair Berberian moved that Mr. Salvatore had a perceived conflict of interest as a Board member of the Chamber of Commerce with respect to Visitor Wayfinding Service expenses in the Cruise Ship budget.

The motion passed (11 in favor, 2 opposed, 0 abstain).

- vi. Chair Berberian moved and Chair Libby seconded a motion to separate Cruise Ship Fund Direct Expenses 5358 – Visitor Wayfinding Services for a separate vote.

The motion passed unanimously (13 in favor, 0 opposed, 0 abstain).

- vii. Chair Berberian moved and Ms. Smith seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of Cruise Ship Fund Direct Expenses 5358 – Visitor Wayfinding Services as adopted by the Town Council on March 21, 2023.

- 1. Mr. Young moved and Mr. DesVeaux seconded a motion to amend the main motion to fund Cruise Ship Fund Direct Expenses 5358 – Visitor Wayfinding Services at the requested amount of \$60,000 (\$42,600 Town Council adopted budget amount plus \$17,400 additional request).

There was uncertainty as to why the Town Council did not fund the requested service enhancement for Visitor Wayfinding

Services. Town Finance Director and Interim Town Manager Sarah Gilbert noted that this item was budgeted at the same level as the prior year. It was mentioned that as this service enhancement is supported by the Cruise Ship Fund, it does not directly impact the tax rate. Ms. St. Germain referenced the new wayfinding app, and that these wayfinding services benefitted all visitors, and that there is some level of wayfinding support year-round with their visitor center at the corner of Main and Cottage Streets. There was a recommendation to the Chamber that they consider how to fund this item going forward, due to the uncertainty of the Cruise Ship Fund levels in the future.

The motion to amend the main motion passed (10 in favor, 3 opposed, 0 abstain).

2. Chair Libby moved and Chair Berberian seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor the amount of **\$60,000** for Cruise Ship Fund Direct Expenses 5358 – Visitor Wayfinding Services.

The motion passed unanimously (13 in favor, 0 opposed, 0 abstain).

- viii. Chair Berberian moved and Ms. Smith seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Cruise Ship Fund (with the exception of Direct Expenses 5358 – Visitor Wayfinding Services) including revenues, expenses, and allocations as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

c. Public Infrastructure

- i. Chair Libby moved that Mr. Salvatore had a conflict of interest as a Board member of the YMCA with respect to Parks & Recreation line 1059 5934.

There was a brief discussion on the differences between a Financial Interest and a Special Interest in the Town's Ethics Ordinance, particularly with respect to family members.

The motion passed (11 in favor, 2 opposed, 0 abstain)

- ii. Chair Kelly moved and Ms. Lopez seconded a motion to separate Parks & Recreation budget line 1059 5934 for a separate vote.

The motion passed unanimously (13 in favor, 0 opposed, 0 abstain).

- iii. Chair Kelly moved and Ms. Lopez seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of Parks & Recreation budget line 1059 5934 as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (13 in favor, 0 opposed, 0 abstain).

- iv. Chair Kelly moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Parks & Recreation budget (with the exception of line 1059 5934) including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

There was a brief discussion over the increased expenses related to cemetery flags, and speculation as to why those costs would have increased.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- v. Chair Kelly moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Comfort Stations budget including expenses and CIP as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- vi. Chair Kelly moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Public Works budget including expenses as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- vii. Chair Kelly moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the

Highway Division budget including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- viii. Chair Kelly moved and Chair Libby seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the Solid Waste budget including revenues, expenses, and CIP as adopted by the Town Council on March 21, 2023.

It was noted that Public Works Director Bethany Leavitt had discussed possibly higher revenue for solid waste, including whether to implement fees for use of the transfer station in the future. During the Public Infrastructure subcommittee meeting, discussions also included food waste and how individuals in effect cover solid waste expenses for businesses.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

d. Education

- i. Ms. Lopez moved and Mr. Chaplin seconded a motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the school budget, consisting of revenues, expense, and CIP as presented in Articles A through P of the Municipal budget, effective March 21, 2023.
 - 1. Chair Libby moved and Mr. DesVeaux seconded a motion to amend the main motion to change reference of Articles A through P to Articles B through P.

The motion to amend the main motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

- 2. Ms. Lopez moved and Mr. Chaplin seconded the amended motion that the Warrant Committee recommend to the voters of Bar Harbor adoption of the school budget, consisting of revenues, expense, and CIP as presented in Articles B through P of the Municipal budget, effective March 21, 2023.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

6. Approval of prior Warrant Committee meeting minutes, January 18, 2023 and February 27, 2023

- a. Chair Libby moved and Ms. Lopez seconded a motion to move the approval of these two sets of minutes to the following full meeting of the Warrant Committee.

The motion passed unanimously (14 in favor, 0 opposed, 0 abstain).

7. Adjournment

There being no further business, Chair Libby moved to adjourn the meeting. The meeting adjourned at 8:44 pm.

Respectfully submitted,

Christine Smith
Secretary, Warrant Committee