

AGENDA
Bar Harbor Town Council
September 19, 2023

The public can monitor by watching Spectrum channel 7 or 1303 or by live streaming on the town's website, www.barharmoraine.gov.

I. CALL TO ORDER – 6:30 P.M.

A. Excused Absence(s)

II. EXECUTIVE SESSION— Executive Session Pursuant to 1 MRSA 405.6.A: Personnel Matter, Town Manager Search

Regular agenda to begin at 6:45 p.m.

III. READING OF THE MEETING GROUND RULES

IV. COMMITTEE APPOINTMENTS

A. Board of Assessment Review: Three-year term

1. *Stewart Brecher*

B. Harbor Committee: Three-year term

1. *Robert Garland*

2. *Andrew Keblinsky*

V. 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.

VI. APPROVAL OF MINUTES

A. August 29, 2023 Special Meeting

B. August 30, 2023 Special Meeting

C. September 5, 2023 Regular Meeting

VII. ADOPTION OF AGENDA

VIII. FINANCIAL REPORT

IX. 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. General Assistance Ordinance – Possible motion to schedule a public hearing for October 17, 2023 to consider adoption of the annual revision of maximum benefit levels in Town Code, Chapter 102, General Assistance, Appendixes A-F & H pursuant to 22 MRSA §4305(4).

B. Emergency Operations Plan—Possible motion to approve and sign the Emergency Operations Plan as presented.

X. PUBLIC HEARINGS

A. Special Amusement Permit

1. Side St Café, 49 Rodick St, request for a new Class 3a, three or more musicians with mechanical amplification as submitted by Jena Young.

2. Bar Harbor Lobster Pound, 414 State Hwy 3, request for a new Class 2ao, two musicians with outdoor mechanical amplification as submitted by Aaron Jackson.

B. Boards, Committees and Commissions Ordinance Amendment 2023-05—Public comment and possible motion to remove the Cruise Ship Committee from the ordinance.

XI. UNFINISHED BUSINESS

A. Transient Accommodations—Possible moratorium

B. Treasurer’s Warrant—Request of Treasurer to authorize paid bills.

XII. NEW BUSINESS

A. Cruise Ships

1. Update on Disembarkations Rulemaking
2. Formation of Memorandum of Agreement Working Group—Explanation and appointment
3. Presentation by Harbormaster Chris Wharff, review of the 2024 season with existing MOA

B. Comprehensive Plan—Update

XIII. TOWN MANAGER’S COMMENTS

XIV. COUNCIL COMMENTS

XV. EXECUTIVE SESSION

A. Consultation with town attorney—To be held in executive session as permitted by 1 MRSA §405.6.E

B. Consultation with town attorney—Regarding cruise ship matters to be held in executive session as permitted by 1 MRSA §405.6.E

XVI. ADJOURNMENT

Remote participation notice: Because one or more members of the Town Council plan to attend the meeting remotely, members of the public must also have the opportunity to attend and participate remotely. Please click the link below to join the Zoom webinar.

<https://us02web.zoom.us/j/86111457781?pwd=M29qUWREZkFtWkc3bkh4c3hWTU1SZz09>

Passcode: 492023

Or Telephone:

+1 929 205 6099 US (New York)

Webinar ID: 861 1145 7781

Anyone with a disability wishing to attend this meeting and who may have questions about how to do so should contact the Town Clerk’s office at clerk@barharmoraine.gov or 288-4098.

Manager's Memo

To: Bar Harbor Town Council
cc: Department Heads
From: Cornell Knight, Interim Town Manager
Date: Friday, September 15, 2023
Re: **Town Council Meeting of September 19th**

- I. **A. Excused Absence(s)**—None that I am aware of, but if one is needed a possible motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).
- IV. **COMMITTEE APPOINTMENTS**
Names are nominated for appointment, no second is required. Openings are on Board of Assessment Review and the Harbor Committee.
- V. (During Public Comment Lilea Simis will give an update on the school building project)
- VIII. **FINANCIAL REPORT-** Finance Director Sarah Gilbert has enclosed her report covering the first 2 months of the 2024 fiscal year. She will review the highlights. A possible motion: to accept the Financial Report as presented.
- IX. **CONSENT AGENDA**
- a. **General Assistance Ordinance** – Enclosed are the amendments to the GA ordinance. These are annual adjustments. Possible motion: to schedule a public hearing for October 17, 2023 to consider adoption of the annual revision of maximum benefit levels in Town Code, Chapter 102, General Assistance, Appendixes A-F & H pursuant to 22 MRSA §4305(4).
- b. **Emergency Operations Plan**—Enclosed is the EOP with no changes from last year. A possible motion: to approve and sign the Emergency Operations Plan as presented.
- X. **PUBLIC HEARINGS**
- a. **Special Amusement Permit**
- i. **Side St Café**, 49 Rodick St., Police Department reports no issues. Following public comment a possible motion: to approve a Special Amusement Permit Class 3a, three or more musicians with mechanical amplification as submitted by Jena Young.
- ii. **Bar Harbor Lobster Pound**, 414 State Hwy 3, Police Department reports no issues. Following public comment a possible motion: to approve a Special Amusement Permit Class 2ao, two musicians with outdoor mechanical amplification as submitted by Aaron Jackson.
- b. **Boards, Committees and Commissions Ordinance Amendment 2023-05**— Enclosed is the lined-out version of Chapter 31 Article VI Cruise Ship Committee. Following public comment, a possible motion: to remove the Cruise Ship Committee from Article VI of Chapter 31 of the Code of the Town of Bar Harbor.

XI. UNFINISHED BUSINESS

- A. Transient Accommodations**—Enclosed is a draft Emergency Moratorium Ordinance on Transient Accommodations. The town attorney has edited it. Also enclosed is a memo from Angie Chamberlain, Code Enforcement Officer regarding the land use ordinance amendments that are currently being worked on and the timeline for votes. There needs to be more discussion about what is to be accomplished (Purpose section III) during the moratorium. What are the Council's goals, and whether the ordinance work that the Planning Department is working on meets those goals or are there additional issues that need to be addressed?
- B. Treasurer's Warrant**— A possible motion: to sign the Treasurer's Warrants for paid bills.

XII. NEW BUSINESS

A. Cruise Ships

1. **Update on Disembarkations Rulemaking**—Discussion on Cruise Ship disembarkation rulemaking as well as ordinance updates with Town Attorney and Harbormaster Wharff.
2. **Formation of MOA Working Group**—Councilor Peacock will update the Council on this action. Also, the group needs to be appointed. A possible motion: to appoint Val Peacock, Joe Minutolo, Sarah Gilbert, Sarah Flink, Chris Wharff and Stephen Wagner to the MOA Working Group.
3. **Presentation on 2024 Season with the existing MOA-** Chris Wharff, Harbormaster will give a power point presentation at the meeting.

- B. Comprehensive Plan**—Update from Councilor Shank.

XV. Executive Sessions

Minutes
Special Bar Harbor Town Council Meeting
August 29, 2023

I. **CALL TO ORDER** – 5:30 p.m.—In attendance were Councilors Valerie Peacock, Gary Friedmann, Matthew Hochman, Earl Brechlin, Maya Caines, and Kyle Shank; and consultant David Barrett.

A. **Excused Absence(s)**— Mr. Hochman, with second by Mr. Friedmann, moved to excuse Councilor Minutolo as provided by Town Charter section C-12.B(1)(d).

Roll Call Vote:

<u>Brechlin</u>	<u>Y</u>
<u>Shank</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Caines</u>	<u>Y</u>

Motion passed 6-0.

II. **ADOPTION OF AGENDA**—Mr. Hochman, with second by Ms. Caines, moved to adopt the agenda as presented. Roll Call Vote:

<u>Brechlin</u>	<u>Y</u>
<u>Shank</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Caines</u>	<u>Y</u>

Motion passed 6-0.

III. **EXECUTIVE SESSION**

A. **Executive Session Pursuant to 1 MRSA 405.6.A: Personnel Matter, Town Manager Interviews**—Mr. Hochman, with second by Ms. Caines, moved to enter into executive session as permitted by 1 MRSA §405(6)(A) for discussion or consideration of a personnel matter. Roll Call Vote:

<u>Brechlin</u>	<u>Y</u>
<u>Shank</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Caines</u>	<u>Y</u>

Motion passed 6-0.

Council returned to regular session at 8:54 p.m.

V. **ADJOURNMENT**— Ms. Caines, with second by Mr. Hochman, moved to adjourn at 8:55 p.m. Roll Call Vote:

Brechlin Y

Shank Y

Hochman Y

Peacock Y

Friedmann Y

Caines Y

Motion passed 6-0.

Elizabeth N. Graves, Town Clerk

Minutes
Special Bar Harbor Town Council Meeting
August 30, 2023

I. CALL TO ORDER – 6:30 p.m.—In attendance were Councilors Valerie Peacock, Gary Friedmann, Matthew Hochman, Earl Brechlin, Maya Caines, and Kyle Shank; and consultant David Barrett.

A. Excused Absence(s)— Mr. Hochman, with second by Ms. Caines, moved to excuse Councilor Minutolo as provided by Town Charter section C-12.B(1)(d). Roll Call Vote:

<u>Brechlin</u>	<u>Y</u>
<u>Shank</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Caines</u>	<u>Y</u>

Motion passed 6-0.

II. ADOPTION OF AGENDA—Mr. Hochman, with second by Mr. Friedmann, moved to adopt the agenda as presented. Roll Call Vote:

<u>Brechlin</u>	<u>Y</u>
<u>Shank</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Caines</u>	<u>Y</u>

Motion passed 6-0.

III. EXECUTIVE SESSION

A. Executive Session Pursuant to 1 MRSA 405.6.A: Personnel Matter, Town Manager Interviews—Mr. Hochman, with second by Ms. Caines, moved to enter into executive session as permitted by 1 MRSA §405(6)(A) for discussion or consideration of a personnel matter. Roll Call Vote:

<u>Brechlin</u>	<u>Y</u>
<u>Shank</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Caines</u>	<u>Y</u>

Motion passed 6-0.

Council returned to regular session at 8:04 p.m.

V. **ADJOURNMENT**— Mr, Hochman, with second by Ms. Caines, moved to adjourn at 8:04 p.m. Roll Call Vote:

Brechlin Y

Shank Y

Hochman Y

Peacock Y

Friedmann Y

Caines Y

Motion passed 6-0.

Elizabeth N. Graves, Town Clerk

Minutes
Bar Harbor Town Council
September 5, 2023

- I. CALL TO ORDER** – 6:30 P.M.—In attendance were Councilors Valerie Peacock, Gary Friedmann, Joe Minutolo, Matthew Hochman, Earl Brechlin, Maya Caines, and Kyle Shank; Interim Town Manager Cornell Knight.

Ms. Peacock shared opening remarks. She said the Council met for Town Manager interviews in executive session last week and there will be updates on that process in the next week or two. She welcomed Interim Town Manager Cornell Knight.

II. READING OF THE MEETING GROUND RULES

- III. 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.*—Annlinn Kruger spoke about her “Google Leonard Leo” graffiti project. Sheridy Olsen and Mary Raskin spoke about a current code violation for their business, Destination Health. Isaac Iverson spoke about affordable housing programs. Charlie Sidman spoke, suggesting the resumption of cruise ship docking and cruise ship tendering at town properties.

IV. APPROVAL OF MINUTES

- A. August 14, 2023 Special Meeting**—Mr. Hochman, with second by Mr. Friedmann, moved to approve the August 14, 2023 Special Meeting Minutes as presented. Roll Call Vote:

<u>Brechlin</u>	<u>Y</u>
<u>Shank</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>Abstained.</u>
<u>Caines</u>	<u>Y</u>

Motion passed 6-0-1.

- B. August 15, Regular Meeting**—Mr. Hochman, with second by Mr. Friedmann, moved to approve the August 15, 2023 Regular Meeting Minutes as presented. Roll Call Vote:

<u>Brechlin</u>	<u>Y</u>
<u>Shank</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>Caines</u>	<u>Y</u>

Motion passed 7-0.

- V. ADOPTION OF AGENDA**—Mr. Hochman, with second by Ms. Caines, moved to adopt the agenda as presented. Roll Call Vote:

Brechlin Y
Shank Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Caines Y

Motion passed 7-0.

VI. 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. Grants: Small Harbor Improvement Program—*Possible motion to accept grant funds in the amount of \$49,680 from the MDOT Small Harbor Improvement Program.*

B. Tax Abatement

1. **Real Estate Tax**—*Possible motion to abate Real Estate Property Taxes on the properties listed in the Tax Collector’s memo of August 22, 2023 as presented.*
2. **Personal Property Tax**—*Possible motion to abate Personal Property Taxes on the accounts listed in the Tax Collector’s memo of August 22, 2023 as presented.*

C. Lower Main St Water, Sewer and Stormwater Improvements Project

1. *Possible motion to accept MDOT reimbursement funds in the amount of \$482,600 for the Lower Main Street Drainage Project.*
2. *Possible motion to accept the bid of \$4,529,324.50 from Ranger Construction, Fairfield, Maine for the Lower Main Street Water, Sewer and Stormwater Infrastructure Improvements Project.*

Mr. Hochman, with second by Mr. Friedmann, moved to adopt the consent agenda as presented. Roll Call Vote:

Brechlin Y
Shank Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Caines Y

Motion passed 7-0.

VII. UNFINISHED BUSINESS

A. Treasurer’s Warrant—*Request of Treasurer to authorize paid bills.*—Mr. Hochman, with second by Ms. Caines, moved to sign the Treasurer’s warrants for paid bills. Roll Call Vote:

Brechlin Y
Shank Y
Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Caines Y

Motion passed 7-0.

VIII. NEW BUSINESS

- A. Housing, Transient Accommodations, and visitor trends—Staff presentation.**—Michele Gagnon, Planning Director gave a presentation on Housing, Transient Accommodations and traffic. Angela Chamberlain gave a presentation on Short Term Rentals. The Council asked questions and discussed the possibility of a moratorium on Transient Accommodations.

Public Comments were provided by Ruth Eveland, Ezra Sassaman, Cara Ryan, Isaac Iverson, Anna Durand, Charlie Sidman, Dessa Dancy and Stephen Coston. The Council asked that the town manager work with the Town Attorney on draft language of a moratorium on transient accommodations for the next Council meeting.

IX. TOWN MANAGER’S COMMENTS

Mr. Knight said the Public Works Dept will start a water main project on Monday on Cleftstone Road. It will take a month to do and there will be detours. He said Hannah Chamberlain, Deputy Assessor passed her state exam and is now a Certified Maine Assessor.

X. COUNCIL COMMENTS

Mr. Brechlin asked about the clearing of brush on Route 3 in the area of The Bluffs. It is impacting sight lines as well as pedestrian and bicycle traffic. Mr. Knight said it is property of the National Park and he has talked with them. If they can’t do the trimming then perhaps MDOT can.

He also said he has heard complaints about live music from a business “in the Salisbury Cove area.” The neighbors claimed to be able to hear a band from half a mile away.

Mr. Shank thanked the crossing guards who work hard to corral traffic now that school is back in session.

Mr. Hochman thanked Ms. Gagnon and Ms. Chamberlain for an extremely informative presentation. He noted the passing of “Razor Ray,” who was a large part of growing up in Bar Harbor for generations of kids.

Mr. Friedmann praised the Public Works department for quickly addressing a pothole.

Mr. Minutolo spoke about a Village Connector trail system of bicycle paths.

Ms. Caines said she’d like the Council to work on the Ethics Ordinance soon.

Ms. Peacock also thanked Ms. Gagnon and Ms. Chamberlain. She’s glad to see data being gathered and used, to monitor trends over time and inform decisions. She thanked the members of the public who participated in this meeting.

XI. EXECUTIVE SESSION

- A. Cruise Ships—To be held in executive session as permitted by 1 MRSA §405.6.E for consultation with the town attorney.**—Mr. Hochman, with second by Ms. Caines, moved to enter executive session as permitted by 1 MRSA Sec 405.6.E for consultation with the Town Attorney on cruise ships. Roll Call Vote:

Brechlin Y

Shank Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Caines Y
Motion passed 7-0.

Town Attorney Stephen Wagner and Finance Director Sarah Gilbert participated in the executive session. Council returned to regular session at 9:35 p.m.

XII. ADJOURNMENT—Mr. Hochman, with second by Ms. Caines, moved to adjourn at 9:36 p.m. Roll Call Vote:

Brechlin Y
Shank Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Caines Y
Motion passed 7-0.

Elizabeth N. Graves, Town Clerk

Memo



To: Town Councilors; Cornell Knight
 From: Sarah Gilbert, Finance Director
 CC: Department Heads
 Date: 9/08/2023
 Re: Fiscal Year 2024 – August 31, 2023 – 2 Months Results

General Fund

Attached are the financial results for 2 months of operations for FY 2024 through the end of August. The audit field work has not yet begun for Fiscal Year 2023—the auditors will be arriving in mid October for two weeks. Staff does not anticipate any significant *expense* adjustments that differ from the year end estimates previously provided to the Council.

Expenditures (17% goal)

The August summary statements show 16.7% spent versus 17.3% of the budget spent last year, about where we expect to be. 14.6% of the \$6.1 million in budgeted municipal wages are spent year-to-date compared to 17.5% in August 2022. No spending anomalies are evident at this early point of the fiscal year. Encumbrances from FY23 have not yet been added to the FY2024 budget in the detail or in the summary format.

Non-Property Tax Revenues (17% goal)

21% of the budget for non-property tax revenues is now collected versus 19% at this point last year. With only two months of activity booked we are only just out of the starting gate. No trends evident yet but Harbor and Code are on the road to making their budget targets early.

Ambulance Revenues

FY 2024 2 Months YTD Runs Billed	119	Avg Billing \$672	Net Coll \$488
FY 2023 2 Months YTD Runs Billed	114	Avg Billing \$681	Net Coll \$477
FY 2022 2 Months YTD Runs Billed	164	Avg Billing \$658	Net Coll \$410

	<u>8/31/2023</u>	<u>8/31/2022</u>
Ambulance Accounts Receivable	\$157,122	\$252,581

Excise-Motor Vehicle Revenues- 25% Re registrations processed on line

FY 2024	2 Months YTD	816 units	\$202,532	=\$248 / per vehicle
FY 2023	2 Months YTD	851 units	\$210,327	=\$247 / per vehicle
FY 2022	2 Months YTD	842 units	\$206,810	=\$246 / per vehicle

Building Permitting Revenue-

FY 2024	2 Months YTD	51 permits	\$ 79,874	=\$1,566/ permit
FY 2023	2 Months YTD	53 permits	\$ 86,428	=\$1,630 / permit
FY 2022	2 Months YTD	53 permits	\$ 26,223	=\$452 / permit

In both FY2023 and FY2024, there were several large permits early in the year

Property Tax Collection & Receivable Update:

The 2023 tax bills were mailed in August this year with a mill rate of 8.68 compared to the 9.32 rate last year---a 7.4% decrease. Due date of the first half taxes is Friday, September 29th.

Tax Year	Property Taxes Outstanding Balance	@ 8/31/23 %	@ 8/31/22 Balance	%
2007-2016	\$ 25,494	0.1%	\$ 25,162	0.1%
2017	\$ 2,270	0.1%	\$ 3,709	0.1%
2018	\$ 4,055	0.1%	\$ 3,511	0.1%
2019	\$ 4,807	0.1%	\$ 10,858	0.1%
2020	\$ 6,582	0.1%	\$ 66,563	0.1%
2021	\$ 60,219	0.3%	\$ 197,116	1.1%
2022	\$ 193,243	1.0%	\$ 19,100,446	95.9%
2023	\$19,529,746	88.3%		

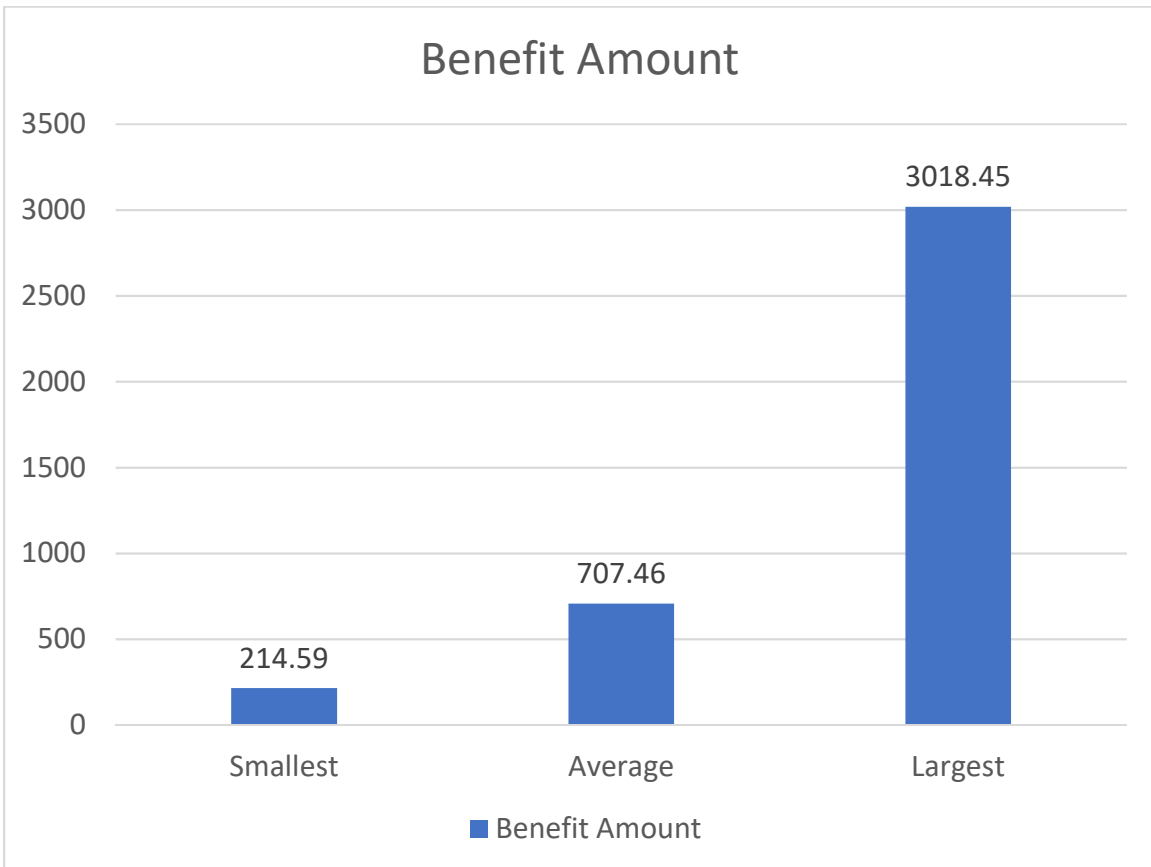
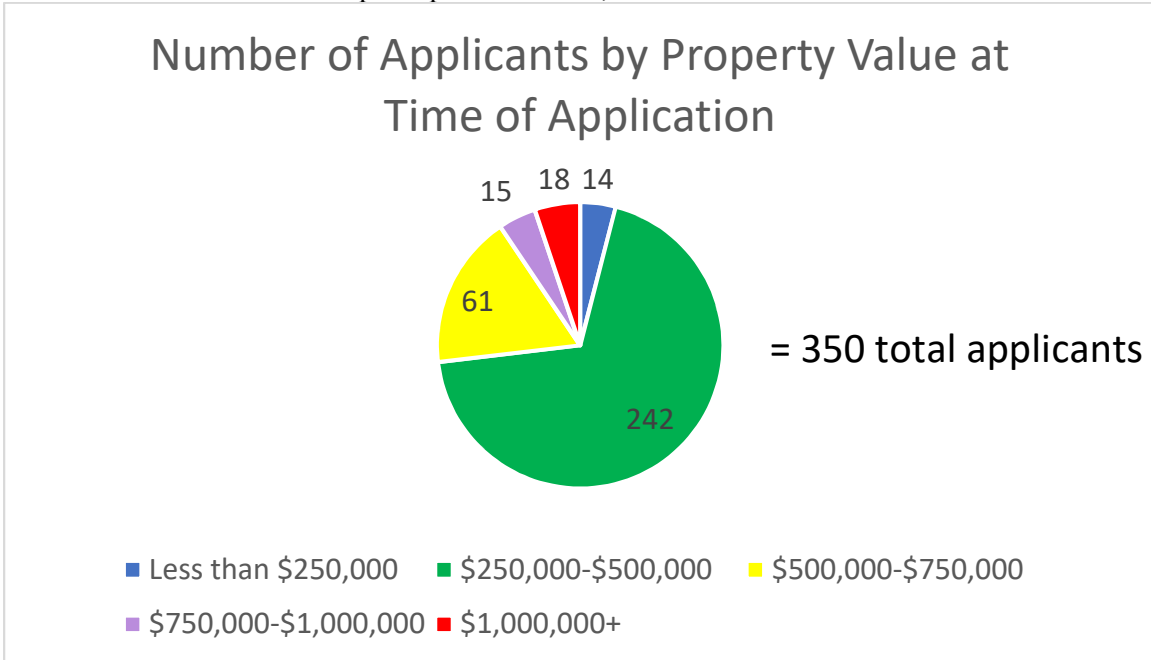
Cash Investment and Status Report / Banking

On August 31st, the Town had \$19,300,000 on hand in all funds—approximately \$450,000 less than last year’s total balances at this same time period, due to the continuing resolution of spending for bond/capital projects. Checking interest rates were at 4.0% vs. .75% last year. Excluded from above figures are bond monies received, 8/15/23, \$55,000,000

		<u>Budget</u>	<u>Actual</u>	
<u>Parking Fund</u>				
Revenue	FY24	\$3,149,600	\$1,771,727	56%
	FY23	\$1,839,500	\$939,726	51%
	FY22	\$1,411,500	\$891,306	63%

Assessing – below data from the Senior Tax Stabilization State Program

The smallest benefit (difference between what they paid in the program versus what their taxes would have been) was **\$214.59**. The largest benefit was \$3,018.45. The average benefit of all participants was **\$707.46**. The total benefit to all participants was **\$247,611.76**.



General Fund - Revenues

Town of Bar Harbor
YTD August 31, 2023
17% - 2 Months

<u>Department</u>	<u>Budget FY'24 12 Months</u>	<u>Actual FY'24 2 Months</u>	<u>Un Audited FY'23 12 Months</u>	<u>Bud. Var. Favorable (Unfavorable)</u>	<u>% Rev's Received 100% Goal</u>	<u>Variences From Budget Goal Comments</u>
Town Clerk Fees	\$ 29,110	\$ 7,624	\$ 31,117	2,675	26%	
Finance Department	\$ 377,219	\$ 9,402	\$ 393,453	(54,725)	2%	
Municipal Building Rents	\$ 33,000	\$ 3,178	\$ 45,062	(2,432)	10%	
Code Enforcement Permits	\$ 361,700	\$ 107,668	\$ 533,598	46,179	30%	JAX and Bluenose bldg permits
Planning Fees	\$ 20,950	\$ 3,027	\$ 24,904	(535)	14%	
Ambulance/Fire Fees	\$ 350,890	\$ 54,931	\$ 340,526	(4,720)	16%	
Police/Dispatch Department	\$ 321,194	\$ 32,429	\$ 273,974	(22,174)	10%	
Harbor Department	\$ 99,950	\$ 68,750	\$ 120,600	51,759	69%	Timing
Parks & Recreation	\$ 800	\$ 200	\$ 825	64	25%	
Highway Division	\$ 11,060	\$ 720	\$ 14,109	(1,160)	7%	
Solid Waste-Recycling	\$ 10,420	\$ 3,110	\$ 15,466	1,339	30%	
Departmental	\$ 1,616,293	\$ 291,039	\$ 1,793,634	16,269	18%	
P.I.L.O.T.'s	\$ 85,000	\$ -	\$ 177,401	(14,450)	0%	
Interest Income	\$ 182,500	\$ 11,062	\$ 165,926	(19,963)	6%	
Misc, Cable Franch., other	\$ 130,600	\$ 70,706	\$ 135,423	48,504	54%	Sale of Town Property BFI
Excise & Other Taxes	\$ 1,231,500	\$ 204,714	\$ 1,304,321	(4,641)	17%	
Intergovernmental	\$ 740,345	\$ 260,632	\$ 783,190	134,773	35%	Homestead reimb
Revenues-Subtotal	\$ 3,986,238	\$ 838,153	\$ 4,359,895	160,493	21%	
Property Taxes	\$ 22,119,230	\$ 22,137,634	\$ 19,943,074		100%	Supplemental tax bill
Transfers In-CS & Other Funds	\$ 763,418	\$ -	\$ 632,114		0%	
Fund Balance Used	\$ 128,500	\$ -	\$ -			
Grand Total-General Fund	\$ 26,997,386	\$ 22,975,787	\$ 24,935,083		85.1%	
Wastewater Revenues		\$ 12,384	\$ 2,508,744			1st billing is Oct 1st
Water Revenues		\$ 480,233	\$ 2,286,640			1 Qtr billed
CIP Fund Rev's/Transfers	\$ 432,248	\$ 38,850	\$ 404,882		9%	
Cruise Ship Fund Rev's	\$ 966,592	\$ 207,634	\$ 1,278,060		21%	
Parking Fund	\$ 3,149,600	\$ 1,771,727	\$ 2,052,115		56%	Includes fees, permits and violations

Town of Bar Harbor
Expenses - Period Ending
8/31/23

10-Sep-23

17% of Year Completed

General Fund	Dept	A FY '24 Annual Adj'd Budget	B FY '24 2 Months	C FY '23 12 Months PreAudit	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	Comments on variances
Town Council	10	\$ 40,490	\$ 823	\$ 46,172	6,060	2.0%	
Town Manager	12	\$ 251,842	\$ 11,872	\$ 234,545	30,941	4.7%	
Town Clerk	14	\$ 147,749	\$ 21,182	\$ 139,234	3,935	14.3%	
Finance Dept.	16	\$ 499,319	\$ 108,330	\$ 432,256	(23,446)	21.7%	
Town Attorney	18	\$ 200,750	\$ 72,801	\$ 313,328	(38,674)	36.3%	ongoing lawsuits
Elections	20	\$ 23,050	\$ -	\$ 18,179	3,919	0.0%	
Technology	22	\$ 228,444	\$ 56,060	\$ 208,908	(17,225)	24.5%	Ann'l license pmts
Municipal Building	24	\$ 89,327	\$ 14,794	\$ 89,064	392	16.6%	
Town Offices	26	\$ 57,000	\$ 9,464	\$ 70,018	226	16.6%	
Employee Benefits	28	\$ 2,300,696	\$ 350,747	\$ 1,991,214	40,371	15.2%	
Code Enforcement	30	\$ 208,954	\$ 25,487	\$ 146,420	10,035	12.2%	
Assessing Dept.	32	\$ 183,848	\$ 26,984	\$ 139,212	4,270	14.7%	
Planning Dept.	34	\$ 472,997	\$ 36,262	\$ 259,447	44,147	7.7%	
Miscellaneous	36	\$ 237,000	\$ 6,624	\$ 273,148	33,666	2.8%	
Fire / Ambulance Dept	42	\$ 1,706,045	\$ 252,824	\$ 1,568,049	37,204	14.8%	
Hydrants-Public Fire	43	\$ 620,740	\$ 146,401	\$ 585,604	(40,875)	23.6%	
Police Dept.	45	\$ 1,597,850	\$ 184,105	\$ 1,453,890	87,530	11.5%	
Dispatch Division	47	\$ 300,398	\$ 49,575	\$ 292,988	1,493	16.5%	
Public Safety Bldg.	49	\$ 58,605	\$ 3,090	\$ 54,707	6,873	5.3%	
Street Lights	51	\$ 15,370	\$ 1,339	\$ 20,800	1,274	8.7%	
Harbor Dept.	53	\$ 122,899	\$ 36,035	\$ 122,699	(15,142)	29.3%	timing
Parks & Rec & Glen M	59	\$ 515,609	\$ 271,258	\$ 478,182	(183,604)	52.6%	YMCA and Jesup pmts
GenAssist/Emerg Mgmt	63/66	\$ 24,200	\$ 469	\$ 20,673	3,645	1.9%	
Cooperating Agencies	68	\$ 71,695	\$ 45,403	\$ 76,036	(33,215)	63.3%	
Comfort Station	70	\$ 140,163	\$ 34,066	\$ 140,597	(10,238)	24.3%	
Public Works	75	\$ 314,612	\$ 33,608	\$ 202,006	19,876	10.7%	
Highway Dept	77	\$ 1,419,783	\$ 191,063	\$ 1,419,093	50,300	13.5%	
Solid Waste	79	\$ 996,658	\$ 158,928	\$ 1,038,234	10,504	15.9%	
General Fund Totals		\$ 12,846,093	\$ 2,149,594	\$ 11,834,703	\$ 34,242	16.7%	
payroll periods		26	4	27		15.4%	

FY24 Budget does not include carryover encumbrances from FY2023

General Assistance Ordinance Amendment Appendices A-H

Town of Bar Harbor

#2023-06

An Amendment for the annual revision of maximum benefit levels for Appendices A-H for the period 10-1-2023 to 9-30-2024 pursuant to 22 MRSA 4305(4).

The Town of Bar Harbor hereby ordains that Chapter 102, General Assistance, of the Town Code is amended as follows:

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

CHAPTER 102 – GENERAL ASSISTANCE

Appendix A

Effective 10-1-2023~~23~~ to 9-30-2024~~24~~

GA OVERALL MAXIMUMS

Persons in Household	1	2	3	4	5*
Hancock County	\$890 <u>\$965</u>	\$925 <u>\$996</u>	\$1,110 <u>\$1,198</u>	\$1,397 <u>\$1,521</u>	\$1,529 <u>\$1,655</u>

Please Note: add \$75 for each additional person.

Appendix B

Effective 10-1-2022~~23~~ to 9-30-2023~~24~~

FOOD MAXIMUMS

Please Note: The maximum amounts allowed for food are established in accordance with the USDA Thrifty Food Plan. As of October 1, 2022~~23~~, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	65.35 <u>\$67.67</u>	281 <u>\$291.00</u>
2	120.00 <u>\$124.42</u>	516 <u>\$535.00</u>
3	172.09 <u>\$178.14</u>	740 <u>\$766.00</u>
4	218.37 <u>\$226.28</u>	939 <u>\$973.00</u>
5	259.53 <u>\$268.60</u>	1,116 <u>\$1,155.00</u>
6	311.40 <u>\$322.33</u>	1,339 <u>\$1,386.00</u>
7	344.19 <u>\$356.28</u>	1,480 <u>\$1,532.00</u>
8	393.26 <u>\$407.21</u>	1,691 <u>\$1,751.00</u>

Note: For each additional person add ~~\$211~~ \$219 per month.

Appendix C
Effective 10-1-202223 to 9-30-202324

GA HOUSING MAXIMUMS

Bedrooms Hancock County	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	176 <u>\$191</u>	755 <u>\$821</u>	204 <u>\$221</u>	875 <u>\$950</u>
1	176 <u>\$191</u>	755 <u>\$821</u>	211 <u>\$228</u>	908 <u>\$979</u>
2	205 <u>\$222</u>	883 <u>\$956</u>	253 <u>\$274</u>	1,089 <u>\$1,177</u>
3	260 <u>\$285</u>	1,120 <u>\$1,227</u>	319 <u>\$348</u>	1,373 <u>\$1,496</u>
4	276 <u>\$301</u>	1,187 <u>\$1,293</u>	349 <u>\$378</u>	1,500 <u>\$1,625</u>

Appendix D
Effective 10-1-202223 to 9-30-202324

ELECTRIC UTILITY MAXIMUM

No other changes

Appendix E
Effective 10-1-202223 to 9-30-202324

HEATING FUEL

No other changes

Appendix F
Effective 10-1-202223 to 9-30-202324

PERSONAL CARE AND HOUSEHOLD SUPPLIES

No other changes

Appendix G
Effective 10-1-202223 to 9-30-202324

MILEAGE RATE

~~2022-2023~~ 2023-2024 Mileage Rate

No other changes

Appendix H
Effective 10-1-202223 to 9-30-202324

FUNERAL MAXIMUM

No other changes

Bar Harbor Fire Department

IX.B

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

To: Cornell Knight, Town Manager
From: Matthew Bartlett, Fire Chief
Date: September 12, 2023
Subject: Annual Review of the Town's Emergency Operation Plan

We have included, as part of the Council's annual review of policies, the Town's Emergency Operations Plan.

Last year, we updated our plan to be inline with the Hancock County Emergency Management Agencies County Plan. With the rewrite last year, there are no changes, to the current Emergency Operations Plan.

Cc: Liz Graves, Town Clerk
Town Council

2023 Emergency Operations Plan

Bar Harbor, Maine

EMERGENCY OPERATIONS PLAN APPROVAL

The Emergency Operations Plan for the Town of Bar Harbor has been approved and adopted this date:

_____	_____
Council Chair	Date
_____	_____
Councilor	Date
_____	_____
Councilor	Date
_____	_____
Councilor	Date
_____	_____
Councilor	Date
_____	_____
Councilor	Date

Bar Harbor Emergency Operations Plan

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DISTRIBUTION

- Town Office of Emergency Management
- Town Office Records
- Department Heads
- Hospital
- School Administrator
- Hancock County Emerg. Management Agency

Bar Harbor Emergency Operations Plan

BASIC PLAN

PURPOSE

The municipal disaster emergency plan is required by Maine State Statute, Title 37-B M.R.S.A. §783. The disaster emergency plan shall be known as the Emergency Operation Plan or “EOP.”

The municipal Emergency Operations Plan (EOP) identifies the most likely types of disaster that the municipality would face. This plan defines the activities to be completed and the resources that will be called upon to respond to the disaster.

Throughout this plan, the Town of Bar Harbor shall be referred to as the “Town.” In order to standardize the response procedures throughout Hancock County, activities and resources published in the Hancock County Hazard Mitigation Plan will be utilized to the greatest extent possible. This municipal EOP will be a supplement to the Hancock County Hazard Mitigation Plan; both should be utilized as a reference during any disaster response. The Hancock County Emergency Management Agency (HCEMA) is responsible for the development of the County plan; this document and its annexes are updated regularly as risks emerge, change, or warrant.

SITUATION AND ASSUMPTIONS

The Hancock County Hazard Mitigation Plan includes detailed information on assessment and potential impacts of the following categories of hazards:

- Severe winter storms
- Flooding
- Severe summer storms
- Wildfires

Other natural hazards including drought, earthquake, and hurricane were deleted in the 2018 County plan due to a lack of historical evidence, lack of overall county-wide severity or a low likelihood for the event to occur.

The town EOP does, however, also include other categories of hazards, such as hazardous materials incidents.

The Town does not employ a career emergency management director (EMD). Preparedness activities will be limited to involvement of the EMD in the County’s Local Emergency Manager Program, the formulation, periodic review, and approval of this Town EOP, use of County EMA-provided response guidance, and trainings and exercises organized by the County EMA office.

Bar Harbor Emergency Operations Plan

The following emergency services are provided by:

Law Enforcement	Bar Harbor/Mount Desert Police Department
Emergency Medical Services	Bar Harbor Fire Department
Fire Protection	Bar Harbor Fire Department
Hazardous Materials Response	Bar Harbor Fire Department, Hancock County EMA -IMAT, Regional Response Team, Maine CST
Hospital Emergency Services	Mount Desert Island Hospital
Public Works	Public Works, Road Commissioner
Public Information	Communications Coordinator

CONCEPT OF OPERATIONS

1. The Town of Bar Harbor is ultimately responsible for the timely and effective response to any disaster incident within the Town. The Town Manager serves as Town Emergency Management Director (EMD), with the Fire Chief the Deputy EMD. The Deputy EMD is responsible for emergency management activities, such as Preparedness, Response, Recovery and Mitigation, on behalf of the Town Bar Harbor.
2. Final authority on all decisions with consequence upon the Town, its residents, and its finances lies strictly with the Town Council. The Town is authorized to take whatever actions necessary to prevent the loss of life and/or property within the Town.
3. The Emergency Management Director is responsible for coordinating disaster response activities, requesting resources from mutual aid partners and Hancock County EMA, and for compiling and submitting disaster damage assessment information.
4. Disaster notifications may be issued by the National Weather Service (NWS), the Emergency Alert System (EAS), Integrated Public Alert and Warning System (IPAWS), the Hancock County Regional Communication Center (HCRCC) by radio-page, or from the Hancock County EMA. Local notifications may be issued by the town including mass public notification (text message) system, website, social media, etc.
5. The EMD, or Deputy EMD may activate the Emergency Operations Center (EOC), or initiate the Emergency Operations Plan if they determine that the disaster situation warrants activation. Key town officers and staff will be recalled to the municipal EOC.
6. When the emergency is beyond the control and/or resources of the Town, a request for assistance may be made through Hancock County EMA to the Maine Emergency Management Agency (MEMA). Maine's Governor may declare a disaster and make Maine state resources available to save lives, protect properties, and aid in disaster recovery.

Bar Harbor Emergency Operations Plan

7. Local mutual aid agreements (MAA) exist between all towns in Hancock County. A state statute provides for mutual aid that includes the entire State government and all the county and municipal governments.
8. For a local emergency an Incident Commander (IC) will assume command at the scene. Communications will be established between the IC and the Town EOC or the County EOC. Most of the Logistical, Finance and Planning capabilities will be located at the EOC. The IC will retain all Operations Section personnel and some limited Logistical and Planning support.
9. For a county-wide emergency, such as a severe winter storm, all emergency operations will be run out of the Town EOC if needed. Town emergency personnel will be dispatched by the Town EOC for specific tasks such as checking up on residents during a prolonged power outage or delivering situation reports when hard-line communications are out.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

The following Town Officials may be tasked during a community emergency or disaster:

Town Council

1. Assumes responsibility for the overall Town response and recovery operations.
2. Make policy decisions relating to the disaster response and recovery.
3. Reviews and accepts final Damage Assessment report.
4. Make necessary adjustments to the municipal budget.

Emergency Management Director:

1. Organizes and facilitates the Town EOC.
2. Develops all town emergency plans and procedures.
3. Coordinates with Hancock County EOC.
4. Coordinates with local School.
5. Collects individual and public assistance information.
6. Responsible for the tracking and assignment of disaster resources.
7. Establishes EOC communications.
8. Completes the Damage Assessment and Situation Reporting
9. Approves press releases to the media.

Fire Chief:

1. Oversees all fire/EMS resources and directs fire department operations.
2. Assist with evacuation, and notifications
3. Assist EMD as directed

Public Works Director: Coordinates road damage assessment, repair and maintenance. Assist with final Damage Assessment.

Public Information Officer:

1. Relay information from the EOC to the public
2. Field inquiries from the public and the media
3. Drafts press releases for the media; organize press conferences if needed

Bar Harbor Emergency Operations Plan

Town Clerk:

1. Recruit emergency volunteer staff
2. Staffs EOC telephone and documents information.
3. Notifies town residents of special meetings and assistance programs.
4. Carry out welfare general assistance, as required.

Finance Director: Tracks disaster expenditures and pays bills authorized by Town Council.

Police Chief:

1. Responsible for initiating and implementing emergency evacuations.
2. Oversee all police resources and directs police department operations

Animal Control Officer: Coordinates services and assistance provided to animal victims.

Local Health Officer:

1. Report on the prevention and suppression of diseases and conditions dangerous to public health to the Commissioner of Human Services.
2. Receive and evaluate complaints concerning nuisances posing a potential public health threat within the town.
3. Order the suppression and removal of nuisances and conditions posing a public health threat found to exist.

ADMINISTRATION AND LOGISTICS

The EMD is responsible for the activation of this plan.

The Town EMD is responsible for the submission of reports to the County EOC. The Town EOC staff provides reports of response activities, damages, and other related information to the EMD. The EOC staff keeps records on all actions, expenditures and financial obligations.

All Town disaster expenditures must be approved by the Town Council through budget amendments. The Finance Director will complete all financial actions once the expenditures have been approved.

PLAN DEVELOPMENT AND MAINTENANCE

Any deficiencies found in this plan should be summarized and submitted in writing to the Deputy EMD when noted.

The Deputy EMD shall lead an annual review the entire plan to ensure that all procedures, policies, data and responsibilities are current and reflect actual assignments.

All changes to the plan will be approved by the Town Council.

Bar Harbor Emergency Operations Plan

AUTHORITIES AND REFERENCES

- Chapter 74, Emergency Management of the Bar Harbor Code, adopted 1999, as amended
- Hancock County, Maine Hazard Mitigation Plan, 2018 Update
- Title 37B, Chapter 13, Maine Revised Statutes Annotated (MSRA), the Maine Emergency Management Act, as amended.
- Federal emergency Management Agency, National Response Framework, Third Edition, June 2016.
- Federal Emergency Management Agency, Developing and Maintaining Emergency Operations Plans, Comprehensive Preparedness Guide (CPG 101), Second Version, November 2010.

Bar Harbor Emergency Operations Plan

Town Map

Link to town GIS maps:



Bar Harbor Emergency Operations Plan

ANNEX A - DIRECTION AND CONTROL

SITUATION

Many hazards can cause disasters of a magnitude that makes centralized direction and control necessary. Emergency staffing must be documented with the EMA Director for protection under State law.

CONCEPT OF OPERATIONS

The priority in emergencies is to save lives, limit injuries, limit damage to property, maintain the continuity of government, and return the Town to normal.

The Town has established the National Incident Management System (NIMS) as the municipal standard for incident management by ordinance. This system provides a consistent approach for all levels of government to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. By adopting NIMS, the Town utilizes standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) is utilized by all Town emergency responders for incident management.

The EMD has responsibility for the continuance of local government operations. The EMD may activate the Town EOC or initiate the Emergency Operations Plan (EOP) if they determine that the disaster situation warrants the activation. Key town officers will be recalled to staff the EOC, supplemented by volunteers if necessary. The EOC may be activated at three different staffing levels.

EOC ACTIVATION LEVELS

LEVEL	STATUS	ACTION
3	Standby	EMD monitors the ongoing situation
2	Increased Readiness	EMD staffs the EOC on a temporary basis
1	Full Activation	Entire EOC staff recalled; 24-hour shifts established

The Town EOC is located at the Fire Station Training Room. Another designated facility may be used if needed.

The Town EOC's communications capabilities include telephone, internet, 2-way radios, and remote meeting. All Fire Department personnel can be reached through the Bar Harbor Dispatch via radio-pagers.

If an incident command post (ICP) is established, the incident commander is the senior officer on the scene from the emergency service best suited to handle the situation. The ICP keeps the EOC informed of the situation. The Town EOC keeps the County EOC informed.

Bar Harbor Emergency Operations Plan

ORGANIZATION & ASSIGNMENT OF RESPONSIBILITIES

The Town Council exercise broad control over emergency operations. The Council provide guidance on policy and approve information for the public. Town Officials staffing the EOC assure work is accomplished in a mutually supportive way. The EOC staff will keep in contact with field forces and record their status, issue instructions to personnel, monitor progress, and keep the Council informed.

At the discretion of the EMD, the following town officials and volunteers may be included in the Town EOC:

Emergency Management Director	Town Clerk (Volunteer Coord)
Fire Chief (Deputy EMD)	Communications Coordinator
Police Chief	Finance Director
Dispatch	Public Works Director
Health Officer	Town Councilors
Animal Control Officer	

Actual EOC operational procedures are as described in Job Aids published by National Incident Management System.

ADMINISTRATION AND LOGISTICS

The EOC may require 24-hour staffing during the emergency period. Additional volunteers may need to be sought out.

Resource requests and situation reports are compiled and forwarded to the County EOC daily. Damage Assessments are forwarded to the County EOC as available.

The EMD maintains an events log.

Bar Harbor Emergency Operations Plan

ANNEX B - COMMUNICATIONS

PURPOSE

Communications during an emergency are critical. This annex will describe the communications capabilities of the Town.

CONCEPT OF OPERATIONS

Most local emergencies should leave the telephone system intact, however certain disasters, such as a severe storm, could knock out telephone communications. Telephones shall be used as the primary means of communicating. Two-way radios shall be used as a secondary means of communication and as the means to communicate with personnel in the field. As much as possible, e-mail shall be used to transfer photos and large amounts of data.

When neither the telephone nor public safety radio, are successful, amateur radio operators and runners may be used. Request for amateur radio support can be made to the County EOC.

The primary EOC phone number is 288-5554. An alternate number is: 288-5533.

The EOC fax number is 288-8204.

The Town EOC will have the following radio frequencies programmed into a base station: Bar Harbor Fire, MDI Law Enforcement, MDI Fire, Bar Harbor Public Works, County FIRE North, County FIRE South, Hancock Tac-1, Hancock Tac-2, CON-OPS, CON-OPS Common Channel-2, CON-OPS Common Channel-3, Statewide Car to Car, State Fire, and EMS Laser (state).

The EOC has a VHF radio base station. All first responders are issued a VHF radio-pager and/or a VHF portable radio. All public safety vehicles are equipped with mobile VHF radios.

The Town Office clerk@barharbormaine.gov and Fire Department fire@barharbormaine.gov both have Internet connectivity, and a generator to provide emergency power 24/7.

The EMD shall maintain an emergency telephone contact list for all Town officials and officers. For privacy reasons, this contact list will not be included in the published Town EOP.

TELEPHONE CONTACTS

AGENCY	LOCATION	TELEPHONE #
Hancock County RCC	50 State Street, Ellsworth	667-8866
Hancock County EMA	50 State Street, Ellsworth	667-8126 Fax 1406
Hancock County Sheriff	50 State Street, Ellsworth	667-7575
Maine Forest Fire Control	Augusta	287-2275
Maine DEP	Augusta	1-800-482-0777
Maine State Police	Augusta	1-800-452-4664
National Response Center	Washington D.C.	1-800-424-8802
Poison Control Center	Portland	1-800-222-1222

Bar Harbor Emergency Operations Plan

ANNEX C - WARNING

CONCEPT OF OPERATIONS

The County EMA will use telephone calls, radio transmissions, e-mail, and SMS text messages to alert the Town EMD and other Town officials.

The primary National Warning System (NAWAS) warning point for Hancock County is the Hancock County RCC. The RCC is staffed on a 24-hour basis. The Hancock County EMA is the alternate warning point.

The National Oceanic and Atmospheric Administration (NOAA) Weather Radio system covers the entire County. It also provides warnings of hazard situations; e.g., severe weather, national security and nuclear power incidents.

The Emergency Alert System (EAS) is activated by the Maine Emergency Management Agency (MEMA) or the State Public Safety Warning Point. The Town EMD may contact the County EMA Director or HCRCC to request activation of the EAS system. The County EMA will pass the request to MEMA. The Town EMD may also contact area radio stations directly to request that they pass emergency information.

The EMD is responsible for alerting the Councilors and Department Heads. The EMD is also responsible for providing warning to the School and the public via warning devices and mobile notification.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

The EMD ultimately responsible for ensuring that alerting and warning capabilities exist and special needs populations (school children and elderly) are notified.

The EMD shall update Town Official Phone Roster, alert EOC Staff, relay fan-out information and report status to the County EMA.

The Town EOC shall initiate warning communications to town residents through phone calls, traveling teams, social media, town's website or by commercial radio stations.

ADMINISTRATION AND LOGISTICS

The EMD will make written reports of alert notifications received, actions taken, and times of completion. These reports are recorded and provided to the County EOC.

Bar Harbor Emergency Operations Plan

ANNEX D - EMERGENCY PUBLIC INFORMATION

CONCEPT OF OPERATIONS

The Town has an ongoing program to provide information about potential hazards, local government preparedness activities and emergency services to the public.

Town residents will need to be notified immediately if forest fires, a hazardous materials accident, or a terrorist situation forces them to either shelter in-place or to evacuate. Residents will need to be informed, as soon as time permits, as to actions they should take during flooding of roads or a severe winter storm. The Town's School and the elderly living alone should be notified and assisted first.

The primary means of dissemination will be by telephone. The Town EOC will call key residents on each of the town roads and request that they pass the word to their neighbors.

The secondary means of dissemination, especially within the immediate danger zone, will be by using Fire and Police Department staff to go door-to-door.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

The town Communications Coordinator will serve as the Public Information Officer (PIO). The PIO is responsible for providing emergency information to the public and is responsible for all contacts with the media. The PIO keeps logs of emergency information activities.

A Media Center will be established in the Town Office for a major incident that the TV Media arrives in Town. Media briefings are held as frequently as possible. Media releases are prepared by the PIO and approved by the EMD.

Emergency information is released to the local media through the EOC. Information is verified before release. Rumors are investigated, and correct information issued if necessary. Media (radio, television, newspaper and web) announcements are monitored to ensure accuracy.

Bar Harbor Emergency Operations Plan

ANNEX E - EVACUATION

SITUATION

Evacuations may be used to protect the health and safety of the public. Private vehicles and school buses are the primary means of transportation. Emergency services vehicles are also used when needed for incapacitated people. No one can be forced to leave their home, but efforts are made to inform every one of the threats and of help available for evacuees.

Town residents may be evacuated if they are threatened by an out-of-control forest fire, a hazardous materials accident, or a terrorist situation. A forest fire threat exists in all parts of town.

A slow, controlled evacuation of a few personnel may take place in a severe storm. The most likely evacuees will be elderly residents or families who lose the ability to heat their homes.

CONCEPT OF OPERATIONS

The Police Department will oversee a general evacuation of residents within the town. The Police Department may request assistance from the Fire Department.

For a criminal situation, the senior law enforcement officer from the Police Department, will oversee the evacuation of the immediate area around the incident. They may request assistance and equipment from the Fire Department.

The characteristics, path, and magnitude of the hazard determine the number of people to be evacuated, the time available, the evacuation routes, and the distance of travel. The Fire Department is responsible for the final route determination. Evacuation will be coordinated with emergency information and traffic control operations, and relief organizations.

The general population uses private transportation. Those without transportation, including elderly and handicapped will need to be transported by public transportation. The Town EOC will contact the County EOC to request public transportation. The County EMA has agreements with the local School Districts and with Downeast Transportation for emergency use of buses.

Evacuation and reentry instructions are given via radio, television, and by traffic control personnel. Signs and cones may be needed to help direct evacuees. Return to the evacuated area takes place when it is deemed safe for the citizens to return.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

The Town Council has the authority for establishing evacuation policy via this plan. The EMD implements the plan, compiles all evacuation information and provides reports to the County EOC.

The Police Department coordinates evacuation activities.

The Animal Control Officer will coordinate efforts for the evacuation and sheltering of animals, especially farm animals.

Bar Harbor Emergency Operations Plan

ADMINISTRATION AND LOGISTICS

Attempts should be made to record the names of all those residents who have been evacuated.

Facilities that require special attention during evacuations include:

Facility	Approx. Population	Type of Population
Conners/Emerson School	120	School Age Children
Kids' Corner	12	Infants to Preschool Children
Malvern Belmont/Rodick Lorraine	122	Public Housing
MDI Hospital	25	Hospital

EVACUATION INFORMATION (to be completed during incident)

Roads/Areas to be Evacuated:	
Roads to Use for Evacuation:	
Shelters established:	
Method to disseminate information to those affected:	
How much time to complete evacuation:	
Evacuation Directed at (time):	
Transportation Assets to come from:	
Signage provided by:	
Traffic Control Points set up at:	

Bar Harbor Emergency Operations Plan

ANNEX F - MASS CARE

CONCEPT OF OPERATIONS

It may be necessary to provide shelter for Town residents and visitors. The Town will not be responsible for opening Overnight Evacuation Shelters to lodge residents or visitors. The County EOC will be responsible for establishing regional Overnight Evacuation Shelters with support from the American Red Cross. The Town may choose to open Warming Centers to provide a warm place for residents to go to during the day and to acquire food and water and take a shower.

Review the County EOP for all information regarding Regional Overnight Evacuation Shelters.

If the Town activates a Warming Center, it will be located at the Municipal Building and the EMD will assign a Mass Care Officer to supervise operations in the facility. The Mass Care Officer reports to the Town EOC. Actions must be taken to register people reporting into the Town Warming Center.

The Town EMD will determine if there are any residents who do not have a place to stay the night and coordinate with the County EOC. Most people will stay with relatives or friends, instead of in an overnight shelter.

Food, water and sanitation supplies may be needed for the Warming Center. The EMD on behalf of the Town Council must authorize any expenditure for the Warming Center. Contact should be made with the Bar Harbor Food Pantry as a source of food for the Warming Center.

See the Shelter Handbook for Local, County and Tribal Emergency Management Agencies prepared by the Maine Emergency Management Agency for more detail on town warming centers.

ADMINISTRATION AND LOGISTICS

The Mass Care Officer must keep the Town EOC informed of the status of the Warming Center. The Town EOC will keep the County EOC informed.

Complete records of expenditures and operations are given to the Town EOC. If the Town operates a Warming Center, the Town may shoulder all the costs. If a Presidential Declaration is made, FEMA and the State may reimburse the Town up to 90%.

Bar Harbor Emergency Operations Plan

ANNEX G - HEALTH AND MEDICAL

CONCEPT OF OPERATIONS

It is critical that roads be kept clear of debris so that EMS personnel can locate and transport casualties.

A Mortuary Collection Point (MCP) will be established in a safe and secure area near the mass casualty incident scene for storage of the deceased.

Review the County EOP for detailed information relating to Health and Medical.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

The Fire Chief or on duty Shift Officer is the incident commander (IC) for all hazardous material and mass casualty incidents.

If the incident involves Haz Mat, IC must initiate decontamination measures for the emergency responders, evacuees, and victims. IC should request the Rapid Intervention Team, through Hancock County EMA Office.

The Police Chief, or Senior on duty Officer is the IC, if the incident is criminal in nature (shooting, bombing, etc).

The Town EOC will coordinate emergency medical assistance through the Dispatch.

The Town EOC will attempt to collect the names of all personnel who are injured, killed, or missing.

The EMD will request the use of heavy equipment needed for debris clearance.

Search and Rescue operations can be completed by State of Maine Warden Service, and MDI Search and Rescue. Contact the Dispatch for the Warden Service, and the Acadia National Park for MDI Search and Rescue.

ADMINISTRATION AND LOGISTICS

The nearest Hospital with an emergency room is the Mount Desert Island Hospital.

Ambulance Services are provided by Bar Harbor Fire.

The nearest Funeral Services are provided by Jordan-Fernald Funeral Home.

Bar Harbor Emergency Operations Plan

ANNEX H - RESOURCE MANAGEMENT

SITUATION

All disasters will require additional staffing, communications, and vehicles.

Consideration should be made to contract with local contractors and individual residents for additional resources.

Hazardous Material Incidents will require outside support immediately. The owner of the HazMat is responsible for cleanup however, the Fire Department is responsible for establishing hot, warm and cold zones, decontaminating, isolating and evacuating contaminated people, collecting and up-channeling information on the incident, and restricting access. Request the Rapid Intervention Team and the County EMA immediately.

Severe winter storms will require snow removal and debris clearance for local roads.

Flooding will require emergency road repairs, which must be contracted. Road damage assessment will be completed by the Public Works Director.

CONCEPT OF OPERATIONS

The Town will expend its own resources before requesting resources from other communities and other levels of government. Local mutual aid will be requested through the Dispatch. State law enforcement and environmental resources will also be requested through the Dispatch. Most other resources will be requested through the County EMA.

The storage, maintenance and replacement of equipment borrowed from the County and State are the responsibility of the Town. Records are kept for the request and deployment of these resources.

The Town Council will attend FEMA Public Assistance briefings to initiate the application process for public facilities. Accurate records of damages and expenditures are kept for federal reimbursement. Following a Presidential Disaster Declaration, the cost of local emergency response operations may be partially reimbursed through a federal disaster assistance program. Protective measures also may be reimbursed.

Bar Harbor Emergency Operations Plan

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

A town staff employee should be assigned the job of Resource Officer. He/she is responsible for tracking major resources and those resources obtained from outside sources. Specific attention is given to the unique needs of special care facilities and populations.

The EMD is the only town officials who has the authority to approve contracts and expend town funds to procure emergency supplies, equipment, materials, and services.

The Town Clerk administers the community's General Assistance program. The EMD will provide FEMA Individual Assistance information to the town residents.

The Public Works Director will coordinate resources to reopen blocked or damaged roads and bridges.

ADMINISTRATION AND LOGISTICS

The EOC staff will identify needs that cannot be met with local and mutual aid resources and track these needs. When it appears, local resources will be exhausted, a request for assistance is made to the Hancock County EOC.

The Town Supply Drop is located at the Public Works Facility.

Requests for additional communications equipment should be made to the Hancock County EMA.

The EMD or Fire Chief will update the Town Resource Sheet information and provide it to the County EMA office.

The Town Clerk or appointed Resource Officer will coordinate the efforts of local volunteer organizations and unaffiliated volunteers. They will determine what volunteers are needed for what roles, depending on the type and severity of the incident.

A Volunteer Reception Center may be set up at the Town Office. Volunteers may be used for mass feeding, warming center operations, runners, and general labor.

The Public Information Officer will contact the area TV and Radio stations and request they make an announcement regarding the need for and type of volunteers.

Bar Harbor Emergency Operations Plan

ATTACHMENT 1 - SEVERE WINTER STORMS

NATURE OF THE HAZARD

The Town is very susceptible to severe winter storms. Downeast Maine can receive a great deal of snow and ice and air temperatures can drop to 30-50 deg F below zero. All Town roadsides are heavily forested which take down power lines when trees fall.

RISK AREA

It is very easy for town residents to become trapped in their homes due to impassable roads, especially on private subdivisions. The major concern is the difficulty for emergency response by EMS, Fire and Police.

Another area of concern is for elderly residents who lose the capability to heat their homes and fail to communicate the danger they are in.

Finally, the electrical power distribution system is very susceptible to damage by accumulating ice and downed trees. Residents can be faced with extended periods of time (up to two weeks) without electricity. This will create difficulties with heating, water supply, sanitation, and food preparation.

DIRECTION AND CONTROL

The Town Council and EM Director should consider activating the EOC during an extended severe winter storm. The EOC will organize water supply, heat assistance, emergency food supplies, and disaster volunteers for disaster response, setting up warming centers, and collecting damage assessment information.

The Road Commissioner and Town Council are responsible for keeping the town roads open for traffic.

Versant Maine power outage reporting hotline is 1-855-363-7211.

Bar Harbor Emergency Operations Plan

ATTACHMENT 2 - FOREST FIRES

NATURE OF THE HAZARD

The Town has a mix of forested land and wild urban interface. Therefore, during long dry periods, the town is very susceptible to grass fires and forest fires. Most will be minor incidents that the Fire Department, with mutual aid support will be able to handle.

RISK AREA

The most severe threat will be to homes and the town roads. The homes of many residents are completely surrounded by forest land. Many miles of town roads are tree lined. During a large wildfire, many roads could be blocked by burning trees and brush. Residents could very well be trapped within the wildfire with no way to reach safety. The Fire Department will quickly be overwhelmed.

DIRECTION AND CONTROL

The Fire Chief or Incident Command must quickly assess the situation and determine the scale of support needed. A large wildfire will require the support of the Maine Forest Service (MFS) and mutual aid. Incident Command should immediately request such support through the MFS. The Town EOC will be activated.

WARNING

Residents must be alerted immediately in order to provide time for a safe and orderly evacuation. The Public Information Officer will contact local radio and television stations and request that they broadcast information on the disaster. The warning should contain:

- 1) The nature of the emergency and current situation
- 2) What areas are affected and what roads are closed
- 3) What actions need to be taken by which Residents

If possible, the EOC will start telephoning residents in the danger zones to help spread the warning information around quicker.

EVACUATION

The EOC will need to determine what routes will be used to evacuate residents. Contact the town officials of neighboring towns to make sure that you are not evacuating people in another town's danger zones. Attempt to post the evacuation routes and barricade the closed roads.

RESOURCE MANAGEMENT

The Highway Division with their equipment can be used to open emergency evacuation routes and create fire breaks.

Bar Harbor Emergency Operations Plan

ATTACHMENT 3 - FLOODING

NATURE OF THE HAZARD

The Town of Bar Harbor has lakes, ponds, and extensive coastline located within Town.

RISK AREA

There are homes and business structures in areas with a potential for major flooding. Several of these homes and businesses may not be subject to destruction but could have flooded basements or first floors.

All gravel roads with slopes may face some runoff damage, which are mostly due to inadequate drainage capabilities in the roadways. There are several roads that can become damaged from major flooding, as shown on the town floodplain maps.

DIRECTION AND CONTROL

The Road Commissioner, Public Works Director or EMD will be responsible for responding to flood damaged roads by initiating repair contracts or by contacting the Maine Department of Transportation (for State-maintained road surfaces).

WARNING

The Road Commissioner, Public Works Director or EMD will be responsible for posting any and all roads that they deem unsafe for vehicle or pedestrian traffic.

RESOURCE MANAGEMENT

The Town Public Works Department will be responsible for road repairs. Assistance with road work associated with flooding, will require contracting with local construction companies.

Bar Harbor Emergency Operations Plan

ATTACHMENT 4 - HAZARDOUS MATERIALS ACCIDENT

NATURE OF THE HAZARD

Hazardous materials (HazMat) travel through and are stored in the Town every day. A HazMat accident can happen at any time at any location in Town. However, there are certain areas in Town that are more susceptible to a HazMat accident than the other parts of Town.

Personnel from the Fire Department (FD) may be the first to arrive at the scene of an accident or an incident involving HazMat. Most HazMat materials transported or stored in Town are fuel products. Flammability is the most likely hazard to personnel. Environmental contamination will be the most likely result.

Due to the limited amount of training and HazMat response equipment, maintaining the proper level of safety will be a major issue.

RISK AREAS

State Routes 3 and 102 is a primary transportation corridor for tanker trucks carrying bulk fuels (gasoline, heating oil, propane, etc). State Route # 3 and 102 has not been identified as carrying reportable quantities of extremely hazardous materials (EHS); however, there are other types of HazMat that may transit this corridor in limited quantities.

The largest concentration of stored fuels is at the Jackson Lab and at several automobile repair facilities. There are seven gas stations, fuel oil dealers, or propane dealers in Town. There are moderate amounts of chemicals stored at the Jackson Lab, and The Town's Waste Water Facility.

Due to the fact that every home in town has heating systems, the potential for carbon monoxide leaks in homes is moderately high. Carbon monoxide is an inhalation hazard. The Fire Department has an SOG for responding to and resolving residential CO leaks.

CONCEPT OF OPERATIONS

Fire Department personnel have been trained to recognize the presence of hazardous materials, collect additional information on the HazMat material, implement personal protective actions, call for trained personnel and secure the area.

Personnel will assess the hazards, keeping in mind the personal safety of department personnel, as well as the safety of others who may be present. The Incident Command will record the incident information on the Maine EMA AR-1 form and will report the information to the Dispatch. The situation will be assessed from a safe distance. Binoculars are located on all apparatus. The IC will refer to the 2021 US DOT Emergency Response Guidebook (ERG) for guidance.

The IC will request technical support from the Maine Department of Environmental Protection (DEP), Emergency Spill Response Team, by contacting the Dispatch. The DEP will have primary responsibility for the recovery efforts of a HazMat spill. All spills, to include fuel lost from an automobile during a vehicle accident, will be reported to the DEP.

Bar Harbor Emergency Operations Plan

The IC will assign a Safety Officer for every HazMat incident.

The FD will implement traffic and crowd control procedures, using road blocks as much as possible. The IC will determine what protective actions (evacuations or shelter-in-place) outside the Hot Zone will be implemented. The 2021 USDOT ERG will be consulted for initial isolation and protective action distances. Evacuees must be moved to a safe place of refuge using routes that will not cause exposure to the HazMat.

The FD will park far enough from the incident site so as to not introduce an ignition source. All vehicles will be parked facing away from the incident, in the event that an emergency withdrawal is required.

The FD will locate a decontamination area upwind of the scene, beyond the inside perimeter, and in a hazard free area. All equipment and uninjured personnel leaving the "hot zone" will be isolated at the decontamination area and decontaminated using fire hoses set on fog.

An Ambulance and EMS crew will be requested through dispatch, when the possibility of victims or contaminated personnel exists.

FD personnel will fight fuel and propane fires. The FD will perform containment actions for fuel spills that are well outside the hazard area. An example would be constructing a dike or covering up a storm drain well ahead of the spill.

The FD maintains and trains with carbon monoxide detection equipment and SCBA. Firefighters will shut off heating appliances and ventilate homes that have CO leaks.

DIRECTION AND CONTROL

The EMD will consider the activation of the EOC during a HazMat incident that causes residents to be evacuated or sheltered-in-place. The EOC will establish communications with the County EOC.

ADMINISTRATION AND LOGISTICS

All Firefighters receive annual HazMat: First Responder Awareness Training. Currently 13 members are trained at the Operations level or higher. Training is accomplished in accordance with 29 CFR 1910.120(q). Immediately following a Haz Mat response, the Incident Command will debrief the responders to determine the summary of response activities, health and safety issues, any immediate problems and the corrective actions for future responses.

Bar Harbor Emergency Operations Plan

ATTACHMENT 5 - SEVERE SUMMER STORMS

NATURE OF THE HAZARD

The Town is very susceptible to severe summer storms. Maine can receive a great deal of wind and rain in a very short period of time, to include thunderstorms, tropical storms and hurricanes. All Town roadsides are heavily forested which take down power lines when trees fall.

RISK AREA

It is very easy for town residents to become trapped in their homes due to totally impassable roads, due to fallen trees. The major concern is the difficulty for emergency response by EMS and the Fire Department.

Another area of concern is homes that are damaged or burnt during the storms.

Finally, the electrical power distribution system is very susceptible to damage by high winds and downed trees. Residents can be faced with extended periods of time (up to two weeks) without electricity. This will create difficulties with water supply, sanitation, and food preparation.

DIRECTION AND CONTROL

The EMD should consider activating the EOC during an extended severe summer storm. The EOC will organize water supply, emergency food supplies, and disaster volunteers for disaster response, setting up warming centers, and collecting damage assessment information.

EMD is responsible for keeping the town roads open for traffic.

Versant's power outage hotline is 1-855-363-7211.



Town of Bar Harbor Application for Special Amusement Permit

X.A.1

Permit Fee
\$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 9/6/23 Application Type: New Renewal Permit Number: _____ (assigned by Town)

Applicant Name: Jena Young Business Name: Side Street Cafe Inc.

Business Address: 49-51 Podick St. Mailing Address: 49 Podick Street
Physical Address in Bar Harbor If different Bar Harbor, ME 04609

Type of Business: Restaurant class 1 Location to be used: 49-51 Podick St. Bar Harbor, ME
Restaurant, Bar, Nightclub, etc. Where on the premises will the amusement take place? Use back of page if necessary. In bar area

Phone: (207) 801-7591

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ___ No
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ___ No
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- Class 1 – Single musician
- Class 2 – Two musicians
- Class 3 – Three or more musicians

With Mechanical Amplification

- Class 1a – Single musician
- Class 2a – Two musicians
- Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- Class 1ad – Single musician
- Class 2ad – Two musicians
- Class 3ad – Three or more musicians

With Outdoor Mechanical Amplification**

- Class 1ao – Single musician
- Class 2ao – Two musicians
- Class 3ao – Three or more musicians

Other Entertainment or Amusement

- Class 4 – any other type of entertainment as provided by 28A MRSA 1054.1.C

* Dancing also requires a state permit & Fire Marshall inspection

**Outdoor Amplification restricted to amplified acoustic instruments as defined in Chapter 14-2 and vocal microphones.

I certify that this application is true and correct, that I will read the Special Amusement Ordinance Chapter 14 of the Municipal Code prior to offering any special amusement.

Jennifer Young
Applicant's Signature

The Municipal Officers of Bar Harbor hereby approve deny this application on _____ Date

Town Clerk



Town of Bar Harbor Application for Special Amusement Permit

Permit Fee
\$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 9-7-2023 Application Type: New Renewal Permit Number: _____
(assigned by Town)

Applicant Name: ANON JACKSON Business Name: BAR HARBOR LOBSTER POUND

Business Address: 414 SR-3 Mailing Address: SAME
Physical Address in Bar Harbor If different

Type of Business: _____ Location to be used: SAME (Behind Building)
Restaurant, Bar, Nightclub, etc. Where on the premises will the amusement take place?
Use back of page if necessary.

Phone: 207-598-9331

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes _____ No
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes _____ No
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- Class 1 - Single musician
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With Mechanical Amplification

- Class 1a - Single musician
- Class 2a - Two musicians
- Class 3a - Three or more musicians

With Mechanical Amplification and Dancing*

- Class 1ad - Single musician
- Class 2ad - Two musicians
- Class 3ad - Three or more musicians

With Outdoor Mechanical Amplification**

- Class 1ao - Single musician
- Class 2ao - Two musicians
- Class 3ao - Three or more musicians

Other Entertainment or Amusement

- Class 4 - any other type of entertainment as provided by 28A MRSA 1054.1.C

* Dancing also requires a state permit & Fire Marshall inspection

**Outdoor Amplification restricted to amplified acoustic instruments as defined in Chapter 14-2 and vocal microphones.

I certify that this application is true and correct, that I will read the Special Amusement Ordinance Chapter 14 of the Municipal Code prior to offering any special amusement.

[Signature]
Applicant's Signature

The Municipal Officers of Bar Harbor hereby approve deny this application on _____
Date

Town Clerk

The Bar Harbor Town Council will hold a public hearing Tuesday, September 19 at 6:30 p.m. in the Municipal Building Council Chambers to hear public comment on the following proposed amendment to the Municipal Code.

Boards, Committees and Commissions Ordinance Amendment

Town of Bar Harbor

#2023-05

An amendment to remove the Cruise Ship Committee from the ordinance.

The Town of Bar Harbor hereby ordains that Chapter 31, Boards, Committees, and Commissions, of the Town Code is amended as follows:

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

Chapter 31

Boards, Committees and Commissions

~~Article VI~~

~~Cruise Ship Committee~~

~~§ 31-76 Mission.~~

~~The mission of the Cruise Ship Committee is to advise the Town Council on all matters related to cruise ships visiting Bar Harbor.~~

~~§ 31-77 Powers and duties.~~

~~The Cruise Ship Committee shall have the following duties:~~

- ~~A. Conduct a yearly review of the cruise season to identify operational and environmental issues.~~
- ~~B. Conduct a yearly review of passenger service fees and port development fees, and review the annual cruise ship budget.~~
- ~~C. Maintain and further industry relations and communications.~~
- ~~D. Provide a yearly report to the Town Council and share with the cruise ship industry.~~
- ~~E. At the request of the Town Council or on its own initiative, make recommendations to the Town Council regarding cruise ship visitation.~~

~~§ 31-78 Qualification and skills of members.~~

~~Members shall have experience and/or knowledge of maritime activities.~~

~~§ 31-79 Appointment process.~~

~~A general boards and committees application is available from the Town Clerk or at barharbormaine.gov. Applications should be returned to the Town Clerk for consideration by the Town Council Appointments Committee. The Appointments Committee will contact candidates with interview times and make their recommendation to the Town Council at the next Town Council meeting. The Town Council will vote on the nominations. It is best to attend the nominating meeting, in case Councilors have questions. Approved~~

members will need to be sworn in by the Town Clerk and take an ethics training exam. Members cannot vote in their committee until these steps have been completed.

§ 31-80 Membership.

~~The Committee shall be composed of 17 members, including one member of the Town Council, the Harbor Master, the Deputy Clerk, the Police Chief, one representative from the maritime industry, two representatives from downtown businesses, two residents at large, one representative from the Bar Harbor Chamber of Commerce, one representative from CruiseMaine, one member with working knowledge of the cruise ship industry in the State of Maine, one representative from a shore excursion company serving the cruise ship industry, one representative from the taxi tours industry serving cruise ship passengers, one representative from an entity receiving cruise ship tenders, one representative of the scientific community and one representative of Acadia National Park.~~

§ 31-81 Term of office.

[Amended 5-19-2020 by Ord. No. 2020-04]

~~The term of each member shall be three years, except the Town Council liaison and the representative of Acadia National Park, which are a one-year appointments. There are no limits to the number of terms served. All appointments run from August 1 to July 31.~~

§ 31-82 Vacancies.

~~Vacancies occurring during the middle of a term served shall be filled by the Town Council from recommendations from the Appointments Committee. The candidate will serve out the remainder of the vacated term. Committee openings shall be filled by vote of the Town Council from recommendations from the Appointments Committee.~~

§ 31-83 Attendance.

~~All absences must be excused prior to the start of the meeting, and all attendance shall be recorded in meeting minutes. If a member missed more than 75% of the regular meetings within a twelve-month period, regardless of being excused, the member forfeits their membership on the Committee.~~

§ 31-84 Public notice.

~~All meetings of the Committee shall be open to the public, and notice thereof shall be given that all members shall have reasonable opportunity to make plans to attend. Notices shall be posted on the bulletin board in the Town Hall, on the Town calendar, and on social media at least three days prior to the meeting.~~

§ 31-85 Meetings.

~~The Chair shall call a meeting at least once a month unless there are no agenda items; however, the Committee must meet a minimum of four times a year, including an organizational meeting. Meeting agendas shall maintain the following order:~~

- A. — Call to order with roll call.
- B. — Review of guidelines and conduct.
- C. — Public comments: up to 15 minutes.
- D. — Approval of meeting minutes.
- E. — Adoption of agenda.
- F. — Regular business.

G.—Other business.

H.—Committee comments and requests for future agenda items.

I.—Adjourn.

~~§ 31-86 **Quorum and voting.**~~

~~A simple majority of appointed members is necessary to call a meeting to order as well as take a vote.~~

~~§ 31-87 **Election of officers.**~~

~~A Chair, Vice Chair, and Secretary should be elected at the first meeting of the Committee after August 1. The Chair is responsible for calling meetings, the meeting agenda, and leading meetings. The Vice Chair will take over the responsibilities for the Chair if the Chair is unable to preside over a meeting. The Secretary shall take minutes at each meeting and send approved minutes to the Town Clerk. No elected official can act as an officer of this Committee.~~

~~§ 31-88 **Bylaws.**~~

~~Bylaws may be adopted and amended only by the Town Council. The Committee may suggest bylaws to the Town Council for its consideration.~~

~~§ 31-89 **Procedures.**~~

~~The Committee shall follow Robert's Rules of Order for all other procedures.~~

~~§ 31-90 **Social media policy.**~~

~~All Committee members, voting and nonvoting, are subject to the Town Council approved social media policy found at barharbormaine.gov and in the Committee Handbook.~~

[End of ordinance]

**TOWN OF BAR HARBOR
EMERGENCY MORATORIUM ORDINANCE REGARDING
TRANSIENT ACCOMODATIONS**

The **TOWN OF BAR HARBOR, MAINE**, through its Town Council, makes the following findings:

WHEREAS, there are currently approximately 85 Hotels, Motels, Bed and Breakfasts, and other transient accommodations totaling 2,940 rooms; six campgrounds encompassing 2,124 sites and 637 short-term rentals within the Town of Bar Harbor;

WHEREAS, the Town of Bar Harbor is experiencing unprecedented pressure on public facilities and infrastructure due to an increase in transient visitors;

WHEREAS, applications for the construction of additional transient accommodations in the Town of Bar Harbor have increased in recent years;

WHEREAS, residents of the Town of Bar Harbor have expressed concerns about the location, development, and operation of new transient accommodations, including concerns regarding the health and safety, environmental impacts, quality of life, adjacent property values, and size;

WHEREAS, residents of the Town of Bar Harbor have expressed concerns that the conversion of preexisting, long-term and permanent housing into transient accommodations is likely to displace the workforce necessary to maintain appropriate fire, health and other emergency services within the Town;

WHEREAS, residents of the Town of Bar Harbor have expressed concerns that an increase in transient accommodations will further exacerbate traffic congestion which will degrade the ability of fire, health and other emergency services to protect people within the Town;

WHEREAS, the Town's current Land Use Ordinance and Comprehensive Plan are inadequate to prevent serious public harm from the approval and development of additional transient accommodations; and

WHEREAS, the Town of Bar Harbor requires at least sixty (60) days to consider, develop, and implement necessary ordinances and regulations to protect the health, safety, and welfare of the resident of the Town of Bar Harbor;

WHEREAS, in the judgment of the Town Council, the foregoing facts demonstrate that a moratorium on the development of transient accommodations is necessary pursuant to 30-A M.R.S. § 4356(1); and

WHEREAS, in the judgment of the Town Council, the foregoing facts demonstrate and the Council hereby declares there to be a public emergency affecting life, health, property or the public peace, necessitating an Emergency Ordinance, pursuant to Section C-16 of the Town Charter.

NOW, THEREFORE, pursuant to Section C-16 of the Town Charter and 30-A M.R.S. § 4356, the Town of Bar Harbor hereby ordains that the following Emergency Moratorium Ordinance Regarding Transient Accommodations be enacted:

- I. **Authority:** This Moratorium Ordinance is enacted pursuant to 30-A M.R.S. § 4356, the Town of Bar Harbor’s home rule authority pursuant to the Maine Constitution and 30-A M.R.S. §§ 3001 *et seq.*, and Section C-16 of the Town Charter.

- II. **Definitions:** The following definitions shall be used in the interpretation and construction of this Emergency Moratorium Ordinance:
 - a. “Transient Accommodations” shall be construed to include all of the following definitions incorporated by reference from the Land Use Ordinance of the Town of Bar Harbor, Maine, Article XII, § 125-109:
 - i. “TA-1”;
 - ii. “TA-2”;
 - iii. “TA-3”;
 - iv. “TA-4”;
 - v. “TA-5”;
 - vi. “TA-6”;
 - vii. “TA-7”;
 - viii. “TA-8”;
 - ix. “Campground”
 - x. “Campsite, Private”
 - xi. “Cabins”
 - xii. “Cottages”
 - xiii. “Hotel”
 - xiv. “Motel”
 - xv. “Bed and Breakfast I”
 - xvi. “Bed and Breakfast II”
 - xvii. “Bed and Breakfast III”
 - xviii. “Bed and Breakfast IV”
 - xix. “Bed and Breakfast V”
 - xx. “Short-Term Rental”
 - b. "Transient" shall have the same meaning as defined by the Land Use Ordinance of the Town of Bar Harbor, Maine, Article XII, § 125-109.

- III. **Purpose:** The purpose of this Emergency Moratorium Ordinance is to allow municipal officials reasonable time to evaluate the concerns raised in regards to anticipated or proposed development of transient accommodations, to determine the adequacy of existing land use ordinances and regulations, and, if necessary, develop additional ordinances and regulations to provide adequate protection for the property, health, welfare, land use compatibility, environmental compatibility, and protection of all residents and visitors in the Town of Bar Harbor.

- IV. **Moratorium on Development of Transient Accommodations:** The Town of Bar

Harbor hereby declares and imposes a moratorium, prohibiting the development of any and all transient accommodations within the Town of Bar Harbor. No person or organization shall develop a transient accommodation within the Town of Bar Harbor.

- V. **Moratorium on Processing Applications:** No official, officer, board, or body of the Town of Bar Harbor, including but not limited to the Code Enforcement Officer, the Planning Board, or the Municipal Officers, shall accept, process, review, approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving the development or siting of transient accommodations to be developed, constructed, operated, used, or located in whole or in part, within the Town of Bar Harbor.
- VI. **Severability:** Any provisions of the Town of Bar Harbor's existing ordinances that are inconsistent or conflicting with the provisions of this Emergency Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Emergency Moratorium Ordinance. If any section or provision of this Emergency Moratorium Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.
- VII. **Effective Date, Retroactivity & Term:**
- a. This Emergency Moratorium Ordinance shall take effect as of the date of passage and shall remain in effect for a period of one hundred eighty (180) days after said date unless extended, repealed, or modified by the Town of Bar Harbor's Council, or until a new and revised set of regulations is adopted by the Town of Bar Harbor, whichever shall first occur.
 - b. Upon its effective date, notwithstanding the provisions of 1 M.R.S. § 302, this Emergency Moratorium Ordinance shall be retroactive and applicable to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future applications and petitions for rooming houses and shelters which have not received all necessary development permits or licenses from the Town of Bar Harbor and all proposed transient accommodations that were not fully operational and/or did not have all the required State permits as of _____, 2023, the date the Emergency Moratorium Ordinance was first proposed to the Town of Bar Harbor Council.
 - c. Unless, after notice and hearing, the Town of Bar Harbor Council votes to extend it, this Emergency Moratorium Ordinance shall remain in full force and effect for sixty (60) days after its enactment, or until a new and revised set of regulations is adopted by the Town of Bar Harbor, whichever shall first occur.
- VIII. **Enforcement:** The Municipal Officers are hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Emergency Moratorium Ordinance.
- IX. **Civil Penalties:** Any violation of this Emergency Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S. § 4452. Any violation of this Emergency

Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Bar Harbor.

Approved at a Town Council meeting on September ____, 2023

**Town Council
Town of Bar Harbor**

Valerie Peacock, Chair

Gary Friedman, Vice Chair

Maya Caines

Matthew Hochman

Kyle Shank

Joe Minutolo

Earl Brechlin

MEMORANDUM

TO: Cornell Knight, Interim Town Manager
CC: Michele Gagnon, Planning Director
FROM: Angela M Chamberlain, Code Enforcement Officer *AV*
DATE: September 8, 2023
SUBJECT: Land Use Ordinance Amendments in Process

.....

The Planning and Code Department staff are currently working on draft Land Use Ordinance amendments for the June and November 2024 elections.

Shared Accommodations (SA) and Employee Living Quarters (ELQ)

In 2019, the Planning Board and staff started drafting language to address the need for more versatile housing options for workers. Two new uses were crafted — ELQ and SA, resulting in a total of five new uses, as SA has three sub-categories. In June 2020, the voters passed the amendments to add these new uses to certain districts.

Since the amendments passed in June 2020, two SAs were built, and one SA and one ELQ are under construction. These projects will provide housing for hotel, restaurant, and hospital workers.

Recently, it has come to the attention of the Planning Board and staff, that there is a need to consider allowing SA and ELQ in more districts. Specifically, we heard from commercial farms (land zoned as commercial agriculture) who would like to house their workers on site.

The effort to allow ELQs and SAs in additional districts, will continue to support Bar Harbor businesses that struggle to keep and attract qualified workers due to the lack of available housing. Some of the major benefits of the proposed amendments would be: 1) more housing options while respecting the rural and residential character of certain districts; 2) on-site housing for farmworkers and other workers; 3) housing a greater percentage of the labor force locally; and 4) hopefully, less shortening of business operating hours.

September 2023:

- Prepare a simple summary report of the key findings of the workforce housing survey for rural employers.
- Start drafting amendment language.

October 2023:

- Advertise and hold two listening sessions for the potential amendment.

November 2023:

- Review draft warrant language with the Planning Board

December 2023:

- December 6, 2023 – Planning Board calls for a public hearing for the draft warrant article in January

June 2024:

- Amendment on the ballot

Lodging Amendment

In June 2023, staff began collecting and analyzing data on the current conditions of lodging uses in Bar Harbor. Staff identified the locations of all existing lodging establishments and collected information on the number of guest rooms in each. From that information, a map of all lodging locations was created to visualize where each of these uses are located, and to track which Land Use districts they are located in.

Staff identified the following deficiencies in the Land Use Ordinance related to lodging uses:

- 19 different types of lodging uses in the Land Use Ordinance;
- inconsistent levels for permitting;
- inconsistent parking standards; and
- inconsistent general standards for lodging uses.

Staff's goals to address those identified problems are:

- reduce the overall number of lodging uses to a more reasonable and practical number;
- write clear and workable definitions for those uses;
- require all lodging uses to obtain site plan approval through the Planning Board process;
- develop reasonable and consistent parking standards for all uses; and
- ensure that the lodging requirements are consistent for all the uses.

The draft amendment is not intended to allow or prohibit lodging uses in particular districts but instead is proposed to align new definitions with existing conditions. The amendment will be drafted in a manner to avoid creating nonconformity to the greatest extent possible.

Staff has tentatively scheduled a public listening session on this amendment for mid-October. After the listening session, staff will update the Planning Board and will continue drafting language to present to the voters in November 2024.