

THE RECORD
ANNUAL TOWN MEETING – JUNE 7 & 14, 2022
TOWN OF BAR HARBOR

The voters of the Town of Bar Harbor assembled in the Emerson School Gymnasium on Tuesday, June 7, 2022. There were approximately 170 registered voters present. Serving as voter check-in and tally clerks were Lynn Kenison Higgins, Catherine Preston-Schreck, J. Clark Stivers, Laura Ingerson, Patricia Buccello, Mark Carignan, and John O'Brien. The annual town meeting was called to order at 6:00 p.m. by Town Clerk Elizabeth N. Graves, who called for action under Article A.

Article A **ELECTION OF MODERATOR** - *To choose a Moderator to preside at said meeting.* The Town Clerk opened the floor for the election of Moderator. William Ferm was nominated as Moderator. There being no other nominations, it was duly moved and seconded that nominations cease. Motion passed unanimously.

By written ballot vote, William Ferm was elected moderator 3-0 and sworn in by the Town Clerk.

The Moderator made a few opening remarks. He called for a motion to adopt the Maine Municipal Association Moderator's Manual for this meeting. The motion was made and seconded. By unanimous voice vote, motion carried.

In addition, Mr. Ferm called for a motion to allow non-residents to speak. He reported this motion requires a two-thirds vote. The motion was made and seconded. By voice vote, the motion carried.

All subsequent votes in the June 7 open floor portion of the Town Meeting were by voice vote unless otherwise specified.

Article B **EDUCATION BUDGET EXPENDITURES: Regular Instruction** - *To see what sum the School Committee is authorized to expend for Regular Instruction for the fiscal year beginning July 1, 2021 and ending June 30, 2022.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$3,380,913 for Regular Instruction for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article C **EDUCATION BUDGET EXPENDITURES: Special Education** - *To see what sum the School Committee is authorized to expend for Special Education for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to

expend \$1,835,549 for **Special Education** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article D **EDUCATION BUDGET EXPENDITURES: Career and Technical Education** – *To see what sum the School Committee is authorized to expend for **Career and Technical Education** for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$0 for **Career and Technical Education** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article E **EDUCATION BUDGET EXPENDITURES: Other Instruction** - *To see what sum the School Committee is authorized to expend for **Other Instruction** for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$121,885 for **Other Instruction** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article F **EDUCATION BUDGET EXPENDITURES: Student & Staff Support** - *To see what sum the School Committee is authorized to expend for **Student & Staff Support** for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$730,358 for **Student & Staff Support** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article G **EDUCATION BUDGET EXPENDITURES: System Administration** - *To see what sum the School Committee is authorized to expend for **System Administration** for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$207,977 for **System Administration** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article H **EDUCATION BUDGET EXPENDITURES: School Administration** - *To see what sum the School Committee is authorized to expend for **School Administration** for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$432,481 for **School Administration** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article I **EDUCATION BUDGET EXPENDITURES: Transportation & Buses -** *To see what sum the School Committee is authorized to expend for **Transportation & Buses** for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$357,040 for **Transportation & Buses** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article J **EDUCATION BUDGET EXPENDITURES: Facilities Maintenance -** *To see what sum the School Committee is authorized to expend for **Facilities Maintenance** for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$735,383 for **Facilities Maintenance** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article K **EDUCATION BUDGET EXPENDITURES: Debt Service and Other Commitments -** *To see what sum the School Committee is authorized to expend for **Debt Service and Other Commitments** for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$0 for **Debt Service and Other Commitments** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Article L **EDUCATION BUDGET EXPENDITURES: All Other Expenditures -** *To see what sum the School Committee is authorized to expend for **All Other Expenditures** for the fiscal year beginning July 1, 2022 and ending June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$95,000 for **All Other Expenditures** for the fiscal year beginning July 1, 2022 and ending June 30, 2023. Motion carried.

Note: Articles B – L authorize a total budget of: \$7,896,586

Article M **EDUCATION BUDGET: Essential Programs and Services** – *To see what sum the voters of the Town of Bar Harbor will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (State Recommends \$ 4,482,615) and to see what sum the voters of the Town of Bar Harbor will raise as the Town’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2022 to June 30, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved to appropriate \$4,482,615 for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (State Recommends \$ 4,482,615) and to see what sum the voters of the Town of Bar Harbor will raise as the Town’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2022 to June 30, 2023. By hand count vote, the motion carried 164-0.

Article N **EDUCATION BUDGET: Additional Local Funds** - *To see what sum the voters of the Town of Bar Harbor will raise and appropriate in additional local funds for school purposes for the period July 1, 2022 to June 30, 2023, which exceeds the State’s Essential Programs and Services allocation model by as required to fund the budget recommended by the school committee.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved to appropriate \$6,782,772 in additional local funds for school purposes for the period July 1, 2022 to June 30, 2023, which exceeds the State’s Essential Programs and Services allocation model by as required to fund the budget recommended by the school committee. By written ballot vote, the motion carried 147-2.

Note: Articles M & N raise a total town appropriation of \$6,782,772.

Article O summarizes the proposed school budget and does not authorize any additional expenditures.

Article O **EDUCATION BUDGET: Total Expenditures-** *To see what sum the voters of the Town of Bar Harbor will authorize the School Committee to expend for the fiscal year beginning July 1, 2022 and ending June 30, 2023 from the Town’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690,*

unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the School Committee is authorized to expend \$7,896,586 for the fiscal year beginning July 1, 2022 and ending June 30, 2023 from the Town’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. By hand count vote, the motion carried 164-0.

Article P **EDUCATION BUDGET: State, Federal, and Other Funds** - *In addition to the amount in Articles B – O, shall the School Committee be authorized to expend such other sums as may be received from state or federal grants or programs or other sources during the fiscal year 2022-2023 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that in addition to the amount in Articles B – O, the School Committee be authorized to expend such other sums as may be received from state or federal grants or programs or other sources during the fiscal year 2022-2023 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated. Motion carried.

Note: Current Year Totals: \$555,522.

Article Q **BOND: Priority Infrastructure Improvements**

Shall the Town of Bar Harbor:

1. Approve the Priority Infrastructure Improvements Project (the “Project”) to address Combined Sewer Overflow (CSO) Program mandates, Sewer and Stormwater Collection System Needs, Water Distribution and Storage System Needs, and Streetscape and Undergrounding being more particularly described as follows:

Those capital improvement projects listed below, along with an estimated allocation of costs, and consisting generally of the upgrade or replacement of: sewer pump stations and ancillary support systems; sewer main infrastructure; stormwater infrastructure; water main infrastructure; water storage and other fire protection needs; streetscaping and undergrounding; surface restoration of roads and sidewalks as needed for these capital improvement projects; and including all design work, transaction costs and other work and expenses reasonably related to the Project.

• Sewer Pumping and Storage	\$8,270,000
• Sewer System needs	\$22,010,000
• <u>Modeling and Metering</u>	<u>\$300,000</u>
<i>Paid from sewer user fees</i>	<i>\$30,580,000</i>
• Water Storage Tank and other fire protection needs	\$3,127,600
• <u>Water Distribution System needs</u>	<u>\$2,313,127</u>
<i>Paid from water user fees</i>	<i>\$5,440,727</i>
• Stormwater System needs	\$1,250,000
• Streetscape and Undergrounding	\$4,126,873
• <u>Retaining wall repair and Shared Use Path extension</u>	<u>\$2,500,000</u>
<i>Paid from property tax revenues</i>	<i>\$7,876,873</i>
Total Bonding	<u>\$43,897,600</u>

2. **Appropriate** the sum of Forty-Three Million Eight Hundred Ninety-Seven Thousand Six Hundred dollars (\$43,897,600) to provide for the costs of the Project, including all closing and transaction costs;

3. **Authorize** the Treasurer and Chair of the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to issue revenue and general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Forty-Three Million, Eight-Hundred Ninety-Seven Thousand, and Six Hundred Dollars (\$43,897,600); and

4. **Delegate** to the Treasurer and Chair of the Town Council the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof.

FINANCIAL STATEMENT

As of June 7, 2022

1. Total Town Indebtedness- Principal

A. Bonds outstanding and unpaid	\$16,199,659
B. Bonds authorized and unissued	\$3,750,000
C. Bonds to be issued if this article is approved:	\$43,897,600

2. Costs

At an estimated interest rate of 3.00% for a twenty (20) year maturity, the estimated costs for this bond issue will be:

Principal – Sewer Projects	\$30,580,000
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<u>Interest:</u>	<u>\$10,530,000</u>
Total Debt Service (repaid by sewer user fees)	\$41,110,000
Principal – Water Projects	\$5,440,727
<u>Interest:</u>	<u>\$1,873,000</u>
Total Debt Service (repaid by water user fees)	\$7,313,727
Principal – Stormwater, Streetscape, Underground Utility, Shared Use Path and Retaining Wall Projects	\$7,876,873
<u>Interest:</u>	<u>\$ 2,712,000</u>
Total Debt Service (repaid by general fund taxes)	\$10,588,873

3. Validity

The validity of the bond and of the voters’ ratification of the bond may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/

 Sarah M. Gilbert
 Treasurer
 Town of Bar Harbor

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved Article Q as printed in the warrant (“That the Town of Bar Harbor shall...”).

The Moderator recognized Town Manager Kevin Sutherland and Public Works Director Bethany Leavitt, who introduced the bond question. Following discussion, Councilor Jill Goldthwait, with second by Councilor Matt Hochman, moved to fix the method of voting on Article Q to be by written ballot vote. Motion carried.

By written ballot vote, the main motion carried 153-6.

Article R BOND: Engineering, Design, Procurement, Construction, and Interconnection of a Free Standing Solar Array located on Town-owned property
Shall the Town of Bar Harbor:

*1. Authorize the Town Council to provide monies for engineering and construction of a free standing solar array on the Town owned lot, being Map 207 Lot 57 known as the **HIGGINS PIT SOLAR ARRAY**, to offset municipal electrical demand, including all costs related to the following:*

- *Schematic design, design development, construction documents, and all required permits from State and Local agencies.*
- *Utility interconnection application, studies and agreements.*

- *Equipment procurement and construction*
- *Access drive restoration*
- *Ecosystem, culture and archaeological resource analysis*
- *Project management and coordination*

2. *Appropriate the sum of Four million three hundred fifty thousand dollars (\$4,350,000) to provide for the costs of said project, including final engineering and transaction costs;*

3. *Authorize the Treasurer and Chair of the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to issue general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Four million three hundred fifty thousand dollars (\$4,350,000); and*

4. *Delegate the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof, to the Treasurer and Chair of the Town Council.*

FINANCIAL STATEMENT

As of June 7, 2022

1. **Total Town Indebtedness- Principal**

A. Bonds outstanding and unpaid	\$16,199,659
B. Bonds authorized and unissued	\$3,750,000
C. Bonds to be issued if this article is approved:	\$4,350,000

2. **Costs**

At an estimated interest rate of 3.00% for a twenty (20) year maturity, the estimated costs for this bond issue will be:

Principal:	\$4,350,000
Interest:	<u>\$1,435,500</u>
<u>Total Debt Service:</u>	<u>\$5,785,500</u>

3. **Validity**

The validity of the bond and of the voters' ratification of the bond may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/

 Sarah M. Gilbert
 Treasurer
 Town of Bar Harbor

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved Article R as printed in the warrant (“That the Town of Bar Harbor shall...”).

The Moderator recognized Town Manager Kevin Sutherland and Beth Woolfolk, who introduced the bond question. Following discussion, Councilor Jill Goldthwait, with second by Councilor Matt Hochman, moved to fix the method of voting on Article R to be by written ballot vote. Motion carried.

By written ballot vote, the main motion carried 125-33.

Article S MUNICIPAL BUDGET: Expenditures - *To see what sum the Town will raise and appropriate for the Municipal Budget for FY23 (7/1/22 TO 6/30/23).*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved to raise and appropriate \$26,218,134 for the Municipal Budget for FY23 (7/1/22 TO 6/30/23), the Warrant Committee’s recommended figure printed in the Warrant.

Councilor Jill Goldthwait, with second by Councilor Matt Hochman, moved an amendment to decrease the FY23 Municipal Budget for FY23 by \$150,000 to \$26,068,134, the Council’s recommended figure printed in the Warrant.

Following discussion, by written ballot vote, the amendment failed 28-97.

By voice vote, the main motion carried.

Article T MUNICIPAL BUDGET: Other Revenues - *To see what sum the Town will vote to reduce the amount to be raised by taxation by using estimated revenues and fund balance for the Municipal Budget for FY23 (7/1/22 TO 6/30/23).*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved to reduce the amount to be raised by taxation by using \$16,565,171 from estimated revenues, \$411,500 from fund balance and \$700,454 from Fund Balance – Parking Fund for the Municipal Budget for FY23 (7/1/22 TO 6/30/23). Motion carried.

Article U MUNICIPAL BUDGET: Tax Cap Override – *To see if the Town will vote to increase the property tax levy limit of \$8,982,008 established for the Town of Bar Harbor by State law in the event that the FY23 Municipal Budget approved by the Town results in a tax commitment that is greater than the property tax levy limit.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved to increase the property tax levy limit of \$8,982,008 established for the Town of Bar Harbor by State law in the event that

the FY23 Municipal Budget approved by the Town results in a tax commitment that is greater than the property tax levy limit.

By written ballot vote, the motion carried 83-3.

Article V MUNICIPAL BUDGET: Grants and Donations – *In addition to the amount in Article Q, shall the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY23 (7/1/22 TO 6/30/23) for municipal purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated?*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that in addition to the amount in Article Q, the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY23 (7/1/22 TO 6/30/23) for municipal purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.

Councilor Jill Goldthwait, with second by Councilor Matt Hochman, moved an amendment to change “in addition to Article Q” to “in addition to Article S” in the language of Article V to address an error in the printed warrant. By voice vote, the amendment carried.

By voice vote, the main motion carried.

Article W PREPAYMENT OF TAXES - *To see if the Town will vote to accept tax payments prior to the commitment date and to pay interest on said tax payments in the amount of 0% per year figured on a monthly basis until the tax commitment date is reached.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the Town accept tax payments prior to the commitment date and to pay interest on said tax payments in the amount of 0% per year figured on a monthly basis until the tax commitment date is reached. Motion carried.

Article X TAX DUE DATE AND INTEREST RATE - *To see if the Town will vote that the first half taxes shall be due and payable on or before September 30, 2022 and that second half taxes shall be due and payable on or before March 31, 2023 and that interest shall be charged at the annual rate of 4.0% on any unpaid taxes due on September 30, 2022 beginning October 1, 2022 and on any unpaid taxes due March 31, 2023 beginning April 1, 2023.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved that the first half taxes shall be due and payable on or before September 30, 2022 and that second half taxes shall be due and payable on or before March 31, 2023 and that interest shall be charged at the annual

rate of 4.0% on any unpaid taxes due on September 30, 2022 beginning October 1, 2022 and on any unpaid taxes due March 31, 2023 beginning April 1, 2023. Motion carried.

Article Y OVERPAYMENT OF TAXES - *To see if the Town will vote to establish the interest rate to be paid to a taxpayer who is determined to have paid an amount of real estate taxes in excess of the amount finally assessed for 2022 at 0% per year on the amount of overpayment.*

The Warrant Committee recommends and Chair Seth Libby, with second by Secretary Christine Smith, moved to establish the interest rate to be paid to a taxpayer who is determined to have paid an amount of real estate taxes in excess of the amount finally assessed for 2022 at 0% per year on the amount of overpayment. Motion carried.

There being no further business, Councilor Jeff Dobbs, with second by Councilor Erin Cough, moved to recess at 8:53 p.m. to a time certain, Tuesday, June 8, with polls opening at 8:00 a.m. in the Municipal Building auditorium. Motion carried.

Town Meeting Reconvened

June 14, 2022

Election of Officers

Moderator William Ferm appointed John O'Brien (Democrat), Charles Saul (Republican) and Laura Ingerson (Republican) as deputy moderators, who were duly sworn in to serve in his place during his absence from the polls. The Moderator opened the polls at 8:00 a.m.

The following ballot clerks, having been appointed and duly sworn in, were in attendance for the election: Democrats – Patricia Buccello, Elizabeth Hubbell, Paula Frederick, Christopher Gero, and Burt Wartell; Republicans – Christine Witham, Edwin Garrett IV, and Scott Hammond; and Unenrolled – Peggy Danneman, Mary Opdyke, and Catherine Preston-Schreck. Deputy Registrar of Voters Lynn Kenison Higgins conducted voter registration.

1,535 ballots were cast including 607 absentee ballots.

Article 1 - ELECTION OF OFFICERS - To elect Town Officers as are required to be elected by secret ballot.

For Town Council – Three-Year Term – Two vacancies

Jefferson Dobbs	received	983
Matthew Hochman	received	940

Declared elected: Jefferson Dobbs and Matthew Hochman

For Superintending School Committee – Three-Year Term – Two Vacancies

William Hodgdon	received	449
Alexandra Simis	received	918
Tyson Starling	received	462

Declared elected: Alexandra Simis and Tyson Starling

For MDI School District Trustee – Three-Year Term – One Vacancy

Robert Webber	received	179
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Declared elected: Robert Webber

For Warrant Committee – Three-Year Term – Five Vacancies

Juliette Berberian	received	860
Robert Chaplin	received	936
A. Louise Lopez	received	825
Eben Salvatore	received	527
Jeffery Young	received	762
Cara Ryan	received	306

Declared elected:

Robert Chaplin, Juliette Berberian, A. Louise Lopez, Jeffery Young, Eben Salvatore

Article 2 – LAND USE ORDINANCE AMENDMENT — Rezoning of the Oceanarium and Education Center land from Shoreland Limited Residential District to Marine Research District – Shall an ordinance, dated December 8, 2021, to amend the Official Neighborhood Districts Map by rezoning Tax Map 212, Lot 35 from the Shoreland Limited Residential District to the Marine Research District, be enacted?

VOTED: This article passed by the following votes:

YES	1,281	NO	131
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