

THE RECORD
ANNUAL TOWN MEETING – JUNE 6 & 13, 2023
TOWN OF BAR HARBOR

The voters of the Town of Bar Harbor assembled in the Emerson School Gymnasium on Tuesday, June 6, 2023. There were approximately 175 registered voters present. Serving as voter check-in and tally clerks were Lynn Kenison Higgins, Catherine Preston-Schreck, Patricia Buccello, Mark Carignan, Noreen Hogan, Burt Wartell, Scott Hammond and John O'Brien. The annual town meeting was called to order at 6:00 p.m. by Deputy Town Clerk Sharon M. Linscott, who called for action under Article A.

Article A **ELECTION OF MODERATOR** - *To choose a Moderator to preside at said meeting.* The Deputy Town Clerk opened the floor for the election of Moderator. Stephen Wagner 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, Stephen Wagner was elected moderator 3-0 and sworn in by the Deputy Town Clerk.

The Moderator made a few opening remarks. He asked if there was any objection to him using the Maine Municipal Association Moderator's Manual for this meeting. There was no objection.

In addition, Mr. Wagner 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 6 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$3,533,310 for **Regular Instruction** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend

\$1,933,875 for **Special Education** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$0 for **Career and Technical Education** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$128,900 for **Other Instruction** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$797,247 for **Student & Staff Support** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$216,581 for **System Administration** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$432,768 for **School Administration** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$382,710 for **Transportation & Buses** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$810,574 for **Facilities Maintenance** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$0 for **Debt Service and Other Commitments** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. 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, 2023 and ending June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend \$95,000 for **All Other Expenditures** for the fiscal year beginning July 1, 2023 and ending June 30, 2024. Motion carried.

Note: Articles B – L authorize a total budget of: \$8,330,965

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 \$ 4,558,666) 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, 2023 to June 30, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved to appropriate \$4,558,666 and raise \$3,908,080 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 for the period July 1, 2023 and ending June 30, 2024. By hand count vote, the motion carried 170-2.

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, 2023 to June 30, 2024, 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 Vice-Chair Julie Berberian, moved to raise and appropriate \$2,990,320 in additional local funds for school purposes for the period July 1, 2023 and ending June 30, 2024, which exceeds the State’s Essential Programs and Services allocation model. By written ballot vote, the motion carried 158-13.

*Note: Articles M & N raise a total town appropriation of \$6,898,400.
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, 2023 and ending June 30, 2024 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 Vice-Chair Julie Berberian, moved that the School Committee is authorized to expend

\$8,330,965 for the fiscal year beginning July 1, 2023 and ending June 30, 2024 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 2023-2024 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 Vice-Chair Julie Berberian, 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 2023-2024 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: \$368,418.

Article Q SALE OF TOWN OWNED PROPERTY - *Shall the Inhabitants of the Town of Bar Harbor allow the Town Council to sell, for an amount of \$51,695.00, a parcel of land on Summer Street, previously known as the Hopkins Lot, Map 104 Lot 58, and authorize the Town Council, or their duly authorized designee(s), on behalf of the Town, to execute and deliver Documents and take further action as they may deem necessary in order to complete the sale?*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the Town of Bar Harbor allow the Town Council to sell, for an amount of \$51,695.00, a parcel of land on Summer Street, previously known as the Hopkins Lot, Map 104 Lot 58, and authorize the Town Council, or their duly authorized designee(s), on behalf of the Town, to execute and deliver Documents and take further action as they may deem necessary in order to complete the sale. Motion carried.

Article R MUNICIPAL BUDGET: Expenditures - *To see what sum the Town will raise and appropriate for the Municipal Budget for FY24 (7/1/23 TO 6/30/24).*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved to raise and appropriate \$23,663,878 for the

Municipal Budget for FY24 (7/1/23 TO 6/30/24), the Warrant Committee’s recommended figure printed in the Warrant.

Councilor Jill Goldthwait, with second from the floor, moved an amendment to decrease the Municipal Budget for FY24 by \$17,400 to \$23,646,478, the Council’s recommended figure printed in the Warrant.

Following discussion, by written ballot vote, the amendment passed 140-36.

Cara Ryan, with second from the floor, moved an amendment to remove funding to the Chamber of Commerce for wayfinding services reducing the budget from \$23,646,478 to \$23,603,878, a reduction of \$42,600.

Following discussion, by written ballot vote, the amendment passed 128-49.

By voice vote, the main motion as amended carried.

Article S 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 FY24 (7/1/23 TO 6/30/24).*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved to reduce the amount to be raised by taxation by using \$12,469,869 from estimated revenues, \$128,500 from fund balance and \$812,352 from Fund Balance – Parking Fund for the Municipal Budget for FY24 (7/1/23 TO 6/30/24). Motion carried.

Article T MUNICIPAL BUDGET: Tax Cap Override – *To see if the Town will vote to increase the property tax levy limit of \$9,481,096 established for the Town of Bar Harbor by State law in the event that the FY24 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 Vice-Chair Julie Berberian, moved to increase the property tax levy limit of \$9,481,096 established for the Town of Bar Harbor by State law in the event that the FY24 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 127-20.

Article U MUNICIPAL BUDGET: Grants and Donations – *In addition to the amount in Article R, shall the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY24 (7/1/23 TO 6/30/24) 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 Vice-Chair Julie Berberian, moved that in addition to the amount in Article R, the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY24 (7/1/23 TO 6/30/24) for municipal purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated. By voice vote, the motion carried.

Article V 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 Vice-Chair Julie Berberian, 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 W 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, 2023 and that second half taxes shall be due and payable on or before March 31, 2024 and that interest shall be charged at the annual rate of 8.0% on any unpaid taxes due on September 30, 2023 beginning October 1, 2023 and on any unpaid taxes due March 31, 2024 beginning April 1, 2024.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, moved that the first half taxes shall be due and payable on or before September 29, 2023 and that second half taxes shall be due and payable on or before March 29, 2024 and that interest shall be charged at the annual rate of 8.0% on any unpaid taxes due on September 29, 2023 beginning September 30, 2023 and on any unpaid taxes due March 29, 2024 beginning March 30, 2024. Motion carried.

Article X 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 2023 at 4% per year on the amount of overpayment.*

The Warrant Committee recommends and Chair Seth Libby, with second by Vice-Chair Julie Berberian, 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 2023 at 4% per year on the amount of overpayment. Motion carried.

There being no further business, it was moved and seconded from the floor to recess at 8:58 p.m. to a time certain, Tuesday, June 13, with polls opening at 8:00 a.m. in the Municipal Building auditorium. Motion carried.

Town Meeting Reconvened

June 13, 2023

Election of Officers

Moderator Stephen Wagner appointed John O’Brien (Democrat), Catherine Preston-Schreck (Unenrolled) and Scott Hammond (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, Paula Frederick, Becky Heden, Elizabeth Hubbell, Laura Neal, and Burt Wartell; Republicans – Edwin Garrett IV, Laura Ingerson, Charles Saul, Suzanne Saul, and Christine Witham; and Unenrolled – Peggy Danneman. Deputy Registrar of Voters Lynn Kenison Higgins conducted voter registration.

1,555 ballots were cast including 432 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 – Three vacancies

Maya S. Caines	received	847
Erin C. Cough	received	468
Gary B. Jennings	received	373
Cosmo Nims	received	330
Valerie L. Peacock	received	723
Kyle S. Shank	received	798
Nathan W. Young	received	606

Declared elected: Maya Caines, Kyle Shank and Valerie Peacock

For Town Council – Two-Year Term – One vacancy

Brooke R. Blomquist	received	182
Earl D. Brechlin	received	735
Keith N. Goodrich	received	64
Charles L. Sidman	received	488

Declared elected: Earl Brechlin

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

Michael D. Kiers	received	757
Misha Mytar	received	953

Declared elected: Michael Kiers, Misha Mytar

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

No candidates

For Warrant Committee – Three-Year Term – Five Vacancies

Carol M. Chappell	received	729
Julia A. Cuchelo	received	444
Kevin DesVeaux	received	507
Shaun K. Farrar	received	522
Elizabeth H. Lemire	received	414
Allison N. Sasner	received	734
Christine M. Smith	received	581
Diwas Thapa	received	313

Declared elected: Carol Chappell, Kevin DesVeaux, Shaun Farrar, Allison Sasner, Christine Smith

Article 2 – BOND - NEW ELEMENTARY SCHOOL– Shall the Town of Bar Harbor:

1. **Approve** the construction and equipment of a new elementary school to replace the existing Connors Emerson school buildings (the “Project”);
2. **Authorize** the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to provide by Order for the issuance of general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed \$58,538,288 (the “Bonds”);
3. **Appropriate** the proceeds of the Bonds, including principal of up to \$58,538,288, as well as bond premium and investment proceeds, to provide for the costs of the Project, including issuance costs;
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; and
5. **Accept** grants and donations for the Project (“Project Gifts”), if any

FINANCIAL STATEMENT

[30-A-M.R.S.A. §5772 (2-A)]

As of 6/13/2023

1. Total Town Indebtedness- Principal

A. Bonds outstanding and unpaid	\$14,667,304
B. Bonds authorized and unissued	\$51,997,600
C. Bonds to be issued if this article is approved:	\$58,538,288
TOTAL	\$125,203,192

2. Costs

At an estimated interest rate of 4%, the estimated costs to finance this Project over a term of 25 years will be:

Principal:	\$58,538,288
Interest:	<u>\$31,610,520</u>
<u>Total Debt Service:</u>	<u>\$90,148,808</u>

3. Validity

The validity of the Bonds and of the voters’ ratification of the Bonds may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issue 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

VOTED: This article passed by the following votes:

YES 1,005 NO 502

Article 3 – LAND USE ORDINANCE AMENDMENT – Double Setback Distances – Shall an ordinance, dated December 8, 2022, and entitled “**An amendment to remove the double setback distances**” be enacted?

VOTED: This article passed by the following votes:

YES 1,162 NO 243

Article 4 – LAND USE ORDINANCE AMENDMENT — Floor Area Ratio – Shall an ordinance, dated December 8, 2022, and entitled “**An amendment to remove the Floor Area Ratio requirement**” be enacted?

VOTED: This article passed by the following votes:

YES 831

NO 570

Article 5 – LAND USE ORDINANCE AMENDMENT – Conversion to Multifamily Use –
Shall an ordinance, dated December 8, 2022, and entitled “**An amendment to remove the Conversion to Multifamily Use Requirements**” be enacted?

VOTED: This article passed by the following votes:

YES 1,187

NO 214

Article 6 – LAND USE ORDINANCE AMENDMENT – Underground Utilities – Shall an ordinance, dated December 8, 2022, and entitled “**An amendment to remove the requirement that all utilities be installed underground**” be enacted?

VOTED: This article passed by the following votes:

YES 1,059

NO 353

The Annual Town Meeting adjourned at 9:30 p.m. by acclamation.

Attest:

Elizabeth N. Graves, Town Clerk of Bar Harbor