

Minutes
Bar Harbor Town Council
January 5, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; Town Manager Cornell Knight, and Town Attorney Edmond (Ed) Bearor.
- A. **Excused Absence(s)** – All were present.
- II. **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.* – There were no comments.
- III. **APPROVAL OF MINUTES** – *December 15, 2015 Regular Meeting*
- Councilor Friedmann requested his comments be clarified under Council Comments: he reported ‘that half of the photovoltaics arrays at the public works site are online. There is a defect in a pre-existing breaker box that caused the second half to go down.’ Councilor St. Germain requested the spelling of his name be amended on page 3, in item E.
- Mr. Friedmann, with second by Mr. St. Germain, moved to approve the minutes of December 15, 2015 regular meeting as amended. Motion passed 7-0.
- IV. **ADOPTION OF AGENDA** – Councilor St. Germain requested to amend the agenda of January 5, 2016 by adding item IX. Executive Session: item A. Consultation with the Town Attorney concerning the legal rights and duties of the Town in regard to a complaint received against two Council members, as allowed under the Council’s Rules of Order section 3-C-1. Mr. St. Germain, with second by Mr. Barker, moved to adopt the agenda as amended. Motion passed 7-0.
- V. **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. **Working Capital Designation** – *Possible passage of a motion that the Town, in accordance with its Fund Balance Policy, designate in the Assigned Fund Balance section of the General Fund an amount equal to \$1,878,000 to be labeled Assigned For Working Capital.*
- B. **Certification of Property Owners and Abutters Mailing Lists** – *Possible passage of a motion to sign the two certification of the mailing lists used for the notice of the Planning Board’s January 6, 2016 public hearings on the Land Use Ordinance Amendments for June 2016.*
- Ms. Greenlee, with second by Mr. Barker, moved to approve the consent agenda as published. Motion passed 7-0.

VI. REGULAR BUSINESS:

- A. Frenchman Bay Water Quality Testing**– *Report from Dr. Jane Disney of Community Environmental Health Lab for the 2015 cruise ship water quality testing.* – Dr. Disney reported that the water quality monitoring for 2015 shows Bar Harbor waters of excellent quality. Her recommendations are to continue to monitor with perhaps a modified criteria for testing to be apprised of any changes or conditions. Dr. Disney also recognized Harbor Master Charlie Phippen for enforcing the policy of the cruise and other vessel visitations, and his communication that helps protect the harbor’s resources. Further, Dr. Disney recognized the volunteers, and other agencies that funded and supported this project. Following brief comments and questions, Ms. Greenlee, with second by Mr. Barker, moved to accept the Bar Harbor Cruise Ship Monitoring Report 2015 and file in the town records. Motion passed 7-0. For detailed information and the full report, The Bar Harbor Cruise Ship Monitoring Report for 2015 is available on the Town’s website.
- B. FY15 Audit** - *Report of auditor James W. Wadman, CPA on the town financial statements for the fiscal year ending June 30, 2015.* – Auditor James Wadman and his assistant Wanese Lynch summarized the highlights. Following the favorable review, Ms. Greenlee, with second by Mr. St. Germain, moved to accept the June 30, 2015 fiscal year audit by James Wadman CPA and file in town records. Motion passed 7-0.
- C. Communication Technology Task Force** - *Discussion on scheduling a joint workshop on broadband study.* – Following a brief explanation from Councilor Stivers; Mr. Friedmann, with second by Mr. Barker, moved to schedule a workshop with the CTTF on February 2nd at 6:00 p.m., an hour prior to the regular Council meeting. Motion passed 7-0.
- D. Treasurer’s Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Friedmann, with second by Ms. Greenlee, moved to sign the Treasurer’s Warrants for paid bills. Motion passed 7-0.

VII. TOWN MANAGER’S COMMENTS - Town Manager Cornell Knight reported that the tentatively scheduled special meeting on January 11th on the update of the parking garage and ferry terminal with the consultants has been cancelled. Tentatively, the special meeting is rescheduled for March 10th.

VIII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. St. Germain wished everyone a ‘Happy New Year’!

Mr. Friedmann announced that there is a group of citizens across the Island who are interested in seeing MDI take on activities that will both strengthen our economy and improve our quality environment. They are calling this project “Climate to Thrive”. There will be a meeting at the Neighborhood House on January 24th from 3 to 6 p.m. with keynote speaker, breakout groups covering a number of topics with experts, and food will be served. All are welcome.

Mr. Bowden stated he was glad to hear the granite windowsills remain at the Fire station.

Mr. Paradis also wished everyone a ‘Happy New Year’!

IX. EXECUTIVE SESSION:

- A. **Consultation with Town Attorney - Pursuant to Title 1 MRSA section 405(6)(E), for the purpose of consulting with the Town's attorney concerning the legal rights and duties of the Town in regard to a complaint received against two Council members.** – Mr. St. Germain, with second by Mr. Barker, moved to enter into executive session, after a short break, as permitted by 1 MRSA 405(6)(E), for the purpose of consulting with the Town's attorney concerning the legal rights and duties of the Town in regard to a complaint received against two Council members. Motion passed 7-0. Council entered into executive session at 8:37 p.m. following a short break. In attendance were Councilors Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, Clark Stivers; Town Manager Cornell Knight, and Town Attorney Edmond Bearor. Council return to regular session at 9:35 p.m.

Vice Chair Friedmann stated the Council has discussed its duties under the Charter as it applies to the facts and circumstances set forth in the January 4, 2016 letter addressed to the Council from Arthur Greif and Donna Mae Karlson. He asked if there was a member of the Council who would care to make a motion in connection with this matter.

Mr. St. Germain, with second by Mr. Barker, moved that the alleged facts and circumstances contained in the January 4, 2016 letter do not warrant further review or consideration by the Council. Motion passed 5-0.

- X. **ADJOURNMENT** - St. Germain, with second by Mr. Barker, moved to adjourn at 9:37 pm. Motion passed 5-0.

Patricia A. Gray, Town Clerk