

Minutes
Bar Harbor Town Council
March 15, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – Councilors Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; and Town Manager Cornell Knight. Councilor Friedmann served as acting Chair.
 - A. **Excused Absence(s)** – *Councilor Paradis requested to be excused.* – Mr. St. Germain, with second by Ms. Greenlee, moved to excuse Councilor Paradis as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.
- 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 this evening.
- III. **APPROVAL OF MINUTES – March 1, 2016 Regular Meeting** – Mr. St. Germain, with second by Ms. Greenlee, moved to approve the minutes of March 1, 2016 regular meeting as published. Motion passed 6-0.
- IV. **FINANCIAL STATEMENTS** – *Review and possible adoption of a motion to accept the financial statements as presented.* – Following the Finance Director Stan Harmon’s brief review, Ms. Greenlee, with second by Mr. Stivers, moved to accept the financial statements dated 2/29/16 as presented. Motion passed 6-0.
- V. **ADOPTION OF AGENDA** – Mr. St. Germain, with second by Ms. Greenlee, moved to adopt the agenda as presented. Motion passed 6-0.
- 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. **Resolution: Boy Scout** – *Mr. St. Germain requested to move this item to regular business for the resolution to be read.*
 - B. **Marine Resources Committee** – *Possible motion to accept Michael McKernan’s letter of resignation from the Marine Resources Committee and send a letter of appreciation for his years of service.*

Mr. St. Germain, with second by Mr. Stivers, moved to approve the remaining consent agenda item as published. Motion passed 6-0.
- VII. **PUBLIC HEARINGS:**
 - A. **Special Amusement Permit Renewal: Little A’s, 131 Cottage Street,** *request for Class 3a, three or more musicians with mechanical amplification as submitted by Laurie Wellman.* – The public hearing opened at 7:05 p.m. and closed at 7:12 p.m. Neighboring residents Tom

Marinke and Bob McCann expressed their concerns of a renewed permit. While they agreed Mr. Sal Clouse and Ms. Laura Wellman, owners of Little A's, are good to work with, the noise at all hours is disrupted to their living and sleeping. The sound proofing, switching main door entrances, closing windows, adding additional outdoor space to segregate smokers and diners just isn't enough. When the door opens the loud music flows out, and the patrons' loud voices on the deck makes it very disruptive. There were a number of complaints from May 2015 to January 2016 from various people. Only one complaint was substantiated.

Mr. Clouse was not aware of the number of complaints. He did identify that it appears to be not so much the music but the patrons smoking on the deck. If they did not have the deck, they would be in the streets and sidewalk, a public way. Mr. Clouse has worked with the police to have them run the decibel meter to help establish a reasonable level of sound.

Following the close of the public hearing and many comments from the Council, Ms. Greenlee, with second by Mr. Bowden, moved to not approve Little A's application for a Class 3ad special amusement permit as advertised. Motion failed 2-4(Nay: Mr. Bowden, Mr. Friedman, Mr. St. Germain, Mr. Barker).

Following further discussion as to what the ordinance allows and to balance fairness to both parties; Mr. St. Germain, with second by Mr. Bowden, moved to approve Little A's application for a Class 3a special amusement permit as advertised. Motion passed 5-1(Nay: Ms. Greenlee). Mr. Barker, with second by Ms. Greenlee, moved that the Police Chief work with the neighbors and Mr. Clouse and the Town Manager to report back to Council monthly. Motion passed 6-0.

VIII. REGULAR BUSINESS:

- A1. **Resolution: Boy Scout** – *Possible motion to sign the Resolution recognizing Mason Gurtler for his achievement of Eagle Scout.* - Following the reading of the resolution; Mr. St. Germain, with second by Ms. Greenlee, moved to sign the resolution recognizing Mason Gurtler for his achievement of Eagle Scout. Motion passed 6-0.

**Resolution
Of the
Bar Harbor Town Council**

Whereas, Mason Alan Gurtler of the American Legion George Edwin Kirk Post 25's Boy Scout Troop 89 has, for the last 10 years, been working long and hard to achieve the rank of Eagle Scout an achievement accomplished by only 4 out of every 100 boys who enter Scouting, and

Whereas, Mason Alan Gurtler began his Scouting career at age six as a Tiger Cub Scout in Cub Scout Pack 89, achieved the ranks of Bobcat, Wolf, Bear and Webelos before earning Cub Scout's highest honor; the Arrow of Light, and

Whereas, Mason Alan Gurtler entered Boy Scout Troop 89 in 2010, achieved all the ranks of Scout, Tenderfoot, Second Class, First Class, Star, Life, Eagle and twenty-three merit badges, and

Whereas, Mason Alan Gurtler has exhibited remarkable leadership skills by holding the offices of Assistant Patrol Leader, Patrol Leader, Assistant Senior Patrol Leader, and Senior Patrol Leader, and

Whereas, Mason Alan Gurtler represented the State of Maine as a member of the 2013 Boy Scout National Jamboree Contingent, and

Whereas, Mason Alan Gurtler has given outstanding service to his community through over 300 hours of volunteer service, built picnic tables for the Jessup Library, the Connors Emerson School, and the Acadian Little League, by organizing his fellow Scouts to raise funds, design and construct a storage facility for the Mount Desert Island High School Theater Department, and

Whereas, Mason Alan Gurtler's Scouting accomplishments have not dissuaded him from becoming a highly regarded member of the Theater Tech Crew at the Mount Desert Island High School, and an active member of the Bar Harbor Congregational Church's Youth Group,

Now therefore, Be It Resolved, that the Bar Harbor Town Council not only applauds his achievement of Boy Scouts of America's highest rank, but also recognizes the exceptional contribution and example that Mason Alan Gurtler has made to his community.

- A. **Kids' Corner - Annual report and progress of Kids' Corner by Lori Krupke, Executive Director.** – Lori Krupke, Executive Director provided copies of their brochure highlighting the family statistics and their community involvement. Their new activities include a garden and holding an open carnival interacting with all ages. They continue to be successful and look forward to renewing their lease with the Town in 2017.

Mr. Barker inquired if the amount of liability insurance Kids' Corner carries adequately covers them and the Town. He requested confirmation of the insurance.

Mr. St. Germain thanked Ms. Krupke for all they do, and expressed he would like to see them here for another twenty-five years.

Mr. Bowden advised them that Route 3 construction is coming up and if there are any safety concerns at any time, please let Council know.

- B. **Council Goals – Status update.** – Each item was noted to any action since the adoption of the goals. Mr. Knight pointed out on the last page the goal to hold Council meetings in other locations, and asked if Council would like to schedule one in May. It was of general consensus to hold a May meeting in Town Hill, starting with open forum at 6:00 p.m. and begin the regular meeting at 7:00 p.m.

Mr. Bowden, with second by Mr. Stivers, moved to remove item E.7., Harborview Park. Motion passed 6-0.

- C. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Ms. Greenlee, with second by Mr. St. Germain, moved to sign the Treasurer's warrant for paid bills. Motion passed 6-0.

IX. **TOWN MANAGER'S COMMENTS** – Town Manager Cornell Knight announced the high school budget is out in print and the meeting will be held April 6th at 7:30 p.m. in the high school auditorium. He also reminded everyone of the joint meeting with the Warrant Committee to resolve any differences on March 22nd.

X. **COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA**

Mr. Barker requested a list of properties that the non-profits have been taken off the tax rolls since 2005.

Mr. St. Germain wished the State of Maine happy 196th birthday.

Mr. Bowden requested for April 5th agenda a discussion on the next step to the parking garage, and invite the Backyard Parking Committee.

Mr. Friedmann stated that he was proud of the Town Council tonight for figuring out a solution to both parties when considering the renewal permit for Little A's.

XI. **EXECUTIVE SESSION:** (None)

XII. **ADJOURNMENT** – Mr. St. Germain, with second by Ms. Greenlee, moved to adjourn the meeting at 8:23 p.m. Motion passed 6-0.

Patricia A. Gray, Town Clerk