

**Minutes**  
**Bar Harbor Town Council**  
**April 5, 2016**

- I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, David Bowden, Clark Stivers; and Town Manager Cornell Knight.
- A. **Excused Absence(s)** – Mr. St. Germain, with second by Ms. Greenlee, moved to excuse Councilor Barker as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.
- II. **COMMITTEE APPOINTMENTS** –
- A. *Application of Emily Dwyer for appointment to the Design Review Board for a term expiring June 2016 or 2018.* – Ms. Greenlee nominated Emily Dwyer to the Design Review Board for a term expiring June 2018. There being no further nomination, by unanimous vote, 6-0, Emily Dwyer was appointed.
- B. *Application of Greg Veilleux for appointment to the Parks and Recreation Committee for a term expiring June 2018.* – Mr. Friedmann nominated Greg Veilleux to the Parks and Recreation Committee for a term expiring June 2018. There being no other nominations, by unanimous vote, 6-0, Greg Veilleux was appointed.
- C. *Application of Jacquie Colburn for appointment to the Conservation Commission for a term expiring June 2017 or 2018.* – Mr. Friedmann nominated Jacquie Colburn to the Conservation Commission for a term expiring June 2018. There being no other nominations, by unanimous vote, 6-0, Jacquie Colburn was appointed.
- 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.* – There were no comments this evening.
- IV. **APPROVAL OF MINUTES**
- A. **March 10, 2016 Special Meeting**
- B. **March 15, 2016 Regular Meeting**
- Mr. Friedmann, with second by Ms. Greenlee, moved to approve the minutes of March 10, 2016 special meeting and March 15, 2016 regular meeting as presented. Motion passed 6-0.
- V. **ADOPTION OF AGENDA** – Mr. Friedmann, with second by Ms. Greenlee, moved to adopt the agenda as presented. Motion passed 6-0.

**VI. PUBLIC HEARINGS:****A. Special Amusement Permits:**

1. **The Thirsty Whale**, 40 Cottage Street, request for Class 3a, three or more musicians with mechanical amplification as submitted by Basil Eleftheriou, Jr. (NEW, change of classification) – A resident inquired as to the number of decibel permitted in general. There being no other comments, Mr. St. Germain, with second by Mr. Stivers, moved to approve the Special Amusement application for The Thirsty Whale for a Class 3a permit as advertised. Motion passed 6-0.
2. **Stewman's Lobster Pound Downtown**, 35 West Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Young's Pier, LLC, Patrick Walsh. (Renewal) – There were no comments. Mr. St. Germain, with second by Ms. Greenlee, moved to approve the Special Amusement application for Stewman's Lobster Pound Downtown for a Class 3ad permit as advertised. Motion passed 6-0.
3. **West Street Hotel**, 50 West Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by West Street Hotel, LLC, Michael Walsh. (Renewal) - There were no comments. Mr. St. Germain, with second by Ms. Greenlee, moved to approve the Special Amusement application for West Street Hotel for a Class 3ad permit as advertised. Motion passed 6-0.
4. **Atlantic Oceanside Hotel**, 119 Eden Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Witham Family Limited Partnership, Donna Mitchell. (Renewal) - There were no comments. Mr. St. Germain, with second by Ms. Greenlee, moved to approve the Special Amusement application for Atlantic Oceanside Hotel for a Class 3ad permit as advertised. Motion passed 6-0.
5. **Bar Harbor Lobster Company**, 297 Main Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Garrett FitzGerald. (NEW) – Mr. Benson, of 278 Main Street and owner of Tea 278, expressed concerns of loud music being disruptive to his advertised business of tranquility and relaxing atmosphere inside and in the garden. He reported the lower portion of Main Street is more residential and he respectfully opposes this request.

Mr. Garrett FrizGerald, the applicant, stated he was new to the process and he has no immediate plans for entertainment, but was making the request in the event he decides to and wanted to be covered. He acknowledged lower Main Street is more residential

and offered to reduce the type of license. Following Council discussion; Mr. Friedmann, with second by Ms. Greenlee, moved to approve the special amusement permit request for a Class 2, two musicians without amplification.

Following further discussion, Mr. Stivers, with second by Mr. St. Germain, moved to amend the motion to Class 2ad, two musicians with mechanical amplification and dancing. Motion passed 4-2 (Nay: Mr. Friedmann, Ms. Greenlee).

Main motion was amended to Class 2ad permit. Motion passed 4-2 (Nay: Mr. Friedmann, Ms. Greenlee).

6. **ImprovAcadia**, 15 Cottage Street, request for Class 4, any other type of entertainment, as provided by 28A MRSA 1054.1.C as submitted by Acadia, LLC, Larrance Fingerhut. (Renewal) – There being no comments, Mr. Friedmann, with second by Mr. Stivers, moved to approve the Special Amusement application for ImprovAcadia for a Class 4 permit as advertised. Motion passed 6-0.

## VII. REGULAR BUSINESS:

- A. **Prospect Avenue Road Closure** – *Request of MacQuinn Construction Co. for approval to close the lower portion of Prospect Avenue adjacent to the sub-station project from April to September.* – Following a brief explanation from the Town Manager; Ms. Greenlee, with second by Mr. Bowden, moved to temporarily close to traffic to lower Prospect Avenue from April 6<sup>th</sup> to September 30<sup>th</sup> 2016. Motion passed 6-0.
- B. **Seniors Committee** - *Request of Bonnie & Arnold Lundquist to consider establishing a committee addressing the needs of resident seniors.* – Mrs. Lundquist gave a powerful presentation about senior living and the future potential needs and contributions of this Age Friendly demographics. While she only requested that Council give some consideration for immediate future action in formalizing a committee; Mr. Friedmann, with second by Mr. St. Germain, moved to direct the Town Manager to work with Mrs. Lundquist to develop Bylaws for Council consideration over the next 60 days for a Seniors Task Force and to return to Council. Motion passed 5-1(Nay: Mr. Stivers).
- C. **Jackson Laboratory** – *Presentation of the Laboratory's ten-year master plan.* - Jackson Lab's representatives John Fitzpatrick, Senior Facilities Director, and LuAnn Ballesteros, Director, Office of Government Relations, presented their ten-year master plan and provided data on the economic impact the Jackson Lab has on the Town and the region. Bar Harbor will remain the headquarters for the Lab and will continue to migrate production to Ellsworth and other regions. The main focus for the Bar Harbor campus is to establish a conference and educational center to be competitive in attracting diverse and quality researchers and other personnel. Zoning amendments will be necessary to accomplish their

goals. They are looking at a skywalk from the campus to the parking area for pedestrian safety, to avoid acres of asphalt parking they will seek permitting parking garage, to replace some of the production buildings with facilities that connect with existing buildings they will request adjustment in the height restrictions to maintain grade level for entrances and potentially redistributing area coverage, and changing zoning for a residential lot between two scientific zoning lots to scientific. In addition, they are proposing a 65-unit housing complex. Housing is an issue for students, visiting researchers, and other professionals.

Following discussion with the Council; Chair Paradis thanked John and LuAnn for their presentation sharing their goals, data supporting the economic impact to the Town and the State, and helping the Town create a year round community.

- D. **Parking** – *Parking recommendations next steps.* – Following the Town Manager’s brief comments on the years of discussing a parking garage and recommendations made in the final report; Councilor Bowden stated educational component was missing. He feels the committee should reconvene and hold public hearings. Councilor Friedmann thought the path forward with the need of more education of the recommendations; it’s business community driven and the need for their support, residents need parking, and identify the benefits in the plan. Following discussion, Mr. Friedmann, with second by Mr. St. Germain, moved to refer the parking recommendations made to Town Council on March 10, 2016 to the Backyard Parking Committee. Motion passed 6-0.
- E. **Proclamation: National Library Week** – *Request of Jesup Memorial Library staff to recognize and celebrate National Library Week.* – Following the reading of the proclamation; Mr. Friedmann, with second by Mr. St. Germain, moved to sign the proclamation recognizing and celebrating National Library Week. Motion passed 6-0.

**Bar Harbor Town Council**  
**PROCLAMATION TO HONOR**  
**NATIONAL LIBRARY WEEK**  
**April 10 - 16, 2016**

**WHEREAS**, libraries everywhere play a vital role in supporting the quality of life in their communities; and,

**WHEREAS**, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it; and,

**WHEREAS**, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the "digital divide;" and,

**WHEREAS**, libraries serve as crucial technology hubs for people in need of free Web access, and provide assistance in using the service; and,

**WHEREAS**, libraries are part of the American Dream -- places for opportunity, education, self-help and lifelong learning; and,

**WHEREAS**, Jesup Memorial Library, a private nonprofit organization, has been serving as Bar Harbor's public library for one hundred and four years, and is actively planning for its future; and,

**WHEREAS**, more than 4,300 residents of Bar Harbor are registered users of the library;

**NOW, THEREFORE**, be it resolved that the Town Council of Bar Harbor joins in recognizes April 10 - 16, 2016 as National Library Week, and encourages all residents to visit the Library this week to take advantage of the wonderful resources available at Jesup Memorial Library.

**F. Annual Town Meeting: June 2016 –**

1. **Notice of Public Hearing** – *Possible motion to prepare final notice for Council's signature and schedule the public hearing for May 17.* – Ms. Greenlee, with second by Mr. St. Germain, moved to request staff to prepare the final notice and schedule the public hearing for May 17. Motion passed 6-0.

2. **Annual Town Meeting Warrant –**

a.) *Council's recommendations on remaining Warrant articles.* – Mr. Bowden, with second by Mr. St. Germain, moved to recommend the amended school budget dated 4/4/16 as published in the revised Warrant and to recommend approval of the school and municipal miscellaneous articles. Motion passed 6-0.

b.) *Possible action to rescind PAYT straw poll for June 2016 town meeting.* – Mr. Bowden, with second by Ms. Greenlee, moved to rescind the December 15, 2015 action to schedule a non-binding vote at the June Town Meeting on the PAYT program. Motion passed 6-0.

c.) *Possible motion to prepare final Warrant for Council's signature.* – Mr. Friedmann, with second by Ms. Greenlee, moved to prepare the final Warrant for Council's signature. Motion passed 6-0.

**G. Neighborhood Meeting** – *Possible motion to approve postcard invitation to be mailed to neighbors for the first neighborhood meeting scheduled May 3 in Town Hill.* – Ms. Greenlee, with second by Mr. Friedmann, moved to approve the mailing notice as proposed and have the May 3rd Council meeting start at 6 pm with up to an hour of public comment discussion. Motion passed 6-0.

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

VIII. **TOWN MANAGER'S COMMENTS** – Mr. Knight announced next Council meeting, April 19<sup>th</sup>, Council will be considering the PAYT program and public comments are welcomed.

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

**Mr. Friedmann** wished everyone a “Happy Spring”.

**Mr. Bowden** inquired if the Town received confirmation on insurance for the hoist on the pier, he noticed it was installed.

**Mr. Paradis** congratulated Chris Wharff on his recent promotion to Sergeant.

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

XI. **ADJOURNMENT** – Mr. St. Germain, with second by Mr. Stivers, moved to adjourn at 9:40 p.m. Motion passed 6-0.

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Patricia A. Gray, Town Clerk