

Minutes
Bar Harbor Town Council
April 19, 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, Burt Barker; and Town Manager Cornell Knight.
- 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.* - Roger Innes stated , that he is only voicing his opinion about how, the town budget should stay flat, taxes are too high and he also had concerns about broadband cost. It is his opinion that council has made mistakes here and there that ends up getting a lot of headlines. He thanked councilors for acting in good faith and intensions and or with advice from your counsel. It is his opinion that all the information on social media about Bar Harbor is not funny.
- Diane Vreeland spoke about the economic impact study on cruise ships in Bar Harbor. She was wondering if they could do a study on negative impact of cruise ships coming into our village.
- III. **APPROVAL OF MINUTES**
- A. March 29, 2016 – Special Meeting**
- B. April 5, 2016 – Regular Meeting**
- Mr. Friedmann asked for an amendment to the April 5, 2016 Town Council minutes under page 3 section VII. Regular Business, B. Senior Committee. He stated that his motion was 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. He wanted to clarify that he was not asking for a committee, just a Task Force. He stated that was his intent of the motion.
- Ms. Greenlee, with second by Mr. Stivers moved to approve the minutes for March 29, 2016 special meeting and as amended for April 5, 2016 regular meeting. Motion passed 7-0.
- IV. **FINANCIAL STATEMENTS** – *Review and possible adoption of a motion to accept the financial statements as presented.*-Finance Director Stan Harmon gave a brief overview of the monthly results. He stated Highway spent \$183,000 less at this point this year. Vehicle Excise is up 8% over last year. Recycling and Ambulance seem to stay well below budget. He commented that taxes were due at the end of March and collections are \$400,000 ahead of last year. Mr. St. Germain, with second by Mr.

Barker moved to accept and file the Financial Directors report dated April 11, 2016.
Motion passed 7-0.

V. **ADOPTION OF AGENDA**

Mr. St. Germain, with second by Ms. Greenlee moved to adopt the agenda as published. Motion passed 7-0.

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

1. *Possible motion to sign the Notice of Public Hearing.*
2. *Possible motion to sign the Warrant calling for June 2016 annual town meeting.*

B. **State of Maine Primary** – *Possible motion to confirm appointment of Patricia Gray as warden for the State of Maine Primary, June 14, 2016, pursuant to Title 21-A.*

C. **Appointment of Election Clerks** – *Possible motion to approve the slate of election clerks.*

D. **Vehicles for Hire** – *Possible motion to approve:*

1. **Oli's Trolley** request for six trolley licenses as submitted by Denise Morgan, Oli's Trolley Inc. (Police Lt. Pinkham approved, Proof of Insurance provided)
2. **Bar Harbor Coastal Cab** request for one taxi license as submitted by Craig Wood. (Police Lt. Pinkham approved, Proof of Insurance provided)

E. **Property Tax Write Offs** –

1. **Small Balances** - *Possible passage of a motion to grant the Tax Collector and Treasurer the discretionary authority to write off any residual tax balances up to \$10.00.*
2. **Personal Property Taxes** – *Possible passage of a motion to abate Personal Property Taxes deemed uncollectible that are listed in the Tax Collector's April 15, 2016 memorandum attachment.*

F. **Special Amusement Permit: Little A's** – *Possible motion to file update status memo from Police Chief.*

G. **Quit Claim Deed: Andre L. Lozano** – *Possible motion to authorize the Town Manager to sign a Quit Claim Deed, releasing the Town's interest in the property of Andre L. Lozano, 11 High Street, Tax Map 104 Lot 311.*

Ms. Greenlee, with second by Mr. St. Germain moved to approve the items of business as presented. Motion passed 7-0.

VII. **PUBLIC HEARINGS:**

A. Special Amusement Permits:

1. **Mainely Meat BBQ**, 15 Knox Road, a request for Class 3a, three or more musicians with mechanical amplification as submitted by Barbara Maffucci, Atlantic Brewing Co. (Renewal)- Ms. Greenlee asked how they would contain the music for neighborhood tranquility, and have they had any complaints in the past. Mainely Meat representative voiced that the music is contained in a tent. They have had no complaints in the past. Mr. St. Germain, with second by Mr. Barker, moved to approve Mainely Meat BBQ for a Class 3a Special Amusement Permit as advertised. Motion passed 7-0.
2. **Kebo Valley Golf Club**, 136 Eagle Lake Road, a request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by David Closson. (Renewal) Mr. St. Germain, with second by Mr. Barker moved to approve Kebo Valley Golf Club for a Class 3 ad Special Amusement permit as advertised. Motion passed 7-0.
3. **Cherrystones**, 185 Main Street, a request for Class 3a, three or more musicians with mechanical amplification as submitted by Jeremy Bond, Fishmaine, Inc. (Renewal) Mr. St. Germain, with second by Ms. Greenlee moved to approve Cherrystones for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.
4. **Bar Harbor Beer Works**, 119 Main Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Jeremy Bond, Fishmaine, Inc. (Renewal) Mr. St. Germain, with second by Ms. Greenlee moved to approve Bar Harbor Beer Works for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.
5. **Bar Harbor Club & Spa**, 111 West Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Richard C. Ade, BHTC 111, LLC. (Renewal) Mr. St. Germain, with second by Ms. Greenlee moved to approve Bar Harbor Club & Spa for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.
6. **The 1932 Criterion Theatre**, 35 Cottage Street, request for Class 4, any other entertainment or amusement as submitted by Heather Martin. (Renewal) Mr. St. Germain, with second by Ms. Greenlee moved to approve The Criterion Theater for a Class 4 Special Amusement Permit as advertised. Motion passed 7-0.
7. **Galyn's Galley**, 17 Main Street, request for Class 3a, three or more musicians with mechanical amplification as submitted by Richard & Gail

Leiser. (NEW) Galyn's Galley Representative stated that this would be a one day event only. Mr. St. Germain, with second by Ms. Greenlee moved to approve Galyn's Galley for a Class 3a Special Amusement Permit as advertised. Motion passed 7-0.

VIII. REGULAR BUSINESS:

A. **Cruise Ship Passengers** – *Request of Cruise Ship Committee to fund a University of Maine study of the economic impact of cruise passengers in Bar Harbor. Mr. Friedmann, with second by Mr. St. Germain moved that the University of Maine conduct an economic impact study of cruise ship passenger's in Bar Harbor, not to exceed \$10,000. Motion passed 7-0.*

B. **Pay As You Throw:**

1. *Staff's report of PAYT cost and logistics for a trial period starting 11/1/16.*-Mr. Reeves, Public Works Director gave a screen presentation of cost and logistics for PAYT trial period. He spoke about where they would put the temporary weight scale, new fencing and making changes for better traffic flow. He stated they have had complaints from neighbors about the traffic flow and commercial waste dumping that creates traffic congestion. Mr. Graves from the transfer station spoke about the amount of vehicles that would back up the traffic pattern. Ms. Bernier represented WasteZero to review the contract to supply PAYT bags. She discussed cost of the bags \$2.00 Large and Small \$1.00. WasteZero manufactures the bags. She spoke about other towns in Maine that do some form of PAYT program. She talked about solid waste reduction, recycling increases, disposal and transportation cost decreasing and environment improvements, engagement and education for the town residents and other communities in Maine that cut their amount of solid waste in half. Council members had concerns of illegal dumping of trash, recycling issues with commercial trash haulers.

Council member Mr. Bowden asked Mr. Reeves if they anticipated any additional waste from town trash cans as far as cost. Council member Mr. St. Germain spoke about the increase of cost for dumpster pickup for commercial accounts.

2. *Accepting comments from the public.* Chairman Mr. Paradis opened the public hearing for comments on PAYT. A crowd of Bar Harbor residents filled the council chambers and the recumbent room. There were 32 residents that gave comments and expressed concerns about the PAYT program. They were concerned about illegal dumping, rising cost for low income, taxes already covering trash disposal and then paying for special bags and also trash dumping into the lakes and ocean. Many residents expressed concerns about better recycling programs for plastics. They also suggested bag tags for non-residents to avoid tipping fees. Several

residents spoke in favor of the program for environmental reasons and its fairness.

Mr. Friedmann, second by Mr. Stivers moved to implement PAYT Trial Period study November 1, 2016. Motion failed 3-4.

Nay: Mr.Paradis, Mr. Bowden, Mr. St. Germain and Mr. Barker

3. *Review the contract with WasteZero to supply PAYT bags for a five year term.* - Chairman Mr. Paradis asked council members if there was any need to discuss the contract for WasteZero. They all agreed there was no need to review.

C. **Cell Tower Lease: Fire Station** – *Request of Lease Advisors to purchase the lease and easement for the cell tower on top of the Fire Station.* Mr. Bowden, with second by Ms. Greenlee moved not to accept cell tower buy-out offer from Lease Advisors. Motion passed 7-0.

D. **Budget Transfer: Municipal Building Renovations** – *Request of Treasurer to authorize a transfer of funds for the additional work and change orders for the Municipal Building renovations.*- Mr. Friedmann, with second by Mr. St. Germain moved that the town treasurer transfer \$42,000 to the CIP Municipal Building account #2124-6130; \$22,000 from Contingency account #1036-5906 and \$20,000 from Assessing account #1032-5105. Motion passed 7-0.

E. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.*- Mr. Friedmann, with second by Mr. St. Germain moved to sign Treasurer's warrant for paid bills. Motion passed 7-0.

IX. **TOWN MANAGER'S COMMENTS** – Mr. Knight announced the next Town Council meeting on May 3, 2016 at 6:00 pm, will be held at Town Hill fire station. Notices have been sent out to Town Hill residents. Mr. Knight stated that he had one response from a resident of Town Hill about information they would like to discuss.

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

Mr. Barker thanked Mr. Friedmann for all his hard work on the PAYT program. Mr. Barker commented that he appreciated what Mr. Innes said, what I felt with him was accurate during public comment period. He made comments about how residents were concerned about the cost of PAYT. He also stated that he wished he had that support during the school budget meeting.

Mr. St. Germain would like to find a way to get the new lift operating on the town pier. Town Manager, Mr. Knight said, the Harbor Master Mr. Phippen is hiring an engineer to certify it.

Ms. Greenlee thanked Mr. Friedmann for all his passion on many subjects tonight. She also thanked the public for speaking and emails on the PAYT program.

Mr. Friedmann commented that the solar farm has been fully subscribed now. They are hoping to break ground by the summer. He stated they are making plans to have a dedication ceremony on the property.

Mr. Paradis also thanked Mr. Innes for his comments and stated he believes it is true. He thinks all the council members work very hard. He also stated, they have different points of view sometimes. Most of the time they all have the same goals. He is very proud of the dedication from council members.

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

XII. **ADJOURNMENT** – Mr. Friedmann, with second by Mr. St. Germain, moved to adjourn at 10:20 p.m. Motion passed 7-0.

Elizabeth B. Murray, Deputy Clerk