

**Minutes**  
**Bar Harbor Town Council**  
**May 17, 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; and Town Manager Cornell Knight.
- A. **Excused Absence(s)** – All were present.
- II. **COMMITTEE APPOINTMENTS** – *Application of Ms. Cindy Flye for appointment to the Bar Harbor Housing Authority Board of Commissioners, as Tenant Representative, for a term expiring July 31, 2017.* – Ms. Greenlee nominated Cindy Flye to the Bar Harbor Housing Authority Board of Commissioners as Tenant Representative for a term expiring July 31, 2017. There being no further nominations; the motion to appoint Cindy Flye passed unanimously.
- 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.* – Resident Terri Zabala thanked the Public Works for putting #2 plastic recycling bins out. She thanked them for all they do.
- IV. **APPROVAL OF MINUTES** –
- A. *April 19, 2016 Regular Meeting- amendments-re-approve*  
B. *May 3, 2016 Regular Meeting*
- Ms. Greenlee, with second by Mr. St. Germain, moved to approve the amended minutes of April 19, 2016 and May 3, 2016 regular meeting as presented.  
Motion passed 7-0.
- V. **FINANCIAL STATEMENTS** – *Review and possible adoption of a motion to accept the financial statements as presented.* – Following a brief summary by the Finance Director Stan Harmon, Mr. St. Germain, with second by Ms. Greenlee, moved to accept and file the Finance Director’s financial statements as dated 5/10/16. Motion passed 7-0.
- VI. **ADOPTION OF AGENDA** – Mr. Friedmann, with second by Mr. St. Germain, moved to adopt the agenda as presented. Motion passed 7-0.
- VII. **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. **Vehicle-for-Hire** – *Possible motion to approve:*

1. **Acadian National Park Tours** for four bus renewal licenses as submitted by Andrew Cough. (Approved by Police Dept. and proof of insurance provided.)
  2. **Amazin' Moe'z Taxi** for one taxi cab renewal license as submitted by Maureen Leeman. (Approved by Police Dept. and proof of insurance provided.)
- B. **Special Amusement Permit: Little A's** – *Possible motion* to file update status memo from Police Chief.
- C. **Resolution: Councilor Bowden** – *Possible motion* to approve a resolution in recognition of David Bowden's years of service as a member of Bar Harbor Town Council.

**Resolution  
of  
The Bar Harbor Town Council**

**WHEREAS**, in recognition of David Bowden who has served as a Bar Harbor Town Councilor for nine- years, first elected in 2001; and

**WHEREAS**, in his municipal service, David has undertaken various tasks associated therewith, including an elected officer on the Council, time served as a Planning Board member, and years with the Chamber of Commerce; and

**WHEREAS**, David is well- known for his Bar Harbor – Salisbury Cove historical perspectives, his up close knowledge of water mains, sewer and municipal budgets, and historical land use amendments; and

**WHEREAS**, his willingness to discuss rather than dismiss controversial topics, and his conviction to do right by the citizens of Bar Harbor, has earned him respect; now therefore

**BE IT RESOLVED**, that the Honorable members of the Bar Harbor Town Council do hereby recognize and honor David Bowden with great gratitude and appreciation for his many years of commitment to his neighbors, friends, visitors, and residents of Bar Harbor, and to wish him much success in his future endeavors.

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

**VIII. PUBLIC HEARINGS:**

**A. Special Amusement Permit Renewals:**

1. **Mad Hatter Pub & Grill, 116 Cottage Street, for a Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Anna Hosta.** – There being no public comment, Mr. St. Germain, with second by Mr. Barker, moved to approve Mad Hatter Pub & Grill for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.

2. **Havana, 318 Main Street, for a Class 3a, three or more musicians with mechanical amplification as submitted by Michael Boland.** – There being no public comment, Mr. St. Germain, with second by Ms. Greenlee, moved to approve Havana Restaurant for a Class 3a Special Amusement Permit as advertised. Motion passed 7-0.
  3. **Black Friar Inn, 10 Summer Street, for a Class 2a, two musicians with mechanical amplification as submitted by Thomas Hulbert.** – There being no public comment, Mr. St. Germain, with second by Ms. Greenlee, moved to approve Black Friar Inn for a Class 2a Special Amusement Permit as advertised. Motion passed 7-0.
- B. **Town Meeting Warrant: June 14, 2016** – *Public comment on ten Land Use Ordinance amendments, pursuant to MRSA 30-A section 2528(5).* – Chair Paradis review the public hearing procedures giving each person up to three minutes to speak following a brief explanation from the Planning Director.

#### **Downtown Village District(s)**

- Article 2 LUO: to add farmers market – No public comment.
- Article 3 LUO: to add one and two family dwellings – No public comment.
- Article 4 LUO: to add auto sales lot and auto repair garage – Diane Vreeland inquired if allowed could it automatically turn into a salvage lot like the one in Town Hill. Planning Director Bob Osborne replied, ‘no, it’s a different use’.
- Article 5 LUO: to add home occupation – No public comment.
- Article 6 LUO: to add retirement community – No public comment.

#### **Signs, Lighting and Design Review Board**

- Article 7 LUO: illuminated sign standards – Barbara Fenderson inquired if it applies to indoor signs. Planning Director Bob Osborne stated generally ordinances apply to outdoor signs.
- Article 8 LUO: Design Review Board sign review authority – No public comments
- Article 9 LUO: Design Review Board overlay district – No public comment.
- Article 10 LUO: move certain sign regulations – No public comment.
- Article 11 LUO: allowable sign area – No public comment.

Donna Karlson thanked the Planning Board and the Planning Director for the excellent job in developing these articles.

### **IX. REGULAR BUSINESS:**

A. **Dog Waste Bag Dispensers - Recommendation from the Parks & Recreation Committee to place dog waste bag dispensers in downtown area.**  
– Following a presentation from The HUB and comments from Council and the public, Mr. Friedmann, with second by Ms. Greenlee, moved to accept the 7 dog waste dispensers from The Hub and have them installed in locations outlined on the map and one at Hadley Point. Motion passed 5-2 (Nay: Mr. Paradis, Mr. St. Germain). The purchase and installation of the dispensers will be funded by sponsors, and the Town will supply the bags.

B. **November 2016 Warrant: Land Use Ordinance Amendments - Discussion with Planning Board on the following possible LUO amendments for special town meeting, November 8, 2016.**

1. **Cruise Ship Land Use Ordinance Amendment update**
2. **Parking Land Use Ordinance Amendments update**
3. **Housing Land Use Ordinance Amendments update**

Planning Director Bob Osborne gave an overview of each proposed amendment. Councilor Bowden suggested a joint workshop with the Planning Board to discuss and vet the proposed amendments. Both boards were in agreement. Mr. Bowden, with second by Mr. St. Germain, moved to schedule a joint workshop with Town Council and Planning Board at 5:00 p.m. Tuesday, May 24<sup>th</sup>. Motion passed 7-0.

C. **Solid Waste – Consider a citizen’s request to form a task force to study PAYT and Recycling Programs – Discussion included transfer station design, scheduling a bond vote in 2017, reduce waste, increase recycling, composting, educating the public, and get energy going to reduce, reuse, and recycle.** Ms. Greenlee, with second by Mr. Stivers, moved to direct the Town Manager to prepare by-laws for a Solid Waste Task Force and to advertise for applications. Discussion continued; there were no specific tasks assigned or composition of the task force at this time. Mr. Barker, with second by Mr. Bowden, moved the question. Motion passed 7-0. The main motion passed 4-3 (Nay: Mr. Bowden, Mr. Paradis, Mr. St. Germain).

D. **Conservation Commission – Open Space Plan June 2014, revisions update.**  
– Conservation Commission members Jesse Wheeler and Michael Handwerk provided an overview of the proposed changes the Conservation Commission suggest as a result of comments received from Town Council and the public. The Commission suggests redefining the Open Space Plan as a tool and reference for the public and the landowners to recognize the resources and their potential. The Plan is an excellent document providing an inventory of the Town’s valuable resources, their location, and their importance. It offers a range of choices available to landowners, if they should choose, to protect the resources on their property. Following a brief discussion, Ms. Greenlee, with second by Mr. Barker, moved to schedule a workshop with the Conservation Commission on Tuesday, July 12<sup>th</sup>, at 6:00 p.m. Motion passed 7-0.

- E. **Task Force on Aging** – *Establish a Task Force and Review/Adopt Bylaws.* – Following the review of the By-laws, it was suggested to amend the By-Laws by adding: ‘Pursue outside funding sources to advance the work of the Task Force’ under duties and responsibilities. Mr. Friedmann, with second by Mr. St. Germain, moved to establish the Bar Harbor Task Force on Aging and approve the By-Laws dated May 12, 2016 as amended and advertise for applications for appointment. Motion passed 6-1(Nay: Mr. Stivers).
- F. **Committee Appointment Letter** – *Possible approval or amendments to applications and draft letter to committee members.* - Ms. Greenlee, with second by Mr. Stivers, moved to approve the draft letter and amend the two applications by updating the list of current boards. Motion passed 7-0.
- G. **Treasurer’s Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. St. Germain, with second by Ms. Greenlee, moved to sign the Treasurer’s Warrants for paid bills. Motion passed 7-0.
- X. **TOWN MANAGER’S COMMENTS** – Mr. Knight noted upcoming important dates: June 7<sup>th</sup> is town meeting at the Emerson School gym starting at 7 pm, election is June 14<sup>th</sup>, Council’s organizational meeting is June 15<sup>th</sup> at 5:30 p.m., and the next regularly scheduled Council meeting is June 21<sup>st</sup>.
- XI. **COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA**
- Mr. Stivers** thanked outgoing Councilor Bowden.
- Mr. Barker** also thanked Councilor Bowden. He also expressed his appreciation to Matt Hochman for his input on social media.
- Mr. St. Germain** expressed his appreciation to Councilor Bowden and enjoyed working with him. Mr. St. Germain also reminded everyone to get out and vote, town meeting is June 7<sup>th</sup> and 14<sup>th</sup>.
- Ms. Greenlee** too expressed her appreciation to Councilor Bowden and will remember him for his historical points, his laugh, and willingness to tackle controversial topics.
- Mr. Friedmann** reminisced about his first conversation with Councilor Bowden and most recently stomping through the swamp in Salisbury Cove. He thanked David for the years served as a Councilor. While not always agreeing, he knows he was just looking out for what he felt best for the town. He will be missed.
- XII. **EXECUTIVE SESSION:** (None)
- XIII. **ADJOURNMENT** – Mr. St. Germain, with second by Ms. Greenlee, moved to adjourn at 9:17 p.m. Motion passed 7-0.

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Patricia A. Gray, Town Clerk