

**Minutes**  
**Bar Harbor Town Council**  
**September 20, 2016**

- I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, Clark Stivers, Matthew Hochman; and Town Manager Cornell Knight.
- A. **Excused Absence(s)** *All were present.*
- II. **COMMITTEE APPOINTMENTS** –
- A. *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:*
1. **Design Review Board** – *Judith Noonan with expiring term of 2019.*  
Appointments Committee recommends and Ms. Greenlee nominated Judith Noonan. There being no other nominations, Judith Noonan was unanimously appointed, 7-0, with an expiring term of 2019. Mr. St. Germain noted Ms. Noonan would not be available until after November 1<sup>st</sup>.
  2. **Cruise Ship Committee** – *Sandy McFarland, Resident-at-Large, with expiring term of 2019.*  
Appointments Committee recommends and Ms. Greenlee nominated Sandy McFarland. There being no other nominations, Sandy McFarland was unanimously appointed, 7-0, with an expiring term of 2019.
  3. **Marine Resources Committee** – *Megan McOsker with expiring term of 2019.*  
Appointments Committee recommends and Ms. Greenlee nominated Megan McOsker. There being no other nominations, Megan McOsker was unanimously appointed, 7-0, with an expiring term of 2019.
- 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.* – Marc Gousse, new Superintendent of Schools, introduced himself to the Town Council and noted he has met a few of the town staff and Town Councilors. He expressed his appreciation for the support of the schools from Council, staff and the voters; and look forward to the continued support.
- IV. **APPROVAL OF MINUTES** – *September 6, 2016*

- Ms. Greenlee, with second by Mr. St. Germain, moved to approve the minutes of September 6, 2016 as presented. Motion passed 7-0.
- V. **ADOPTION OF AGENDA** - Mr. St. Germain, with second by Ms. Greenlee, moved to adopt the amended agenda as published. Motion passed 7-0.
- VI. **FINANCIAL STATEMENTS** – *Review and possible adoption of a motion to accept the financial statements as presented.* – Finance Director Stan Harmon reported that there were no statements last month due to their office preparing for the audit. He reported there is nothing unusual with the FY17 expenses, vehicle excise tax remains flat, real estate taxes are coming in steadily, and ambulance revenue is down. Ms. Greenlee, with second by Mr. Hochman, moved to accept the financial report and file. 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. **Maine Municipal Association** – *Possible motion to appoint the Town Manager as the delegate to the MMA annual meeting.*
- B. **Special Amusement Permit: Little A's** – *Possible motion to file update status memo from Police Chief.*
- Mr. St. Germain, with second by Ms. Greenlee, moved to approve the consent agenda as published on the amended agenda. Motion passed 7-0.
- VIII. **REGULAR BUSINESS:**
- A. **Route 3 Reconstruction** – *M.D.O.T. request for acquisition of town property and temporary easements for Route 3 project.* – Town Manager Cornell Knight reported because this is a taking and not a sale, the Town Charter provision for Town Meeting approval to sell land, does not apply, and Town Attorney agrees. There are small areas of 3 town owned lots along Rte. 3 that will be taken:
1. Parcel 10 is on Ireson Hill where the communications sheds are located. 933 sq ft will be taken. The map and Owner's Offer Assent document is enclosed. The fair market value is \$3,900.
- Mr. St. Germain, with second by Ms. Greenlee moved to accept the \$3,900 offer from the Maine Department of Transportation for the 933 sq ft of Parcel 10 as identified on the DOT Right of Way Map, Project No. AC-STP-1919(700)X. Motion passed 7-0.
2. Parcel 87 is at Hull's Cove near the sewer pump station, 477 sq ft will be taken. The map and Owner's Offer Assent document is enclosed. Fair market value is \$1,300.
- Mr. St. Germain, with second by Ms. Greenlee, moved to accept the \$1,300 offer from the Maine Department of Transportation for the 933 sq ft of Parcel 87 as identified on the DOT Right of Way Map, Project No. AC-STP-1919(700)X. Motion passed 7-0.

3. Parcel 155 is the Connors Emerson school lot. A 12+/- foot strip along Eden Street will be taken, that totals .25 acre. The map and Owner's Offer Assent document is enclosed. Fair Market value is \$73,800.

Mr. St. Germain, with second by Ms. Greenlee, moved to accept the \$73,800 offer from the Maine Department of Transportation for the .25 acre of Parcel 155 as identified on the DOT Right of Way Map, Project No. AC-STP-1919(700)X. Motion passed 7-0.

- B. Council Goal Setting 2017 - Discussion of dates, potential locations, facilitator and any other arrangements needed for Council's annual goal setting.** – Ms. Greenlee, with second by Mr. St. Germain, moved to schedule the Council Goal Session meeting for Thursday October 27<sup>th</sup> 5:30 pm at the PW Facility conference room. Motion passed 7-0. It was noted Burt Barker will not be in attendance, but possibly available via electronically.

- C. Recall of Elected Officials – Request for a Charter amendment.** – Mr. Hochman stated his request for discussion was because it was brought up in public comment period.

Ms. Greenlee inquired if this is a single person bring it forward or is it a group and what is the justification. At this point, she does not see a need for a charter amendment timeline.

Mr. Barker inquired if 'recall' has been discussed before. He noted the Ethics Ordinance is in place and inquired if there is a duplication of regulations.

Mr. Friedman noted the Charter has a provision to let a Councilor go

Mr. Stivers agreed with all that was said and inquired if there is another avenue citizens can take if there are a number of people interested. The petition process is always an option.

Mr. St. Germain, with second by Ms. Greenlee, moved to take no action on this item at this time. Motion passed 7-0.

- D. Ambulance Bid – Request of Fire Chief to waive the lowest bidder that does not meet specifications.** – Mr. Barker, with second by Ms. Greenlee, moved to accept the ambulance bid from Professional Vehicles for \$163,233. Motion passed 7-0.

- E. \*Special Town Meeting Warrant: November 8, 2016 – Possible motion to rescind the Special Town Meeting Warrant for November 8, 2016.** – Town Manager Cornell Knight explained Appendix C shows two districts now with parking garage as permitted use, marked to be deleted; Downtown Residential and Town Hill Business Districts. The intent was those two districts not be removed at this time, and suggested rescinding the posting of the special town meeting warrant and cancel the scheduled public hearing. Ms. Greenlee, with second by Mr. St. Germain, moved to

rescind the special town meeting warrant for November 8, 2016 and cancel the scheduled public hearing. Motion passed 7-0.

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

**VII. TOWN MANAGER'S COMMENTS** – There were none this evening.

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

**Mr. Barker** announced he was going to Seattle.

**Ms. Greenlee** thanked everyone working with Little A's and the neighborhood on resolving any noise issues. She is pleased to see the process and progress, the neighbors spoke and were heard. The owners were open and responsible, and police department has assisted in working through it, very pleased.

**Mr. Paradis** announced September 25<sup>th</sup> is Maine Lobster Day!

He reported that he was approached by Darren Collins, COA President, to meet with a delegation from Japan who were from a similar island to MDI's population and area. The delegation was here to see the operations and impact of the college on the island since their region is contemplating building a college. He found when asked questions and speaking, both they and he found it to be an eye opener and just how fortunate we are living here, and we should appreciate it.

**IX. EXECUTIVE SESSION:**

**A. Town Manager's Evaluation** – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. St. Germain, with second by Mr. Barker, moved to enter into executive session into the Meeting Room at 7:43 p.m., following a short break, as permitted by 1 MRSA 405.6 A for discussion of a personnel matter. Motion passed 7-0.

Town Council returned to regular session at 8:37 pm.

Mr. Friedmann, with second by Ms. Greenlee, moved to acknowledge a highly satisfactory annual evaluation of the Town Manager and increase his salary by 1% effective October 1, and place the evaluation in his personnel file. Motion passed 7-0.

**X. ADJOURNMENT** – Mr. St. Germain, with second by Mr. Hochman, moved to adjourn at 8:38 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk