

Minutes
Bar Harbor Town Council
January 21, 2020

- I. CALL TO ORDER** – 7:00 P.M.-In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Erin Cough, Jill Goldthwait, Joe Minutolo; and Town Manager Cornell Knight.
- A. Excused Absence(s)** – all present.
- 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.* – None.
- III. APPROVAL OF MINUTES** – *January 7, 2020 Regular Meeting*
Mr. Hochman, with second by Ms. Cough, moved to approve the minutes of the January 7, 2020 Regular Meeting as presented. Motion passed 7-0.
- IV. ADOPTION OF AGENDA** – Mr. Dobbs, per Mr. Knight’s request, asked that Regular Business items A & B be reversed to accommodate Mr. Wadman. Mr. Hochman, with second by Ms. Cough, moved to approve the agenda as amended. Motion passed 7-0.
- V. FINANCIAL REPORT** - *Review and possible adoption of a motion to accept the financial statements as presented.* Finance Director Stan Harmon presented his report. Ms. Cough identified a date error on page 2 under Contingency Fund Activity. 10/15/10 should be 10/15/19. Mr. Hochman, with second by Ms. Cough, moved to accept the financial statements as presented. 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. Working Capital Designation** – *Possible motion* that the Town, in accordance with its Fund Balance Policy, designate in the Assigned Fund Balance section of the General Fund an amount equal to \$2,165,000 to be labeled Assigned For Working Capital.
- B. Emera** – *Possible motion* to authorize the town manager to sign the bill of sale and easement with Emera Maine for an electrical connection at the ferry terminal lot.
- C. Shellfish Grant** – *Possible motion* to participate in the Restoration and Resilience Fund and apply for and accept grant funding if awarded to help the wild clam population and commercial clammers.
- Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as presented. Motion passed 7-0.
- VII. REGULAR BUSINESS:**
- A. FY19 Audit Review** – *Possible motion to accept the 2019 fiscal year audit by James Wadman, CPA.* Mr. Wadman provided a handout, summarized the audit and answered Council questions. Mr. Hochman, with second by Ms. Cough,

moved to accept the 2019 fiscal year audit by James Wadman, CPA and file in town records and thank Mr. Wadman. Motion passed 7-0.

- B. Rules of Order** – *Tabled from 1/7/2020. Discussion for possible amendments.* Mr. Hochman, with second by Ms. Cough, moved to remove this item from the table for discussion. Motion passed 7-0.

Per Item 4K, “these bylaws may be amended by an affirmative vote of five Councilors.”

Ms. Cough, with second by Mr. Hochman, moved to amend the Rules of Order to add “Council will review all policies at the first full agenda meeting each fiscal year, typically the 2nd meeting in June.” as Item 1E. Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved to add “Councilors will submit, in writing or email, a list of their Board of Directors membership for both nonprofit and private companies as well as any current employment at the Council Organizational meeting in June” as Item 1F. Motion failed 4-3 (Nay: Minutolo, Friedmann, Dobbs).

Mr. Coston, with second by Mr. Hochman, moved to amend the Rules of Order #2 by moving III Public Comment Period to be between VIII and IX. Motion failed 1-6 (Nay: Friedmann, Dobbs, Hochman, Minutolo, Goldthwait, Cough.)

Ms. Cough, with second by Mr. Hochman, moved to amend 4C Public Comment Period to strike “not on the agenda”, then add “on agenda items” and “Council can extend the time by majority vote.” Motion failed 3-4 (Nay: Goldthwait, Minutolo, Friedmann, Dobbs.)

Mr. Hochman would also like to make a procedural change to #5B(1) Boards, Committees and Commissions/Simple Voting Method. This change will be presented at the next meeting.

- C. Fire Prevention Ordinance Amendment** - *Possible motion to schedule a public hearing for February 18, 2020 to hear comments on an amendment to Chapter 85 of the Municipal Code.* Mr. Hochman, with second by Ms. Cough, moved to schedule a public hearing for February 18, 2020 to hear comments on an amendment to Chapter 85 Fire Prevention of the Municipal Code. Motion passed 7-0.

- D. LUO Amendments June 2020** – *Possible motion to sign the Certifications and schedule a public hearing for February 18, 2020 for the following amendments:*

1. **Addressing Officer**

Mr. Hochman, with second by Ms. Goldthwait, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Addressing Officer Amendment. Motion passed 7-0.

2. **Permitting Authority etc.**

Mr. Hochman, with second by Ms. Goldthwait, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Permitting Authority Amendment. Motion passed 7-0.

3. **Employee Living Quarters**

Mr. Hochman, with second by Ms. Cough, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Employee Living Quarters Amendment. Motion passed 7-0.

4. **Shared Accommodation**

Mr. Hochman, with second by Mr. Coston, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Shared Accommodations Amendment. Motion passed 7-0.

5. **Boundary Map Amendment & New Uses in Hulls Cove**

Planner Michele Gagnon, Code Enforcement Officer Angie Chamberlain and Planning Board Chair Tom St. Germain addressed Council questions. Following discussion, Mr. Hochman, with second by Mr. Coston, moved to sign the Certification and schedule a public hearing for February 18, 2020 to hear comments on the Boundary Map Amendment. Motion passed 6-1 (Nay: Cough).

Ms. Goldthwait, with second by Mr. Friedmann, moved to take Item F next and move Item E after Item F. Motion passed 7-0.

E. Climate Task Force – *Possible motion to approve Task Force formation.* COA student Ania Wright presented proposed changes to the wording. Students from MDIHS read a prepared statement regarding the task force. A lengthy discussion ensued. During discussion, Mr. Coston called the question. Vote was 1-6 and discussion continued. Mr. Hochman, with second by Ms. Cough, moved to establish the Task Force on the Climate Emergency as presented. Motion passed 6-1 (Nay: Coston).

F. Employee Living Quarters & Shared Accommodations – *Update on licensing process.* Ms. Gagnon stated that through the public hearing process there was interest in having licensing for ELQ and SA ready before a vote. The Planning Department has been working on this and will have something to present to Council in the next few months. No action taken.

G. Police Department – *Possible motion to fund renovation project.* Police Chief Jim Willis reviewed the process to date and the current plan. He addressed Council questions and concerns. Mr. Friedmann, with second by Mr. Coston, moved that the Treasurer transfer \$60,000 from the Town's CIP undesignated account #2182-6190 to the Public Safety Building Renovation account #2149-6246. Motion passed 7-0.

H. FY21 Budget – *Town Manager's introduction of the proposed FY21 Budget.* Mr. Knight presented his budget memo. The Council budget workshops start Thursday at 6pm. No action taken.

I. Treasurer's Warrant - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Ms. Cough, moved to sign the Treasurer's Warrants for paid bills. Motion passed 7-0.

VIII. TOWN MANAGER’S COMMENTS – Mr. Knight stated we had this long discussion on allowing people to speak on agenda items. Then you have an agenda item, nothing has changed, but you allow five people to speak on the item. He stated he is not following; the rules say there isn’t going to be outside discussion and there is. He made a proposal to allow comments on agenda items and that was declined. In response to a Councilor’s comment, he replied that he doesn’t know where in the rules it says it is Chair’s discretion.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Coston quoted the budget memo “Utilizing the Parking and Cruise Ship Funds for some town operational costs, I anticipate that the municipal portion of the tax commitment will drop by 1.3% over last year.” Well said. A lot of people took a lot of flak over parking and there’s always a circus around cruise ships. This is one really positive aspect. Lots of people worked really hard making those situations work out in this way.

Mr. Friedmann congratulated the Fire Department for the technology improvements they are incorporating into their operations. Please pass on my praise to Chief Bartlett, since he has already left.

Mr. Hochman agreed with Stephen, the Parking Solutions Task Force took a lot of flak. People did not believe we’d realize any tax savings. Think about what the increase would be without that revenue, it’s startling. He also stated that since we approved a bump out in front of the Criterion, we haven’t heard from them. They needed to discuss it, but we should reach out to the board to see if they still want it and will help pay for it.

Mr. Minutolo thanked Cornell, Stan and staff for a nice tight budget and keeping our finances in check.

Ms. Goldthwait expressed it is interesting getting back into these issues and the process. She is reminded her favorite part is people with whom she has a different opinion. I really like people speaking up, it makes it an interesting challenge to do this work. Thank you all for expressing your opinions. She also asked about Council goal updates. Mr. Knight responded that Council will receive updates quarterly.

Ms. Cough thanked Council and everyone who sat here all night. I try to do the right thing for the town; it’s not always the most appreciated thing. Thank you all. She also thanked Dr. Petersen for bringing the grant for seeding the clam flats, for different ways to look at shellfish and hopefully improving those areas.

Mr. Dobbs commented that at every meeting it’s always fun to listen. I changed my mind 3 times tonight as I listened to people. The items you want to fight for, you fight for. He asked if there was parking money going to sidewalks. Mr. Knight responded yes, in reserve funds. Mr. Dobbs also offered something to think about, if we have concerns about which way cruise ships are going, we have to remember that Charlie takes reservations six or so years in advance. What Council says today won’t be enacted tomorrow. If we want the Cruise Ship Committee to do something, we need to make it an agenda item to start. Eben Salvatore, Cruise Ship Committee Chair, added that Council will get the committee’s annual report at a meeting in February.

X. EXECUTIVE SESSION: (none)

XI. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 10:16 p.m. Motion passed 7-0.

Sharon M Linscott, Town Clerk