

Minutes
Bar Harbor Town Council
February 5, 2019

- I. CALL TO ORDER** – 7:00 P.M. - In attendance were Councilors: Gary Friedmann, Matthew Hochman, Stephen Coston, Joe Minutolo, Erin Cough, Judie Noonan; and Town Manager Cornell Knight.
- A. Excused Absence(s)** – *Councilor Paradis requested to be excused.* Mr. Hochman, with second by Mr. Coston, moved to excuse Councilor Paradis as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.
- 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.* – Martha Searchfield thanked Council, the Town, Police, Fire and everyone who worked with the Chamber on the 2019 Beer Fest, which was a great event.
- III. APPROVAL OF MINUTES** –
- A. January 15, 2019 – Regular Meeting**
- B. January 17, 2019 – Special Meeting**
- C. January 22, 2019 – Special Meeting**
- D. January 24, 2019 – Special Meeting**
- Mr. Hochman, with second by Ms. Noonan, moved to approve the minutes of the January 15, 2019 Regular Meeting, the January 17, 2019 Special Meeting, the January 22, 2019 Special Meeting and the January 24, 2019 Special Meeting as presented. Motion passed 6-0.
- IV. ADOPTION OF AGENDA** – Mr. Hochman, with second by Ms. Noonan, moved to adopt the agenda as presented. Motion passed 6-0.
- V. 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 Service Centers Coalition** - *Possible adoption of a resolution to renew membership and appoint the Town Manager as representative.*
- Mr. Hochman, with second by Ms. Noonan, moved to approve all items on the Consent Agenda as published. Motion passed 6-0.
- VI. PUBLIC HEARINGS**
- A. Special Amusement Permit Renewal: Bar Harbor Inn, 8 Newport Drive,** *request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by David C. Witham.* Jeremy Dougherty, General Manager for the Bar Harbor Inn, stated this is for their Porcupine Room that holds 48

people, mostly used for day weddings. There being no public comment, Mr. Hochman, with second by Ms. Noonan, moved to approve the Special Amusement Permit application for a Class 3ad, three or more musicians with mechanical amplification and dancing for the Bar Harbor Inn as submitted. Motion passed 6-0.

VII. REGULAR BUSINESS:

A. Campaign Reports & Finances Ordinance #2019-xx – Tabled from 1/15/2019, possible adoption of the ordinance. Mr. Hochman, with second by Ms. Cough, moved to remove this item from the table for discussion. Motion passed 6-0. Town Manager Cornell Knight presented the memo from the town attorney regarding candidate reporting and an ordinance amendment for just municipal referenda campaigns. Ms. Cough, with second by Mr. Hochman moved to remove the candidate portion, keep the PAC campaigns and approve the ordinance as amended. Motion passed 6-0.

CAMPAIGN REPORTS IN MUNICIPAL REFERENDA CAMPAIGNS

Town of Bar Harbor
#2019-04

An Amendment to the Town Code to Enact Chapter 67: Campaign Reports in Municipal Referenda Campaigns

WHEREAS, disclosure of the identity of donors and the amount of contributions in local elections will enable the Town of Bar Harbor electorate to make informed decisions and give proper weight to different speakers and messages;

WHEREAS, disclosure of the money spent to support or oppose referenda will enable the Town of Bar Harbor electorate to evaluate the merits of referenda and prevent corruption;

WHEREAS, the prompt disclosure of corporate expenditures and contributions in local elections will provide shareholders of corporations and citizens with the information needed to hold corporations and elected officials accountable;

WHEREAS, disclosure of campaign contributions and expenditures is particularly critical in light of the increasing prevalence and influence of Political Action Committees and Ballot Question Committees in local elections and referenda.

NOW, THEREFORE, BE IT ORDERED, that pursuant to the Town of Bar Harbor’s home rule authority articulated in 30-A M.R.S. section 3001 *et seq.* and pursuant to 30-A M.R.S. § 2502, the Town of Bar Harbor hereby ordains that Chapter 67, “Campaign Reports in Municipal Referenda Campaigns” shall be enacted as follows:

Chapter 67: Campaign Reports in Municipal Referenda Campaigns

Article I: Campaign Reports in Municipal Referenda Campaigns

§ 67-1. Reports by Political Action Committees and Ballot Question Committees

- A. Pursuant to 30-A M.R.S. § 2502(2), the Town of Bar Harbor adopts and shall be governed by Title 21-A, chapter 13, subchapter 4 (21-A M.R.S. §§ 1051–1063), as it may be amended.
- B. Registrations and campaign finance reports submitted in accordance with 21-A M.R.S. §§ 1051–1063, as it may be amended, shall be filed with the Town Clerk, not the State Commission on Governmental Ethics and Election Practices.
- C. Pursuant to 30-A M.R.S. § 2502(3), as it may be amended, the Town shall keep said registrations and reports for 8 years.

§ 67-2. Severability.

In the event that any section, subsection, or portion of this chapter, or the application of such section, subsection, or portion of this chapter to any person or circumstance, shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or portion of this chapter, or the applicability of such section, subsection, or portion of this chapter to other persons or circumstances.

§ 67-3. Effective Date.

The provisions of these sections shall be effective thirty (30) days after passage.

[End of Ordinance]

- B. Cruise Ship Monitoring Report 2018 – *Water quality monitoring by the MDI Biological Laboratory.*** Dr. Jane Disney and Anna Farrell presented the report and addressed comments and questions. Public Works Director Chip Reeves also answered questions. Council permitted public comment and Jim O’Connell spoke. Mr. Hochman, with second by Ms. Noonan, moved to thank Dr. Disney and her staff for their work and accept the Bar Harbor Cruise Ship Monitoring Report 2018 and place it on file. Motion passed 6-0.
- C. Land Use Ordinance Amendment: Appendix A – Historic Properties – *Review recommendation by Planning Board and possible motion to sign the Certification of Ordinance scheduling the public hearing for March 5 to place it on the June 2019 annual Town Meeting Warrant.*** Code Enforcement Officer Angie Chamberlain presented the amendment proposal, which is basic and the review is required annually. Mr. Hochman, with second by Ms. Noonan, moved to approve the Order as presented to place the article on the June 11, 2019 Town Meeting warrant and schedule a public hearing for March 5, 2019. Motion passed 6-0.
- D. Dangerous Building - 79 Cottage St – *Update from Code Enforcement Officer.*** Ms. Chamberlain stated on January 4 Mr. Pelletier contacted her, they are thinking about tearing the building down and are requesting quotes. They also emailed Mr. Knight on whether Council would agree to grandfather the building, but Council does not have the authority to do so. Ms. Chamberlain will reach out to them again, then consult the town attorney and report back to Council. No action taken.
- E. Transfer Station – *possible motion to reduce hours of operation.*** Mr. Reeves summarized the discussion from the budget workshop, addressing staffing and the limited resident use of the transfer station on Sundays and Thursday afternoons. Mr. Reeves, along with Solid Waste Superintendent Ron Graves, answered questions. Mr. Hochman, with second by Ms. Noonan, moved to reduce the hours of operation at the Transfer Station to be closed on Sundays and Thursday afternoons year round, effective June 1, 2019. Motion passed 5-1 (Nay: Mr. Coston).
- F. Cruise Ship Passenger Caps – *Request from Harbor Master Phippen for Council approval to exceed the passenger cap on September 3, 2019.*** Mr. Knight summarized the Harbor Master’s memo. Following discussion, Mr. Hochman, with second by Mr. Coston, moved to accept the reservation from Royal

Caribbean on September 3, 2019 and exceed the Harbormaster's discretionary cap by 34 passengers. Motion passed 6-0.

G. Acadia National Park Boundary – *Legislation update and next steps.* Mr. Knight stated that bills re-introduced to the legislature needed to be exactly as they were previously. He has not heard back that if it passes, whether the town could transfer the parcel to a non-profit or not. No action taken.

H. Council Rules of Order – *Review.* Mr. Hochman stated Council is supposed to review the Rules of Order annually and spoke to the following items: 4D 2 and 3, the use of a countdown clock; H, to amend or remove to allow Council to lay any item on the table as needed; and K, regarding abstentions. Mr. Knight suggested a change to 3C, the agenda deadline. Following discussion, Mr. Minutolo, with second by Mr. Hochman, moved to change the Rules of Order, Item 3 Agenda C, change from Thursday to Wednesday; Item 4 Procedure D 2, change countdown clock to countdown device and remove D 3; and H, remove Motion to Lay on the Table entirely. Motion passed 6-0.

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 6-0.

VIII. TOWN MANAGER'S COMMENTS – Mr. Knight stated that as of last Thursday the town owns 121 Eden Street, also known as the Ferry Terminal lot and we are \$3.5 million in debt. Bay Ferries sent a note that since the government shutdown ended, they and Atlantic Fleet Services have been assessing their positions in respect to USCBP and other project elements. They are hopeful to execute a lease with the Town of Bar Harbor within the next week.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Cough thanked Jake Jagel for his years of service on the Warrant Committee, I think 18 years, talk about institutional knowledge. She also thanked everyone, including the firefighters, who helped at Emerson School to clear out the mess caused by the sprinklers.

Ms. Noonan thanked Council and everyone in town that inquired about her mishap, and for the flowers and card and bringing her the school budget. She is doing well and her sling will be gone in four weeks. She echoed Erin's thoughts on Jake, who has contributed an enormous amount to the Warrant Committee over the years, I'm sure he will be missed.

Mr. Minutolo also thanked Jake, as well as all our departments for working through the budget process. They have our interests at hand and we are in good hands, I appreciate all the hard work. He is also glad Angie got her dog back.

Mr. Coston said ditto to all the positive things, and stated Paul needs a new chair, which seems stiffer when leaning back than his.

Mr. Hochman thanked the Police, Fire, Barb Neilly and everyone for their hard work to clean up after the flood. It was a lot of water and they cleaned it up quickly. He also thanked and congratulated Jake on his retirement from Warrant. He served on Warrant

with Jake two years, and even though they did not see eye to eye a lot, Jake was able to answer my questions, especially regards to LUO. I wish him well.

Mr. Friedmann welcomed Judie back, who is looking so much better. He announced A Climate to Thrive will hold its annual summit at MDI High School Sunday from 2-5pm with speakers, workshops and locally sourced foods, all free and it will be very interesting.

X. EXECUTIVE SESSION: None

XI. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 8:35 p.m. Motion passed 6-0.

Sharon M Linscott, Town Clerk