

**Minutes**  
**Bar Harbor Town Council**  
**March 6, 2018**

- I. CALL TO ORDER** – 7:00 P.M. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Stephen Coston, Peter St. Germain, Erin Cough, Judie Noonan, Matthew Hochman; Town Manager Cornell Knight; and Town Attorney Edmond Bearor.

Chair Paradis made opening remarks and gave attendees the opportunity to welcome each other and gave notice to the posted Meeting Ground Rules.

**A. Excused Absence(s)** – *All were 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.* – Val Peacock requested for discussion next agenda a timeline to purchase the ferry terminal and the process for the review of B&A report and public participation. Chair Paradis explained the procedure to request an item for Council agenda, and recommended emailing the written request and any background information to staff, the week before the meeting. This way the item will appear as requested and all information is distributed to everyone.

- III. APPROVAL OF MINUTES** – *February 20, 2018 Regular Meeting* – Mr. St. Germain, with second by Mr. Hochman, moved to approve the minutes of February 20, 2018 as presented. Motion passed 7-0.

- IV. ADOPTION OF AGENDA** – Mr. Friedmann, with second by Mr. St. Germain, moved to adopt the agenda as published. Motion passed 7-0.

**V. PUBLIC HEARINGS:**

**A. Special Amusement Permit Renewals:**

1. **Holiday Inn Bar Harbor Regency, 123 Eden Street, request for a Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Patrick Walsh, Bar Harbor Regency Hotel, Inc.** – There being no comments, Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to the Holiday Inn Bar Harbor Regency for a Class 3ad with mechanical amplification and dancing, as presented. Motion passed 7-0.
2. **The Harborside Hotel & Marina, 55 West Street, request for a Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Patrick Walsh, Golden Anchor, LC.** – Following no comments, Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to the Harborside Hotel & Marina for a Class 3ad with mechanical amplification and dancing, as presented. Motion passed 7-0.

**VI. REGULAR BUSINESS:**

**A. Land Use Ordinance amendment: Veterinary Clinic –**

1. *Results of Planning Board's public hearing by Interim Planning Director, and –* Interim Planning Director reported the Planning Board held their public hearing and unanimously voted to recommend the amendment to the Town Council. The amendment is brought forth by owners of Acadia Veterinary Hospital to change from Downtown Residential district to Downtown Village II and allow veterinary clinic as permitted use. Further, Ms. Chamberlain explained two proposals before them, v2 proposal is a clearer ballot question that better reflects the Planning Board's notice of hearing.
2. *Possible motion to sign Certificate of Ordinance for LUO amendment scheduling public hearing for April 3 to place it on the June 2018 annual Town Meeting Warrant. –* Mr. Friedmann, with second by Mr. Hochman, moved to sign the Certification of Ordinance with a print date of 3/6/18 calling for a public hearing on April 3 and place it on the June 12, 2018 annual Town Meeting Warrant. Motion passed 7-0.

**B. Eden Street Closure –** *Request to temporary close for one week section of West Street to intersection of Mount Desert and Eagle Lake as part of Route 3 reconstruction. –* Public Works Director Chip Reeves reported the work in this area has been coordinated with MDOT and the utilities. It would be a three week project if traffic was alternated rather than one week of street closure. The suggested closure is during school vacation and the businesses in the immediately area that are affected have been contacted. Mr. Friedmann, with second by Mr. St. Germain, moved to close Eden Street from the intersection of West Street to the intersection of Mt. Desert Street from April 14<sup>th</sup> through April 22<sup>nd</sup> 2018. Motion passed 7-0.**C. School Renovation Bond –** *Update from Principal Neilly and possible motion to sign the Order placing School Renovation bond for \$6,400,000 on the Australian ballot for June 12, 2018 annual Town Meeting Warrant. –* Principal Barb Neilly and School Committee Chair Kristi Losquadro reported the board met to review the details of the proposed school renovations and other options offered by residents. In order to give the school board more time to review the current needs and future operation of the school, they requested to hold off on the \$6.4 million bond and bond only necessary repairs. One of the proposals that they find appealing is to add a wing to the Emerson building. On a side-note, they shared the State Subsidy came in \$70,000 more than estimated.

Much discussion ensued. Following discussion of the rational not to bond funds for repairs over twenty years, Mr. Friedman, with second by Ms. Noonan, moved to recommend to the Warrant Committee to add \$350,000 to CIP for repairs as listed in new proposal for CES Building Needs dated 3/18. Boiler-Coil replacement \$25,000; Concept Drawings for Options \$40,000; Roofing \$145,000; Waterproofing wall \$140,000. Motion passed 7-0.

**D. Charter Commission –** *Discussion of possible creation of a Charter Commission to amend Warrant Committee section. –* Request of Councilor Cough to discuss

creating a Charter Commission to address Council Goal Strategy F-3: *Convene a Charter Commission to make recommendations on electronic voting at town meeting, streamlining the budget formulation process, and the purpose, function and structure of the Warrant Committee.* Following discussion, Ms. Cough, with second by Mr. Hochman, moved to have the Town Clerk prepare an Order to establish a charter commission to include in their review Council Goal Strategy F-3 and intend to have Charter Commissioners elected on the same ballot as the question. Motion passed 6-1(Nay: Mr. Friedmann).

- E. Warrant Committee – Document request update.** – Town Manager Cornell Knight reported the Town requested emails from last year’s Warrant Committee’s General Government sub-committee members, following the discovery in a note of Blanchard lawsuit regarding a meeting with Warrant Committee members in attendance discussing strategies of Articles 12 and 13. Further, he read from a note by AJ Greif and Donna Karlson a statement that “we are looking for a smoking gun that will doom the Town’s opposition, as it would show the Town so hates democracy that it asked MDOT to rig the election by making a false threat”. Mr. Knight confirmed, he did receive emails from one member; John Kelly refuses stating he is not listed in any documents; Eno is represented by counsel; Jake Jagel is too busy with Warrant Committee, but did request FOAA which has been honored, but he still hasn’t responded; and Donna Karlson has her lawyer husband representing her.

Following Council comments and questions to Town Attorney Ed Bearor, Mr. Bearor explained it seems the Town will be making a FOAA request on a Town board. Since little action received from the request for documents, the next step is to file the request for documents citing the Freedom of Access Act. There is specific number of days for their response, or if no response, the next step would be to take it to superior court to order release of documents. He further explained when emails are considered public documents. Following court action, the Warrant Committee members are subject to the Town’s Ethics Ordinance, and Council could decide to initiate the process to determine whether or not Warrant Committee members have violated the Ethics Ordinance.

Mr. St. Germain, with second by Mr. Hochman, moved to direct the Town Manager to file a request for documents from the Warrant Committee’s General Government Sub-Committee in a personal and official capacity, under the Freedom of Access Act. Motion passed 6-1(Nay: Mr. Friedmann).

- F. Polco – Update on Polco from the Town Manager.** – Following the Town Manager’s update of the two latest Polco questions: Fire Department seeking volunteers, and what the citizens think about the consolidated Police Department and ways for more interaction between citizens and both Mt. Desert and Bar Harbor police departments. All questions were very favorable, and the written comments were appreciated. Results will be posted online. More citizen comments and participation are welcomed. There are new questions every couple of weeks. The next question relates to the League of Towns assessing the effects and prevalence of ticks and Lyme disease on the Island and surrounding areas.

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

**VII. TOWN MANAGER'S COMMENTS** – Town Manager Cornell Knight announced MDOT is holding an open house a week from today, March 13, from 3 to 6 pm in the Municipal Building auditorium to review and update the next phase of the Route 3 reconstruction project.

**VIII. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS**

**Mr. St. Germain** reported he has attended several of the school board meetings and is very excited the board is pulling back on this bond for June to review a more comprehensive plan as to where they will be in ten to fifteen years.

**Mr. Hochman** congratulated the local Show Choirs, recognized MDI Robotics team, who won States, and gave a shout 'break a leg' to the MDI high school drama department, who will be competing in one act play performances this week-end.

**Ms. Cough** noted that the Warrant Committee is a good body, does their work well, and appreciate their service. It is unfortunate, the current situation with a few questionable actions by a small group of people.

**Ms. Noonan** stated people are interested in exploring single use of plastics, perhaps banding or reducing use. Request for a future agenda after town meeting.

**Mr. Friedmann** expressed how much he enjoys working with this group. Thinks each work hard, each look at every issue giving much thought.

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

**X. ADJOURNMENT** – Mr. Hochman, with second by Mr. St. Germain, moved to adjourn at 9:11 p.m. Motion passed unanimously.

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Patricia A. Gray, Town Clerk