

Minutes
Bar Harbor Town Council
April 3, 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, and Matthew Hochman. Town Manager Cornell Knight was excused.

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.* – There were no comments.

- III. APPROVAL OF MINUTES – March 20, 2018 Regular Meeting** – Councilor Coston noted item I. A. better read as Councilor St. Germain, not Council St. Germain. Mr. Coston, with second by Mr. St. Germain, moved to approve the minutes of March 20, 2018 as amended. Motion passed 7-0.

- IV. ADOPTION OF AGENDA** – Mr. Friedmann, with second by Mr. Hochman, moved to adopt the amended agenda. Motion passed 7-0.

- 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. Certification of Property Owners and Abutters Mailing Lists –

1. *Possible passage of a motion to sign the certification of the mailing list used for the notice of the Town Council’s April 3, 2018 public hearing on the Land Use Ordinance Amendment for June 12, 2018.*
2. *Possible passage of a motion to sign the certification of the mailing list used for the notice of the Planning Board’s March 21, 2018 public hearing on the Land Use Ordinance Amendment, LU-2018-01, Map amendment Town Hill.*

B. Marine Resources Committee – *Possible motion to accept Ron Landis resignation from the Marine Resources Committee and thank him for his many years of service.*

C. Harbor Committee – *Possible motion to accept Ron Landis resignation from the Harbor Committee and thank him for his many years of service.*

D. FY18 and FY19 Budget – *Possible motion to approve the transfer of \$425 in the FY18 and FY19 budgets from the Emergency Management Cost center to the Training Cost account#1042-5844 in the Fire cost center.*

E. Cable TV Public Access Channel – *Possible action to approve the February 26, 2018 request of Dobbs Productions to use public access Channel 2, as outlined in*

its request, on the condition that it agrees to abide by the Town Council's Cable TV Public Access Policy for broadcasting video. (Approved by CTTF on 3/19/18).

F. Surplus Property: Police Department – *Possible motion to approve sale/disposition of unclaimed bicycles.*

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

VI. PUBLIC HEARINGS:

A. Special Amusement Permit Renewals:

1. **West Street Hotel, 50 West Street** request for a Class 3ad, three or more musicians with mechanical amplification and dancing, submitted by Michael Walsh, West Street Hotel, LLC. – There were no comments. Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to the West Street Hotel for a Class 3ad with mechanical amplification and dancing, as presented. Motion passed 7-0.
2. **Stewman's Lobster Pound Downtown, 35 West Street** request for a Class 3ad, three or more musicians with mechanical amplification and dancing, submitted by Patrick Walsh, Young's Pier, LLC. – There being no comments; Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to Stewman's Lobster Pound Downtown for a Class 3ad with mechanical amplification and dancing, as presented. Motion passed 7-0.
3. **Little A's, 131 Cottage Street** request for Class 3a, three or more musicians with mechanical amplification, submitted by Laurie Wellman. – There were no comments. Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to Little A's for a Class 3a with mechanical amplification, as presented. Motion passed 7-0.

B. Land Use Ordinance Amendment for June 12, 2018 – *Public comment on the following proposed amendment for June Town Meeting Warrant and sign the Order:*

1. **LAND USE ORDINANCE AMENDMENT – Official District Boundary Map Amendment Downtown Residential-Downtown Village II - Veterinary Clinic Use in Downtown Village II** – Ms. Chamberlain, Interim Planning Director, gave an overview of the Fine's, Acadia Veterinary Hospital, request for changing districts and allowing Veterinary Clinics as a permitted use. Following Ms. Chamberlain's statement, the attorney for the Fine's, Derek Jones, spoke on the their behalf. It was duly noted a letter was received from neighbors concerned with the change to allow veterinary clinics. The current veterinary hospital has been in existence for over twenty-five years. At some point, they were placed in a residential district and are non-conforming in both districts.

There being no other comments from the public, Mr. Coston, with second by Mr. St. Germain, moved to sign the Order to place the amendments to

Official District Boundary Map and the Downtown Village II zone on the June 12, 2018 town meeting warrant. Motion passed 7-0.

Order

Of the Bar Harbor Town Council
For the June 12, 2018 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article LAND USE ORDINANCE AMENDMENT – Official District Boundary Map Amendment Downtown Residential-Downtown Village II - Veterinary Clinic Use in Downtown Village II – Shall an ordinance, dated February 21, 2018, to amend the Official Neighborhood District Map by extending a portion of the boundary of the Downtown Village II district to encompass the parcel identified as Tax Map 104, Lot 081-000, and to amend the Land Use Ordinance to allow ‘veterinary clinics’ as a use permitted with site plan approval in Downtown Village II district, be enacted?

Veterinary Clinic Use

An amendment to the Bar Harbor Land Use Ordinance to allow the Veterinary clinic use in the Downtown Village II district and to amend the Official District Boundary Map to change Bar Harbor Tax Map 104, Lot 081-000 from Downtown Residential district to the Downtown Village II district.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21.1 Downtown Village II.

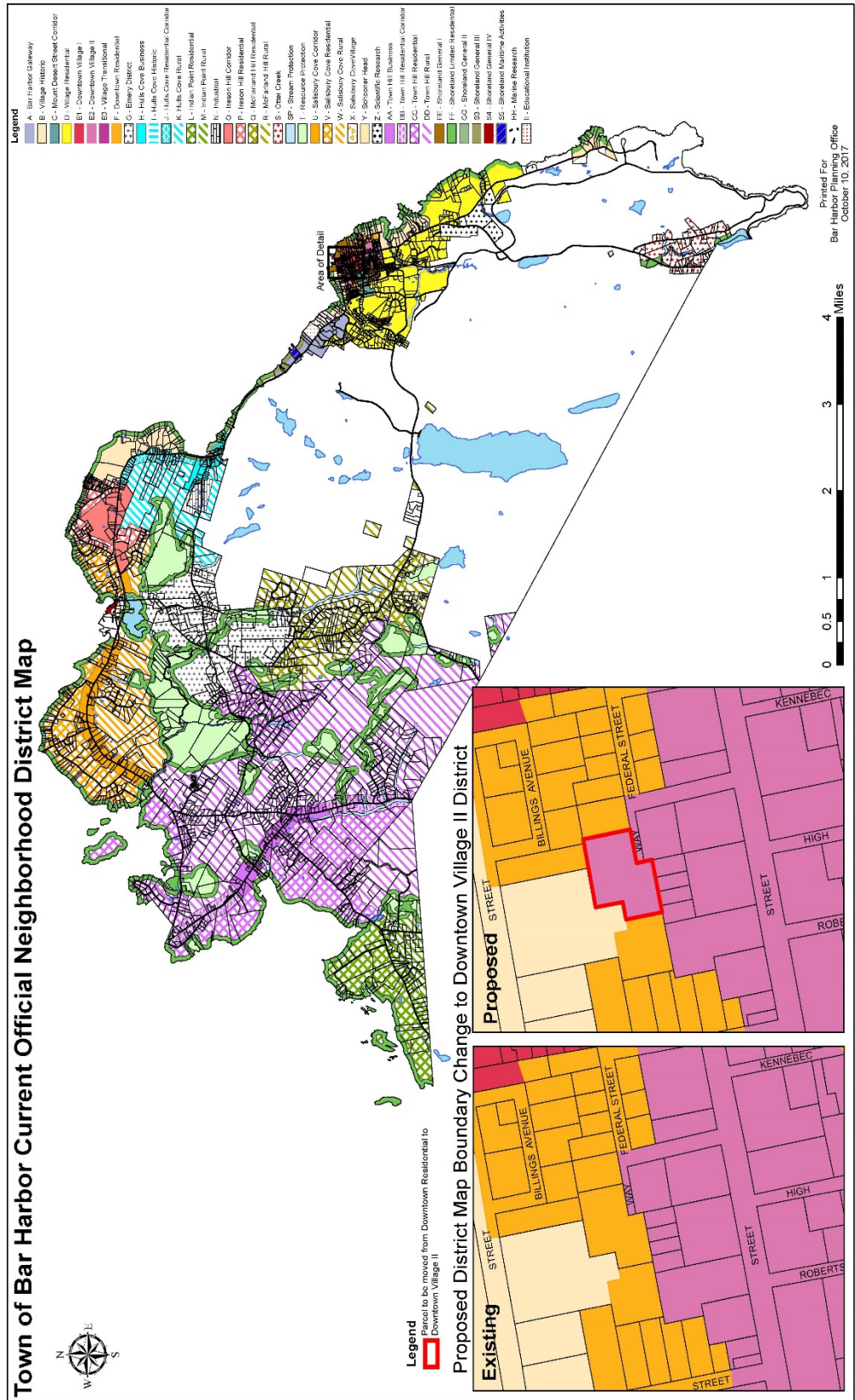
C. Allowed uses:

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals,

medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic.

EXPLANATION:

This amendment is to relocate the district boundary line of the Downtown Village II district to include the property located at Bar Harbor Tax Map 104, Lot 081-000, and to permit veterinary clinics as an allowed use with site plan approval in the Downtown Village II district.



VII. REGULAR BUSINESS:

A. FY19 Budget: School Budget – *Recommendation and request of the school board to approve reducing FY19 school budget by \$75,000 as a result of the Blue Cross Blue Shield insurance premium.* – Mr. St. Germain, with second by Mr. Hochman, moved to amend the proposed 2019 school budget to reflect the aggregate amount of \$75,000 reduction due to health insurance cost per memo dated 4/3/18. Motion passed 7-0.

B. Land Use Ordinance Amendment: Downeast Horizons – *Update and recommendation of Planning Board’s public hearing by Interim Planning Director Angie Chamberlain. Possible motion to schedule public hearing August 7th for November 2018 Warrant.* – Ms. Chamberlain, Interim Planning Director, explained the request is due to the property now being in two districts. At some point, a re-districting divide a portion of the property. Downeast Horizons is now a non-conforming use and unable to expand. Mr. St. Germain, with second by Mr. Hochman, moved to schedule a public hearing on August 7, 2018 for consideration to place this amendment on the November 2018 special town meeting warrant. Motion passed 7-0.

C. FY18 Budget Transfer – *Request to transfer \$10,000 from Contingency account to Technology for Code Permitting software purchase to assist in purchasing, training, and the migration of Code and Permitting to a Town universal software by MUNIS.* – Following explanations from Finance Director Stan Harmon and Code Enforcement Officer Angela Chamberlain, Mr. Hochman, with second by Mr. St. Germain, moved to transfer \$10,000 from Council contingency account #1036-5906 to account #1022-5368 to purchase MUNIS Code and Permitting software as outlined in the Finance Director’s memo dated 3/26/2018. Motion passed 7-0.

D. Ferry Terminal Process Task Force – *Possible motion to approve the Bylaws for the Ferry Terminal Process Task Force.* – Mr. Friedmann, with second by Mr. Hochman, moved to approve the By-Laws for the Ferry Terminal Process Task Force as presented. Much discussion ensued.

Motion failed 3-4 (Nay: Ms. Noonan, Mr, Paradis, Mr. Coston, Mr. St. Germain).

E. Resolutions:

1. *Resolution to congratulate and recognize MDI Drama for winning the 2018 State competition.* – The following resolution was read by Councilor Hochman:

RESOLUTION

of

THE BAR HARBOR TOWN COUNCIL

Whereas, 2018 represents the 50th season for the Mount Desert Island High School Drama department;

Whereas, the Mount Desert Island High School Drama department has advanced to the State championship 8 of the past 9 years;

Whereas, the Mount Desert Island High School Drama department has distinguished themselves once again by winning the 2018 Class A state drama title;

Whereas, the Mount Desert Island High School Drama department had 4 actors named to the All Festival Cast (Desmond Reifsnnyder, Emerson Jeffrey, Rosie Avila, and Ethan Leonard);

Whereas, the Mount Desert Island High School Drama department received Judges commendations for: Creative mask design & Effective mask production (Piper Charron & Cast), Video design and operation (Piper Charron), Expressive choreography (Rosie Avila) and Outstanding lighting design and operation (Evelyn Zumwalt);

And Whereas, the Bar Harbor Town Council wishes to recognize these many achievements;

Be it therefore resolved, that the Cast and Crew of ‘Jack, Or the Submission’, their directors, and supportive families are hereby recognized for their outstanding accomplishments.

- 2. *Resolution to acknowledge and congratulate the Connors Emerson Principals, staff, parents, and students for the prestigious Blue Ribbon Award.* – The following resolution was read by Councilor Friedmann:

RESOLUTION

of

THE BAR HARBOR TOWN COUNCIL

Whereas, the Connors- Emerson School having distinguished themselves this year by being recognized as a 2017 National Blue Ribbon School of Excellence; and

Whereas, the Connors-Emerson School has been named a National Blue Ribbon School of Excellence twice (2004 and 2017) placing them in the top 3% of schools in the country; and

Whereas, the Connors- Emerson School has been recognized for delivering outstanding academic and co-curricular programs for the students in Grades K-8; and

Whereas, the Connors- Emerson School is recognized for it’s high educational standards and accountability;

And Whereas, the Bar Harbor Town Council wishes to recognize these achievements;

Be It Therefore Resolved, that the staff and students of Connors-Emerson School are hereby recognized for their outstanding accomplishments.

Following the reading of the resolutions, Mr. Hochman, with second by Mr. Friedmann, moved to approve the Resolutions as presented. Motion passed 7-0.

F. Annual Town Meeting: June 2018 –

- 1. **Ferry Terminal Bond** – *Discussion to amend the explanation.* – Following comments, Mr. Coston, with second by Mr. St. Germain, moved not to

amend the Ferry Terminal Bond Order as recommended by the Warrant Committee. Motion passed 6-1 (Nay: Mr. Friedmann).

2. **Notice of Public Hearing** – *Possible motion for staff to prepare final notice for Council's signature and schedule the public hearing for May 15.* – Mr. St. Germain, with second by Mr. Hochman, moved to direct staff to prepare final notice for Council's signature and schedule the public hearing for May 15th. Motion passed 7-0.

3. **Annual Town Meeting Warrant** –

- a.) *Council's recommendations on remaining Warrant articles.* – Mr. Hochman, with second by Ms. Noonan, moved to recommend adoption of miscellaneous articles N through Q, and municipal miscellaneous articles S through X. Motion passed 7-0.

Mr. Hochman, with second by Mr. St. Germain, moved to recommend adoption of Article 6, Ferry Terminal Bond. Motion passed 7-0.

Mr. Hochman, with second by Mr. St. Germain, moved to recommend adoption of Article 7, Parking Meter System Bond. Motion passed 7-0.

- b.) *Possible motion for staff to prepare final Warrant for Council's signature.* – Mr. St. Germain, with second by Mr. Hochman, moved to ask the Town Clerk to prepare the Town Meeting Warrant for Town Council signatures. Motion passed 7-0.

G. Parking & Traffic Ordinance Amendment – *Introduction of amendment to Town Code Chapter 31, Boards and Committees, to amendment membership for administrative support to Board and possible motion to schedule a public hearing May 1st.* – Mr. St. Germain, with second by Mr. Hochman, moved to schedule a public hearing for May 1, 2018 to amend the Parking & Traffic Ordinance to replace the Planning Director with the Deputy Town Clerk. Motion passed 7-0.

H. 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.

VIII. TOWN MANAGER'S COMMENTS – None this evening.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. St. Germain apologized for not being at last meeting.

Mr. Hochman reported that he attended the Warrant Committee Nomination Committee meeting today, and it appears the review is the same as previous years. The committee made suggestions last year, and for a future agenda, the suggestions need to be reviewed for consideration.

Ms. Cough wished show choirs across the Island to 'break-a-leg' this week-end. As part of Council's goals, she would like next month an agenda item to discuss Council form a sub-committee to review the number of town committees. Review their Bylaws to make them consistent, and see if any can be consolidated.

Mr. Paradis reported the Town Manager is actively working on this and to ask for a report from him.

Ms. Noonan stated it was difficult to vote against the Ferry Terminal Process Task Force, and stressed she does what citizen input, and doesn't want her vote to be misinterpreted. She just wants to do it right and that takes more time. She supports the idea.

Mr. Friedmann gave a 'shout out' for POLCO. Encourages the public to participate. It's an opportunity for people everywhere and anytime to participate and learn the results of the surveys.

X. EXECUTIVE SESSION: (None)

XI. ADJOURNMENT - Mr. St. Germain, with second by Mr. Coston, moved to adjourn at 8:30 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk