

Minutes
Bar Harbor Town Council
April 17, 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; and Town Manager Cornell Knight.

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.* – Bob Collier suggested the Town paint a centerline down the main streets intown. Cars stop and let one pass at a time, while trucks and buses motor pass each other. His second request was during the winter months when the restrooms are closed, if the Town would arrange for a port-a-pottie at those locations.

- III. APPROVAL OF MINUTES** –

1. *March 27, 2018 Joint Meeting w/Warrant Committee*
2. *April 3, 2018 Regular Meeting*

Mr. St. Germain, with second by Mr. Hochman, moved to approve the minutes of March 27, 2018 joint meeting with Warrant Committee and April 3, 2018 regular meeting 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. FINANCIAL REPORT** - *Review and possible adoption of a motion to accept the financial statements as presented.* – Following the highlights by Finance Director Stan Harmon, Mr. St. Germain, with second by Mr. Hochman, moved to accept and file the financial statements as presented in the Finance Director’s memo dated April 12, 2018. 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. Appointment of Election Clerks – *Possible motion to approve the slate of election clerks.*

B. Annual Town Meeting 2018 – *Possible motion to sign:*

1. Annual Town Meeting Warrant for June 2018, and
2. Notice of Public Hearing for May 15, 2018.

C. Vehicle for Hire Renewals – *Police Department approved and proof of insurance provided. Possible motion to approve*

1. **Amy's Taxi & Tours** request for two taxi license renewals as submitted by Amy Walton.
2. **Point 2 Point Taxi & Tours** request for three taxi license renewals as submitted by Denise Daugherty.
3. **Oli's Trolley** request for 6 bus/trolley license renewals as submitted by Denise Morgan.

D. Land Use Ordinance Amendments for November 2018 - *Possible motion to sign the Certifications calling for public hearing on August 7, 2018 on proposed LUO: Official Neighborhood Districts Map Amendment Town Hill residential to Town Hill Rural, Map 123, Lot 008-001 (Downeast Horizon).*

E. Property Tax Write Offs - *Possible passage of a motion to grant the Tax Collector and Treasurer the discretionary authority to write off any residual tax balances up to \$10.00.*

F. Quit Claim Deed – *Possible motion to authorize the Town Manager to sign the Quit Claim, Deed on behalf of the Inhabitants of the Municipality of Bar Harbor to Fitzgerald & Son, LLC, on the property located at 297 Main St., Tax Map #107, Lot #190.*

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

VII. PUBLIC HEARINGS:

A. Special Amusement Permit Renewals:

1. **Bar Harbor Beerworks, 119 Main Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Jeremy Bond, Fishmaine, Inc.** – There being no comments, Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to the Bar Harbor Beerworks for a Class 3ad with mechanical amplification and dancing, as presented. Motion passed 7-0.
2. **ImprovAcadia, 15 Cottage Street, request for Class 4, other entertainment or amusement as provided by 28A MRSA 1054.1.C, as submitted by Larrance Fingerhut.** – There were no comments. Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to Improv Acadia for a Class 4 permit, as presented. Motion passed 7-0.
3. **Mainely Meat BBQ, 15 Knox Road, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Barbara Maffucci.** - There being no comments, Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to Mainely Meat for a Class 3a with mechanical amplification, as presented. Motion passed 7-0.

4. **The Lompoc, 36 Rodick Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by James Pike.** – There being no comments, Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to The Lompoc for a Class 3ad with mechanical amplification and dancing, as presented. Motion passed 7-0.
5. **The 1932 Criterion Theatre, 35 Cottage Street, request for Class 4, any other entertainment or amusement as submitted by Tamara Crowley Director.** - Mr. Hochman requested to be recused for appearance of conflict of interest because he is a tenant of the building. Mr. Friedmann, with second by Ms. Noonan, moved to recuse Mr. Hochman for appearance of a conflict. Motion passed 6-0-1(Recused: Mr. Hochman).

There were no comments. Mr. St. Germain, with second by Ms. Noonan, moved to approve the Special Amusement Permit application to The 1932 Criterion Theatre a Class 4 permit, as presented, and thanked Ms. Crowley for attending and introducing herself. Motion passed 6-0-1(Recused: Mr. Hochman).

6. **Atlantic Midtown, 52 Cottage Street, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Doug Maffucci.** – Mr. Coston requested to be recused for appearance of a conflict of interest because he has interest in the business. Mr. Friedmann, with second by Mr. Hochman, moved to recuse Mr. Coston for appearance of a conflict of interest. Motion passed 6-0-1(Recused: Mr. Coston).

There being no comments, Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to Atlantic Midtown for a Class 3a with mechanical amplification, as presented. Motion passed 6-0-1(Recused: Mr. Coston).

VIII. REGULAR BUSINESS:

- A. **Emera** – *Update on the cutover to new electrical substation, by Steve Sloan.* – Emera representatives Steve Sloan and Mark Lagasse reviewed the history and incidents that brought forth the much needed upgrades and solutions in providing reliable electricity to Bar Harbor and the entire Island. Phase 1 is completed and phase 2 is planned for this spring to supply the remaining downtown portion at 12.5V voltage from the new substation, known as the “cut-over”, and decommission the existing Edgewood substation by 2019.
- B. **Black Friar Inn Lease** – *Possible motion to approve one-year lease with conditions to Steven Woitasek, dba Black Friar Inn, for a portion of Town land to provide parking for his guests.* – Town Manager Cornell Knight gave history of the strip of land being used by the Black Friar Inn. Following comments, Mr. Friedmann, with second by Mr. Hochman, moved to approve the one year lease with Steven Woitasek d/b/a the Black Friar Inn as presented. Motion passed 7-0.
- C. **Municipal Review Committee** – *Council’s request for an update on MRC.* - Greg Louder, Executive Director of Municipal Review Committee, gave an

update on the current situation of the construction of Fiberight, the obstacles they encountered which caused monthly delays, and resolutions to the consequences of the delays and trends in the recycling market. Barring any further delays, he anticipates the site to be ready to accept waste approximately September 20th.

D. Parking & Traffic Committee – Recommendations from the Committee:

1. **Vehicle and Traffic Ordinance Amendment – Proposing ordinance amendments to Town Code, Chapter 194, to clarify the designated area of prohibit parking on Federal and Kennebec Streets, and create Kennebec Street one-way the entire length of the street. Possible motion to set public hearing for May 15.** – Mr. Coston requested to be recused because he may have an appearance of a conflict since he is involved in the Kennebec Street business effected. Mr. St. Germain, with second by Mr. Hochman, moved to recuse Mr. Coston as he may have an appearance of a conflict. Motion passed 6-0-1(Recused: Mr. Coston).

Following brief comments, Mr. Hochman, with second by Mr. St. Germain, moved to schedule a public hearing for May 15, 2018 to hear comments on amendments to Municipal Code Chapter 194, to prohibit parking in areas of Federal Street and Kennebec Street and make Kennebec Street entirely a one-way street. Motion passed 6-0-1(Recused: Mr. Coston).

2. **Kennebec Street – Consideration to remove a designated handicap space (individual no longer resides there) and return the space for public parking.** – [Ordinance states: Designation of spaces. The Police Chief, with the approval of the Town Council, shall designate, or cause to be designated, public parking spaces specifically reserved for handicapped persons.] - Mr. St. Germain, with second by Mr. Hochman, moved to eliminate a handicap parking space on Kennebec Street and add a parking space on Kennebec Street as outlined in the memo dated 4/13/18 from Chief Willis. Motion passed 6-0-1(Recused: Mr. Coston).

E. Cruise Ship Fees – Consideration of Warrant Committee’s three recommendations:

1. **Passenger Service Fee – Recommendation to the Town Council that the Passenger Service Fee for Ships Docking At Town Pier(Revenues: Fee 9) be increased by 1.7% (from \$1,000 to \$1,017)** – Following a brief discussion, Mr. Friedmann, with second by Ms. Noonan, moved to raise the ship docking fee by 1.7% beginning July 1, 2018. Motion passed 7-0.
2. **Cruise Ship Passenger fees - Recommendation to the Town Council that the Cruise Ship Port Development Fee (Revenues: Fee 9) be increased by \$1 (from \$2 to \$3)** – Mr. Hochman, with second by Mr. St. Germain, moved to ask the Cruise Ship Committee to review the proposal to increase the Port Development fee from \$2 to \$3 per passenger and report back to the Town Council with a recommendation. Motion passed 7-0.
3. **Cruise Ship Rate Analysis - Recommendation that the Town Council, in conjunction with the Cruise Ship Committee or an independent task force,**

undertake efforts to research, gather, analyze, and publish the rates and fees other ports assess or charge cruise ships. – Following discussion, Mr. Hochman, with second by Ms. Noonan, moved to ask the Cruise Ship Committee to undertake efforts to research, gather, analyze fees other ports assess or charge cruise ships and report back to Council. Motion passed 7-0.

F. Treasurer’s Warrant - Request of Treasurer to authorize paid bills. – Mr. Friedmann, with second by Mr. Hochman, moved to sign the Treasurer’s Warrants for paid bills. Motion passed 7-0.

IX. TOWN MANAGER’S COMMENTS – Town Manager Cornell Knight announced Pat Gray is getting done next month. Also, tentatively making arrangements for B&A presentation of the draft business plan at a special Town Council meeting on Monday, May 14, to be held at the high school to accommodate everyone.

X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Noonan was happy to announce she finished her cancer treatments.

Mr. Coston congratulated Judie on the good news and thanked Pat.

Mr. St. Germain congratulated Judie and Pat.

Mr. Friedmann expressed his appreciation to Pat.

Mr. Paradis congratulated Judie and noted she now has more hair than him. He also thanked Pat and stated she was an integral part of this town.

XI. EXECUTIVE SESSION: (None)

XII. ADJOURNMENT – Mr. Friedmann, with second by Mr. Hochman, moved to adjourn at 9:00 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk