

**Minutes**  
**Bar Harbor Town Council**  
**May 1, 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 and Town Manager Cornell Knight.

Chair Paradis made opening remarks and invited attendees to introduce themselves to someone they don't know 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** – *April 17, 2018 Regular Meeting* –Mr. St. Germain, with second by Mr. Hochman, moved to approve the minutes of April 17, 2018 as presented. Motion passed 7-0.
- IV. ADOPTION OF AGENDA** – Mr. Friedmann, with second by Mr. Hochman, moved to adopt the agenda as published. 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. Easement** – *Possible motion to approve utility easement to EMERA Maine for two portions of Central Parking lot as described within the easement.*
- B. Vehicle for Hire Renewals** – *Approved by Police Department and proof of insurance provided. Possible motion to approve*
1. **Acadia National Park Tours** request for four bus license renewals as submitted by Andrew Cough.
  2. **MDI Tours** request for two taxi license renewals as submitted by Matt Valarik.
  3. **Bar Harbor Coastal Tours LLC DBA Bar Harbor Coastal Cab** request for one taxi license renewal as submitted by Craig Wood.

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. **The Thirsty Whale, 40 Cottage Street,** request for Class 3a, three or more musicians with mechanical amplification, as submitted by Basil Eleftheriou, Jr. - There being no comments; Mr. St. Germain, with second by Mr.

Hochman, moved to approve the Special Amusement Permit application to The Thirsty Whale for a Class 3a with mechanical amplification as presented. Motion passed 7-0.

2. **Kebo Valley Golf Club, 136 Eagle Lake Road, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by David Closson.** There being no comments; Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to Kebo Valley Golf Club for a Class 3ad, three or more musicians with mechanical amplification and dancing, as presented. Motion passed 7-0.
3. **Atlantic Oceanside Hotel and Conference Center, 119 Eden Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by David C. Witham.** There being no comments; Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to Atlantic Oceanside Hotel and Conference Center for a Class 3ad, three or more musicians with mechanical amplification and dancing, as presented. Motion passed 7-0.
4. **Bar Harbor Club & SPA, 111 West Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by BHTC 111, LLC, Richard Ade.** There being no comments; Mr. St. Germain, with second by Mr. Hochman, moved to approve the Special Amusement Permit application to Bar Harbor Club & SPA for a Class 3ad, three or more musicians with mechanical amplification and dancing, as presented. Motion passed 7-0.

**B. Parking & Traffic Ordinance Amendment #2018-01 – Public comment and possible adoption of an amendment to add Town Clerk staff as administrative support and remove Planning Director from Parking and Traffic Committee.**

Mr. Knight stated the purpose of the amendment is to reduce the number of boards and committees staffed by the new Planning Director. There were no public comments.

After some discussion, Ms. Cough moved to table the amendment until a future agenda. The motion died for lack of a second.

Mr. Coston, with second by Mr. Friedmann, moved to approve the amendments to the Municipal Code Chapter 31 Parking & Traffic Ordinance as presented. Motion passed 6-1 (Nay: Ms. Cough).

**Parking & Traffic Ordinance Amendment**

Town of Bar Harbor  
#2018-01

**An Amendment to add staff member from the Town Clerk's office to serve as Secretary to provide administrative support including agenda preparation and minute taking.**

*The Town of Bar Harbor hereby ordains that Chapter 31, Boards and Committees, Article VI, Parking and Traffic Committee, of the Town Code is amended as follows:*

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

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**Article VI Parking and Traffic Committee**

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[Adopted 10-2-1990 as § 14.08 of the 1990 Code]

§ 31-27 **Creation; membership; terms of office.**  
[Amended 11-20-2001]

There is hereby created a Parking and Traffic Committee, the membership of which shall be the current Police Chief, Fire Chief, Public Works Director, and ~~Planning Director~~Deputy Clerk as secretary together with five members of the community at large, at least two of whom shall be business persons in the community. The Town Council shall appoint the at-large members of said Committee for terms of two years.

§ 31-28 **Powers and duties.**

The Parking and Traffic Committee shall, at the request of the Town Council or on its own initiative, make recommendations to the Town Council regarding amendment of Chapter **194**, Vehicles and Traffic, of this Code and other parking and traffic matters.

§ 31-29 **Organization; meetings.**

- A. The Parking and Traffic Committee shall meet within 20 days of the date of the appointment of new members and organize by electing a Chairman, and Vice Chairman ~~and Secretary~~ and shall file in the Town Clerk's office within five days from the date of its organizational meeting the record of and names of its officers. The terms of all officers shall be one year with eligibility for re-election.
- B. Meetings of the Parking and Traffic Committee shall be held on the call of the Chairman or as otherwise provided by the Committee.
- C. No meeting of the Parking and Traffic Committee shall be held without a quorum of five members. The Committee shall act by majority vote of the members present and voting and shall follow the most recent edition of Robert's Rules of Order.

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[End of Ordinance]

**VII. REGULAR BUSINESS:**

- A. Ferry Terminal** – *Questions and discussion as requested by resident Val Peacock.* – Mr. Knight addressed each of Ms. Peacock's questions. He also announced that B&A will present their business plan at a Special Town Council meeting on Monday, May 14 at 7:00pm in the High School Theater. After taking public comments and council's comments, no action was taken.
- B. Harborside Park** – *Possible motion to approve renovations plans* – Eben Salvatore from Ocean Properties presented the plan as approved by the Parks & Recreation Committee and Design Review Board; and provided three handouts. There was a correction that the park is called Harborview, not Harborside.

After taking public comments and much discussion, Mr. Friedmann, with second by Ms. Noonan, moved to amend the renovation plan to Harborview Park by moving the bollards back according to input from Mr. Reeves and Mr. Bartlett and by adjusting the curb line to go straight from where the intersection is 24 feet across down to the first parking space. Motion passed 7-0.

Mr. Friedmann, with second by Ms. Noonan, moved to approve the plan as amended. Motion passed 7-0.

Mr. Knight proposed the Town fund the fencing at Harborview Park that will match the fencing at the pier for an estimated cost of \$70,000. Mr. St. Germain, with second by Mr. Hochman, moved to finance the installation of the fencing taking \$35,000 from Harborview and Grant reserves with the balance coming from the sidewalk reserve. Motion passed 7-0

**C. Town Clerk Appointment** – *Confirmation of Town Manager’s appointment of Sharon M. Linscott of Bar Harbor as Town Clerk.* – After an introduction by Mr. Knight, Mr. St. Germain, with second by Mr. Hochman, moved to confirm the appointment of Sharon Linscott as Town Clerk with a 3 year contract effective May 14, 2018. Motion passed 7-0.

**D. Council Goals Update** – Mr. St. Germain, with second by Mr. Hochman, moved to accept the updates as presented and place on file. Motion passed 7-0.

**E. Resolution - Resolution to recognize Pat Gray, Town Clerk.** – The following resolution was read by Councilor Friedmann:

**RESOLUTION  
of  
THE BAR HARBOR TOWN COUNCIL**

**Whereas**, Pat Gray, has announced her retirement as Town Clerk for the Town of Bar Harbor;

**Whereas**, Pat Gray has held the position of Town Clerk for over 19 years;

**Whereas**, Pat Gray has faithfully carried out her duties as Town Clerk, overseen many state, federal, and local elections and issued thousands of birth, marriage and death certificates with great efficiency;

**Whereas**, Pat Gray has been a mentor and a resource for many Town Clerks that were in need of assistance or an answer to a particular clerk or election problem;

**Whereas**, Pat Gray has prepared agendas, agenda packets, and attended many, many Town Council meetings to take highly reliable and accurate minutes;

**Whereas**, Pat Gray was recognized as Clerk of the Year in 2017 by her peers in the Maine Town & City Clerks Association;

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

**Be It Therefore Resolved**, that the Town Council, town staff, and the residents of Bar Harbor, recognize and thank Pat Gray for her outstanding accomplishments, dedication to her profession, and moreover, her dedication to the Town of Bar Harbor as Town Clerk.

Following the reading of the resolution, Mr. Friedmann, with second by Mr. Hochman, moved to approve the Resolution as presented. 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.

**VIII. TOWN MANAGER'S COMMENTS** – Mr. Knight confirmed with Ms. Cough about putting Council Goal Strategy F5 on the agenda for May 15.

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

**Mr. Hochman** suggested for the July agenda streamlining the Warrant Committee nominating procedure as unanimously proposed by the Warrant Committee.

**Ms. Cough** expressed condolences to the Harding family.

**Ms. Noonan** requested for a future agenda that we hear from Emera and that they step up and own the recent problems and take concrete steps to make sure they don't happen again, particularly the power surges that fried appliances and customers not getting a lot of satisfaction from Emera.

**Mr. St. Germain** joined Ms. Cough in offering condolences. He spoke to the process that happened here tonight with citizens expressing concerns and working through the suggestions. Council is not as rigid as people think we are. This is the essence of how democracy works.

**Mr. Friedmann** commented that Acadia National Park unveiled its draft transportation plan which has big impact on our town and our parking plans.

**Mr. Paradis** reiterated Mr. St. Germain's comments but being a little more efficient.

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

**XI. ADJOURNMENT** - Mr. St. Germain, with second by Mr. Hochman, moved to adjourn at 8:55 p.m. Motion passed 7-0.

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Sharon M Linscott, Deputy Clerk