

**Minutes**  
**Bar Harbor Town Council**  
**May 7, 2019**

- I. CALL TO ORDER** – 7:00 P.M. - In attendance were Councilors: Gary Friedmann, Matthew Hochman, Stephen Coston, Paul Paradis, Joe Minutolo, Judie Noonan and Town Manager, Cornell Knight.
- A. Excused Absence(s)** – *Councilor Cough requested to be excused.* Mr. Paradis, with second by Mr. Hochman, moved to excuse Councilor Cough 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.* – Brian Hamor, a resident of Mount Desert and a Bar Harbor business owner, commented on parking which is agenda item VII C.
- III. APPROVAL OF MINUTES – April 16, 2019 – Regular Meeting**  
Mr. Paradis, with second by Mr. Hochman, moved to approve the minutes of the April 16, 2019 Regular Meeting as presented. Motion passed 6-0.
- IV. ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Hochman, moved to adopt the amended 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. Annual Town Meeting June 2019** – *Possible motion* to sign the Municipal Officers’ Return regarding the posting of the Notice of Public Hearing.
- B. Vehicles for Hire** – *Police Department approved and proof of insurance provided. Possible motion* to approve.
1. **Wild Iris Farm** request for 2 carriage license renewals as submitted by Sandra Read.
  2. **At Your Service Tours** request for 1 taxi license renewal as submitted by Clare Bingham.
  3. **Acadia National Park Tours** request for 4 bus license renewals as submitted by Andrew Cough.
  4. **Point 2 Point Taxi & Tours** request for 3 taxi license renewals as submitted by Denise Daugherty.
  5. **Acadia Transportation Services** request for 5 license renewals (limo and van) as submitted by John Partridge.
- C. Black Friar Inn Lease Renewal** – *Possible motion* to renew the one-year lease as requested by Deborah Vickers and Steve Woitasek.

- D. 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 Michael and Rebecca Lloyd, on the property located at 56 Crooked Road, Tax Map 216 Lot 062
- E. Cable TV Public Access Channel** – *Possible motion* to approve Dobbs Productions request to use public access Channel 1301 on the condition that it abides by Town Council’s Cable TV Public Access Policy for broadcasting video. (Approved by CTTF on 4/29/19).
- F. Shellfish Conservation Ordinance Amendment** – *Review of proposed ordinance changes and possible motion* to schedule a public hearing for June 18, 2019.

Mr. Paradis, with second by Mr. Hochman, moved to approve all items on the Consent Agenda as published. Motion passed 6-0.

## VI. PUBLIC HEARINGS

### A. Special Amusement Permit New Request

1. **Mama DiMatteo’s, 34 Kennebec Place, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Eric Olson** (reduced from original request of a 3ad with dancing.) There was no public comment. Chair Friedmann asked Mr. Olson to address a resident email requesting music stop at 11pm. Mr. Olson stated his intent is for music during happy hour from 4-6pm. Mr. Hochman, with second by Ms. Noonan, moved to approve the Special Amusement Permit application for Mama DiMatteo’s for a Class 3a, three or more musicians with mechanical amplification, as submitted. Motion passed 6-0.

### B. Special Amusement Permit Renewals

1. **Bar Harbor Beer Works, 119 Main St, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Jeremy Bond.** There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to approve the Class 3ad Special Amusement Permit Renewal for Bar Harbor Beer Works as advertised. Motion passed 6-0.
2. **Bar Harbor Club & Spa, 111 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Richard Ade.** There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to approve the Class 3ad Special Amusement Permit Renewal for the Bar Harbor Club & Spa as advertised. Motion passed 6-0.
3. **Atlantic Brewing/Mainely Meat BBQ, 15 Knox Rd, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Barbara Maffucci.** There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to approve the Class 3a Special Amusement Permit Renewal for Atlantic Brewing/Mainely Meat BBQ as advertised. Motion passed 6-0.

**VII. REGULAR BUSINESS:**

**A. Committee Handbook Draft** – *Tabled from 4/2/2019, presentation and review with Councilors Cough and Hochman.* In the absence of Councilor Cough, Mr. Paradis, with second by Mr. Coston, moved to table this item to the July 16, 2019 meeting. Motion passed 6-0.

**B. Cruise Ship Committee** - *Review of the 2018 Annual Report by Committee Chair Eben Salvatore and possible motion to accept and file report.* Eben Salvatore highlighted the report and addressed Council questions. Following discussion, Mr. Paradis, with second by Mr. Hochman, moved to thank Mr. Salvatore and the Cruise Ship Committee members for the annual report and place it on file. Motion passed 6-0.

**C. Permit and Paid Parking Policy** –

1. *Possible vote on amendments.*
2. *Stopping enforcement in permit areas at 6pm.*
3. *Increase two hour metered limits to four hours.*
4. *Meters and kiosks start at noon on Sundays.*

Eben Salvatore, Chair of the Parking Solutions Task Force, participated in the discussion. Mr. Paradis, with second by Mr. Hochman, moved to approve the amendments to the Permit and Paid Parking Policy dated 5/7/2019, change Section II A 2 from 8 pm to 6 pm, change Section III from 8 pm to 6 pm, change Section V B 1 from “one” to “two”, and add Section V B-4 Parking meters and kiosks shall operate on Sundays from 12 pm to 8 pm.

Mr. Coston moved to amend to remove “change Section V B 1 from ‘one’ to ‘two’”. Motion died for lack of second.

Mr. Coston, with second by Ms. Noonan, moved to amend to stop enforcement of the meters at 6pm in all areas.

Mr. Paradis moved to call the question on the amendment only. Motion died for lack of second.

Council heard public comment from Lucy Shapiro, Jeff Miller, Heather Sorokin, Michael Boland, Steve Woitasek, Greg Veilleux, Chris Vincenty, Chris Strout, Brian Booher, Leigh Lauck, Milja Brecher-DeMuro, Matthew Lauck, Anne Damm and Larrance Fingerhut.

Motion to amend failed 0-6.

Mr. Coston moved to amend to instruct the Parking Solutions Task Force to re-examine the ratio of 2-hour spaces with the intent of reducing the ratio. Motion died for lack of second.

Mr. Hochman, with second by Ms. Noonan, moved to amend to change V B 1 from two 2-hour sessions to one 4-hour session. Motion passed 6-0.

Amended Motion passed 6-0.

**D. Vehicles and Traffic Ordinance Amendment** – *review ordinance changes and possible motion to schedule a public hearing for May 21, 2019.* Mr. Paradis, with second by Mr. Coston, moved to approve the changes to the Vehicles and Traffic Ordinance as presented and schedule a public hearing for May 21, 2019. Motion passed 6-0.

**E. LD609 - An Act to Provide Municipalities Additional Sales Tax Revenue from Lodging Sales** – *possible motion to support.* Mr. Knight introduced the legislation. Mr. Hochman, with second by Ms. Noonan, moved that the Bar Harbor Town Council endorse LD609 An Act to Provide Municipalities Additional Sales Tax Revenue from Lodging Sales and convey that support to our local representatives. Motion passed 5-1 (Nay: Mr. Coston).

**F. Vacation Rentals**

1. *Update on inspections.*
2. *Update on Planning Board work.*

Mr. Knight summarized the updates. Following discussion, Mr. Paradis, with second by Mr. Hochman, moved to direct staff to work with the Planning Board to schedule a Planning Board/Council workshop on vacation rentals in the latter part of July or early August with a goal of addressing the vacation rental issue prior to the 2020 season. Motion passed 6-0.

**G. Citizens' Petitions Discussion** – *and possible motion to oppose questions.*

1. *Article 4 - only registered voters to serve on town committees.*
2. *Article 5 - 300' Pier Length Limit and 500 Passenger Cruise Ship Berthing Limit.*

Mr. Paradis, with second by Mr. Hochman, moved that the Town Council recommend a no vote on Articles 4 & 5 and publish the article/letter as presented in the local newspaper. During discussion, Mr. Paradis, with second by Mr. Coston, moved to call the question. Motion failed 3-3 (Nay: Mr. Friedmann, Mr. Minutolo, Ms. Noonan.) Following further discussion, motion passed 6-0.

**H. Parking Enforcement** – *Possible motion to purchase vehicle.* Mr. Knight introduced the proposal. Mr. Paradis, with second by Mr. Hochman, moved to approve the purchase of a 2019 Toyota Rav 4 Hybrid for parking enforcement with the funds coming from the Parking Equipment Bond Issue. Motion passed 6-0.

**I. Treasurer's Warrant** - *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Mr. Hochman, moved to sign the Treasurer's Warrants for paid bills. Motion passed 6-0.

**VIII. TOWN MANAGER'S COMMENTS** – None.

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

**Mr. Coston** expressed his disappointment. We gave the Planning Board what they asked for and they punted. The Parking Solutions Task Force Chair told us how to compromise and we punted. I've argued in the past that if Public Comment is not advertised we shouldn't do it, but we do it anyway. I suggested Public Comment tonight and we didn't do it. Sometimes we get inconsistent, and I'm partially responsible, in our basic ways of going about things. If we could improve on that either by being cognizant or by policy in the future.

**Ms. Noonan** wished everyone a Happy Spring.

**Mr. Hochman** thanked everyone at the table; we put in a lot of hard work on a lot of difficult issues and get pulled in different directions by people. Sometimes it is difficult to process all that. You all do an excellent job and try to be fair, thank you. He also thanked all the people that stop in to talk, call, email and come to Council meetings, we may not always act on it but we do hear everything you have to say.

**Mr. Friedmann** stated it has been a challenging month getting the parking program off the ground. He acknowledged Cornell and the staff that have been working hard on it. It's a big change for Bar Harbor and people have concerns. He appreciates that it hasn't gotten personal or nasty in most cases.

**X. EXECUTIVE SESSION:**

**A. Sick Leave Transfer** – *(To be held in executive session as permitted by 1 MRSA §405.6.A. for discussion or consideration of a personnel matter.)*

Mr. Paradis, with second by Mr. Hochman, moved to go into executive session at 9:50 p.m. as permitted by 1 MRSA §405.6.A for discussion or consideration of a personnel matter. Motion passed 6-0.

Council returned to regular session at 9:52 p.m.

Mr. Paradis, with second by Mr. Hochman, moved to approve the sick leave transfer requested in a letter dated May 2, 2019 with the following conditions:

1. The Finance Director shall transfer up to 480 hours as needed.
2. Transferred leave will be considered qualifying leave under the Family Medical Leave Act.
3. Transferred leave may not be used by the employee until all available sick leave and accrued vacation leave have been used.
4. No additional sick leave will accrue while the transferred leave is being used.
5. Consistent with the Town policy on leaves of absence, vacation leave will not be earned for the period in which the transferred leave is used.

Motion passed 6-0.

**XI. ADJOURNMENT** – Mr. Paradis, with second by Mr. Hochman, moved to adjourn at 9:53 p.m. Motion passed 6-0.

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Sharon M Linscott, Town Clerk