

**Minutes**  
**Bar Harbor Town Council**  
**May 21, 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, Erin Cough; and Town Manager Cornell Knight.
- A. Excused Absence(s)** – *all 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.* – Jim O’Connell identified concerns regarding POLCO, particularly comments and results for the Article 5 question. David Blaney spoke to the \$27/day parking permit fee for recreational boaters, which seems steep.
- III. APPROVAL OF MINUTES – May 7, 2019 – Regular Meeting**
- Mr. Paradis, with second by Mr. Hochman, moved to accept the minutes of the May 7, 2019 Regular Meeting as presented. Motion passed 7-0.
- IV. ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Hochman, moved to adopt the agenda as presented. Motion passed 7-0.
- V. FINANCIAL REPORT** - *Review and possible motion to accept the financial statements as presented.* – Following a summary by Finance Director Stan Harmon, Mr. Paradis, with second by Mr. Hochman, moved to accept and file the Financial Statements as presented in the Finance Director’s memo dated May 8, 2019. 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. Resolution** – *Possible motion* to sign the resolution to be presented to Jake Jagel at Town Meeting June 4.
  - B. FY20 Sewer Spending** – *Possible motion* to approve a Continuing Resolution that authorizes staff to continue spending Wastewater Division funds at the current levels until a sewer budget is approved.
  - C. FY20 Water Spending** – *Possible motion* to approve a Continuing Resolution that authorizes staff to continue spending Water Division funds at the current levels until a water budget is approved, except that wages may be increased on July 1 as for other Town employees.
  - D. Vehicles for Hire** – *Police Department approved and proof of insurance provided. Possible motion* to approve:
    - 1. **MDI Tours** request for 3 taxi license renewals as submitted by Matthew Valarik.

- 2. **At Your Service Tours** request for 2 additional taxi license renewals as submitted by Clare Bingham.

Mr. Paradis, with second by Mr. Hochman, moved to approve all items on the Consent Agenda as published. Motion passed 7-0.

**VII. PUBLIC HEARINGS**

**A. Special Amusement Permit Renewals**

- 1. **Havana, 318 Main St, request for Class 3, three or more musicians without mechanical amplification, as submitted by Michael Boland.** There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to approve the Special Amusement Permit Renewal for Havana as advertised. Motion passed 7-0.
- 2. **The Dog & Pony Tavern, 4 Rodick Pl, request for Class 4, other entertainment, as submitted by Amanda Gallant.** There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to approve the Special Amusement Permit Renewal for The Dog & Pony Tavern as advertised. Motion passed 7-0.

**B. Vehicles and Traffic Ordinance Amendment #2019-07- Public comment and possible adoption of the ordinance amendment.** Connie Blaney provided a handout and spoke. David Blaney and Ann Zoidis also spoke. Following Council discussion, Mr. Paradis, with second by Mr. Hochman, moved to adopt the amendments to Chapter 194 Vehicles and Traffic Ordinance as proposed with the exception of changing the direction of the one-way on Des Isle Avenue from North to South. Motion passed 7-0.

**Vehicles and Traffic Ordinance Amendment**  
Town of Bar Harbor  
#2019-07

**An Amendment to clarify several streets where parking is prohibited and a one way street.**

*The Town of Bar Harbor hereby ordains that Chapter 194, Vehicles and Traffic, of the Town Code is amended as follows:*

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

---

**CHAPTER 194 – VEHICLES AND TRAFFIC**

---

\*\*\*

**§ 194-14** Parking prohibited at all times on certain streets.

\*\*\*

- B. Designated areas. Parking shall be prohibited at all times upon the following streets or parts thereof:

Name of Street	Location
***	
Des Isle Avenue	<del>Both sides</del> <u>East side and 30 feet from each end on the west side.</u>
***	
Greeley Square	Left side from southern intersection with Greeley Avenue
<u>Hancock Street</u>	<u>North side</u>
High Street	West side
***	
Snow Street	West side
<del>Spring Lane</del>	<del>Both sides</del>
<u>Spring Street</u>	<u>West side and on the east side from the intersection with Mount Desert Street south for 273 feet.</u>
Stanwood Place	South side

\*\*\*

§ 194-34 One-way streets.

\*\*\*

B. Designation of one-way streets. Upon the following streets or parts thereof, traffic shall move only in the following specified direction:

Name of Street	Direction
<u>Des Isle Avenue</u>	<u>South</u>
Everard Court	South

\*\*\*

[End of Ordinance]

C. **Annual Town Meeting June 2019** - *Public comment on the following ballot articles for June:*

- **Article 2 - LAND USE ORDINANCE AMENDMENT** – *Museum Use in the Downtown Village II district* – Stewart Brecher spoke.
- **Article 3 - LAND USE ORDINANCE AMENDMENT** – *Appendix A – Historic Properties* – No public comment.
- **Article 4 – Citizens’ Initiative** – *Residency a Prerequisite to Voting on Town Boards* – Charles Sidman, Jake Jagel, Eben Salvatore, Anna Durand, Donna Karlson and Dessa Dancy spoke, followed by Council comments.
- **Article 5 – Citizens’ Initiative** – *An Amendment to the LUZO to Prohibit Berthing Piers for Large Cruise Ships* – Jake Jagel, Donna Karlson, Eben Salvatore, Jim O’Connell, Dessa Dancy and Lilea Simis spoke, followed by Council comments.

**VIII. REGULAR BUSINESS:**

**A. Criterion Theatre** – *review cost estimate for crosswalk project.* – In the absence of a Criterion Theatre representative, Mr. Paradis, with second by Ms. Cough, moved to table this item to the June 18, 2019 Regular Meeting. Motion passed 7-0.

**B. Glass Disposal & Bulky Waste Disposal** – Mr. Minutolo requested recusal regarding the glass disposal. Mr. Paradis, with second by Mr. Hochman, moved that Councilor Minutolo has the appearance of a conflict of interest on this matter since his brother, as an abutter, is part of the complaint. Motion passed 6-0-1 (Recused: Mr. Minutolo).

PW Director Chip Reeves provided an introduction on glass recycling. Mr. Coston, with second by Mr. Hochman, moved to discontinue glass recycling and have it go in with MSW. Motion passed 5-1-1 (Nay: Mr. Friedmann, Recused: Mr. Minutolo).

Mr. Minutolo returned. Mr. Reeves summarized the no cost bulky waste program. Mr. Coston, with second by Mr. Paradis, moved to discontinue the no-cost bulky waste program. Motion passed 7-0.

**C. Permit and Paid Parking Policy** – *Possible motion to amend section I G Application Materials Required to add 3 and section III A to add Des Isle Avenue.* – Mr. Knight presented the proposed changes. Council accepted public comment, Ann Zoidis and a seasonal resident who did not identify herself spoke. Mr. Paradis, with second by Mr. Hochman, moved to approve the amendments to the Permit and Paid Parking Policy dated 5/21/19 as presented. Motion passed 7-0.

**D. Cruise Ships** – *Discussion of preparing a resolution to prohibit berthing.* – Mr. Minutolo made introductory remarks. There was a lengthy discussion. Council accepted public comment from Anna Durand, Eben Salvatore, Stewart Brecher, Donna Karlson and Dessa Dancy. Mr. Minutolo, with second by Ms. Noonan, moved to direct the Planning Board to develop a Land Use Ordinance amendment to prohibit cruise ship berthing at the Ferry Terminal. Motion passed 4-3 (Nay: Mr. Paradis, Mr. Coston, Ms. Cough).

**E. Planning Office** – *Staffing update.* – Mr. Minutolo requested recusal. Mr. Paradis, with second by Mr. Hochman, moved that Councilor Minutolo has the appearance of a conflict of interest on this matter due to his relationship with the Town Planner. Motion passed 6-0-1 (Recused: Mr. Minutolo)

Mr. Hochman, with second by Ms. Noonan, moved that the Chair of the Town Council make a motion at the annual town meeting to raise Article R by \$55,000 and Article S by \$55,000 to fund the staffing changes outlined in the memo dated May 17, 2019 from the Planning Director. Motion passed 6-0-1 (Recused: Mr. Minutolo).

**F. 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 7-0.

**IX. TOWN MANAGER’S COMMENTS** – Mr. Knight announced meters and kiosks get turned on tomorrow.

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

**Mr. Coston** commented that people accuse us of not listening to the citizens of Bar Harbor. We do listen, but ironically tonight we did not regarding berthing of cruise ships. Tonight we were swayed by a group demonstrated as a minority, not the majority. He also thanked Paul for his 13 years of service and expressed his personal sentiments to Paul.

**Ms. Cough, Ms. Noonan and Mr. Minutolo** echoed the thanks to Paul and expressed their personal sentiments as well.

**Mr. Hochman** also spoke to Paul. He then said, with the possibility this might be his last Council meeting as well, that he enjoyed his three years on Council with three very different Councils. It has been a privilege and I hope to be here in a few weeks, if not it has been an absolute pleasure.

**Mr. Friedmann** expressed his sentiments to Paul. He thanked all of Council for the confidence to agree to have him serve as Chair.

**XI. EXECUTIVE SESSION:**

**A. Property** – *To discuss acquisition of real property for the Water Division as permitted by 1 MRSA §405.6.C.*

Mr. Paradis, with second by Mr. Hochman, moved to go into executive session at 10:27 p.m. as permitted by 1 MRSA §405.6.C to discuss the acquisition of real property for the Water Division since premature disclosures of information could prejudice the competitive or bargaining position of the Town. Motion passed 7-0.

Council returned to regular session at 10:48 p.m. No action taken.

**XII. ADJOURNMENT** – Mr. Paradis, with second by Ms. Cough, moved to adjourn at 10:49 p.m. Motion passed 7-0.

---

Sharon M Linscott, Town Clerk