

**Minutes**  
**Bar Harbor Town Council**  
**June 18, 2019**

- I. CALL TO ORDER** – 7:00 P.M. - In attendance were Councilors: Jeff Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Joe Minutolo, Judie Noonan and 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.* – None.
- III. APPROVAL OF MINUTES** –
- A. May 21, 2019 – Regular Meeting**  
Mr. Hochman, with second by Ms. Noonan, moved to accept the minutes of the May 21, 2019 Regular Meeting as presented. Motion passed 7-0.
- B. June 12, 2019 – Organizational Meeting**  
Mr. Hochman, with second by Ms. Noonan, moved to accept the minutes of the June 12, 2019 Organizational Meeting as presented. Motion passed 7-0.
- IV. ADOPTION OF AGENDA** – Mr. Hochman, with second by Ms. Noonan, 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. Hochman, with second by Ms. Noonan, moved to accept the Financial Report as presented. 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. FY19 Budget Transfer** – *Possible motion to approve overdraft spending of up to \$51,000 in the Fiscal Year 2019 Highway Division budget to allow for the repair and maintenance of Bar Harbor’s roads due to severe winter weather and to appropriate said amount to the Highway budget from Fund Balance, if needed.*
- B. Vehicles for Hire** – *Police Department approved and proof of insurance provided. Possible motion to approve:*
1. **Amazin MOE’Z Taxi** request for 1 additional taxi license renewal as submitted by Maureen Leeman Carr.
- Mr. Hochman, with second by Ms. Noonan, moved to approve the Consent Agenda as published. Motion passed 7-0.

**VII. PUBLIC HEARINGS**

**A. Special Amusement Permit Renewals**

1. **Side Street Cafe, 49/51 Rodick St, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Jena Young.** There being no public comment, Mr. Hochman, with second by Ms. Noonan, moved to approve the Special Amusement Permit application for Side Street Cafe for a Class 3a, 3 or more musicians with mechanical amplification as submitted by Jena Young. Motion passed 7-0.
2. **Leary’s Landing Irish Pub, 156 Main St, request for Class 2a, two musicians with mechanical amplification, as submitted by Cody Gordon.** There being no public comment, Mr. Hochman, with second by Ms. Noonan, moved to approve the Special Amusement Permit application for Leary’s Landing Irish Pub for a Class 2a, 2 musicians with mechanical amplification as submitted by Cody Gordon. Motion passed 7-0.
3. **59 Cottage, 59 Cottage St, request for Class 3, three or more musicians without mechanical amplification, as submitted by Michael Savoy.** There being no public comment, Mr. Hochman, with second by Ms. Noonan, moved to approve the Special Amusement Permit application for 59 Cottage for a Class 3, 3 or more musicians without mechanical amplification as submitted by Michael Savoy. Motion passed 7-0.

**B. Shellfish Conservation Ordinance Amendment #2019-08 – Public comment and possible adoption of the ordinance amendment.** Megan McOsker from the Marine Resources Committee was present. There being no public comment, Mr. Hochman, with second by Ms. Noonan, moved to approve amendment #2019-08 to the Shellfish Conservation Ordinance Chapter 170 of the Municipal Code as presented. Motion passed 7-0.

**Shellfish Conservation Ordinance Amendment**  
Town of Bar Harbor  
#2019-08

**An Amendment to clarify conservation hour requirements and to improve consistency on timing of license decisions.**

*The Town of Bar Harbor hereby ordains that Chapter 170, Shellfish Conservation, of the Town Code is amended as follows:*

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

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**CHAPTER 170 – SHELLFISH CONSERVATION**

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**§ 170-5 Licensing.**

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**B. Designation, scope and qualifications.**

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- (7) Conservation time requirements for commercial shellfish license. No resident or

nonresident commercial license shall be issued until the applicant has completed the minimum number of mandatory conservation hours. Qualifying conservation time includes attending Marine Resources Committee meetings, clam flat population and recruitment surveys, reseeding and any other approved activity. Any member of the Bar Harbor Marine Resources Committee may verify hours for approved activities. The minimum required conservation hours will be established by the Marine Resources Committee at least six months prior to current license expiration date. Conservation time must be accumulated in the previous licensing year; however, if an individual obtains the appropriate conservation time, but is unable to obtain a commercial license, their conservation time will rollover to the next year or until they are offered a license. Conservation time requirements are waived for anyone 17 and under at the end of the previous licensing year.

- (8) Commercial license eligibility. Individuals possessing Bar Harbor commercial shellfish harvesting licenses for four of the previous five years and who have accumulated the required conservation time are eligible to obtain their licenses two weeks in advance of the next license year. The Marine Resources Committee shall determine the number of advance licenses available for the next year no later than ~~42~~6 months in advance. If the number of eligible individuals exceeds the number of advance licenses available, those licenses shall be assigned through a lottery. Any licenses not issued before the first working day of the new license year will be available to any eligible individual that has met the conservation time requirement.

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[End of Ordinance]

## VIII. REGULAR BUSINESS:

- A. Criterion Theatre** – *Tabled from 5/21/19, review cost estimate for crosswalk project, and possible motion to fund.* – Councilor Hochman has continued recusal as a tenant of the Criterion. Mr. Friedmann, with second by Ms. Noonan moved to remove this item from the table. Motion passed 6-0-1 (Recused: Mr. Hochman).

Amy Roeder, Executive Director of the Criterion, spoke to their request for a curb bump out. PW Director Chip Reeves summarized the three options from his memo and answered questions. Ms. Roeder stated she is not sure yet how much the Criterion would be able to contribute. Mr. Coston, with second by Ms. Cough, moved to ask Chip Reeves to explore construction and pricing of both options 2 and 3 that also incorporates the preservation of the crosswalk, as described in the PW Director's memo of 5/15/2019 and to equally share that cost with the Criterion Theatre. Motion passed 6-0-1 (Recused: Mr. Hochman).

- B. JAX Presentation** – *Katy Longley, Chief Operating Officer.* Ms. Longley presented a PowerPoint on employment/economic impact data and information regarding hiring, housing and transportation. Following Council questions and comments, no action taken.
- C. Battery Energy Storage System** – *Review of proposal by ReVision Energy and possible motion to approve agreement.* Hans Albee from ReVision presented the proposal and answered Council questions. Mr. Coston, with second by Mr. Hochman, moved to approve the Energy Storage System Plan as described in the ReVision proposal dated April 10, 2019. Motion passed 7-0.

**D. Municipal Building Auditorium Upgrade** – *Possible motion to select architect for building renovations.* Mr. Knight presented the Bid Proposal Summary prepared by Stan Harmon. Following discussion, Mr. Friedmann, with second by Ms. Noonan, moved to approve the bid proposal summary recommendation dated 3/5/19 to hire an architect for the auditorium renovation. Motion passed 6-1 (Nay: Ms. Cough).

**E. Parking Program Update** – *Town Manager.* – Mr. Knight provided a handout showing statistics to date for gross revenues, citations and permits. Following Council questions, no action taken.

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

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

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

**Mr. Hochman**, in response to a letter from a visitor thanking EMS & the PD, echoed thanks to first responders, we're now entering the busy season and they do an excellent job. He also would like to ask Parks and Rec to look at use of public spaces for activities like ACT. Without a venue this year, they went to the Mount Desert Selectmen and the process was very easy to use their marina. Mr. Dobbs, as chair of Parks & Rec, stated that Mr. Hochman should submit in writing to Suzanne Banis to be put on the next available agenda. Thirdly, with the vote on Article 4, where does that leave us with the Cruise Ship Committee? How do we move forward with the committees that need adjustments?

**Ms. Cough** requested, that with committee terms beginning again Aug 1, that we get updates from all committees by the first meeting in September on what they have done in the last year. Also, given the vacation rental deadline of the 31<sup>st</sup>, she requested an update on vacation rentals at the July meeting.

**Mr. Friedmann**, with Carnival Cruise lines being a flagrant violator of environmental laws and recently fined by the EPA, asked that on a future agenda Council consider a recommendation to the Cruise Ship Committee to approach Carnival about working on an air monitoring project to help us better understand the impact of cruise ships on air quality.

**Ms. Noonan** asked for clarification legally on Article 5 given that docks over 300' are now non-conforming and what that means, especially with development at the ferry terminal property. Mr. Knight responded that we have legal opinion; we can't make the marina and we can't add a float to what is already there. And if we take it down, we have 300' to work with, which is a pretty small marina.

**XI. EXECUTIVE SESSION:** (none)

**XII. ADJOURNMENT** – Mr. Coston, with second by Mr. Hochman, moved to adjourn at 8:57 p.m. Motion passed 7-0.

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Sharon M Linscott, Town Clerk