

Minutes
Bar Harbor Town Council
June 19, 2018

- I. CALL TO ORDER** – 7:00 P.M.-In attendance were Councilors: Gary Friedmann, Matthew Hochman, Stephen Coston, Paul Paradis, Joe Minutolo, Erin Cough, Judie Noonan; and Town Manager Cornell Knight.

Chair Friedmann reviewed 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.* – Stewart Brecher read an excerpt about Amsterdam reclaiming their streets from tourists and cruise ship passengers. Peter St. Germain thanked Council for their comments regarding his service made at the meeting June 13. He also thanked the voters and then addressed each councilor personally.

- III. APPROVAL OF MINUTES** –

1. *May 14, 2018 Special Meeting*
2. *May 15, 2018 Regular Meeting*

Mr. Paradis, with second by Mr. Hochman, moved to approve the minutes of May 14, 2018 Special Meeting and May 15, 2018 Regular Meeting as presented. Motion passed 7-0.

- IV. ADOPTION OF AGENDA** – Mr. Hochman, with second by Ms. Noonan, 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.* – Finance Director Stan Harmon presented the financial report and answered councilors’ questions. Mr. Hochman, with second by Ms. Noonan, moved to accept and file the financial statements as presented in the Finance Director’s memo dated June 8, 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. FY 19 Sewer Spending** – *Possible adoption of a 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.*
- B. FY19 Water Spending** – *Possible adoption of a 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.*

- C. FY18 Budget Transfer** – *Possible motion* to approve overdraft spending of up to \$57,000 in the Fiscal Year 2018 Highway Division budget to allow for the repair and maintenance of Town of Bar Harbor roads.
- D. Bond Issues Ferry Terminal & Parking Meter System** - *Possible motion* to approve the Declaration of Official Intent and authorize the Town Treasurer and Chair of the Town Council to sign the two declarations with a maximum principal debt to be issued for \$3,500,000 for the Ferry Terminal bond; and \$600,000 for the Parking Meter bond.
- E. Colket Foundation Grant to the Fire Dept** – *Possible adoption of a motion* to place the \$1000.00 grant into the equipment purchasing operating line 1042-5704 to purchase a new 1 ¾ nozzle.
- F. Appointment of Interim Assessor** – *Possible motion* to appoint Deanne Cray, CMA to serve as Interim Assessor for the Town of Bar Harbor until such time as an Assessor is appointed on a full-time basis.

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

VII. PUBLIC HEARINGS:

- A. Special Amusement Permit: Side Street Cafe, 49 Rodick Street, for a class 3a, three or more musicians with mechanical amplification, as submitted by Jena Young. (Renewal, downgrading from a Class 3ad with dancing)** - There being no comments, Mr. Hochman, with second by Ms. Noonan, moved to approve the Special Amusement Permit application to Side Street Café for a Class 3a, three or more musicians with mechanical amplification, as presented. Motion passed 7-0.
- B. Land Use Ordinance Amendment: Official Neighborhood Districts Map Amendment Town Hill Residential to Town Hill Rural (Downeast Horizons)** – *Public comments and possible motion to sign the order placing LUO amendment on the November 6, 2018 special town meeting warrant.* – Code Enforcement Officer Angela Chamberlain presented the amendment. Stewart Brecher was present to represent Downeast Horizons and speak to the project. There being no comments, Mr. Hochman, with second by Ms. Noonan, moved to sign the Order placing LUO amendment, to change the Official Neighborhood Districts Map by extending the boundary of the Town Hill Rural district to encompass the lot identified as Tax Map 213 Lot 008-001, on the November 6, 2018 special town meeting warrant Motion passed 7-0.

Order

Of the Bar Harbor Town Council
For the November 6, 2018 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article LAND USE ORDINANCE AMENDMENT – Official Neighborhood Districts Map Amendment Town Hill Residential to Town Hill Rural– Shall an ordinance, dated March 21, 2018, to amend the Official Neighborhood Districts Map by extending a portion of the boundary of the Town Hill Rural district to encompass the parcel identified as Tax Map 213, Lot 008-001 be enacted?

Town Hill Rural

An amendment to the Official Neighborhood Districts Map to change Bar Harbor Tax Map 213, Lot 008-001 from the Town Hill Residential district to the Town Hill Rural district.

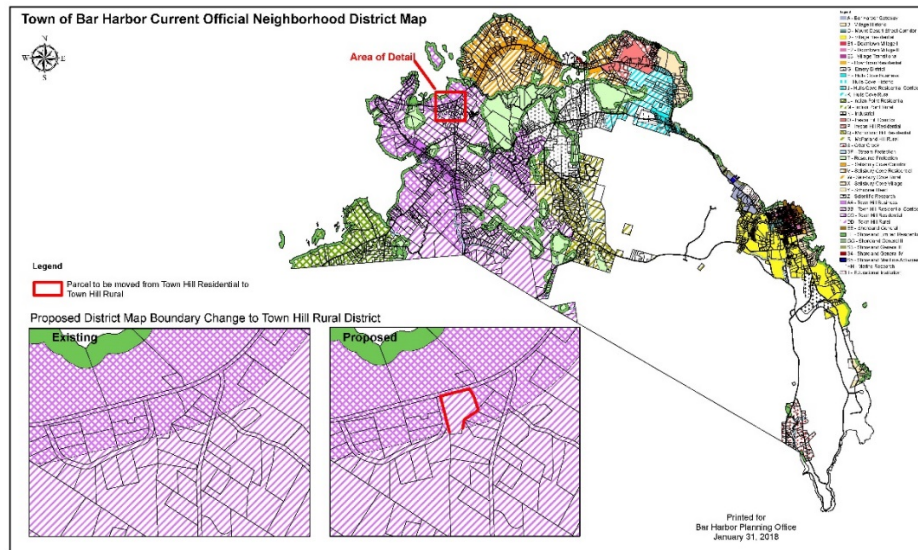
The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

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

Chapter 125 , LAND USE ORDINANCE

EXPLANATION:

This amendment is to relocate the district boundary line of the Town Hill Rural district to include the property located at Bar Harbor Tax Map 213, Lot 008-001.



VIII. REGULAR BUSINESS:

- A. Marijuana** – *Review the new Marijuana law and results of Polco survey questions. Janna Richards, Planning Director and Nina St. Germain, Engagement Coordinator*). Planning Director Janna Richards summarized two major changes in the emergency legislation passed in early May: eliminating social clubs and an opt-in option. Ms. Richards also provided a handout with a flow chart showing Council's options as well as a map of the town showing sensitive use buffers. Nina St. Germain presented results from Polco questions on marijuana and the survey conducted at the polls 6/12/18. Council discussed the options at length with input from Police Chief Jim Willis. Council permitted public comments; Julia Axtell, Martha Searchfield, Janice Lowe, Galen Lowe and Anna Durand spoke. Mr. Paradis, with second by Mr. Hochman, moved to take no action and move on to the next item. Motion passed 6-1 (Nay: Ms. Noonan.)
- B. Acadia National Park Transportation Plan** – *possible motion to submit comments on the park's Draft Transportation Plan.* – Planning Director Janna Richards summarized her memo regarding the transportation plan. After discussion, Mr. Coston, with second by Mr. Hochman, moved to submit the Transportation Plan comments to the Park Service as presented in the memo. After additional discussion, Mr. Coston, with second by Mr. Hochman moved to amend the motion to add that the town have overall input and to include the town's preference to see the public comments submitted. The Motion as amended passed 7-0.
- C. Task Force on Recycling** –
1. *Recommendation for a commercial disposal fee* – Public Works Director Chip Reeves was unable to attend. After some discussion, Ms. Noonan, with second by Ms. Cough, moved to table the discussion on commercial hauling fees until the first available meeting in August that the Public Works Director can attend. Motion passed 7-0.
 2. *Sticker program* – After some discussion, Mr. Paradis, with second by Mr. Hochman, moved to institute a sticker program to use the Transfer Station to begin August 1, 2018 where stickers would be available with proof of property ownership or residency. Motion passed 7-0
- D. Streetlights** –
1. *A possible motion to approve a contract with RealTerm Energy to replace own the streetlights and install LED lights.* – Mark Carter from RealTerm Energy was present to answer questions. The contract is for 374 Emera owned lights, others would be add-ons. Upon signing the contract, the GIS audit would start in two weeks. Mr. Paradis, with second by Mr. Hochman, moved to approve a contract with RealTerm Energy to replace own the streetlights and install LED lights. Motion passed 7-0.

2. *A possible motion to approve a contract with RealTerm Energy to finance the project over 5 years.* – After some discussion, Council decided to take no action since the full scope of the project is not yet defined and interest rates will change.

E. Bond Issues –

1. *Parking Meters* – This was a discussion only item. Mr. Knight shared information from Stan Harmon who spoke with the bond broker and adding the \$600,000 to the \$3.5 million for the ferry terminal makes the bond more attractive by having a significant upfront payment in the first two years. Mr. Knight will work with the Parking Solutions Task Force to implement a plan that will include RFPs and ordinance changes.
2. *Ferry Terminal Property* – Mr. Knight notified MDOT the results of the vote and closing will be before November 30 as stated in the option agreement.

A letter from Bay Ferries received today states they plan to submit a proposal in the next several weeks for leasing a portion of the property for an initial 5-year period with appropriate funding for initial capital improvements for possible service early 2019.

The following topics were discussed at length: considering Bay Ferries as a potential revenue source; security needs regarding an international ferry; seeking grants for the project; impact to taxpayers; who will manage the project (task force or hire a project manager); continuing with B&A or RFQ (Request for Qualifications) for new consultant; satellite parking; making sure all the uses are according to what was previously identified; getting public input. Council permitted public comments; Val Peacock, Nina St. Germain and Anna Durand spoke. One recurring theme in the discussion was not being sure of next steps but taking the time to do it right.

Mr. Paradis, with second by Mr. Coston, moved to ask the consultants and the business plan steering committee for suggested next steps to move forward. Motion passed 7-0.

- 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 stated the next council meeting is July 17, we are not meeting July 3. The tentative opening of the new transfer station is Friday 6/22. There will be no collection of recyclables on Thursday.

X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Noonan mentioned the Housing Trust is presenting information on the Housing Study Thursday from 6-8 at the high school.

Mr. Minutolo thanked everyone for the opportunity to be here and said if he sounds hot it's just because he's Italian.

Mr. Paradis said he will enjoy the one month vacation.

Mr. Hochman thanked the PD and the citizens during a difficult couple of weeks but noticed a lack of information. He suggested looking at an emergency management policy so councilors get updates for when people reach out.

Mr. Friedmann thanked everyone for their participation, we got a lot done.

XI. EXECUTIVE SESSION: (None)

XII. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 10:38 p.m. Motion passed 7-0.

Sharon M Linscott, Town Clerk