

Minutes
Bar Harbor Town Council
July 16, 2019

I. CALL TO ORDER – 7:00 P.M.-In attendance were Councilors: Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Erin Cough and Judith Noonan; and Town Manager Cornell Knight.

A. Excused Absence(s) – Mr. Hochman, with second by Ms. Noonan, moved to excuse Councilor Minutolo as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.

II. COMMITTEE APPOINTMENTS - *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:*

1. Age Friendly Committee: Three year term

a. Doreen Willett, expiring 2022

b. Leon Bonta, expiring 2022

Mr. Friedmann nominated Doreen Willett and Leon Bonta to the Age Friendly Committee. Ms. Noonan seconded. By a vote of 6-0, Doreen Willett and Leon Bonta were appointed.

2. Appeals Board: Three year term

a. Michael Siklosi, Associate Member, expiring 2022

Mr. Friedmann nominated Michael Siklosi to the Appeals Board. Ms. Noonan seconded. By a vote of 6-0, Michael Siklosi was appointed.

3. Conservation Commission: Three year term

a. Kaitlyn Mullen, expiring 2022

Mr. Friedmann nominated Kaitlyn Mullen to the Conservation Commission. Ms. Noonan seconded. By a vote of 6-0, Kaitlyn Mullen was appointed.

4. Cruise Ship Committee: Three year terms

a. Sarah Flink, CruiseMaine Rep, expiring term 2022

b. Prentice “Skip” Strong, Maritime Industry Rep, expiring term 2022

c. Sandy McFarland, Resident at Large, expiring term 2022

Mr. Friedmann nominated Sarah Flink, Prentice “Skip” Strong and Sandy McFarland to the Cruise Ship Committee. Ms. Noonan seconded. By a vote of 6-0, Sarah Flink, Prentice “Skip” Strong and Sandy McFarland were appointed.

5. Design Review Board: Three year term

a. Peter Bono, expiring 2022

Mr. Friedmann nominated Peter Bono to the Design Review Board. Ms. Noonan seconded. By a vote of 6-0, Peter Bono was appointed.

6. Harbor Committee

- a. *Christopher Maller, three-year term expiring 2022*
- b. *Gary Fagan, three-year term expiring 2022*
- c. *Valerie Peacock, three-year term expiring 2022*
- d. *Jeff Miller, term expiring 2021*

Mr. Friedmann nominated Christopher Maller, Gary Fagan, Valerie Peacock and Jeff Miller to the Harbor Committee for the terms listed. Ms. Noonan seconded. By a vote of 6-0, Christopher Maller, Gary Fagan, Valerie Peacock and Jeff Miller were appointed.

7. Marine Resources Committee: Three year terms

- a. *Christopher Petersen, expiring 2022*
- b. *Joanna Fogg, expiring 2022*

Mr. Friedmann nominated Christopher Petersen and Joanna Fogg to the Marine Resources Committee. Ms. Noonan seconded. By a vote of 6-0, Christopher Petersen and Joanna Fogg were appointed.

8. Parking & Traffic Committee: Three year terms

- a. *Jeff Miller, expiring 2022*
- b. *Sandy McFarland, expiring 2022*

Mr. Friedmann nominated Jeff Miller and Sandy McFarland to the Parking & Traffic Committee. Ms. Cough seconded. By a vote of 6-0, Jeff Miller and Sandy McFarland were appointed.

9. Parking Solutions Task Force: Three year terms

- a. *Eben Salvatore, expiring 2022*
- b. *Jeff Miller, expiring 2022*
- c. *Sherry Rasmussen, expiring 2022*

Mr. Friedmann nominated Eben Salvatore, Jeff Miller and Sherry Rasmussen to the Parking Solutions Task Force. Ms. Cough seconded. By a vote of 6-0, Eben Salvatore, Jeff Miller and Sherry Rasmussen were appointed.

10. Parks & Recreation Committee: Three year term

- a. *Thomas Parham, YMCA Representative, expiring 2022*

Mr. Friedmann nominated Thomas Parham to the Parks & Recreation Committee. Ms. Cough seconded. By a vote of 6-0, Thomas Parham was appointed.

11. Planning Board: Three year terms

- a. *Thomas St. Germain, expiring 2022*

Mr. Friedmann nominated Thomas St. Germain to the Planning Board. Ms. Cough seconded. By a vote of 6-0, Thomas St. Germain was appointed.

- III. 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.*
- IV. APPROVAL OF MINUTES –**
- A. June 18, 2019 Regular Meeting**
Mr. Hochman, with second by Ms. Noonan, moved to approve the minutes of the June 18, 2019 Regular Meeting as presented. Motion passed 6-0.
- B. July 1, 2019 Special Meeting**
Mr. Hochman, with second by Ms. Noonan, moved to approve the minutes of the July 1, 2019 Special Meeting as presented. Motion passed 6-0.
- V. ADOPTION OF AGENDA –** Mr. Friedmann, with second by Mr. Hochman, moved to adopt the agenda as published. Motion passed 6-0.
- VI. FINANCIAL REPORT** - *Review and possible adoption of a motion to accept the financial statements as presented.* – Finance Director Stan Harmon highlighted the pre-audit numbers in the Fiscal Year 2019 financial report. Mr. Harmon identified an error on Page 4 Cruise Ship Fund Revenue Activity 12 months FY2019 Actual should be \$1,022,506 (which is correct in the revenues chart.) Due to the audit, there will be no financial report to Council in August. Mr. Hochman, with second by Ms. Cough, moved to accept the Financial statements as presented and amended. Motion passed 6-0.
- VII. 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. Certification of Property Owners and Abutters Mailing Lists – Possible motion** to sign the certification of the mailing list used for the notice of the Planning Board’s June 5, 2019 public hearing on two Land Use Ordinance Amendments, “An Amendment to the Definition of Vacation Rental” and “Design Review Overlay District Map and Adjustment of Design Review Board Jurisdiction.”
- B. Certification of Property Owners and Abutters Mailing Lists – Possible motion** to sign the certification of the mailing list used for the notice of the Planning Board’s June 19, 2019 public hearing on two Land Use Ordinance Amendments, “An Amendment to Site Plan Review Process” and “Employee Dormitory, Rooming House, and Workforce Housing.”
- C. Charter Commission – Possible motion** to approve the request for an extension in their reporting dates with the preliminary report date extended to October 15, 2019 and the final report date extended to December 15, 2019.
- D. Route 3 Rumble Strips – Possible motion** to hereby notify abutters along the specified 2.7-mile section of Route 3 of MDOT’s plan to install rumble strips.
- E. Vehicles for Hire - Police Department approved and proof of insurance provided.**
Possible motion to approve:
- 1. Bar Harbor Coastal Cab** request for 1 additional taxi license renewal as submitted by Craig Wood.

2. **Oli's Trolley** request for 1 additional bus license as submitted by Denise Morgan.
 3. **Bar Harbor Jeep Tours** request for 1 new taxi license as submitted by Anne Dalton.
- F. Town Manager's Evaluation** – *Possible motion* to approve the format and form to use for the Town Manager's Evaluation.

Mr. Hochman, with second by Ms. Noonan, moved to approve the Consent Agenda as published. Motion passed 6-0.

VIII. PUBLIC HEARINGS

A. Special Amusement Permit Renewals

1. **Finback Alehouse, 30 Cottage St, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Matthew Haskell.** There being no public comment, Mr. Hochman, with second by Ms. Noonan, moved to approve the Special Amusement Permit renewal for Finback Alehouse for a Class 3a, 3 or more musicians with mechanical amplification as submitted by Matthew Haskell. Motion passed 6-0.
2. **Atlantic Midtown, 52 Cottage St, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Alex Maffucci.** Councilor Coston requested recusal; he sold his interest in this business to Atlantic Brewing of which Alex Maffucci is part owner. Mr. Hochman, with second by Ms. Noonan, moved to recuse Councilor Coston for the appearance of a conflict of interest. Motion passed 5-0-1 (Recused: Coston.)

There being no public comment, Mr. Hochman, with second by Ms. Noonan, moved to approve the Special Amusement Permit renewal for Atlantic Midtown for a Class 3a, 3 or more musicians with mechanical amplification as submitted by Alex Maffucci. Motion passed 5-0-1 (Recused: Coston).

IX. REGULAR BUSINESS:

- A. Committee Handbook Draft** – *Tabled from 5/7/2019, presentation and review with Councilors Cough and Hochman.* Mr. Hochman, with second by Ms. Cough, moved to remove this item from the table. Motion passed 6-0. Ms. Cough introduced the draft and summarized the recommendations. Councilors Cough and Hochman addressed questions and concerns. Councilor Friedmann asked Cruise Ship Committee Chair Eben Salvatore to speak to the recommendations regarding that committee. Councilors Cough and Hochman will continue working on this with the Town Manager, taking the comments and suggestions into consideration. No action taken.
- B. Boards and Committees Registered Voter Requirement** – *Article 4 discussion.* Town Attorney Ed Bearor presented and summarized his memo that includes a comprehensive analysis and three recommendations to Council regarding this ordinance. Council can make the recommended corrections at the same time the Committee Handbook/Committee Consistency is implemented. No action taken.

- C. Land Use Ordinance Amendments:** *Review recommendations by Planning Board and possible motion to sign the Certifications of Ordinance scheduling the public hearing for August 20, 2019 to place the following on the November 5, 2019 Special Town Meeting Warrant:*
- 1. Vacation Rental**
Planning Director Michele Gagnon presented the amendment to the definition and answered Council questions. Mr. Friedmann, with second by Mr. Coston, moved to sign the Certification of Ordinance for an Amendment to the definition of Vacation Rental scheduling a public hearing for August 20, 2019 to place on the November 5, 2019 Special Town Meeting Warrant. Motion passed 5-1 (Nay: Cough).
 - 2. Employee Dormitory, Rooming House, and Workforce Dormitory**
Attorney Bearor presented and summarized his memo regarding amending the ordinance to remove the section for Downtown Residential. Ms. Gagnon presented the ordinance and answered Council questions. Mr. Friedmann, with second by Mr. Coston, moved to sign the Certification of Ordinance for Land Use Ordinance Amendment Employee Dormitory, Rooming House and Workforce Dormitory scheduling a public hearing for August 20, 2019 to place on the November 5, 2019 Special Town Meeting Warrant. Motion failed 2-4 (Nay: Dobbs, Hochman, Noonan, Cough).
 - 3. Site Plan Review Procedure**
Mr. Friedmann, with second by Mr. Coston, moved to sign the Certification of Ordinance for an Amendment to Site Plan Review Procedure Article V scheduling a public hearing for August 20, 2019 to place on the November 5, 2019 Special Town Meeting Warrant. Motion passed 6-0.
- D. Vacation Rentals** – *request by Councilor Cough for an update.* Ms. Gagnon and Code Enforcement Officer Angie Chamberlain presented the report and answered Council questions. Mr. Hochman, with second by Ms. Noonan, moved to accept the Vacation Rental report as presented and place on file. Motion passed 6-0.
- E. FY20 Water Budget** – *Introduction of proposed FY20 Water Budget and possible scheduling of a public hearing on August 6, 2019.* – Mr. Harmon and Public Works Director Chip Reeves presented the budget and addressed Council questions. Mr. Harmon identified an error on page 2 of the memo under Volume, where he flip-flopped “increase” and “decrease”. Mr. Hochman, with second by Ms. Noonan, moved to tentatively adopt the FY 2020 Water Budget and Ordinance as proposed and amended, and schedule a public hearing for August 6, 2019. Motion passed 6-0.
- F. FY20 Sewer Budget** – *Introduction of proposed FY20 Sewer Budget and possible scheduling of a public hearing on August 6, 2019.* – Mr. Harmon and Mr. Reeves, with Utilities Superintendent Jeff Van Trump, presented the budget and addressed Council questions. Mr. Reeves provided a handout regarding CSOs. Mr. Friedmann, with second by Mr. Hochman, moved to tentatively adopt the FY 2020 Sewer Budget and Ordinance as proposed and schedule a public hearing for August 6, 2019. Motion passed 6-0.

G. Streetlights – *Possible motion to approve LED light conversion.* – Mark Carter, Vice-President, Sales for RealTerm Energy, presented the report and answered Council questions. Mr. Hochman, with second by Ms. Noonan, moved to approve the Investment Grade Audit for the Town of Bar Harbor LED Streetlighting Conversion report dated June 12, 2019 and sign the agreement with RealTerm Energy and expend up to \$374,452 and ask the Treasurer to seek financing of the project at the best terms and conditions for the town. Motion passed 6-0.

H. 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 6-0.

X. TOWN MANAGER'S COMMENTS – Mr. Knight provided a handout, that he gave to the Parking Solutions Task Force earlier today, showing parking revenues, citations and permits as of 7/15/19. Mr. Knight also asked for one Councilor that would be able to meet, along with staff and a Planning Board member, with the architect regarding auditorium renovations. Jeff Dobbs volunteered.

XI. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Noonan has observed over the past few years how adversarial the relationship is between the Warrant Committee and Council. Ms. Noonan referenced a recent Facebook post. She requests a joint meeting with the Warrant Committee in the fall so they can sit down, talk and air grievances and see how we can get along nice for the best interest of the town, rather than this us versus them mentality.

Mr. Friedmann requested that the Employee Dormitory ordinance be on the agenda for the next meeting, that the Council Chair work with the manager on how to revise this to put it before the voters. We need to continue to work on this.

Ms. Cough expressed concerns with one councilor speaking for the entire Council or leaving the writing of an ordinance to a single town councilor. We have the Planning Board and Planning Department to develop language. They worked extra hard and did research for 2 years on the Employee Dormitory ordinance. It is important to the housing crisis and I fully support it, but was very disappointed in what was presented. I apologize to the Planning Board. There are big holes in it, holes that were brought up but not put in the LUO. My job is to do what is right by the town and I will be called unbusiness friendly about this. But if it is broken, I see no point in passing it through. We should send it back to the Planning Board with our comments and concerns.

Mr. Hobbs respects the Planning Board; they work very hard. As we make suggestions, if we can provide constructive criticism.

XII. EXECUTIVE SESSION: (None)

XIII. ADJOURNMENT – Mr. Hochman, with second by Ms. Noonan, moved to adjourn at 10:25 p.m. Motion passed 6-0.

Sharon M Linscott, Town Clerk