

Minutes
Bar Harbor Town Council
August 6, 2019

- I. CALL TO ORDER** – 7:00 P.M. - In attendance were Councilors: Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Joseph Minutolo, Judith Noonan, Erin Cough and Town Manager, Cornell Knight.
- A. Excused Absence(s)** – *all present.*
- II. COMMITTEE APPOINTMENTS** – *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:*
- 1. Design Review Board: Three year term**
- a. Andrew Geel, expiring 2022*
Ms. Noonan, with second by Mr. Minutolo, moved to approve Andrew Geel. By a vote of 7-0, Andrew Geel 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 – July 16, 2019 Regular Meeting**
Mr. Hochman, with second by Ms. Noonan, moved to approve the July 16, 2019 Regular Meeting minutes as presented. Motion passed 7-0.
- V. ADOPTION OF AGENDA** – Mr. Hochman, with second by Ms. Noonan, moved to adopt the agenda 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. Certification of Property Owners and Abutters Mailing List** – *Possible motion to sign the certification of the mailing list used for notice of the Town Council’s Public Hearing August 20, 2019 for two LUO Amendments: Vacation Rental and Site Plan Review Procedure for the November 5, 2019 special town meeting warrant.*
- B. MMA Annual Election** – *Possible motion to elect the slate as proposed on the MMA Executive Committee ballot as presented.*
- C. 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 Judith and Owen Burns, on the property located at 47 Eagle Lake Road, Tax Map 106 Lot 043.*
- Ms. Cough, with second by Mr. Hochman, moved to remove item A from the consent agenda and make it the first item under Regular Business for discussion.

Motion passed 7-0. Mr. Coston, with second by Mr. Hochman, moved to approve the Consent Agenda as amended. Motion passed 7-0.

VII. PUBLIC HEARINGS

A. FY20 Water Budget Ordinance Amendment - Public comment and possible adoption on the proposed FY20 Water Budget Ordinance amendment. Anna Durand asked about whether Airbnb are considered residential or non-residential for both water and sewer billing. Following discussion Mr. Hochman, with second by Ms. Noonan, moved to adopt the proposed FY20 Water Budget Ordinance as amended. Motion passed 7-0.

Water Budget Ordinance Amendment

Town of Bar Harbor

#2019-09

An Ordinance Amendment to Adopt the Fiscal Year 2020 Water Budget

The Town of Bar Harbor hereby ordains that Chapter 201, Water, of the Town Code is amended as follows:

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

Chapter 201, Water

ARTICLE III, Water Budget, Rates Fees and Charges

§ 201-11 **Water budget.**

A. Budget ~~introduced~~adopted. The fiscal year 201920 Water Budget, dated July ~~9~~16, 20189, is hereby ~~introduced~~adopted as published and summarized below.

- (1) Cash. Net cash generated is estimated to be ~~\$68,015~~38,632.
- (2) Revenues.
 - (a) PUC regulated revenues are estimated to be ~~\$2,091,302~~2,127,302.
 - (b) Total water revenues are estimated to be ~~\$2,106,302~~2,151,302.
- (3) Expenses. The following appropriations are hereby approved:
 - (a) Nonoperating expenses: ~~\$<3,600>~~<4,400>.
 - (b) Salaries and wages: ~~\$294,962~~301,594.
 - (c) Payroll benefits: ~~\$149,000~~151,200.
 - (d) Contractual services: ~~\$270,372~~283,662.
 - (e) Materials and supplies: ~~\$118,300~~119,300.
 - (f) Utilities and commodities: ~~\$60,400~~64,100.
 - (g) Repairs and maintenance: ~~\$153,600~~156,400.
 - (h) Equipment purchases: ~~\$17,300~~7,400.
 - (i) Other: insurance, travel, advertising and miscellaneous: ~~\$46,400~~46,800.
 - (j) Interest: ~~\$157,000~~132,736.
 - (k) Depreciation and amortization: ~~\$304,883~~315,647.
 - (l) Capital spending: ~~\$206,000~~302,676.

[end of ordinance]

- B. FY20 Sewer Budget Ordinance Amendment** – *Public comment and possible adoption on the proposed FY20 Sewer Budget Ordinance amendment.* There being no comments, Mr. Hochman, with second by Ms. Noonan, moved to adopt the proposed FY20 Sewer Budget Ordinance as amended. Motion passed 7-0.

Sewer Budget Ordinance Amendment

Town of Bar Harbor

#2019-10

An Amendment to Adopt the Fiscal Year 2020 Sewer Budget, Rates, Fees and Charges.

The Town of Bar Harbor hereby ordains that Chapter 165, Sewers, of the Town Code is amended as follows:

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

Chapter 165 , SEWERS

ARTICLE III, Sewer Budget and Rates

§ 165-7.1 Sewer budget, fees and charges.

- A. Budget ~~introduced~~adopted. The fiscal year 2019~~20~~ Sewer Budget, dated July 9~~16~~, 2018~~9~~, is hereby ~~introduced~~adopted as published and summarized below.
- (1) Fund balance. Designated fund balances are estimated as follows:
 - (a) Estimated starting designated fund balances.
 - [1] Working capital: ~~\$438,263~~367,461.
 - [2] CIP projects: ~~\$1,426,686~~1,853,226.
 - (b) Ending designated fund balance.
 - [1] Working capital: ~~\$461,348~~367,461.
 - [2] CIP projects: ~~\$1,373,647~~1,591,338.
 - (2) Revenues.
 - (a) Total revenues and other sources are estimated to be: ~~\$2,048,400~~2,144,400.
 - (b) Revenue for the sewer rates shall be calculated from the total operating and capital appropriations minus any non-rate revenues:
 - [1] Total revenue derived from sewer rate: ~~\$2,015,000~~2,110,000.
 - (3) Expenses. Total appropriations shall be:
 - (a) Operating Fund: ~~\$1,469,844~~1,505,041.
 - (b) Capital Fund: ~~\$705,850~~773,217.
 - (4) Rates.
 - (a) Rate of ~~\$7.80~~7.95 per 100 cubic feet of water used.
 - (b) Minimum bills.
 - [1] Residential customers: ~~\$46.80~~47.70 for up to 600 cubic feet of water used per quarter.
 - [2] Nonresidential customers: ~~\$132.60~~135.15 for up to 1,700 cubic feet of water used per quarter.
 - [3] Unmetered customers: ~~\$101.40~~103.35 per quarter (based on 1,300 cubic feet of water used).

- (c) Septic tank pumpage: \$11.22 per 100 gallons.
- (d) Sludge disposal: \$6.72 per 100 gallons.
- (e) Connection fee rate (per inch): ~~\$100~~102 per inch diameter of the service connection.
- (f) Connection fee rate (per gallon): ~~\$10.60~~11.26 per gallon of sewage per day.
- (g) Late payment penalty: ~~7.09~~0% per annum

[End of Ordinance]

VIII. REGULAR BUSINESS:

A1. Certification of Property Owners and Abutters Mailing List – *Possible motion to sign the certification of the mailing list used for notice of the Town Council's Public Hearing August 20, 2019 for two LUO Amendments: Vacation Rental and Site Plan Review Procedure for the November 5, 2019 special town meeting warrant.* Town Clerk Sharon Linscott addressed Councilor Cough's questions. Ms. Cough, with second by Ms. Noonan, moved to approve the mailing list as presented. Motion passed 7-0.

- A. YMCA Annual Report** – *Presentation of the 2018/2019 Annual Report for Recreational Services.* Thomas Parham, Executive Director of the YMCA, presented the report and answered Council questions. Mr. Hochman, with second by Ms. Noonan, moved to accept the YMCA annual report and place it on file with our thanks. Motion passed 7-0.
- B. Polco 2-year Update** – *Nina St. Germain, Engagement Coordinator.* Ms. St. Germain summarized her work over the past 2-1/2 years including Polco. Following Council questions and comments, Council thanked Ms. St. Germain. No action taken.
- C. Cruise Tourism & Traffic Congestion Report** – *Review and possible motion to refer to Cruise Ship Committee.* Town Manager Cornell Knight introduced the report. Following discussion, Mr. Coston, with second by Mr. Hochman, moved to thank CLIA for funding the Traffic Congestion report and refer it to the Cruise Ship Committee for review and recommendations. Motion passed 5-2 (Nay: Ms. Noonan, Mr. Minutolo).
- D. Cruise Ship Committee** – *Request by Councilor Friedmann to make a recommendation regarding Carnival Cruise lines violations.* Councilor Friedmann spoke about the violations and his recent conversations with Carnival. Discussion followed. Mr. Coston, with second by Mr. Hochman, moved to ask the town manager to work with the Cruise Ship Committee on an air-monitoring program and report back to the Town Council. Motion passed 7-0.
- E. Employee Dormitory, Rooming House, and Workforce Dormitory Ordinance** – *possible motion on process for next vote.* Planning Director Michele Gagnon presented her memo that, in addition to a process specific to the dormitory ordinance, also included a general process and flow chart for Land Use Ordinance amendments that she presented to the Charter Commission at their meeting August 5. An additional memo regarding the joint workshop between Council and

the Planning Board on Vacation Rentals was presented to Council as a handout. Council asked to address the three topics separately.

Employee Dormitory Ordinance: Following discussion, Mr. Friedmann, with second by Ms. Noonan, moved to approve the process outlined in the Planning Director's memo of August 1 for the Employee Dormitory, Rooming House and Workforce Dormitory Ordinance Amendment. Motion passed 6-1 (Nay: Mr. Hochman.)

Vacation Rental Workshop: Following discussion, Mr. Hochman, with second by Ms. Noonan, moved to re-schedule the joint meeting with Council and the Planning Board to discuss vacation rentals when the Planning Director returns with data and the information needed to have the meeting. Motion passed 7-0.

Land Use Ordinance General Process: Since the process and flow chart was given to the Charter Commission, the Charter Commission will do their work and make their recommendations to Council.

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

IX. TOWN MANAGER'S COMMENTS – After 23 years as Public Works Director Chip Reeves has given his notice, his last day will be Sep 4. Jonathan Eno and his wife Karen Gilfillan-Eno, residents of Hope, ME, have filed a complaint against the town in Hancock Superior Court to overturn the town's decision to increase vacation rental fees from \$50 to \$250. We'll be filing a response to that.

X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Friedmann suggested, since Judy has announced her plan to retire from Council before her term is up, that at the next meeting Council discuss the process for finding a replacement. He has also asked for an agenda item at the next meeting to address the housing crisis over the next 12 months. We need to look at a comprehensive approach to this.

Mr. Coston stated that Chip does a really good job, thank you for 23 years and congratulations.

Mr. Minutolo personally thanked emergency personnel John Wardwell and Dave O'Neill, he had an episode at 2am and they made it to Norway Drive in record time and were thoughtful and helpful, I really appreciate that.

Ms. Noonan said she will resign her seat on Council as of October 31; she is moving out of the area. She trusts we will do it right to find a replacement. She mentioned she will also miss Chip, he's a very tremendous asset to this town and will be greatly missed.

Mr. Hochman recommended to Bar Harbor voters that if they have an issue with Council or how the town is run instead of filing citizens' initiatives and lawsuits, there are three open seats next year, run for Council. Work from within rather than costing the taxpayers money by continually suing the town. He also thanked Chip for his 23 years of

service. He has done an excellent job with explaining things to us in a way that we can understand. I will miss his counsel and wish him the best of luck.

Mr. Dobbs also wished Chip well and introduced the new director of the Chamber of Commerce, Alf Anderson. I wish you well and congratulations.

XI. EXECUTIVE SESSION:

A. Acquisition of Property for the Water Division – *To be held in Executive Session as permitted by 1 M.R.S.A. §405(6)(C) to discuss acquisition of real property.*

Mr. Hochman, with second by Ms. Cough, moved to go into executive session at 9:23 pm as permitted by 1 M.R.S.A. §405(6)(C) to discuss acquisition of real property. Motion passed 7-0. Council returned to regular session at 9:30 pm. No action taken.

XII. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 9:30 pm. Motion passed 7-0.

Sharon M Linscott, Town Clerk