

Minutes
Bar Harbor Town Council
August 7, 2018

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

Vice-Chair Hochman reminded everyone of the posted ground rules.

- A. Excused Absence(s)** – *Councilor Friedmann requested to be excused.* Mr. Paradis, with second by Ms. Noonan, moved to excuse Councilor Friedmann 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. Appeals Board: Three year term

- a. Ellen Dohmen, expiring 2021*

Appointments Committee recommends and Ms. Noonan nominated Ellen Dohmen for a three year term on the Appeals Board, expiring 2021. There being no further nominations, by unanimous vote, 6-0, Ellen Dohmen was appointed.

2. Assessment Review Board: Three year term

- a. Michael Blythe, expiring 2021*

Appointments Committee recommends and Ms. Noonan nominated Michael Blythe for a three year term on the Assessment Review Board, expiring 2021. There being no further nominations, by unanimous vote, 6-0, Michael Blythe was appointed.

3. Conservation Commission: Three year term

- a. Jacquie Colburn, expiring 2021*

Appointments Committee recommends and Ms. Noonan nominated Jacquie Colburn for a three year term on the Conservation Commission, expiring 2021. There being no further nominations, by unanimous vote, 6-0, Jacquie Colburn was appointed.

4. Cruise Ship Committee, CruiseMaine Representative

- a. Sarah Flink, completing remainder of a term expiring 2019*

Appointments Committee recommends and Ms. Noonan nominated Sarah Flink to complete the remainder of a term expiring 2019 on the Cruise Ship Committee as CruiseMaine Representative. There being no further nominations, by unanimous vote, 6-0, Sarah Flink was appointed.

5. Design Review Board: Three year terma. *Francis “Pancho” Cole, expiring 2021*

Appointments Committee recommends and Ms. Noonan nominated Francis “Pancho” Cole for a three year term on the Design Review Board, expiring 2021. There being no further nominations, by unanimous vote, 6-0, Francis “Pancho” Cole was appointed.

6. Harbor Committee: Three year terma. *Lawrence Nuesslein, expiring 2021*

Appointments Committee recommends and Ms. Noonan nominated Lawrence Nuesslein for a three year term on the Harbor Committee, expiring 2021. There being no further nominations, by unanimous vote, 6-0, Lawrence Nuesslein was appointed.

7. Parks & Recreation: Three year terma. *John Kelly, expiring 2021*

Appointments Committee recommends and Ms. Noonan nominated John Kelly for a three year term on the Parks & Recreation Committee, expiring 2021. There being no further nominations, by unanimous vote, 6-0, John Kelly was appointed.

8. Task Force on Aging – Three year terma. *Jan Varnum, expiring 2021*

Appointments Committee recommends and Ms. Noonan nominated Jan Varnum for a three year term on the Task Force on Aging, expiring 2021. There being no further nominations, by unanimous vote, 6-0, Jan Varnum 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. –*

Donna Karlson spoke to the Ferry Terminal Property Advisory Committee as a live committee per Roberts Rules of Order and is still a resource. Ms. Karlson recommended having copies of Roberts Rules of Order available as a reference for all committees and basic training on Roberts Rules be included in the handbook on committees.

Stewart Brecher followed up on his comments from last meeting regarding an abundance of tourists in Amsterdam, stating there are 600 tourists per Bar Harbor resident and at what point do we lose the community. Mr. Brecher spoke of thoroughness and unintended consequences referencing the ferry terminal property and short-term rentals in the past. He recommended looking at potential consequences if something goes wrong and taking as much time to understand all the options.

David Bowden stated all committees have Council representatives and he voted for Council to make decisions, not committees that have special interests. Mr. Bowden would like to see Council make the tough decisions it was elected to make, rather than create additional committees. He also stated Bar Harbor drags things out so much further

down the road that Council members change and the direction changes.

Ivan Rasmussen stated that he makes a living off tourism and he hired the architect that spoke earlier to design his building, so even if he doesn't benefit directly from tourism, he benefits indirectly. Mr. Rasmussen, referencing Mr. Harmon, said that almost 60% of the tax base is derived from commercial property and residents can't afford to have their property taxes rise by diminishing the impact commercial properties have.

IV. APPROVAL OF MINUTES – July 17, 2018 Regular Meeting

Mr. Paradis, with second by Ms. Noonan, moved to approve the minutes of the July 17, 2018 Regular Meeting as presented. Motion passed 6-0.

V. ADOPTION OF AGENDA – Mr. Paradis, with second by Ms. Noonan, moved to adopt the agenda as presented and amended to include under Section XI as item B to read: Teamsters Union Contract Negotiations Update, to be held in executive session as permitted by 1 MRSA §405.6.D. Motion passed 6-0.

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. Vehicle for Hire Bar Harbor Coastal Cab - Police Department approved and proof of insurance provided.

1. **At Your Service Taxi - Possible motion** to approve the request for three additional taxi licenses as submitted by Clare Bingham.
2. **Amazin Moe'z Taxi - Possible motion** to approve the request for one additional taxi license as submitted by Maureen Leeman Carr.

Mr. Paradis, with second by Mr. Coston, moved to approve all items on the consent agenda as published. Motion passed 6-0.

VII. PUBLIC HEARINGS

A. Special Amusement Permit New –

1. **59 Cottage**, at 59 Cottage Street request for a Class 3, three or more musicians without mechanical amplification, submitted by Monica Stanley. There being no comments, Mr. Paradis, with second by Mr. Coston, moved to approve the Special Amusement Permit for 59 Cottage as advertised. Motion passed 6-0.
2. **Leary's Landing**, at 156 Main Street request for a Class 2a, two musicians with mechanical amplification, submitted by Cody Gordon. There being no comments, Mr. Paradis, with second by Mr. Coston, moved to approve the Special Amusement Permit for Leary's Landing as advertised. Motion passed 6-0.

B. FY19 Sewer Budget Ordinance Amendment – Public comment and possible adoption on the proposed FY19 Sewer Budget Ordinance amendment. There being no comments, Mr. Paradis, with second by Ms. Noonan, moved to approve the

FY19 Sewer Budget and amend Chapter 165, Sewers, of the Municipal Code as presented. Motion passed 6-0.

Sewer Budget Ordinance Amendment

Town of Bar Harbor

An Amendment to Adopt the Fiscal Year 2019 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.

[Added 9-21-2010 by Ord. No. 2010-05; amended 11-1-2011 by Ord. No. 2011-05; 12-18-2012 by Ord. No. 2012-08; 6-18-2013 by Ord. No. 2013-01; 10-20-2014 by Ord. No. 2014-06; 8-4-2015 by Ord. No. 2015-03; 7-19-2016 by Ord. No. 2016-02; 8-15-2017 by Ord. No. 2017-03]

A. Budget ~~adopted~~ introduced. The fiscal year 2018~~9~~ Sewer Budget, dated ~~July 18, 2017~~ July 9, 2018, is hereby ~~adopted~~ introduced 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.

[2] CIP projects: ~~\$1,643,435~~ 1,426,686.

(b) Ending designated fund balance.

[1] Working capital: ~~\$438,263~~ 461,348.

[2] CIP projects: ~~\$1,346,488~~ 1,373,647.

(2) Revenues.

(a) Total revenues and other sources are estimated to be: ~~\$2,105,600~~ 2,048,400.

(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: ~~\$2,060,000~~ 2,015,000.

(3) Expenses. Total appropriations shall be:

(a) Operating Fund: ~~\$1,398,024~~ 1,469,844.

(b) Capital Fund: ~~\$759,774~~ 705,850.

[End of Ordinance]

C. FY19 Water Budget Ordinance Amendment - *Public comment and possible adoption on the proposed FY19 Water Budget Ordinance amendment.* There being no comments, Mr. Paradis, with second by Mr. Coston, moved to approve the FY19 Water Budget and amend Chapter 201, Water, of the Municipal Code as presented. Motion passed 6-0.

Water Budget Ordinance Amendment

Town of Bar Harbor

An Ordinance Amendment to Adopt the Fiscal Year 2019 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.

[Amended 10-4-2011 by Ord. No. 2011-03; 10-16-2012 by Ord. No. 2012-05; 6-18-2013 by Ord. No. 2013-02; 8-19-2014 by Ord. No. 2014-05; 6-16-2015 by Ord. No. 2015-01; 7-19-2016 by Ord. No. 2016-03; 6-20-2017 by Ord. No. 2017-02]

- A. Budget ~~adopted~~ introduced. The fiscal year 2018~~9~~ Water Budget, dated ~~May 16, 2017~~ July 9, 2018, is hereby ~~adopted~~ introduced as published and summarized below.
- (1) Cash. Net cash generated is estimated to be ~~\$95,419~~ 68,015.
 - (2) Revenues.
 - (a) PUC regulated revenues are estimated to be ~~\$2,069,802~~ 2,091,302.
 - (b) Total water revenues are estimated to be ~~\$2,083,302~~ 2,106,302.
 - (3) Expenses. The following appropriations are hereby approved:
 - (a) Nonoperating expenses: ~~\$4,600~~ <3,600>.
 - (b) Salaries and wages: ~~\$300,385~~ 294,962.
 - (c) Payroll benefits: ~~\$148,200~~ 149,000.
 - (d) Contractual services: ~~\$270,258~~ 270,372.
 - (e) Materials and supplies: ~~\$114,500~~ 118,300.
 - (f) Utilities and commodities: ~~\$60,000~~ 60,400.
 - (g) Repairs and maintenance: ~~\$147,600~~ 153,600.

- (h) Equipment purchases: ~~\$3,700~~ 17,300.
- (i) Other: insurance, travel, advertising and miscellaneous: ~~\$45,384~~ 46,400.
- (j) Interest: ~~\$156,322~~ 157,000.
- (k) Depreciation and amortization: ~~\$306,883~~ 304,883.
- (l) Capital spending: ~~\$168,286~~ 206,000.

[end of ordinance]

VIII. REGULAR BUSINESS:

- A. Recycling Task Force** – *tabled from 6/19/18 recommendation for a commercial disposal fee.* Ms. Noonan, with second by Ms. Cough moved to remove the item from the table for discussion. Motion passed 6-0. PW Director Chip Reeves was present for comments and questions. After some discussion, Ms. Cough with second by Ms. Noonan, moved to push this item back to the Recycling Task Force for more in depth study and information. Motion failed 3-3 (Nay: Mr. Coston, Mr. Paradis, Mr. Hochman). Council invited public comment. Beth Gott, a commercial hauler, and David Bowden spoke to this issue. After further discussion, Mr. Paradis, with second by Mr. Coston, moved to thank the Recycling Task Force and the Public Works Director for their work, but to not move forward with the proposal to install scales and charge a tipping fee to commercial haulers until such time as we have a better handle of operations of the new transfer station and recycling facility. Motion passed 5-1 (Nay: Ms. Cough).
- B. Marijuana** – *Possible motion for an emergency moratorium on medical marijuana retail stores and medical marijuana testing facilities and medical marijuana manufacturing facilities.* Planning Director Janna Richards summarized her memo and provided two changes to the emergency moratorium as presented; an emergency preamble was added as well as a clause referencing the Town Charter. Mr. Paradis, with second by Mr. Coston, moved to approve the Emergency Marijuana Ordinance regarding medical marijuana retail stores and medical marijuana testing facilities and medical marijuana manufacturing facilities as presented and amended to include an emergency preamble section and section 11 to include a reference to the Charter, and schedule a public hearing on a 180 day moratorium for September 4, 2018. Motion passed 6-0.

MUNICIPALITY OF BAR HARBOR

EMERGENCY MORATORIUM ORDINANCE REGARDING MEDICAL MARIJUANA RETAIL STORES AND MEDICAL MARIJUANA TESTING FACILITIES AND MEDICAL MARIJUANA MANUFACTURING FACILITIES

The Bar Harbor Town Council makes the following findings:

EMERGENCY Preamble, WHEREAS, ordinances do not become effective until 30 days after adoption by the Town Council;

- (1) WHEREAS, the Maine Medical Use of Marijuana Act authorizes registered caregivers to possess, cultivate, and transfer medical marijuana to qualifying patients, as those terms are defined by 22 M.R.S. § 2422; and
- (2) WHEREAS, on July 9, 2018, the Maine Legislature enacted PL 2017, c. 452 (LD 1539), *An Act to Amend Maine's Medical Marijuana Law*, (the "Law") which includes express authorization for registered caregivers to operate retail stores for the sale of harvested medical marijuana to qualifying patients; and
- (3) WHEREAS, the Law includes express authorization for a marijuana testing facility to receive and possess medical marijuana and medical marijuana products samples from qualifying patients, caregivers, dispensaries and manufacturing facilities to provide testing; and
- (4) WHEREAS, the Law includes express authorization for a registered marijuana manufacturing facility to manufacture marijuana products and marijuana concentrates for medical use; and
- (5) WHEREAS, the Law which expressly recognizes municipal home rule authority to regulate registered caregiver operations; and
- (6) WHEREAS, the unregulated location and operation of medical marijuana retail stores, medical marijuana testing facilities, and medical marijuana manufacturing facilities within Bar Harbor raises legitimate and substantial questions about the impact of such activities on the Town, including questions as to compatibility with existing land uses and developments in Bar Harbor; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale, testing, and manufacturing of medical marijuana and medical marijuana products; and
- (7) WHEREAS, as a result of the foregoing issues, the location and operation of medical marijuana retail stores, registered medical marijuana dispensaries, medical marijuana testing facilities, and medical marijuana manufacturing facilities within Bar Harbor have potentially serious implications for the health, safety and welfare of the Town and its residents; and
- (8) WHEREAS, Bar Harbor currently has no regulations governing medical marijuana retail stores, registered medical marijuana dispensaries, medical marijuana testing facilities, and medical marijuana manufacturing facilities and its existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of medical marijuana retail stores, medical marijuana testing facilities, and medical marijuana manufacturing facilities; and
- (9) WHEREAS, overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana retail stores, registered medical marijuana dispensaries, medical marijuana testing facilities, and medical marijuana manufacturing facilities in Bar Harbor; and
- (10) WHEREAS, in the judgment of the Bar Harbor Town Council, the foregoing findings and conclusions constitute an emergency within the meaning of the Charter and require the immediate adoption of the following Ordinance for the preservation of the public peace, health and safety;

NOW THEREFORE, pursuant to 30-A M.R.S. § 4356, be it ordained by the Town of Bar Harbor as follows:

Section 1. Moratorium. The Town of Bar Harbor hereby declares a moratorium on the location, operation, permitting, approval, or licensing of any and all medical marijuana retail stores, registered medical marijuana dispensaries, medical marijuana testing facilities, and medical marijuana manufacturing facilities within the Town.

No person or organization shall develop or operate a medical marijuana retail store, medical marijuana testing facility, or medical marijuana manufacturing facility within Bar Harbor on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana retail store, medical marijuana testing facility, or medical marijuana manufacturing facility.

Section 2. Definitions. For purposes of this ordinance, the term “medical marijuana retail store” means an establishment having the attributes of a typical retail establishment, such as, but not limited to, signage, regular business hours, accessibility to the public, and sales directly to the consumer of the product, including, but not limited to a “retail establishment”, “gift shop”, “grocery store”, “commercial structure”, “commercial garden, greenhouse or nursery”, “wholesale business establishment”, “roadside stand”, “farmers market”, and “retail business establishment not otherwise listed”, that is used by a registered caregiver to offer harvested medical marijuana for sale to qualifying patients.

For purposes of this ordinance, the term “medical marijuana testing facility” means an establishment having the attributes of a typical research and testing facility, such as, but not limited to, propagation, maintenance and distribution of biological materials and the storage and use of laboratory and other scientific research equipment, including, but not limited to a “research facility”, “research production facility”, “professional office building”, “nonresidential facility for education and scientific purposes”, “services”, and “eleemosynary institution”, that is used to receive and possess medical marijuana and medical marijuana products samples from qualifying patients, caregivers, dispensaries and manufacturing facilities to provide testing.

For purposes of this ordinance, the term “medical marijuana manufacturing facility” means an establishment having the attributes of a typical manufacturing facility, such as, but not limited to, the storage and use of fabrication and processing materials and equipment, including, but not limited to a “food processing establishment”, “food processing facility”, “light manufacturing/assembly plant”, and “other processing and manufacturing facility”, that is used to manufacture marijuana products and marijuana concentrates for medical use.

Section 3. Pending Proceedings. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall govern any proposed medical marijuana retail store, any proposed medical marijuana testing facility, and any proposed medical marijuana manufacturing facility for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Town of Bar Harbor, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 4. Conflicts/Savings Clause. Any provisions of the Town’s existing ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any medical marijuana retail store, any medical marijuana testing facility, or any medical marijuana manufacturing facility is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Municipality shall be entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 60 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town of Bar Harbor, whichever shall

first occur.

- C. Task Force on Aging – Presentation of Survey Results.** – Task Force Members Doreen Willett and Martha Searchfield highlighted key findings from the Age-Friendly Community Survey, as funded by the \$5000 grant from AARP. Ms. Willett identified next steps, including a request to make the task force a standing committee. Mr. Paradis, with second by Ms. Noonan, moved to accept the Bar Harbor Age-Friendly Community Survey Results, thank the Task Force for their work on the project and direct the Town Manager to prepare an ordinance to make the Task Force a standing committee. Motion passed 6-0.
- D. Citizens’ Petition: Residency Prerequisite Voting on Town Boards – Charles Sidman presenting petition for final determination of sufficiency.** Council requested guidance from Town Attorney Ed Bearor. Mr. Bearor stated first step is to approve the certification of the clerk. After that, the Charter provides Council with three options: adopt as presented, place on the ballot in November, or take 60 days to consider then make the determination. Several councilors stated that we need to look at the ramifications since there are committees that have many non-residents, such as industry representatives on the Cruise Ship Committee and Police Chief Willis on Parking & Traffic. Mr. Paradis, with second by Ms. Cough, moved to approve the Town Clerk’s certification of the petition for a sufficient number of signatures and schedule consideration of the petition at the October 2nd Town Council meeting. Motion passed 6-0.
- E. Citizens’ Petition: Amendment to LUZO Prohibit Berthing Piers – Charles Sidman presenting petition for final determination of sufficiency.** Mr. Bearor stated that of the aforementioned three options, adopting as presented is not an option here since it is a Land Use Ordinance amendment. Councilors presented their concerns and questions. Mr. Coston, with second by Mr. Paradis, moved to approve the Town Clerk’s certification of the petition for a sufficient number of signatures and schedule consideration of the petition at the October 2nd Town Council meeting and ask the Town Attorney to look into the following: how many times can similar or repeat initiatives be brought forward; is an initiative lawful if it regulates activity beyond the high water line or limits the number of passengers that disembark, and if it is deemed unlawful does that alone preclude Council from sending it to a vote. Motion passed 5-1 (Nay: Mr. Hochman).
- F. Hamilton Pond Dam – Possible motion to contribute funds toward repair of the dam owned by MDI Bio Lab.** Jane Disney was present to represent MDI Bio Lab. Mr. Paradis commented that the report is complete and there is no need to go more in depth. Mr. Paradis, with second by Mr. Coston, moved to approve the donation of \$10,000 to the MDI Bio Lab from account #1036-5906 to be used for the repair of the Hamilton Pond Dam for fire protection. Motion passed 6-0. Ms. Disney stated construction will start in the next couple of weeks.
- G. Downeast Windjammer Cruise Lines – proposal for international ferry service.** Mr. Paradis, with second by Ms. Cough, moved to thank Mr. Pagels for his

proposal but to find that the proposal received from Downeast Windjammer Cruise Lines simply lacks the detail needed to make it actionable by the Town Council, and therefore not consider this proposal any further and move on to the next item on this evening's meeting agenda. Motion passed 6-0.

- H. Bay Ferries Timeline** – *Review timeline tasks and possible motion to hire a landscape architect.* – Cornell Knight presented the timeline and the recommendation by Tom Crikelair to use Coplon Associates as the landscape architect to prepare a concept drawing. Of the \$10,000 cost, Bay Ferries will contribute \$5,000. Topics of discussion included customs/border patrol, consideration of other vendors and impact to taxpayers. Mr. Knight stated there is an on-site meeting with Customs and Border Patrol scheduled for next week. Mr. Coston, with second by Mr. Paradis, moved to proceed with the timeline as proposed and hire Coplon Associates to prepare a conceptual design of the Ferry Terminal lot to be completed by September 5th. Motion passed 5-1 (Nay: Ms. Cough).
- I. Treasurer's Warrant** - *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Mr. Coston, moved to sign the Treasurer's Warrants for paid bills. Motion passed 6-0.
- IX. TOWN MANAGER'S COMMENTS** – Mr. Knight stated the implementation of the transfer station sticker program is delayed, there were some issues with distributing and registering them, but Chip Reeves thinks it will be ready to go in 2-3 weeks.
- X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS**
- Mr. Coston** stated the Cruise Ship Committee requested he inform Council that the three items Council asked for, they will explore as one item since they are interdependent on each other. They will report on all three as one item.
- Mr. Paradis** complimented Mr. Hochman on a good job tonight, thank you and congratulations.
- Mr. Minutolo** agreed with Mr. Paradis.
- Ms. Noonan** also agreed and stated she will not be at the September 4 meeting.
- Ms. Cough** expressed that the taxpayers truly got treated unfairly tonight. The town should investigate a better policy for vendors and issue RFPs. To do so in some cases but not others creates inconsistency and makes us seem less transparent.
- XI. EXECUTIVE SESSION:**
- A. Sick Leave Transfer** – *(To be held in executive session as permitted by 1 MRSA §405.6.A. for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Mr. Coston, moved to go into executive session at 9:17 p.m. as permitted by 1 MRSA §405.6.A for discussion or consideration of a personnel matter. Motion passed 6-0. Council returned to regular session at 9:20 p.m. Mr. Paradis, with second by Ms. Noonan, moved to approve the sick leave transfer requested in a letter dated July 30, 2018 with the following conditions:
1. The Finance Director shall transfer up to 240 hours as needed.

2. Transferred leave will be considered qualifying leave under the Family Medical Leave Act.
3. Transferred leave may not be used by the employee until all available sick leave and accrued vacation leave have been used.
4. No additional sick leave will accrue while the transferred leave is being used.
5. Consistent with the Town policy on leaves of absence, vacation leave will not be earned for the period in which the transferred leave is used.

Motion passed 6-0.

B. Teamsters Union Contract Negotiations Update – *(To be held in executive session as permitted by 1 MRSA §405.6.D.)* – Mr. Paradis, with second by Mr. Coston, moved to go into executive session at 9:21 p.m. as permitted by 1 MRSA §405.6.D for discussion of the Teamsters Union contract negotiations after a short break. Motion passed 6-0. Council returned to regular session at 9:42 p.m. Council took no action.

XII. ADJOURNMENT – Mr. Paradis, with second by Mr. Coston, moved to adjourn at 9:43 p.m. Motion passed 6-0.

Sharon M Linscott, Town Clerk