

Minutes
Bar Harbor Town Council
September 18, 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.

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.* – Kenneth Hanson questioned why there is no sidewalk along West Street Extension stating there is a lot of traffic, pedestrians and bicycles; it is poorly lit with only one streetlight; and it is not safe. He asked how to go about petitioning for this.

III. APPROVAL OF MINUTES –

1. *September 4, 2018 Regular Meeting*
2. *September 5, 2018 Special Meeting*

Mr. Paradis, with second by Mr. Hochman, moved to approve the minutes of the September 4, 2018 Regular Meeting and the September 5, 2018 Special Meeting both as presented. Motion passed 7-0.

IV. ADOPTION OF AGENDA – Mr. Paradis, with second by Mr. Hochman, moved to adopt the agenda as presented. 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 financials for the first two months of FY19. Mr. Paradis, with second by Mr. Hochman, moved to accept and file the Financial Statements as presented in the Finance Director’s Memo dated September 11, 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. Special Town Meeting 2018 – *Possible motion to sign:*

1. Special Town Meeting Warrant for November 6, 2018 and
2. Notice of Public Hearing for October 16, 2018.

B. Vehicles for Hire – *Police Department approved and proof of insurance provided.* Possible motion to approve the requests for

1. **At Your Service Taxi** – two additional taxi licenses as submitted by Clare Bingham.

2. **Acadia Transportation Services** – one additional taxi license as submitted by John Partridge.
- C. Council Goal Setting 2019-** *Possible motion* to confirm meeting for Monday, November 5, 2018 at 5:00pm in the Public Works Conference Room.
- D. Commercial Shellfish License** – *Possible motion* to authorize the Clerk’s office to issue the last commercial shellfish license to the junior applicant as recommended by the Marine Resources Committee.
- E. Land Use Ordinance Amendment for June 2019:**
1. **Certification of Ordinance** – *Possible motion* to sign the Certification of Ordinance calling for a public hearing on October 2, 2018 for “LUO Amendment Museum Use in the Downtown Village II district”
 2. **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 October 2, 2018 for “LUO Amendment Museum Use in the Downtown Village II district” for the June 11, 2019 town meeting warrant.

Mr. Hochman requested removing item A and Ms. Noonan requested removing item B1 from the Consent Agenda for discussion.

Mr. Paradis, with second by Mr. Hochman, moved to approve all remaining items on the Consent Agenda as published. Motion passed 7-0.

VII. REGULAR BUSINESS:

A1. Special Town Meeting 2018 – *Possible motion to sign:*

1. *Special Town Meeting Warrant for November 6, 2018 and*
2. *Notice of Public Hearing for October 16, 2018*

Mr. Hochman stated the Warrant Committee vote recommending rejection of Article 2 was 9 to 3, not 8 to 4. After some discussion, the Town Clerk was asked to verify the vote. Mr. Paradis, with second by Mr. Hochman, moved to sign the Special Town Meeting Warrant for November 6, 2018 and the Notice of Public Hearing for October 16, 2018 and amend the Warrant Committee recommendation vote if necessary to reflect the recorded vote. Motion passed 7-0.

A2. Vehicles for Hire - Police Department approved and proof of insurance provided. Possible motion to approve the requests for

1. **At Your Service Taxi** – *two additional taxi licenses as submitted by Clare Bingham.*

Ms. Noonan gave details of a recent incident with one of At Your Service Taxi’s vehicles. Upon receipt of Ms. Noonan’s complaint, the Police Department addressed the incident with owner Clare Bingham, who was present and spoke to the concerns raised. Following the discussion, Mr. Coston, with second by Mr. Hochman, moved to approve two taxi licenses as submitted by Clare Bingham. Motion passed 7-0.

- A. **Road Closure** – *Request to close southern end of Glen Mary Road Sunday, October 14 from 2-6pm for a block party. Rob Benson was present to answer*

questions about the event. Mr. Paradis, with second by Mr. Hochman, moved to approve the closure of Glen Mary Road from Norris Avenue to Cromwell Harbor Road on October 14, 2018 from 2pm to 6pm as requested. Motion passed 7-0.

B. Dangerous Buildings

1. *Consider a letter from five residents requesting a public hearing regarding the owner of a building at 79 Cottage Street.* Planning Director Janna Richards stated that since Bar Harbor does not have a property maintenance code and there is nothing in the LUO, the Code Enforcement Officer (CEO) cannot issue a notice of violation. State statute lists out these steps: Council schedules a hearing, notice is served, and then an inspection is conducted. Peter Bono spoke to the letter submitted to Council. Mr. Hochman, with second by Ms. Noonan, moved to schedule a public hearing for October 16 to hear comments on the building at 79 Cottage Street and notify the owner of the public hearing. Motion passed 7-0.
2. *Councilor Noonan – property ordinance discussion.* As a follow up to item B1, Ms. Noonan inquired as to how to prevent conversations like this in the future. Janna Richards spoke to her experience with this issue in Orono. She stressed it would not be in the LUO but a different section so the CEO would have the ability to enforce through notice of violation. Ms. Noonan, with second by Ms. Cough, moved that the Planning Director begin to draw up a Dangerous Building Ordinance. Motion passed 7-0.

C. Cruise Ship Committee – Martha Searchfield to present the 2017 Cruise Passenger Study. – Ms. Searchfield presented the report of the number of cruise ship passengers that came ashore in 2017. Data was verified for 65 of the 148 ships (44%) in 2017. Mr. Paradis, with second by Mr. Coston, moved to accept the Cruise Ship Passenger Results report and place on file and thank the Cruise Ship Committee for their work. Motion passed 7-0.

D. Petition Presentation – Opposition to Bay Ferries Proposal, Carol Chappell. Ms. Chappell read the petition and her prepared statement and clarified the petition is not in opposition to the Bay Ferries proposal. She presented 545 signatures to Council. Following Council comments, no action taken.

E. Polco Results – Nina St. Germain review of recent survey questions. – Ms. St. Germain, Engagement Coordinator, presented recent questions on plastic bag use and Bay Ferries. She showed confidence benchmarks for the Parking Meter and Ferry Terminal Purchase bond votes. Ms. St. Germain also spoke to the upcoming workshops on Balancing Quality of Life & Tourism, the first scheduled for October 17 at 6:00pm at the Bar Harbor Club. The second scheduled for November 15 at 6pm, location TBD. Following discussion, no action taken.

F. Ferry Terminal Property

1. **Bay Ferries – Project update, Annette Higgins and Jim Wilson.** – Mr. Wilson, Vice-President and General Manager of Bay Ferries, summarized all the activity Bay Ferries has been engaged in with numerous entities since they were last here on September 5. Mr. Friedmann stated Bay Ferries will

provide a draft lease agreement by October 2 and Council will now vote at the October 16 meeting instead. Council thanked Mr. Wilson and Ms. Higgins for the update. No action taken.

- 2. **Bond Issue – Update.** Mr. Knight and Mr. Harmon discussed how a portion of the bond would be taxable to the buyer if the town leases more than 10% of the property to a for-profit corporation. This may result in a 0.5% increase in the bond rate, but it would be more attractive with a designated revenue source. There were questions and discussion of bonds in general, including public input from Peter York. Following discussion, no action taken.

G. Harbor Committee Ordinance Amendment – Possible motion to schedule a public hearing. Mr. Knight presented the ordinance amendment. Janna Richards spoke to her memo and outlined the process. Following discussion, Mr. Paradis, with second by Mr. Coston, moved to schedule a public hearing for October 16, 2018 to hear comments on amendments to the Harbor Committee ordinance as amended to change §31-17 B to read “Prepare a plan for the waterfront at 121 Eden Street, that may include an international ferry terminal, recreational marina, tendering facility, commercial dock, all tide launching ramp, transportation hub, information and Education Center, and parking facility and recreational areas.” and remove §31-17 I. Motion passed 7-0.

H. Resolution – naming the new multi-use path along Route 3 Eden Path. Ms. Cough read the following resolution:

**RESOLUTION
of
THE BAR HARBOR TOWN COUNCIL**

Whereas, a new multi-use path is being constructed along Rt. 3/Eden Street;

Whereas, the Town of Bar Harbor had formerly been named Eden;

Whereas, visitors, students, and residents will utilize the path on a daily basis by walking, jogging, biking, and otherwise traveling to and from the downtown area;

And whereas, the Town of Bar Harbor would like to officially name this new multi-use path;

Be it therefore resolved, that the Town of Bar Harbor hereby recognize and officially name the new multi-use path along Rt. 3, **Eden Path.**

Ms. Cough, with second by Mr. Paradis, moved to approve the resolution to name the new pedestrian path along Route 3, the Eden Path. Motion passed 7-0.

I. 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.

VIII. TOWN MANAGER’S COMMENTS – Mr. Knight stated taxes are due in 10 days and stickers for the transfer station are available at the Public Works garage, the Transfer Station or the Finance office.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Cough wished Matt and Angel Hochman a happy 25th anniversary today.

Mr. Coston echoed congratulations.

Ms. Noonan offered congratulations and likes the idea of a sidewalk on West Street Ext. She asked to schedule it as a future agenda item. Mr. Friedmann asked Mr. Knight to discuss it with the Public Works Director and report back to Council.

Mr. Minutolo echoed Ms. Noonan and congratulated the Hochmans.

Mr. Paradis shared the congratulations and stated there are a lot of meetings coming up and it will be intense October through March.

Mr. Hochman recognized and thanked the families of all the people who serve on Council and town boards and committees. It can be a little stressful on them.

Mr. Friedmann offered his congratulations. He stated he loves seeing everyone here and hearing what they have to say. We may not always agree but we can build good relationships through it all.

X. EXECUTIVE SESSION:

A. Town Manager's Evaluation – *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. Hochman, moved to go into executive session at 10:10 p.m. as permitted by 1 MRSA §405.6.A for discussion of a personnel matter. Motion passed 7-0.

Council returned to regular session at 11:05 p.m. Mr. Paradis, with second by Mr. Hochman, moved to acknowledge a satisfactory annual Town Manager evaluation and place it, as amended, in his personnel file. Motion passed 7-0.

XI. ADJOURNMENT – Ms. Cough, with second by Mr. Hochman, moved to adjourn at 11:07 p.m. Motion passed 7-0.

Sharon M Linscott, Town Clerk