

Minutes
Bar Harbor Town Council
October 2, 2018

- I. CALL TO ORDER** – 7:00 P.M. - In attendance were Councilors Gary Friedmann, Matthew Hochman, Stephen Coston, Paul Paradis, Joe Minutolo, Judie Noonan, Erin Cough and Town Manager Cornell Knight and Town Attorney, Ed Bearor.
- 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.* – Martha Searchfield requested a discussion of how property taxes will be affected over the next three years so residents can budget for anticipated increases. Carol Chappell presented five additional signatures and one additional comment from the take time, plan well petition. Nina St. Germain announced the Balancing Quality of Life and Tourism workshop on October 17 at 6pm at the Bar Harbor Club. Pre-registration is helpful but not required. There will be a link on Facebook and on the website.
- III. APPROVAL OF MINUTES – September 18, 2018 Regular Meeting**
- Mr. Paradis, with second by Mr. Hochman, moved to approve the minutes of the September 18, 2018 Regular Meeting 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. 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. State of Maine Election November 6, 2018** – *possible motion* to confirm the appointment of the Town Clerk to serve as Warden for the November 6, 2018 State Election.
- B. 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 Robert and Kathleen Jordan, on the property located at 81 LedgeLawn Ave, Tax Map 107 Lot 078.
- C. Dangerous Building** – *possible motion* to re-schedule the public hearing for 79 Cottage Street to November 20 and sign the Notice of Public Hearing.
- Mr. Paradis, with second by Mr. Hochman, moved to approve all items on the Consent Agenda as published. Motion passed 7-0.
- VI. PUBLIC HEARINGS**

A. General Assistance Ordinance Amendment – Possible adoption of the annual revision of maximum benefit levels in Town Code, Chapter 102, General Assistance, Appendices A, B, C, D and E pursuant to 22 MRSA 4305(4). There being no public comment, Mr. Paradis, with second by Mr. Hochman, moved to adopt the annual revision of maximum benefit levels in Town Code, Chapter 102, General Assistance, Appendices A, B, C, D and E pursuant to 22 MRSA 4305(4). Motion passed 7-0.

**General Assistance Ordinance Amendment of Maximum Benefit Levels for Appendixes A, B, C, D and E
Town of Bar Harbor
#2018-06**

An Ordinance Amendment for the annual revision of the maximum benefit levels for Appendixes A, B, C, D and E.

The Town of Bar Harbor hereby ordains that Chapter 102, General Assistance, of the Town Code is amended as follows:

CHAPTER 102 – GENERAL ASSISTANCE

The Town of Bar Harbor hereby ordains that Chapter 102, General Assistance Ordinance of the Town of Bar Harbor code is hereby amended by replacing Appendixes A, B, C, and D for the period of October 1, 2017~~8~~ to September 30, 2018~~9~~, pursuant to 22MRSA4305 (4).

Appendix A
Effective: 10/01/17-09/30/18
Effective: 10/01/18-09/30/19

Persons in Household	1	2	3	4	5*
Hancock County	693 <u>698</u>	787 <u>798</u>	992 <u>1,009</u>	1,249 <u>1,274</u>	1,367 <u>1,397</u>

* Please Note: Add \$75 for each additional person.

Appendix B
Effective: 10/01/17-09/30/18
Effective: 10/01/18-09/30/19

Food Maximums

Number in Household	Weekly Maximum	Monthly Maximum
1	44.65	192
2	81.86 <u>82.09</u>	352 <u>353</u>
3	117.21 <u>117.44</u>	504 <u>505</u>
4	148.84 <u>149.30</u>	640 <u>642</u>
5	176.74 <u>177.21</u>	760 <u>762</u>
6	212.33 <u>212.56</u>	913 <u>914</u>
7	234.65 <u>235.12</u>	1,009 <u>1,011</u>
8	268.14 <u>268.60</u>	1,153 <u>1,155</u>

NOTE: For each additional person add \$144 per month.

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2017~~8~~, those amounts are:

Appendix C
Effective: ~~10/01/17-09/30/18~~
Effective: 10/01/18-09/30/19

Hancock County

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	124	535	147	633
1	139 140	599 602	167 169	720 726
2	183	788	213 215	915 924
3	227 230	976 988	270 273	1,159 1,175
4	242 246	1,041 1,058	294 299	1,264 1,285

Appendix D
Effective: 10/01/17-09/30/18
Effective: 10/01/18-09/30/19

**UTILITIES
 ELECTRIC**

A) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20 \$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

Appendix E
Effective: 10/01/17-09/30/18
Effective: 10/01/18-09/30/19

HEATING FUEL

A) When considering requests for heating fuel, eligible applicants will be granted assistance with the actual amount necessary up to the following maximums:

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	225 125
December	200	April	125
		May	50

[end of ordinance]

B. Land Use Ordinance Amendment: Museum Use Downtown Village II – Public comments and possible motion to sign the order placing LUO amendment on the June 11, 2019 annual town meeting warrant. Earl Brechlin, representing the Historical Society, spoke of tentative plans to purchase the Sea Coast Mission. There being no other comments from the public, Mr. Paradis, with second by Mr. Hochman, moved to sign the Order placing LUO amendment, Museum Use on the June 11, 2019 annual town meeting warrant. Motion passed 7-0.

Order

Of the Bar Harbor Town Council
For the June 11, 2019 Town Meeting

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

Warrant Article

Article _ LAND USE ORDINANCE AMENDMENT – Museum Use – Shall an Ordinance dated August 15, 2018 and entitled “Museum Use in the Downtown Village II district” be enacted?

Museum Use

An amendment to the Bar Harbor Land Use Ordinance to allow the Museum use in the Downtown Village II 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

ARTICLE III Land Use Activities and Standards

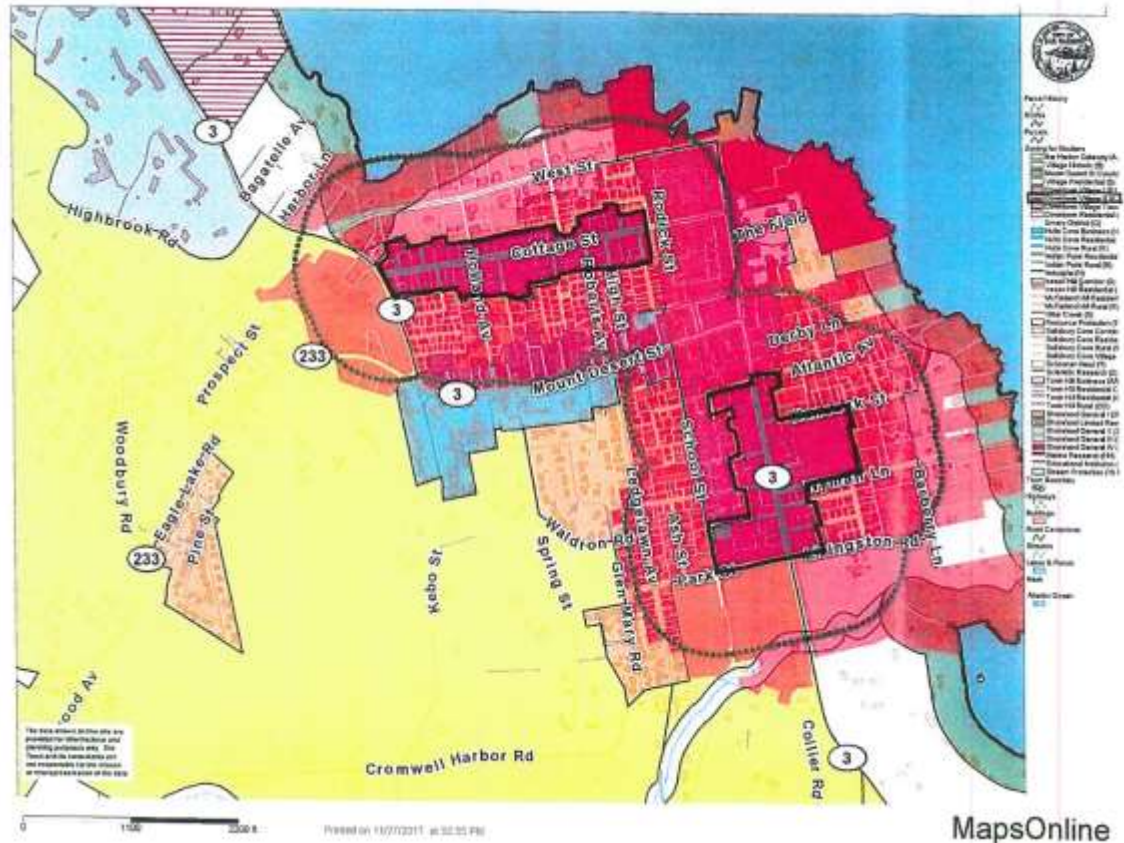
§ 125-21.1 Downtown Village II.

C. Allowed uses:

- (2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community; veterinary clinic; museum.
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EXPLANATION:

This amendment is to permit museums as an allowed use with site plan approval in the Downtown Village II district.



VII. REGULAR BUSINESS:

A. Village Improvement Association – Funding Request for park from Harbor Lane to West Street, Dick Cough. Councilor Cough requested recusal due to a family connection to the property. Mr. Paradis, with second by Mr. Hochman, moved to find that Councilor Cough has the appearance of a conflict of interest in this matter as disclosed. Motion passed 6-0-1(Recused: Ms. Cough).

Dick Cough, President of the VIA, presented the plans for DeGregoire Green, a new park from Harbor Lane to West Street. After Council questions and comments, Mr. Paradis, with second by Mr. Coston, moved to make a contribution to the DeGregoire Green project in the amount of \$10,000 to be used for sidewalk pavers. Motion passed 6-0-1 (Recused: Ms. Cough).

Mr. Coston, with second by Mr. Minutolo, moved to reconsider the previous question. Motion passed 6-0-1 (Recused: Ms. Cough). Mr. Paradis, with second by Mr. Hochman, moved to amend the motion to include that contribution funds be paid from the sidewalk improvement fund. Motion passed 6-0-1 (Recused: Ms. Cough.). The vote was 6-0-1 (Recused: Ms. Cough) in favor of the amended motion.

B. Cruise Ship Committee – Cruise Ship Fee Recommendation, Eben Salvatore, Chair. Mr. Salvatore reported that the Cruise Ship Committee needs additional

information on what the fee increases would go towards before making a recommendation. During the discussion, Chair Friedmann stated that on 10/1 Council received a letter from CLIA (Cruise Lines International Association) requesting a meeting on October 18 with Town leaders to discuss fees and other matters.

Mr. Paradis, with second by Mr. Hochman, moved that the Town Manager, the Council Chair, and the Council's representative on the Cruise Ship Committee engage with cruise industry representatives to discuss pending capital projects, as well as traffic/congestion easing measures or studies, that could be undertaken and the need for increasing cruise fees to help finance these projects. Mr. Minutolo, with second by Ms. Noonan, moved to amend Mr. Paradis' motion to include the whole Council in a public meeting. Motion failed 1-6 (Nay: Mr. Coston, Mr. Paradis, Mr. Friedmann, Mr. Hochman, Ms. Noonan and Ms. Cough.) Prior to voting on the original motion, Mr. Friedmann stated that there should be a report of the meeting with CLIA to Council at the November 20 meeting. Original motion passed 7-0.

Mr. Paradis, with second by Mr. Hochman, moved to accept the Cruise Ship Committee's report and thank them for their efforts. Motion passed 7-0.

C. Ordinance Amendment for Age Friendly Committee – *Possible motion to schedule a public hearing.* Mr. Knight presented the changes to the Task Force on Aging bylaws that will be the basis for the ordinance amendment to create the Age Friendly Committee. The duties and responsibilities remain the same. Mr. Paradis, with second by Mr. Hochman, moved to approve the Age Friendly Committee ordinance draft and to schedule a public hearing for November 20. Motion passed 7-0.

D. Code Enforcement Violations – *discussion of fines and consent agreements.* Mr. Bearor stated the town does not have legal authority to levy fines. The town does have a provision in the LUO for the process. If the ordinance is violated, the matter is taken to court to have fines imposed. Mr. Bearor stated that section 101 of the LUO is the only section the Planning Board would need to review and it was last amended in 1998. Mr. Hochman, with second by Mr. Paradis, moved to ask the Planning Board to review LUO 125 section 101 to revise and simplify the procedure. Motion passed 7-0.

E. Review Citizens' Petitions – *Council's final determination of petitions:*

- 1. Residency Prerequisite Voting on Town Boards** – Councilors expressed several concerns with the petition, including that if it passes it would prohibit the Harbor Master, Police Chief and Town Planner from voting on boards. Mr. Bearor stated that if it passes, it would take effect as the individual terms expire. Mr. Hochman, with second by Ms. Cough, moved to place the petition question on the June 11, 2019 town meeting warrant. Motion passed 7-0.

2. **Amendment to LUZO Prohibit Berthing Piers** – Mr. Bearor stated that it is up to Council to determine whether this petition is essentially the same as Article 13 rejected by voters at the June 2017 Town Meeting by comparing not only the wording, but the meaning and intent. During discussion, Council allowed public comment. Martha Searchfield stated that it is becoming confusing and unclear when Council will allow public comment and when they will not. Dessa Dancy spoke to the intent of Article 13. Jake Jagel also spoke to this issue. Mr. Coston, with second by Mr. Paradis, moved to not place the Citizens' Initiative petition An Amendment to the LUZO to Prohibit Berthing Piers for Large Cruise Ships on the June 11, 2019 Town Meeting Warrant because it is duplicative of a recent question that was voted on by the town and they have the same purpose and intent. Motion failed 1-6 (Nay: Mr. Paradis, Mr. Friedmann, Mr. Hochman, Mr. Minutolo, Ms. Noonan, Ms. Cough.).

After further discussion, Mr. Hochman, with second by Ms. Noonan, moved to place the Citizens' Initiative petition An Amendment to the LUZO to Prohibit Berthing Piers for Large Cruise Ships on the June 11, 2019 Town Meeting Warrant and to forward it to Planning Board for their recommendation and schedule a public hearing. Motion passed 6-1 (Nay: Mr. Coston). Mr. Paradis, with second by Mr. Hochman, moved that the article question be revised by the Town Attorney to more accurately reflect the petition language. Motion passed 7-0.

- F. Bay Ferries Proposal** – *Review draft lease.* Jim Wilson and Annette Higgins were present and Mark MacDonald participated via conference call. Town Planner Janna Richards presented a chart with timelines for both short term and long term planning. Mr. MacDonald provided progress updates including USCBP and the physical facilities. After Council questions and comments, Council accepted public questions and comments. Ellen Grover, Mike Handwerk, Jake Jagel, Dessa Dancy and Donna Karlson spoke. Mr. Friedmann thanked Mr. MacDonald, Mr. Wilson and Ms. Higgins, and stated no action is needed. Council plans to vote on the lease agreement October 16.

- G. 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 – None.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Paradis urged Councilors to take advantage of the invitation for a cruise ship tour on October 18. This is a great opportunity for Councilors to educate themselves by seeing ships and their systems first hand.

Mr. Hochman thanked Councilors and citizens for a lively discussion and debate tonight.

Mr. Friedmann thanked staff and Council for sitting through a long but important meeting.

X. EXECUTIVE SESSION: None

XI. ADJOURNMENT – Mr. Paradis, with second by Mr. Hochman, moved to adjourn at 11:22 p.m. Motion passed 7-0.

Sharon M Linscott, Town Clerk