

**Minutes**  
**Bar Harbor Town Council**  
**October 16, 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.* – Nina St. Germain reminded everyone of the meeting tomorrow night at 6 pm at the Bar Harbor Club entitled Balancing Quality of Life and Tourism.
- III. APPROVAL OF MINUTES** – *October 2, 2018 Regular Meeting*
- Mr. Paradis, with second by Mr. Hochman, moved to approve the minutes of the October 2, 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. FINANCIAL REPORT** - *Review and possible adoption of a motion to accept the financial statements as presented.* –Mr. Paradis, with second by Mr. Hochman, moved to accept and file the financial statements as presented in the Finance Director’s Memo dated October 10, 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. Veterans’ Day Bell Ringing** – *Possible motion to request Bar Harbor churches and schools to sound their bells in observance of Veteran’s Day, per state statute 30A-MRSA §2901.4.*
- B. Grants: Fire Department** – *Possible motion to place the two grants totaling \$1,500 into account 1042-5368 for computer licensing and support.*
- Mr. Paradis, with second by Mr. Hochman, moved to approve all items on the Consent Agenda as published. Motion passed 7-0.
- VII. PUBLIC HEARINGS:**
- A. Harbor Committee Ordinance Amendment #2018-05** – *Public comment and possible adoption of an amendment to increase the number of members and update the duties to include a plan for 121 Eden Street.* – Chair Friedmann opened the public hearing at 7:05pm. Comments: Carol Chappell. Public hearing closed at 7:08pm.

Mr. Paradis, with second by Mr. Hochman, moved to approve the amendments to the Harbor Committee Ordinance, Chapter 31, Article IV as presented. Motion passed 7-0.

**Harbor Committee Ordinance Amendment**

Town of Bar Harbor

#2018-05

**An amendment to increase the number of members and update the duties to include a plan for 121 Eden Street.**

*The Town of Bar Harbor hereby ordains that Chapter 31, Boards, Committees and Commissions, Article IV, Harbor Committee, of the Town Code is amended as follows:*

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

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**CHAPTER 31 – BOARDS, COMMITTEES AND COMMISSIONS**

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**Article IV - Harbor Committee**

[Adopted 10-2-1990 as § 10.04 of the 1990 Code; amended 8-10-1993]

**§ 31-16 Appointment.**

The Town Council shall appoint a committee of ~~seven~~11 individuals familiar with the harbor and its activities, all of whom shall be Bar Harbor residents. This committee shall act in an advisory capacity to the Town Council with respect to harbor management.

**§ 31-17 Powers and duties.**

The Harbor Committee shall:

- A. Assist in the planning, development and establishment of a policy for the harbor area.
- B. 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.
- ~~BC.~~ Be organized with a Chairman, Vice Chairman and Secretary and shall keep minutes, with copies of said minutes being provided to the Town Clerk.
- CD. Assist the Harbor Master in the resolution of conflicts which may arise as a result of harbor rules and regulations regarding the use of the harbor and its facilities and establish an appeals process for this purpose.
- ~~DE.~~ Recommend rules and regulations, including all fees, for use of the harbor.
- ~~E. Recommend individuals to the Town Council for the position of Harbor Master.~~
- F. Review the activities of the Harbor Master.
- G. Review the Harbor Master's assignments of mooring locations.
- H. Provide an annual report and other reports as requested to the Town Council and Town Manager.
- ~~I. Review and assist in budget planning as it relates to the Harbor Division.~~

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*[end of ordinance]*

**B. Special Town Meeting, November 2018** – Public comment on the following ballot articles for November:

- **Article 2 – CHARTER COMMISSION CREATION** – *Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter* – Chair Friedmann opened the public hearing at 7:10pm. Speakers: Anne Marie Quin, Jake Jagel, Donna Karlson, Dessa Dancy, Mike Gurlter, Peter St. Germain, Jim O’Connell, Ivan Rasmussen. Closed the public hearing at 7:34pm.
- **Article 3 - LAND USE ORDINANCE AMENDMENT** – *Official Neighborhood Districts Map Amendment Town Hill Residential to Town Hill Rural* – Chair Friedmann opened the public hearing at 7:34pm. No comments from the public. Closed the public hearing at 7:35pm.

**VIII. REGULAR BUSINESS:**

**A. Communications and Technology Task Force –**

1. *Recommendations for broadcasting more meetings.* Councilor Hochman reviewed the 4 options considered by the Task Force to broadcast more meetings. Mr. Paradis, with second by Mr. Coston, moved to thank the CTF for their work on this item but, due to the costs and hurdles outlined in their memo to Council, that we take no action on this item at this time. Motion passed 7-0.
2. *Social Media policy.* Councilor Hochman reviewed the Social Media guidelines for board and committee members. Mr. Paradis, with second by Mr. Coston, moved to tentatively approve the Social Media Policy for elected and appointed town officials and place final approval on a future consent agenda after grammar review of the document. Motion passed 7-0.

**B. Bloomfield Road Culvert** – Chip Reeves reviewed the project and cost estimates. The town has not has not maintained the section of road between West St. Ext and Prospect Street, and is considered abandoned by the town. The stone culvert has collapsed and needs a new culvert to work properly. The town can repair the culvert without requiring future maintenance responsibility. Mr. Paradis, with second by Mr. Coston, moved to approve the repair to the Bloomfield Road culvert without any future obligation for maintenance, funding to come from the CI Account 1077-6420. Motion passed 6-1 (Nay: Ms. Cough).

**C. Ferry Terminal Property Bond Issuance Update** – Stan Harmon, Finance Director explained the need to do a Bond Anticipation Note to purchase the parcel from MDOT next month because the lease is not completed yet. Once the final lease is in place the town can go to market on the 20 year bond for \$4.1 million in January. No Council action taken.

**D. Bay Ferries Lease Agreement** – Mark MacDonald, President of Bay Ferries (on the phone), provided an update on the project including meeting with the Coast Guard, pier inspection, the need to drive piles next to the first 75 feet of the north pier, as well as continued work on project cost estimates. He reviewed the letter

of financial commitment from the Province of Nova Scotia and the site work that will likely start, assuming the lease is agreed to, before the town owns the property in order to stay on schedule. Questions from the Council were asked about insurance, the north pier, the security zone, landscape plan, wave attenuation systems and co-leasing. A short recess at 8:13 pm. Back in session at 8:19 pm. Comments and questions from the public included Pancho Cole, Dessa Dancy, Jim O'Connell, Anna Durand, Donna Karlson, Jake Jagel, Peter St. Germain and Stefani Berkey.

Mr. Paradis, with second by Mr. Coston, moved to authorize the Town Manager to sign the 5 year lease agreement with Atlantic Fleet Services as presented and, further, support the concept of starting work on the project as outlined in the memo provided by Bay Ferries to the Council pending agreement by the State of Maine and any other required parties. Motion passed 7-0.

**E. Acadia National Park Advisory Commission Nomination** - Mr. Paradis, with second by Mr. Hochman, moved to re-nominate Ken Smith, for consideration by the Secretary of the Interior, to the Acadia National Park Advisory Commission. Motion passed 7-0.

**F. Interim Planning Director Appointment** - Planning Director Janna Richards has resigned effective October 31<sup>st</sup>. The Town Manager appointed Angela Chamberlain, Code Enforcement Officer as Interim Planning Director effective November 1, 2018. Mr. Paradis, with second by Ms. Cough, moved to approve the appointment. Motion passed 7-0.

**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.

**IX. TOWN MANAGER'S COMMENTS** – Mr. Knight reminded everyone to get their Transfer Station stickers. And that the floor at the Transfer Station will be treated to make it a non-skid surface, so one bay will be closed for 2 weeks and then the other side will be treated.

**X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS**

**Ms. Cough** thanked Janna Richards for her good planning work in the short time she was here.

**Ms. Noonan** said she was pleased to see the Council work together in the best interests of the town on a difficult issue.

**Mr. Minutolo** said it was a long road but glad to see new energy in the ferry site.

**Mr. Hochman** said there is a high school play the 2<sup>nd</sup> and 3<sup>rd</sup> weekends of November and encouraged people to attend.

**Mr. Friedmann** said it was nice to see 3 councilors attending the MMA Convention.

**XI. EXECUTIVE SESSION:** None.

**XII. ADJOURNMENT** – Mr. Paradis, with second by Mr. Hochman, moved to adjourn at 9:11 p.m. Motion passed 7-0.

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Cornell Knight, Town Manager