

Minutes
Bar Harbor Town Council
November 27, 2018
(Re-scheduled from November 20, 2018 due to weather)

- I. CALL TO ORDER** – 7:00 P.M.-In attendance were Councilors: Gary Friedmann, Matthew Hochman, Stephen Coston, Paul Paradis, Joe Minutolo, Erin Cough; and Town Manager Cornell Knight.
- A. Excused Absence(s)** – Mr. Paradis, with second by Mr. Hochman, moved to excuse Councilor Noonan as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.
- 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.* – None.
- III. APPROVAL OF MINUTES** -
1. *October 16, 2018 Regular Meeting*
 2. *November 5, 2018 Special Meeting – Annual Goal Setting*
- Mr. Paradis, with second by Mr. Hochman, moved to approve the minutes of the October 16th Regular Meeting as presented and the November 5th Special Meeting as presented. Motion passed 6-0.
- IV. ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Hochman, moved to adopt the agenda as presented. Motion passed 6-0.
- 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 November 13, 2018. 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. 2019 Council Meeting Schedule** – *Possible motion to adopt the 2019 Council Meeting Schedule as presented.*
 - B. Water Division Master Plan Grant** – *Possible motion to accept the 2018 Capacity Development Grant Award to be used to update the Master Plan.*
 - C. Ferry Terminal Property Bond** – *Possible motion to sign the Order authorizing the Treasurer and the Council Chair to sign the 2018 Bond Anticipation Note.*
 - D. Vehicle for Hire: Amy’s Taxi & Tours** - *Police Department approved and proof of insurance provided. Possible motion to approve one new taxi license as submitted by Amy Walton.*

E. Health Insurance Reimbursement Plan – *Possible motion* to adjust the maximum annual payouts, on a calendar year basis, available to eligible employees who choose to opt out of the Town’s health insurance coverage, as requested in the Payroll Supervisor’s memo dated November 13, 2018.

Mr. Paradis, with second by Mr. Hochman, moved to approve all items on the Consent Agenda as published. Motion passed 6-0.

VII. PUBLIC HEARINGS:

A. Age Friendly Committee Ordinance Amendment #2018-07 - *Public comment and possible adoption of an amendment to add the Age Friendly Committee as a standing committee.* – No public comments. Doreen Willett, Chair of the Task Force on Aging, addressed questions by Councilor Cough. Mr. Knight stated the members of the Task Force on Aging will need to be re-appointed to the new committee. The amendment takes effect in 30 days so the Appointments Committee has time to meet and make their recommendations.

Mr. Paradis, with second by Mr. Hochman, moved to adopt the amendment to Chapter 31 Age Friendly Committee #2018-07 as presented. Motion passed 6-0.

Age Friendly Committee Ordinance Amendment

Town of Bar Harbor

#2018-07

An Amendment to add a standing committee, the Age Friendly Committee, formerly the Task Force on Aging.

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

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

CHAPTER 31 – BOARDS, COMMITTEES AND COMMISSIONS

Article IX: Age Friendly Committee

§31-50 Mission.

There is hereby created the Age Friendly Committee, with a mission to provide services and advocacy that enable all residents of Bar Harbor to live in their homes for as long as possible as well as provide programs geared to keeping older adults active and engaged in the community.

§31-51 Appointment.

The Town Council shall appoint Bar Harbor residents to the Committee.

The Committee shall consist of 7 members with one member being a Town Councilor. There will also be 2 alternate members that serve 1 year terms and do not have voting rights.

The term of each member shall be for three years, except the initial appointments which shall be two appointments for 1 year; two appointments for two years and three appointments for three years. All newly designated committee members are to be sworn in by the Town Clerk.

§31-52 Meetings.

The Committee shall elect a Chair, Vice-Chair and Secretary at the first regular meeting of each year for a one year term. The Chair shall call a meeting at least once a month unless there are no

agenda items. The secretary shall take minutes at each meeting and send approved minutes to the Town Clerk. A quorum is 4 members of the Committee. Meeting agendas shall be posted on the bulletin board in the Municipal Building lobby and on the town's website.

§31-53 Duties and Responsibilities.

The Committee will:

- A. Identify needs of residents in the community.
- B. Provide opportunity for public input into strategic planning and delivery of services for all citizens.
- C. Recommend to Town Council services to fill those needs.
- D. Pursue outside funding sources to advance the work of the Committee.
- E. Explore ways to make Bar Harbor Age Friendly in the following 8 areas:
 - (1) Transportation
 - (2) Housing
 - (3) Outdoor spaces and building
 - (4) Social participation
 - (5) Respect and social inclusion
 - (6) Civic participation and employment
 - (7) Communication and information
 - (8) Community support and health services
- F. Provide an annual report to the Town Council.

[End of Ordinance]

- B. Dangerous Building** – *Public comment on the building located at 79 Cottage Street owned by St. Sauveur Development Corporation.* – Code Enforcement Officer Angie Chamberlain and Fire Chief Matt Bartlett summarized their findings and identified areas of deficiency, some of which the owner has already addressed.

Public comment made by Pete Bono, who provided handouts to Council with a photo and his recommendations.

After discussion, Mr. Hochman, with second by Ms. Cough, moved to direct the property owner of 79 Cottage Street to complete all the deficiencies laid out in the report dated October 15, as well as provide a structural survey of the building stating that the building is structurally secure, and request that the building owners also work with the town to clean up the exterior of the building. Motion passed 4-2 (Nay: Mr. Coston, Mr. Paradis).

VIII. REGULAR BUSINESS:

- A. Chamber of Commerce** – *Possible motion to approve closing a portion of Cottage and Federal Streets for the annual Winter Beer Fest on January 12, 2019 as requested by Chamber of Commerce.*

Councilor Coston stated he was recused last time this item came up. The recusal still carries.

Martha Searchfield, Chamber Executive Director, corrected the date of the event to January 19, 2019 with a snow date of January 20, 2019. Ms. Searchfield and Alex Maffucci of Atlantic Brewing responded to Council questions. Discussion included the Town Council's Alcoholic Beverage Policy.

Mr. Paradis, with second by Mr. Friedmann, moved to approve the 2019 Beer Festival Event Proposal from the Bar Harbor Chamber of Commerce as requested. Motion passed 3-2-1 (Nay: Mr. Hochman, Ms. Cough. Recused: Mr. Coston.)

Mr. Paradis, with second by Mr. Minutolo, moved to reconsider the previous action. Motion passed 4-1-1 (Nay: Mr. Paradis. Recused: Mr. Coston.)

Mr. Hochman, with second by Mr. Minutolo, moved to table this discussion to the Dec 4th meeting. Motion passed 4-1-1 (Nay: Mr. Paradis. Recused: Mr. Coston.)

- B. Main Street Streetscape** – *Plan presentation by Mike Rogers, LARK.* Landscape Architect Charlotte Evanofski presented the PowerPoint with Mr. Rogers. During the presentation, Chris Strout commented on the plan. Following discussion and questions, Mr. Paradis, with second by Mr. Hochman, moved to thank LARK for the streetscape presentation, place it on file and ask the town manager to seek proposals from engineers to offer alternatives to burying all the utility lines on Main Street and Cottage Street and take a surface look at grant opportunities. Motion passed 6-0.
- C. West Street Extension Sidewalk** - *Review cost estimates and options.* Public Works Director Chip Reeves presented the options. During discussion, Chris Strout and Arnold Lundquist spoke to this issue. Mr. Hochman, with second by Ms. Cough, moved to take no action on the construction of a new sidewalk on West Street Ext at this time but request the Public Works Director look into striping bike lanes on each side of West Street Ext and look into placement of signs. Motion passed 6-0.
- D. Winter Parking Ban** – *Discuss request to remove full time ban.* Mr. Hochman introduced the request by Alice Clair, who was not present. During discussion, Martha Searchfield spoke to this issue. Mr. Paradis, with second by Mr. Hochman, moved to keep the winter parking ban in place for now as recommended by Town Staff. Motion passed 6-0.
- E. Cruise Ships** – *Report on meeting with CLIA officials and a possible motion to approve a congestion study.* – Councilor Coston reported on the meeting he and Councilor Friedmann attended with CLIA. CLIA offered to fund the proposed congestion study as one of the short-term goals identified. Following discussion, Mr. Paradis, with second by Mr. Coston, moved to authorize CLIA to conduct a study of congestion as described in their proposal dated November 5, 2018 and thank them for their willingness to do so. Motion passed 4-2 (Nay: Mr. Minutolo, Ms. Cough).
- F. Ferry Terminal Property** – *Closing update from Town Manager.* – Mr. Knight related that the outside counsel preparing the closing documents contacted our attorney regarding a snag with the Governor’s deed exhibit of the Purchase and Sale Agreement. The Governor is refusing to sign unless the language “including municipal zoning requirements in effect on the date of this conveyance” is added. Our attorney is not sure why the language is needed or the impact of the language. MDOT agreed to amending the purchase and sale agreement which extends the

closing date to on or before January 31, 2019. Mr. Knight has signed the amendment and the extension is in place, and they will work on getting the issue resolved. No action taken by Council.

G. PAC Reporting During Municipal Referenda – *Possible motion to prepare an ordinance.* Councilor Friedmann introduced this topic. MRSA Title 21-A Chapter 13 regulates PAC reporting at the state level and for municipalities with population of 15,000 or more, other municipalities can opt in. Discussion included expanding the draft ordinance beyond just the section on PAC reporting. Mr. Paradis, with second by Mr. Hochman, moved to direct the town manager to prepare a draft ordinance for the Council consideration at a future meeting to adopt the Maine Ethics Commission Election Laws. Motion passed 6-0.

H. Charter Commission Appointment Process Review – *Discuss process to appoint three members to the Commission on December 4th.* Councilor Friedmann passed out a section of Council's Rules of Order, specifically #5 with two ways to appoint members to the commission. The town clerk will have a laptop with a spreadsheet prepared that will be projected on the screen. Names of nominees will be entered and every Councilor gets three votes, which will also be entered. After tallying, the top three choices are appointed. In the event of a tie, there will be an instant run off. Councilors agreed on the process.

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 6-0.

IX. TOWN MANAGER'S COMMENTS – None.

X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Cough thanked the YWCA for giving 20% of their mil rate as PILOT.

Mr. Minutolo hoped everybody had a great Thanksgiving, see you next week.

Mr. Hochman requested that at a future Council meeting we review the Rules of Order as the Charter requires.

Mr. Friedmann wished everyone a good evening and thank you.

XI. EXECUTIVE SESSION: None.

XII. ADJOURNMENT – Mr. Paradis, with second by Mr. Hochman, moved to adjourn at 10:45 p.m. Motion passed 6-0.

Sharon M. Linscott, Town Clerk