AGENDA
Bar Harbor Town Council
By Video Conference
May 5, 2020

The public can monitor by watching Spectrum channel 1303 or by live streaming on the town's website, www.barharbormaine.gov

I. CALL TO ORDER – 4:00 P.M.

A. Excused Absence(s)

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. Comments should be submitted to the Council Chair by email at jdobbs@barharbormaine.gov and will be read during the meeting.

III. APPROVAL OF MINUTES – April 21, 2020 Regular Meeting

IV. ADOPTION OF AGENDA

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. Vehicles for Hire – Possible motion to extend the expiration date for current vehicle for hire licenses from April 30 to June 30, 2020.

VI. PUBLIC HEARINGS- The public can call in at 288-1710 and enter code 0118220 to speak during the following public hearings.

A. New Special Amusement Permit Request

1. **Fogtown Brewing Company**, 33 Cottage St, request for Class 3a, three or more musicians with mechanical amplification as submitted by Jonathan Stein.

B. Special Amusement Permit Renewals

1. **Lompoc Café**, 36 Rodick St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by James Pike.
2. **Atlantic Brewing for Mainely Meats BBQ**, 15 Knox Rd, request for Class 3a, three or more musicians with mechanical amplification as submitted by Alex Maffucci.
3. **Atlantic Oceanside Hotel**, 119 Eden St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by David C. Witham.
4. **Atlantic Midtown**, 52 Cottage St, request for Class 3a, three or more musicians with mechanical amplification as submitted by Alex Maffucci.

VII. REGULAR BUSINESS:

A. COVID-19 – Governor Mills' reopening plan discussion.

B. **COVID-19 –** Zoom forum planning discussion.

C. **COVID-19 Task Force – Tabled from 4/21/20**. Possible motion to form a task force.

D. **COVID-19 Polco Survey Report** - Nina St. Germain, Engagement Coordinator.

E. **Road Closure –** Request from the Thirsty Whale to close Cottage Street from Rodick to Main during the upcoming season.

F. **Citizens' Petition: Vacation Rentals** – Council's final determination of petition and possible motion to place on the July 14, 2020 town meeting warrant.

G. **Road Acceptance –** Request by Joe Cough to discuss the possibility of the Town taking over a subdivision road

H. **Fire Prevention Ordinance Amendment -** Possible motion to schedule a public hearing for June 2, 2020 to hear comments on an amendment to Chapter 85 of the Municipal Code.

I. **Vehicles and Traffic Ordinance Amendment -** Possible motion to schedule a public hearing for June 2, 2020 to hear comments on an amendment to Chapter 194 of the Municipal Code.

J. **Permit and Paid Parking Policy –** Possible motion to amend.

K. **COVID-19 Pandemic Emergency Addendum to Personnel Rules –** Possible motion to enact.

L. **Treasurer's Warrants** – Request of Treasurer to authorize paid bills.

VIII. TOWN MANAGER'S COMMENTS

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

X. EXECUTIVE SESSION: (None Scheduled)

XI. ADJOURNMENT

To ensure your full participation in this meeting, please inform us of any special requirements you might have due to a disability. Please call 288-4098

Manager's Memo

To: Bar Harbor Town Council

cc: Department Heads

From: Cornell Knight, Town Manager

Date: Friday, May 1, 2020

Re: **Town Council Meeting of May 5th**

I. **A. Excused Absence(s) –** None that I am aware of but if there is one a possible motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).

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. Vehicles for Hire- see the enclosed memo from Sharon Linscott, Town Clerk regarding the renewal extension. A possible motion: to extend the expiration date for current vehicle for hire licenses from April 30 to June 30, 2020.

VI. **PUBLIC HEARINGS-** The public can call in at 288-1710 and enter code 0118220 to speak during the following public hearings.

A. New Special Amusement Permit Request

1. **Fogtown Brewing Company**, 33 Cottage St, following public comment a possible motion: to approve the special amusement permit to the Fogtown Brewing Company for a Class 3a permit.

B. Special Amusement Permit Renewals

2. **Lompoc Café**, 36 Rodick St, following public comments, a possible motion: to approve the special amusement permit to the Lompoc Cafe for a Class 3ad permit.
3. **Atlantic Brewing for Mainely Meats BBQ**, 15 Knox Rd, following public comments, a possible motion: to approve the special amusement permit to the Atlantic Brewing for Mainely Meats BBQ for a Class 3a permit.
4. **Atlantic Oceanside Hotel**, 119 Eden St, following public comments, a possible motion: to approve the special amusement permit to the Atlantic Oceanside Hotel for a Class 3ad permit.
5. **Atlantic Midtown**, 52 Cottage St, following public comments, a possible motion: to approve the special amusement permit to the Atlantic Midtown for a Class 3a permit.

VII. **REGULAR BUSINESS**:

A. Governor Mills' Reopening- Council discussion about the phased opening and action to be taken if any.

B. **Covid-19 Zoom forum planning discussion**- see the enclosed memo from Nina St. Germain, Engagement Coordinator, regarding some planning questions for the forum, which tentatively could be May 11th.

C. **COVID-19 Task Force – Tabled from 4/21/20**. Possible motion to form a task force. See the comments in Nina's memo.

D. **Polco-** Nina will review the results of the resident and business surveys.

E. **Road Closure-** there will be a discussion about the requests (enclosed) to close roads in the downtown area for pedestrian areas and outdoor dining.

F. **Citizens' Petition: Vacation Rentals** – The council had previously scheduled review of this matter for the May 19th meeting, but the Town Clerk needs ballot information to the printer by May 15th so this has been moved up. The Town Clerk has certified the petition and the warrant article is enclosed. A possible motion: to place the Citizens' Initiative vacation rental question on the July 14, 2020 town meeting warrant.

G. **Road Acceptance –** Request by Joe Cough to discuss the possibility of the Town taking over a subdivision road.

H. **Fire Prevention Ordinance Amendment –** see the enclosed memo from Angela Chamberlain, Code Enforcement Officer regarding the MUBEC and the NFPA Code. A possible motion: to schedule a public hearing for June 2, 2020 to hear comments on an amendment to Chapter 85 Fire Prevention of the Municipal Code.

I. **Vehicles and Traffic Ordinance Amendment –** see the enclosed proposed changes to the Traffic Ordinance that reflect the changes to the Permit and Paid Parking Policy. A possible motion: to schedule a public hearing for June 2, 2020 to hear comments on amendments to Chapter 194 Vehicles and Traffic Ordinance of the Municipal Code.

J. **Permit and Paid Parking Policy Amendments –** Enclosed are proposed changes to the Permit and Paid Parking Policy. The Parking Solutions Task Force recommends the following changes: the non-resident permit fee is reduced to $75; the guest permit is good for 3 days; parking is from May 15 through October 30; remove no longer needed info from section II B; kiosk time can be added from any kiosk; and paid parking be enforced between June 1 and October 30th (this item was not discussed by the task force). Enclosed is a pic of the sticker that will go on the current signs. A possible motion: to approve the amendments to the Permit and Paid Parking Policy as presented.

K. **COVID-19 Pandemic Emergency Ordinance –** Enclosed is an emergency addendum to the town's personnel rules. These rules identify the town's essential employees, clarifies social distancing, and explains emergency benefits from the Department of Labor. A possible motion: to approve the Emergency Addendum to the town's Personnel Rules as presented.

L. **Treasurer's Warrant** – A possible motion: <u>to sign the Treasurer's Warrants for paid bills.</u>

Minutes
Bar Harbor Town Council
By Video Conference
April 21, 2020

I. CALL TO ORDER – 4:00 P.M.- In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Erin Cough, Jill Goldthwait, Joe Minutolo; and Town Manager Cornell Knight.

A. Excused Absence(s) – all 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. Comments should be submitted to the Council Chair by email at jdobbs@barharbormaine.gov and will be read during the meeting* – None.

III. APPROVAL OF MINUTES – April 7, 2020 Regular Meeting

Mr. Hochman, with second by Ms. Cough, moved to approve the minutes of April 7, 2020 Regular Meeting as presented. Roll Call Vote:

Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

IV. ADOPTION OF AGENDA – Ms. Goldthwait, with second by Ms. Cough, moved to approve the agenda as presented. Roll Call Vote:

Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
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 highlighted his 9-month report then spoke about projections to the end of June due to the virus impact. Mr. Hochman, with second by Ms. Cough, moved to accept the financial report as presented. Roll Call Vote:

Dobbs Y
Hochman Y

Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0

VI. PUBLIC HEARINGS- *The public can call in at 288-1710 and enter code 0161561 to speak during the following public hearings.*

A. Special Amusement Permit Renewals

1. **Bluenose Inn**, *90 Eden St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Kaitlyn Conway.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for the Bluenose Inn for a Class 3ad permit as presented. Roll Call Vote:
   Dobbs Y
   Hochman Y
   Coston Y
   Friedmann Y
   Minutolo Y
   Goldthwait Y
   Cough Y
   Motion passed 7-0.
2. **Thirsty Whale**, *40 Cottage St, request for Class 3a, three or more musicians with mechanical amplification as submitted by Basil Eleftheriou, Jr.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for the Thirsty Whale for a Class 3a permit as presented. Roll Call Vote:
   Dobbs Y
   Hochman Y
   Coston Y
   Friedmann Y
   Minutolo Y
   Goldthwait Y
   Cough Y
   Motion passed 7-0.
3. **Kebo Valley Golf Club**, *136 Eagle Lake Rd, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by David Closson.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for Kebo Valley Golf Club for a Class 3ad permit as presented. Roll Call Vote:
   Dobbs Y
   Hochman Y
   Coston Y
   Friedmann Y
   Minutolo Y

Goldthwait Y
Cough Y
Motion passed 7-0.

4. **ImprovAcadia**, *15 Cottage St 2nd Fl, request for Class 4 Other Entertainment as submitted by Larrance Fingerhut.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for ImprovAcadia for a Class 4 permit as presented. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

VII. 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. Property Tax Write Offs - *Possible motion* to grant the Tax Collector and Treasurer the discretionary authority to write off any residual tax balances up to $10.00.

B. Cable TV Public Access Channel – *Possible motion* to approve the request from Jeff Dobbs to use Channel 1301 as outlined in the letter dated March 27, 2020.

Mr. Friedmann, with second by Ms. Cough, moved to approve the consent agenda as presented. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

VIII. REGULAR BUSINESS:

A. Tabled from 4/7/20 Age Friendly Committee Ordinance Amendment – *Review proposed changes and possible motion to schedule a Public Hearing for May 19, 2020.* Mr. Hochman, with second by Ms. Cough, moved to remove this item from the table. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y

Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

Committee Chair Doreen Willett participated and spoke to the changes requested. Ms. Goldthwait, with second by Mr. Hochman, moved to approve the proposed changes to Chapter 31 of the Municipal Code as presented and schedule a public hearing for May 19, 2020. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

B. Cruise Ship Standard Operating Procedures – *Review changes recommended by Cruise Ship Committee and possible motion to approve.* As the Council Representative to the Cruise Ship Committee, Mr. Coston presented the changes. Following discussion, Mr. Coston, with second by Mr. Hochman, moved to approve the amendments to the 2020 Cruise Ship Standard Operating Procedures as presented. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

C. Cruise Ship Tour Bus Policy – *Review changes recommended by Cruise Ship Committee and possible motion to amend.* Police Chief Jim Willis participated. Mr. Willis spoke to the proposed changes and answered Council questions. Mr. Hochman, with second by Mr. Coston, moved to approve the amendments to the Cruise Ship Tour Bus Policy as presented. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

D. Code Enforcement – *Possible motion to approve a consent agreement.* Tom Richardson participated. Mr. Coston, with second by Mr. Hochman, moved

to approve the Consent Agreement with Tom Richardson as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

E. **Parking Program –** *Request by Councilor Hochman to discuss the 2020 start date.* Council discussed moving the start date to June 1. Changes to the Permit and Paid Parking Policy will be on the May 5 agenda. No action taken.

F. **Vacation Rental Fees –** *Request by Councilor Hochman to discuss due date for weekly renal licenses and fees for 2020.* Following some discussion, no action taken.

G. **Vacation Rental Ordinance –** *Possible motion to schedule a workshop with the Planning Board.* Mr. Hochman, with second by Ms. Cough, moved to schedule a joint workshop with the Planning Board on April 28, 2020 at 4pm to receive input on the vacation rental regulatory process. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

H. **COVID-19 Pandemic –** Possible motions to:

1. *Send letter to the Governor.* Following discussion, no action taken.
2. *Schedule a facilitated virtual community forum.* Following discussion, Mr. Friedmann, with second by Mr. Minutolo, moved to schedule forums for May to discuss the pandemic crisis. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	N
Friedmann	Y
Minutolo	Y
Goldthwait	N
Cough	N

Motion passed 4-3 (Nay: Coston, Goldthwait, Cough).

3. *Form a Task Force.* Nina St. Germain and Alf Anderson, Director of the Chamber of Commerce, participated. Following discussion, Mr. Friedmann,

with second by Ms. Cough, moved to table to the May 5th meeting. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	N
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 6-1 (Nay: Coston).

4. *Enact Emergency Ordinance*. Mr. Knight presented an amended version to Council. Mr. Hochman, with second by Ms. Cough, moved to strike "Cancel all municipal meetings except Town Council, Planning Board and Design Review Board which will be conducted remotely, until May 15, 2020," and enact the Emergency Ordinance as amended. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	N
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 6-1 (Nay: Coston).

I. **Treasurer's Warrant** - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Ms. Cough, moved to sign the Treasurer's Warrants for paid bills. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

IX. TOWN MANAGER'S COMMENTS – None.

X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Minutolo encouraged everybody to stay healthy and be careful out there.

Ms. Cough felt there was really good discussion today, lots of concerns expressed and important things said. She thanked her fellow Councilors. She also thanked town staff for everything they are doing to keep this community safe, whether people adhere to the ordinances and requirements or not.

Mr. Hochman echoed thanks to town staff. He also thanked all the medical workers at the hospital and first responders, who are also dealing with accidents and trees down during wind storms. He also reminded people that all Councilors are available by email

or phone (listed on website). When rumors start, like today, check with us first and we will be honest with you.

Ms. Goldthwait thanked whoever started the repair on the major damage to the Shore Path.

Mr. Friedmann reminded people about the Share Our Stimulus program, if they do not need all or a part of their stimulus, go to sosmdi.org and the participating organizations on MDI will help the people most impacted by the current crisis.

Mr. Dobbs apologized for what he was thinking yesterday when he went to the transfer station and it was closed, forgetting that it was Patriot's Day. He indicated he got the president of the Village Improvement Society and the new Public Works Director together to get things going down on the Shore Path.

XI. EXECUTIVE SESSION: (none)

XII. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 6:48 p.m. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

Sharon M Linscott, Town Clerk

memo

IA

Town of Bar Harbor

To: Town Council

From: Sharon Linscott, Town Clerk SL

CC: Cornell Knight, Town Manager

Date: 4/23/2020

Re: Extension of Vehicle for Hire Expiration Date

The expiration date for vehicles for hire is stipulated by Municipal Code Chapter 40-4D: "All licenses so issued shall expire on the last day of the first April following their issuance." The COVID-19 Pandemic Emergency has made it difficult for the police department to conduct vehicle inspections and for the clerk's office to process applications. No applications have been received to date. After speaking with Police Chief Jim Willis, we request that Council extend the expiration date for all current licenses to the end of June.

Possible motion to extend the expiration date for current vehicle for hire licenses from April 30 to June 30, 2020.

Thank You.

VI A 1

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee
$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 04/15/20 Application Type: New ✓ Renewal ____ Permit Number: ____ (assigned by Town)

Applicant Name: Jonathan R Stein Business Name: Fogtown Brewing Company, LLC.

Business Address: 33 Cottage Street *Physical Address in Bar Harbor* Mailing Address: PO Box 328 Ellsworth, ME 04605 *If different*

Type of Business: Class IV Rest. *Restaurant, Bar, Nightclub, etc.* Location to be used: Main seating area *Where on the premises will the amusement take place? Use back of page if necessary.*

Text

Phone: (207) 370-0845

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No ✓
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No ✓
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☐ Class 3 – Three or more musicians

With Mechanical Amplification

- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☑ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ☑ Class 3ad – Three or more musicians

Other Entertainment or Amusement

- ☐ Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

*Dancing also requires a state permit & Fire Marshall inspection **IF State Permit is secured**

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Applicant's Signature

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on ____ *Date*

Sharon M Linscott, Town Clerk

Revised 07/08/2019

TOWN OF BAR HARBOR
Town Clerk's Office

93 Cottage Street, Suite I
Bar Harbor, Maine 04609-1400
Tel. 207-288-4098 Fax 207-288-4461

Sharon M. Linscott, Town Clerk email: clerk@barharbormaine.gov

April 24, 2020

NOTICE OF PUBLIC HEARING

New Special Amusement Permit Request

The Bar Harbor Town Council will hold a public hearing **Tuesday, May 5, 2020 at 4:00 pm** by video conference to consider a request for a Class 3a Special Amusement Permit, three or more musicians with mechanical amplification as submitted by:

Jonathan R Stein
Fogtown Brewing Company
33 Cottage St

The public can call in at 207-288-1710 and enter code 0118220 to speak during the public hearing.

As an abutting property owner within 300 feet of the boundary of the above property, you are hereby notified that this hearing will take place. You may wish to participate in the hearing where you will be given an opportunity to make comments or ask questions. The Town Council strives to hold meetings that are accessible to all. In order to ensure your complete participation in this meeting, we would appreciate your informing us of any special requirements you might have due to a disability.

VI B1

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee $129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 4/5/20 Application Type: New ____ Renewal ✓ Permit Number: ____ (assigned by Town)

Applicant Name: Train Song, Inc. Business Name: Lompoc Café + Bookstore

Business Address: 36 Rodick St. (Physical Address in Bar Harbor) Mailing Address: ____ (If different)

Type of Business: Café/bookstore (Restaurant, Bar, Nightclub, etc.) Location to be used: Main building on stage (Where on the premises will the amusement take place? Use back of page if necessary.)

Phone: 207 288 9392

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No ✓
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No ✓
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☐ Class 3 – Three or more musicians

With Mechanical Amplification

- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☑ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ☑ Class 3ad – Three or more musicians

*Dancing also requires a state permit & Fire Marshall inspection

Other Entertainment or Amusement

- ☐ Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

____
Applicant's Signature

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on ____
Date

____
Sharon M Linscott, Town Clerk

Revised 07/08/2019

VI B2

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee $129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: April 14, 2020 Application Type: New ____ Renewal X Permit Number: _____ (assigned by Town)

Applicant Name: Alex Maffucci Business Name: Atlantic Brewing/ Mainely Meats BBQ

Business Address: 15 Knox Road (*Physical Address in Bar Harbor*) Mailing Address: 15 Knox Road (*If different*)

Type of Business: Brewery-BBQ (*Restaurant, Bar, Nightclub, etc.*) Location to be used: 15 Knox Road (*Where on the premises will the amusement take place? Use back of page if necessary.*)

Phone: 207-288-9200

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes X No ____

If yes, describe the circumstances in the space below:

Amplification Denied 4/16/2013

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No X

If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☐ Class 3 – Three or more musicians

With Mechanical Amplification

- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☑ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ☐ Class 3ad – Three or more musicians

Other Entertainment or Amusement

- ☐ Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

*Dancing also requires a state permit & Fire Marshall inspection

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Alex Maff
Applicant's Signature

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on _____ (*Date*)

Sharon M Linscott, Town Clerk

Revised 07/08/2019

VI B3

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee $129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 4/15/2020 Application Type: New ____ Renewal ✓ Permit Number: ____ (assigned by Town)

Applicant Name: David C. Witham Business Name: 119 Eden St

Business Address: Atlantic Oceanside Hotel (Physical Address in Bar Harbor) Mailing Address: 119 Eden St (If different)

Type of Business: hotel/event center/bistro (Restaurant, Bar, Nightclub, etc.) Location to be used: 119 Eden St. (Where on the premises will the amusement take place? Use back of page if necessary.)

Phone: 207-664-1641 ext. 105

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No ✓
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No ✓
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification
- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☐ Class 3 – Three or more musicians

With Mechanical Amplification
- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☐ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*
- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ✓ Class 3ad – Three or more musicians

*Dancing also requires a state permit & Fire Marshall inspection

Other Entertainment or Amusement
- ☐ Class 4 – any other type of ente[redacted]nt, as provided by 28A MR[redacted].1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Applicant's Signature

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on ____ Date

Sharon M Linscott, Town Clerk

Revised 07/09/2019

0

VII B4

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee
$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 04/22/2020 Application Type: New _____ Renewal X Permit Number: _____ (assigned by Town)

Applicant Name: Alex Maffucci Business Name: Atlantic Midtown

Business Address: 52 Cottage Street *Physical Address in Bar Harbor* Mailing Address: 15 Knox Road *If different*

Type of Business: Brewery *Restaurant, Bar, Nightclub, etc.* Location to be used: 52 Cottage Street *Where on the premises will the amusement take place? Use back of page if necessary.*

Phone: 207-801-9700

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No X
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No X
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☐ Class 3 – Three or more musicians

With Mechanical Amplification

- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☑ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ☐ Class 3ad – Three or more musicians

Other Entertainment or Amusement

- ☐ Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

*Dancing also requires a state permit & Fire Marshall inspection

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Alex Maff
Applicant's Signature

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on _____
Date

Sharon M Linscott, Town Clerk

Revised 07/08/2019

5/1/20

Dear Council,

Here are some thoughts about the upcoming meeting.

Respectfully,
Nina St.Germain

Considerations for the upcoming Zoom forum:

VII B

As a council what are you hoping to achieve by having a public forum?

- What is the purpose?
- What input will you ask for?
- What information will you present?
- What will the date be for the forum?
- Who will facilitate the forum?
- How will you use the Zoom Platform?
    - Perhaps consider asking guiding questions to focus the input.
    - People can chime in on the chat portion with their written answers and questions
    - Data gathering could be a prime feature, if you had a specific purpose for the forum.

Considerations for Covid Taskforce, if you choose to have one:

VII C

- Should work on behalf of Council, and make recommendations based on direction provided by Council.
- Advocate to the State on behalf of businesses that may not fit into the one size fits all approach
- Provide economic impact info to the State about how the phased opening plan will affect the Bar Harbor economy, currently and then biweekly.
- Have a group that is in regular contact with DECD (via Council)
- What ways can you think outside the box to see if Bar Harbor can satisfy safe distancing and still safely serve a visitor?
    - Can Hannaford have outside operations for grab and go type items that may prevent people from having to go inside for large scale shopping?
    - Allow shops and restaurants to operate on part of the street/sidewalk?
    - Install picnic tables in Town parks to encourage picnicking with togo food
    - Replace garbage cans with open top receptacles
    - Consider street performances of live music, if it can't happen inside.
    - Consider curbside pickup stations for togo food in town

    - Consider open air pop up markets in Town Parks for Bar Harbor retail shops and restaurants
    - Consider street vendors opportunities for local retailers.
    - Consider alternatives to parades and fireworks that still accommodate for social distancing

- Determine cleaning procedures for Town maintained properties
- Sanitation Plans
- Help disseminate sanitation protocols created by the State/Chamber
- Help with sourcing for cleaning supplies for supplies like masks, gloves, sanitizers, and cleaning agents to help with reducing costs and maintaining standards.

**** I would ask that if you do not form a taskforce that you make a request of the Chamber to provide specific weekly recommendations for Council consideration because you value the contribution local business makes to the Town of Bar Harbor and want to work collaboratively to create a positive outcome for Bar Harbor businesses, their families, their employees, and the region.***

Polco Update

VII D

Two Surveys were assembled by Cornell Knight, Nina St.Germain, Alf Anderson, Gary Friedmann, and Michele Gagnon

The numbers indicated below are after 5 days of the Surveys being live on Polco. It will officially end on May 14th and you will receive a final summary of the results, as well as an initial "in progress" summary at Tuesday's Council Meeting.

The Covid 19 Resident Impact Survey consists of 12 questions and has received 284 subscriber responses as of 5/1

The Covid 19 Business Survey consists of 28 questions has received 131 subscriber responses as of 5/1
**This survey has overlapped with the Governor's Phased Opening Plan: the first 99 responses were prior to this news, 32 responses were after the news*

At this time, there are some delays in reporting with Polco and I have just received the spreadsheet. I will pass along the charted results to you prior to Tuesday's meeting. In the meantime, you can see the results and comments if you log into your own Polco account and click on the "Ongoing" tab. If you have participated in the surveys, then you are able to see all uptodate results and comments.

Engagement on Covid 19

Resident Survey
Business Survey
Forum

Purpose: To gather resident and business sentiment on Covid 19

Covid 19 Resident Impact Survey

As of 5/1
282 Participants
90% Confidence
Little variation between Verified Voter and those who are not (ie: neighboring town, non us resident, summer resident)

Question 1

Overall most are very informed about the current knowledge of Covid 19.

The least amount of knowledge is about current laws and regulations.

Q1

How would you rate your current knowledge of COVID-19 in the following areas?

The symptoms of COVID-19

Very informed	243
Somewhat informed	37
Slightly informed	3
Not at all informed	0

The ways the disease is transmitted

What I need to do to help prevent catching the virus

What to do if someone in my household shows signs of the virus

The current laws and regulations in my community relating to COVID-19

Q2 **What kind of information would help your household the most in dealing with COVID-19?**

Q3 **When critical information about COVID-19 in your community needs to be shared, how important to you, if at all, are the following outlets?**

Local television stations

Essential	92
Very important	50
Somewhat important	46
Not at all important	86

Local radio stations

Local newspapers

Town of Bar Harbor website

Town of Bar Harbor website

Town of Bar Harbor Covid Updates

Schools

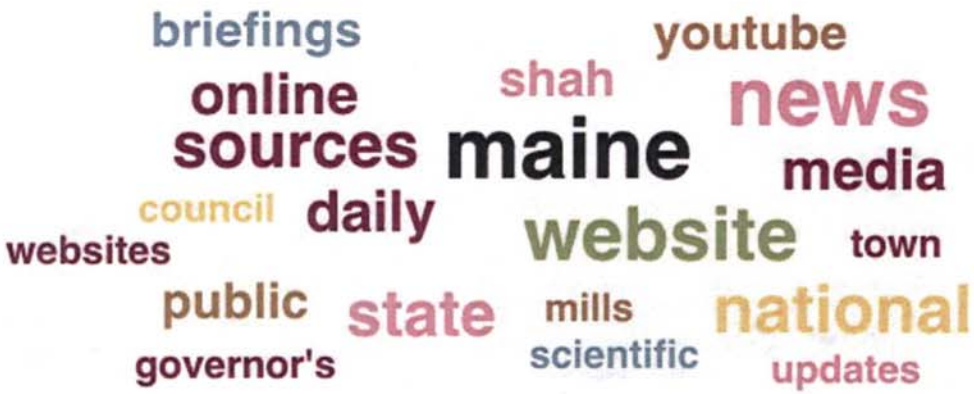
Social media

Other organizations such as churches, clubs and non-profits

Emails from organizations (e.g. schools, employers, etc.)

Word of mouth/heard from friend or family member

Q4 **If none of the outlets listed above are important for sharing critical information about COVID-19, please list other channels you use.**



Q5 **We know the COVID-19 pandemic is challenging in many ways. Please rate how much of a problem, if at all, the following are for your household CURRENTLY.**

Household member(s) have COVID-19 or COVID-like symptoms (fever, shortness of breath, dry cough)

Access to medical services (e.g. emergency care, basic medical care and needed prescriptions)

A shortage of food

A shortage of sanitation and cleaning supplies (e.g., toilet paper, disinfectants, etc.)

Not being able to exercise

Feeling alone/isolated, not being able to socialize with other people

Feeling nervous, anxious, or on edge

Not knowing when the pandemic will end/not feeling in control

Household members not getting along

Lack of technology to communicate with people outside of my household (e.g. internet access, computer, tablet, etc.)

Question 5 continued

Lack of technology to communicate with people outside of my household (e.g. internet access, computer, tablet, etc.)

Lack of skills to use technology to communicate

Providing financial, emotional, or other support for extended family not living with you

Helping my children with on-line schooling

Screen time

Lack of childcare/supervision

Loss of employment income

Loss of income from retirement savings

Q6 **If there are other significant challenges or problems you are facing because of the pandemic, please describe them.**

Q7

How would you rate your household on the following:

Overall physical health

Overall emotional/social health

Overall economic health

Excellent	30
Good	140
Fair	83
Poor	28
Don't know	1

Q8

Because COVID-19 test kits have not always been easily accessible, it is difficult to estimate our community's exposure. People who have had COVID-like symptoms may not have been tested and it can be hard to distinguish symptoms from the flu or common cold. The symptoms that generally define COVID are fever, dry cough, and shortness of breath. Since March 1, 2020 have you and/or members of your household experienced fever, dry cough, and/or shortness of breath?

Me

Yes	25
No	233
Maybe	20

Someone else in my household

Q9

Tests are not always recommended for milder symptoms, due to availability or because it is safer to stay home for people at lower risk. Have you and/or other household members been tested for COVID-19?

Me

Never tested	279
Not tested but presumed positive by a medical professional	1
Tested and awaiting results	0
Tested negative	3
Tested positive	0

Someone else in my household

Q10 **Overall, please rate the response of the following government organizations to COVID-19:**

The Federal government

The State government

Town of Bar Harbor

Excellent	65
Good	123
Fair	69
Poor	17
Don't know	10

Q11 **How would you rate the Town of Bar Harbor in the following categories?**

Generally acting in the best interest of the community

Being open and transparent to the public

Informing residents about issues facing the community

Overall confidence in your local government

Excellent	45
Good	119
Fair	88
Poor	27
Don't know	2

Q12 **What are your household's biggest concerns right now regarding COVID-19?**

To the Town Council, VII E

Thank you, all, for your hard work during this crisis. We are grateful for your time and thoughtful consideration to the health and well-being of our community. Our purpose in writing to you is to add our voices in support of Governor Mill's plan to re-open our economy and to offer some ideas to move our community forward.

In an effort to try to reimagine the season and how it would be possible to conduct business in a safe and logical way, we would like to propose the idea of closing down Cottage Street from Rodick Street to Main Street. It's our understanding that Gary Freedman has suggested possible street closures as well. We thought that this would be an opportune time to discuss this in more detail.

There are 10 restaurants located from Mid-Town Burger to Subway Sandwich Shop along Cottage Street. All of them have a small footprint and removing tables and/or bar seating to accommodate social distancing will have a significant impact in our capacity to do business. The smaller capacity of each restaurant will naturally create an increase in customers taking out food and a need for a safe place to eat it. There is a precedent for the temporary closure of Cottage Street and this is what we are requesting to happen once again, a temporary closure for the season as the weather improves. This closure would allow the town or individual restaurants to put tables in the street allowing a safe place for customers to enjoy their take out while also allowing extra room for pedestrian traffic. We suggest these tables would be available for anyone to use not just the restaurants. Naturally, there would be a need for someone to maintain and sanitize the area as well as the need for additional trash receptacles. The new outdoor space could be maintained in several ways, perhaps by a town employee or by a division of labor between restaurants.

Along with this we are also suggesting that the town look into adding tables in the Village Green and Agamont Park or the Agamont parking area to provide accommodations for diners in those areas. Both parks, along with Barker Park would also be ideal locations for the town to allow pop up shops for local stores to utilize since they too will be impacted.

Implementing these strategies would provide comfort to our residents and visitors by providing them with open air spaces to enjoy our town and patronize local businesses. It would also create an outdoor market feel throughout the town.

With these recommendations, we are also asking the town to petition Governor Mills to allow towns to temporarily loosen land use ordinances to accommodate such activities.

If we can be of further assistance in any way, please feel free to contact us.

Thank you for your time,

Heather Sorokin and Basil Eleftheriou Jr. , Thirsty Whale Tavern

Cornell Knight

From: Peter Hastings <hastings.peter@gmail.com>
Sent: Thursday, April 30, 2020 8:35 AM
To: alf@barharborinfo.com; Elizabeth Bunker; council@barharbormaine.gov
Subject: Padestrian Boardwalks

In light of recent events, I would ask the Town Council to strongly consider closing down large sections of Mount Desert Street, Main Street, Rodick street, and Cottage Street to auto traffic, and convert them to pedestrian walkways between 11am and 9pm this summer. This would allow our restaurants and smaller retail stores to set up shop in an open air environment that is better suited for the social distancing regulations that will be released shortly, and will ultimately limit their ability of operate indoors. Additionally, it would create a festive village feel, good press for the town, and give Bar Harbor some much needed notoriety among other coastal towns.

I understand that this will create some logistic issues, but desperate times call for desperate measures. These issues are all easily addressed with some creative thinking.

Bar Harbor is the tourism industry leader in Maine, we should continue to adapt and show other communities a path forward.

Thank you for your consideration,
Peter D. Hastings

Henry Hotels Inc.
PO Box 551 Bar Harbor, Maine 04609

Warrant Article
For the July 14, 2020
Bar Harbor Town Meeting

VII F

Article ___ CITIZENS' INITIATIVE: Changes to the Definition of Vacation Rentals in the Land Use Ordinance. – Shall the above-described ordinance be adopted?

To See if the Voters of the Town of Bar Harbor will adopt the following changes to the definition of Vacation Rentals in the Land Use Ordinance.

Old language is ~~stricken~~. New language is underlined

§ 125-109 **Definitions.**

VACATION RENTALS

Non-Hosted Vacation Rental

The use of a dwelling unit ~~or portion thereof~~ for rent to a family for a period of less than 30 days and a minimum of five days. Time-share property, as most recently defined in 33 M.R.S.A § 591, is also included in this definition.

Hosted Vacation Rental

The use of a dwelling unit, or portion thereof, on a homestead exemption property, for rent to a family for a period of less than 30 consecutive days.

The list of attached zones it would apply to:

District	Vacation Rental Permitting Authority
Bar Harbor Gateway	CEO
Village Historic	CEO
Mount Desert Street Corridor	CEO
Village Residential	CEO
Downtown Village I	CEO
Downtown Village II	CEO
Downtown Village Transitional	CEO
Downtown Residential	CEO
Emery	CEO
Hulls Cove Business	CEO
Hulls Cove Residential Corridor	CEO
Hulls Cove Rural	CEO
Indian Point Residential	CEO
Indian Point Rural	CEO
Industrial	
Ireson Hill Corridor	CEO
Ireson Hill Residential	CEO

McFarland Hill Residential	CEO
McFarland Hill Rural	CEO
Otter Creek	CEO
Resource Protection	
Salisbury Cove Corridor	CEO
Salisbury Cove Residential	CEO
Salisbury Cove Rural	CEO
Salisbury Cove Village	CEO
Schooner Head	CEO
Scientific Research	CEO
Town Hill Business	CEO
Town Hill Residential Corridor	CEO
Town Hill Residential	CEO
Town Hill Rural	CEO
Shoreland General Dev. I	CEO
Shoreland Limited Residential	CEO
Shoreland General Dev. II	CEO
Shoreland General Dev. III	CEO
Shoreland General Dev. IV	CEO
Shoreland Maritime Activities	
Stream Protection	
Marine Research	
Educational Institution	CEO

CEO – Code Enforcement Officer
SP- Site Plan
Blank – Not allowed

EXPLANATION: The changes would differentiate between owner-occupied vacation rental properties (homestead qualified, year-round residences) and dwelling units owned by non-residents. Non-residents would be prohibited from doing more than a single vacation rental per dwelling unit and from renting for stays of fewer than five days.

VII G

Cornell Knight

From: Joseph Cough <coughjoseph@gmail.com>
Sent: Friday, May 1, 2020 11:21 AM
To: Cornell Knight
Subject: Agenda item discussion points. The Farm, LLC subdivision.

Hi Cornell,

With respect to our request for a discussion item for Council....
We do recognize it's too early in the process to ask for a decision on our proposed road under the Town's Road Acceptance Policy. That said, the road design/route we take forward to the Planning Board may well have a bearing for the Council as we are able to discuss a route to access the ~fifty acre Town owned parcel from our lot. As we moved forward with this project, and being a member of the planning board I know two things that have been recently before Council. This may prove to be a conduit to either a solar farm, affordable housing lots, or similar use. If we can get a sense of the Council, we can decide perhaps on a number of differences to our road detail/design and power needs. For instance, a 5 megawatt array would require ~5 acres and also require 3 phase power but our needs won't exceed single phase. To that end pole heights differ depending on phase needs.

I hope this provides some clarity and insight into the hopeful agenda item.

Regards,

Joseph Cough
207-288-9999
coughjoseph@gmail.com

Road Acceptance Policy

16-Nov-1999

Town of Bar Harbor

1. Authority

The Town of Bar Harbor Comprehensive Plan adopted in November 1993, contained the following recommendation:

> Policy 5J -- *To expedite the procedure for accepting Town roads.* The Town Council should review the standards for Town roads. Depending on the number of houses or other criteria deemed important, acceptance of the road by the Town should be automatic if built to the correct specifications.

Section 00.03.04.11 of the Town Charter authorizes the Town Council to accept roads on behalf of the Town. No Town Meeting action is required.

2. Purpose

The purpose of this Road Acceptance Policy is to place into effect the procedures needed to accomplish the Comprehensive Plan directive and to assign responsibility for each step in the procedure, in order to reduce confusion and assure that roads are properly accepted.

3. Policy

It shall be the policy of the Bar Harbor Town Council to consider for acceptance all roads built to meet Town Land Use Ordinance standards, provided that the tax revenue reasonably estimated to be derived from the properties served by the road shall be sufficient to pay the estimated maintenance cost of the road, and that the procedures outlined in this policy are followed.

The Maine Supreme Court has ruled that a road may not be accepted on a conditional basis, such as the occurrence of some future event. [*State v. Calais*, 48 Me.456 (1860); *Wardens of Christ's Church v. Woodward*, 26 Me.172 (1846)]. Accordingly, this policy shall not be construed as creating a legally binding commitment for the Town and, notwithstanding this policy, a decision as to whether to accept a road may only be made by the Town Council on a case by case basis.

4. Newly Created Roads

When an owner is in the process of building a new road intended to be offered to the Town for acceptance, the following steps shall be followed:

4.1 The developer shall follow the standards and procedures as required by the Town Land Use Ordinance.

4.2 Public Works Director certifies to the Planning Board that the road design either meets the requirements of the Land Use Ordinance or that he agrees that it would be in the best interest of the Town to waive specific requirements.

4.3 Planning Board approves the subdivision sketch plan.

4.4 Developer requests that Council accept the road. Said request to include:

A. Cover letter requesting road acceptance and describing the project, including the length of the road, the number of building lots and the total estimated value of the buildings to be served.
B. Ten copies of the proposed subdivision sketch plan, as approved by the Public Works Director.
C. Proposed language of a warranty deed that will be used to transfer *fee simple* title to the Inhabitants of the Town of Bar Harbor.
D. Evidence of clear title in the form of an attorney's title opinion or a title insurance commitment.

4.5 Town Council reviews the proposal at a Council Meeting. No formal action to accept the road can be taken at this time.

4.6 Planning Board approves the subdivision plan.

4.7 Developer records the approved subdivision plan at the Registry.

4.8 Developer advises the Public Works Director that construction will begin, so that the Director can arrange for inspection.

4.9 Road is constructed to town standards by the developer.

4.10 Owner dedicates road to public use and requests that the Town accept it by:

A. Providing to the Council a cover letter requesting acceptance and describing the project as provided in section 4.4.A.

B. (1) Filing with the Council a warranty deed specifically describing the location of the road and the owner's interest therein and stating that the owner voluntarily offers to transfer such interest to the Town without claim for damages; or (2) filing in the Hancock County Registry of Deeds an approved subdivision plot plan that describes the property to be appropriated for public use and providing the Council with three copies of the recorded plan; and

C. If the owner has not done so pursuant to B(1) above, providing the Council with a warranty deed conveying to the Inhabitants of the Town of Bar Harbor *fee simple* ownership of the road; and

D. Providing to the Council either an attorney's title opinion or an owner's title insurance commitment indicating that upon the Town's acceptance of the deed no other party will have any interest in the road; and

E. Providing to the Council the Public Works Director's written certification that [road name] was built as required by the approved subdivision plan and in conformity with good construction practice.

F. Providing to the Council the Town Attorney's written certification that the proposed deed and the title opinion or title insurance commitment sufficiently protects the interests of the Town.

G. Providing to the Council a written warranty stating that for a period of one year from the date of Town of Bar Harbor acceptance the dedicating owner, [name] , will repair without cost to the Town any damage to the road as determined by the Bar Harbor Public Works Director, if said damage is caused by nature, heavy loads, washouts or poor construction practices, excepting snow plowing damage.

4.11 Town Council accepts the road by passing a motion: that (acting as the legislative body) the Town Council accepts the dedication made by [name of grantor] of title in *fee simple* in a strip of land bounded and described as shown on the plan recorded with the Hancock County Registry of Deeds in Plan File [number], No. [number], and to accept and establish a town way to be known as [name of road] on said strip of land.

4.12 Town Clerk records the deed at the Registry.

[Process Complete]

5. Donation of an Upgraded Private Road

It is the policy of the Bar Harbor Town Council not to accept existing roads unless and until they are in substantial compliance with the Land Use Ordinance road standards and the Town has been provided with good title. When the owners wish to have the Town assume maintenance of an existing road, the following steps shall be followed:

5.1 If there are more than three lots to be served by the proposed road, the owners elect a road committee of not more than three owners or advisors to work with the Town.

5.2 Owners or road committee meet with the Public Works Director to review road upgrade plan and discuss the Town's construction requirements.

5.3 Owners or road committee submits plans, profiles and cross-sections of the proposed road along with other construction details as required by the Public Works Director.

5.4 Public Works Director provides the Town Council with a letter, which certifies that the road design meets his/her requirements and those of the Land Use Ordinance with exceptions as noted or without exceptions.

5.5 Owners or road committee present a petition to the Town Clerk which is signed by all the parties having a property interest in the road. Said petition to read substantially as follows:

PETITION TO THE BAR HARBOR TOWN COUNCIL
REQUESTING ACCEPTANCE OF _____ ROAD

We the undersigned hereby request the Bar Harbor Town Council to accept the donation of _____ Road as a town way as described in the plan attached and agree:

A. to improve the road so that it meets the road standards as previously agreed with the Public Works Director,

B. to provide the Town with a warranty deed for a *fee simple* interest in the road,

C. to provide the Town with evidence of clear title in the form of an attorney's title opinion or a title insurance commitment.

D. to waive any claim for damages.

Signature	Printed Name	Map & Lot Number	Address	Phone

5.6 Town Council reviews the proposal at a Council Meeting. No formal action to accept the road can be taken at this time.

5.7 Owners or road committee advise Public Works Director that construction will begin, so that the Director can arrange for inspection of the construction as it progresses.

5.8 Road is constructed to Town standards by the owners or road committee.

5.9 Public Works Director certifies to the Council that that [road name] was built as required by the approved plan and in conformity with good construction practice.

5.10 Owners or Road Committee record a copy of the approved plan at the Registry.

5.11 Owners or Road Committee provides Town Attorney with signed warranty deed, copy of the recorded plan and attorney's title opinion or title insurance commitment.

5.12 Town Attorney certifies to the Town Council that he/she approves the proposed deed and title insurance and forwards the deed to the Town Clerk.

5.13 Town Council accepts the road by passing a motion: that (acting as the legislative body) the Town Council accepts the donation made by [name of grantor] of title in *fee simple* in a strip of land bounded and described as shown on the plan recorded with the Hancock County Registry of Deeds in Plan File [number], No. [number] and to accept and establish a town way to be known as [Name of Road] on said strip of land.

5.14 Town Clerk records the deed at the Registry.

[Process Complete]

6. Amendment

This policy may be amended unilaterally by the Town Council at any time with notice as required by law.

LEGISLATIVE HISTORY
15-Apr-97 Policy first adopted by Town Council
16-Nov-99 Amended by Town Council

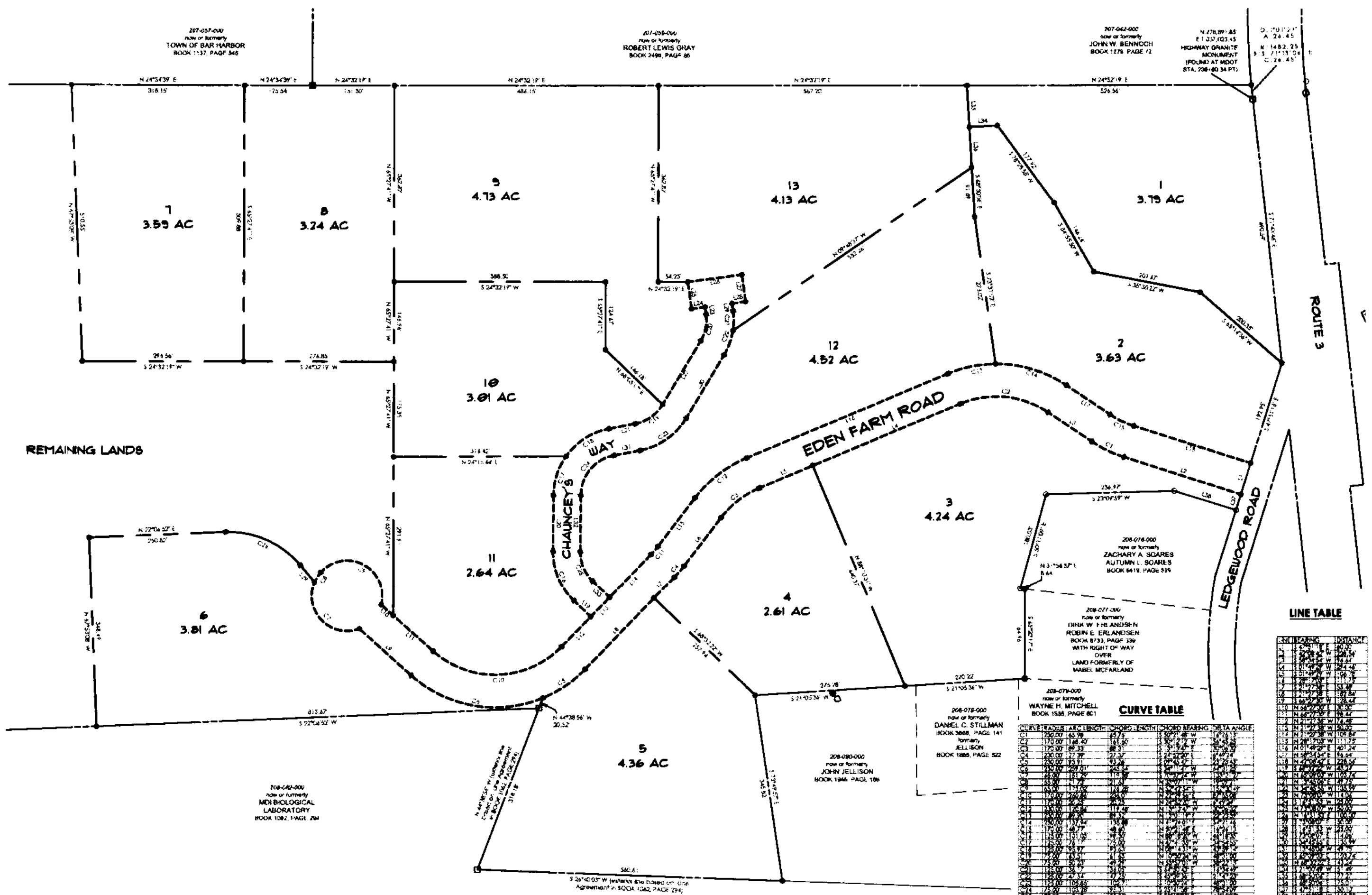
PLANNING BOARD CONDITIONS AND ENDORSEMENTS:

1. AFTER REVIEW OF SUBMITTALS INTENDING TO ADDRESS LOT SIZE AS RELATES TO THE ABILITY OF SOILS TO DISPERSE NITRATES FROM SEPTIC SYSTEMS IN §125-67. K.(8), THE BOARD APPROVES THE LOT SIZES ON THIS PLAT FOR DWELLINGS UTILIZING LISTED SEPTIC TECHNOLOGIES FOR A MAXIMUM NUMBER OF BEDROOMS AS SHOWN BELOW:

LOT NUMBER	SEPTIC SYSTEM USING CONVENTIONAL DISPOSAL METHODS	SEPTIC SYSTEM THAT INCLUDES PRE-TREATMENT FOR 25% NITRATE REDUCTION
1	NA	NA
2	4 BR	5 BR
3	4 BR	5 BR
4	3 BR	4 BR
5	6 BR	6 BR
6	3 BR	4 BR
7	4 BR	5 BR
8	4 BR	4 BR
9	5 BR	6 BR
10	4 BR	5 BR
11	3 BR	4 BR
12	4 BR	6 BR
13	4 BR	5 BR

2. LOTS 7 AND 8 SHALL BE ACESSED BY DRIVEWAYS IN A 30' RIGHT-OF-WAY CONNECTING TO EDEN FARM ROAD AND AS OTHERWISE STIPULATED IN §125-67. B. (7).

3. DWELLINGS ON LOTS 3 THROUGH 13 SHALL BE CONSTRUCTED WITH A RESIDENTIAL FIRE SUPPRESSION SYSTEM (SPRINKLERS) AND HAVE WELLS DRILLED AND PUMPS PLACED AT APPROPRIATE DEPTHS TO PROVIDE FIRE SUPPRESSION FOR AT LEAST TEN MINUTES.



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	230.00'	65.98'	65.76'	S 50°27'48" W	16°26'15"
C2	170.00'	168.40'	161.60'	S 30°12'22" W	56°45'25"
C3	170.00'	89.33'	88.31'	S [illegible] E	30°06'32"
C4	230.00'	27.39'	27.37'	S 24°57'20" E	6°49'24"
C5	230.00'	93.91'	93.26'	S 09°45'47" E	23°23'45"
C6	230.00'	259.01'	245.54'	S [illegible] W	[illegible]
C7	75.00'	151.29'	119.5[illegible]	S [illegible] W	[illegible]
C8	65.00'	21.73'	21.63'	N [illegible]°07'11" W	[illegible]
C9	65.00'	173.62'	126.28'	N [illegible] E	[illegible]
C10	170.00'	260.86'	[illegible]	N [illegible] E	[illegible]
C11	170.00'	[illegible]	[illegible]	N [illegible] W	[illegible]
C12	230.00'	176.84'	172.48'	N [illegible] W	[illegible]
C13	230.00'	[illegible]	89.37'	N [illegible] E	[illegible]
C14	230.00'	137.94'	[illegible]	N [illegible]°26'01" E	34°21'46"
C15	170.00'	48.77'	48.60'	N [illegible]°21'48" E	16°26'15"
C16	125.00'	101.03'	98.30'	N [illegible] W	46°18'35"
C17	125.00'	76.17'	75.00'	N [illegible] W	[illegible]
C18	125.00'	95.97'	93.63'	N [illegible] W	[illegible]
C19	75.00'	63.51'	61.63'	N [illegible] W	[illegible]
C20	75.00'	50.23'	49.29'	N [illegible] W	[illegible]
C21	125.00'	[illegible]	34.65'	S [illegible] E	[illegible]
C22	125.00'	47.54'	47.25'	S [illegible] E	[illegible]
C23	125.00'	105.65'	[illegible]	S [illegible] E	[illegible]
C24	75.00'	103.78'	95.31'	S [illegible] E	[illegible]
C25	75.00'	60.62'	58.98'	S [illegible] E	46°18'35"
C26	170.00'	156.29'	150.84'	S 48°27'05" W	52°40'28"

LINE TABLE

LINE	BEARING	DISTANCE
L1	[illegible] E	40.00'
L2	[illegible] W	226.54'
L3	[illegible] W	96.64'
L4	S 01°49'29" W	294.48'
L5	S 01°49'29" W	106.78'
L6	[illegible] E	111.75'
L7	S 21°27'38" E	53.48'
L8	[illegible] E	187.84'
L9	S 66°27'30" W	128.44'
L10	N 66°22'30" E	30.00'
L11	N 66°27'30" E	98.44'
L12	N 21°27'38" W	74.45'
L13	N 21°27'38" W	50.00'
L14	N [illegible]°27'38" W	109.84'
L15	N [illegible]°17'05" W	111.75'
L16	N 01°49'29" E	401.24'
L17	N 58°34'54" E	96.64'
L18	N [illegible]°08'47" E	228.56'
L19	[illegible] W	43.27'
L20	N [illegible] W	103.74'
L21	N [illegible] E	49.75'
L22	N [illegible] W	135.99'
L23	N [illegible] W	14.06'
L24	[illegible] W	25.00'
L25	N [illegible] W	55.00'
L26	N [illegible] E	100.00'
L27	[illegible]	[illegible]
L28	[illegible] W	25.00'
L29	[illegible] E	14.06'
L30	[illegible] E	135.99'
L31	[illegible] W	49.75'
L32	[illegible] E	103.74'
L33	N [illegible] E	143.24'
L34	[illegible] W	51.49'
L35	[illegible] E	77.22'
L36	[illegible] E	75.01'
L37	[illegible] E	30.17'
L38	S 41°39'28" W	119.77'
L39	S 74°47'19" W	40.63'

The Farm LLC
Ledgewood Road and
Maine Route 3
Bar Harbor ME
Subdivision
Plat

04.27.2020

Owner:
The Farm, LLC
4 HollandAvenue
Bar Harbor ME 04609

Scale: 1"=100'

Moore

Landscape Architecture · Landscape Ecology
Land Planning · Project Management

Perry N. Moore, ASLA/CLARB
Maine Licensed
Landscape Architect LAR2499

In association with:

PLISGA & DAY
LAND SURVEYORS
72 MAIN STREET
BANGOR, ME 04401
(207) 947-0019
www.WeMapIt.com

THIS PLAN WAS PREPARED FROM INFORMATION OBTAINED BY A SURVEY CONFORMING SUBSTANTIALLY TO THE REQUIREMENTS OF TECHNICAL STANDARDS CONTAINED IN CHAPTER 90, PART 2, OF THE RULES OF THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, EFFECTIVE APRIL 1, 2001.

JONATHAN M. STEWART, MAINE LICENSED PROFESSIONAL LAND SURVEYOR No. 2327

STATE OF MAINE
JONATHAN M. STEWART
NO. 2327
PROFESSIONAL LAND SURVEYOR

SITE LOCATION
1"=500'

LEGEND

- 3/4" REBAR SET BY PLISGA & DAY IN 2020
- IRON PIPE, FOUND 2019
- IRON ROD, FOUND 2019
- GRANITE MONUMENT, FOUND 2019
- WOOD STAKE, FOUND 2019
- STONE PILE, FOUND 2019
- WATER GATE/VALVE
- CATCH BASIN
- SEWER SYSTEM MANHOLE
- UTILITY POLE
- GUY/ANCHOR

SURVEY NOTES

1. BOOK AND PAGE CITATIONS SHOWN HEREON REFER TO THE HANCOCK COUNTY REGISTRY OF DEEDS.
2. COORDINATES AND NORTH ORIENTATION BASED ON MAINE COORDINATE SYSTEM OF 1983, EAST ZONE, NAD83_2011. COORDINATE VALUES SHOWN ARE IN U.S. SURVEY FEET ARE PROVIDED AS AN AID IN LOCATION. THE PHYSICAL LOCATION OF A COORDINATE LABELED POINT SUPERCEDES SAID COORDINATE VALUES.
3. SUBJECT PREMISES IS DESCRIBED IN THREE DEEDS TO CHAUNCY A. McFARLAND, JR. OR McFARLAND FAMILY, LLC, RECORDED IN THE HANCOCK COUNTY REGISTRY OF DEEDS:
   - 3.1. BOOK 1001, PAGE 311
   - 3.2. BOOK 1324, PAGE 200
   - 3.3. BOOK 5114, PAGE 92
4. STATE ROUTE 3 IS LABELED HEREON OF VARYING WIDTH, SHOWN. LEDGEWOOD ROAD (aka OLD ROUTE 3) ASSUMED TO BE A 3 ROD WIDE ROAD BASED ON MDOT PLAN AND MONUMENTS FOUND AT OR NEAR SIDELINE. LEDGEWOOD ROAD SIDELINES ARE CENTERED ON THE CENTERLINE OF THE TRAVELWAY OBSERVED.
5. VISIBLE FEATURES SHOWN HEREON WERE LOCATED ON THE GROUND BY PLISGA & DAY LAND SURVEYORS, DECEMBER 2019.
6. PLAN REVIEWED BY EDWARD B. JACKSON, DATED MARCH 2012, TITLED "PLAN SHOWING PROPERTY FOR THE HEIRS OF CHAUNCY MCFARLAND, JR. AT SALISBURY COVE BAR HARBOR." THIS SHOWED PROPERTY LINE NEAR JOHN JELLISON DIFFERENT THAN AS SHOWN BEING BASED ON JELLISON DEED.

WE, THE UNDERSIGNED MEMBERS OF THE BAR HARBOR PLANNING BOARD, AFTER DULY EXERCISED NOTICE, PUBLIC HEARING AND SUBSEQUENT DELEGATED AMENDMENTS, HAVE MADE SPECIFIC FINDINGS OF FACT PURSUANT 30-A MRSA SUBCHAPTER 4 AND LAND USE ORDINANCES OF THE TOWN OF BAR HARBOR. BASED ON THESE FINDINGS, THIS PLAT WAS APPROVED AS PART OF SUBDIVISION REVIEW BY A MAJORITY VOTE OF THE PLANNING BOARD.

TOM ST. GERMAIN, CHAIR — DATE

JOSEPH COUGH, VICE CHAIR (RECUSED) — DATE

BASIL ELEFTHERIOU JR., SECRETARY — DATE

ERICA BROOKS, MEMBER — DATE

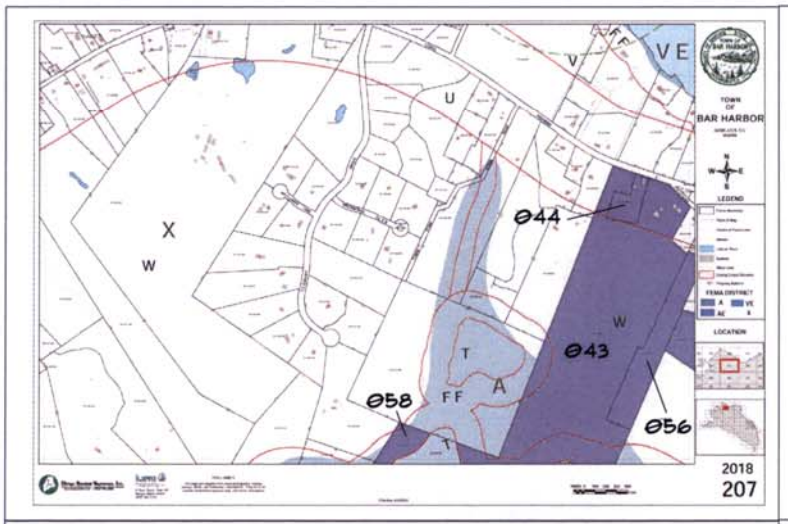
JOHN FITZPATRICK, MEMBER — DATE

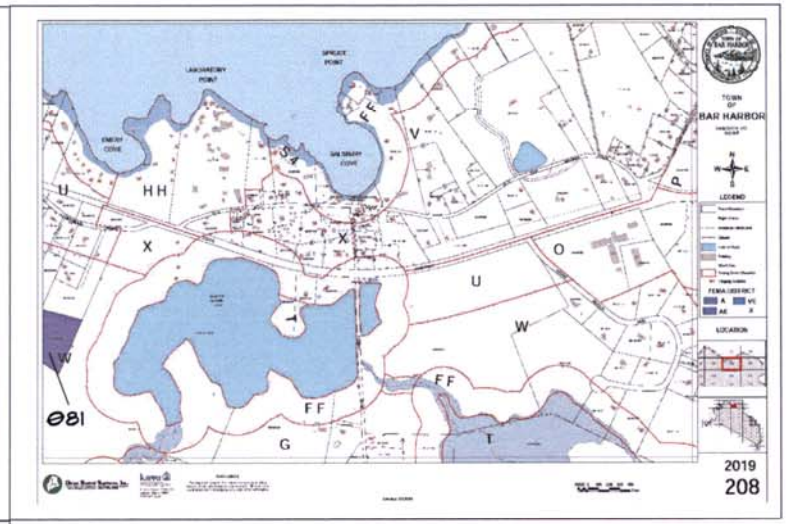
STATE OF MAINE,
HANCOCK SS. REGISTRY OF DEEDS

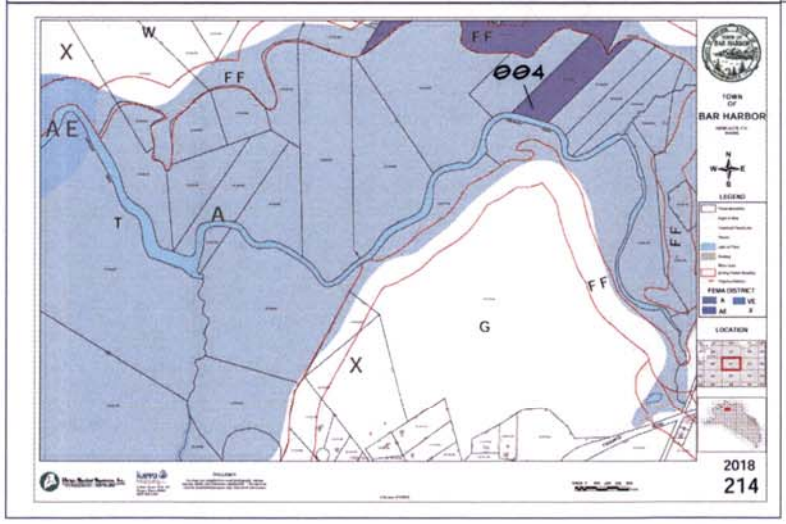
RECEIVED:
DATE:
TIME:
AND RECORDED, INSTRUMENT NO.
FILE:
NO:

ATTEST:

REGISTRAR OF DEEDS



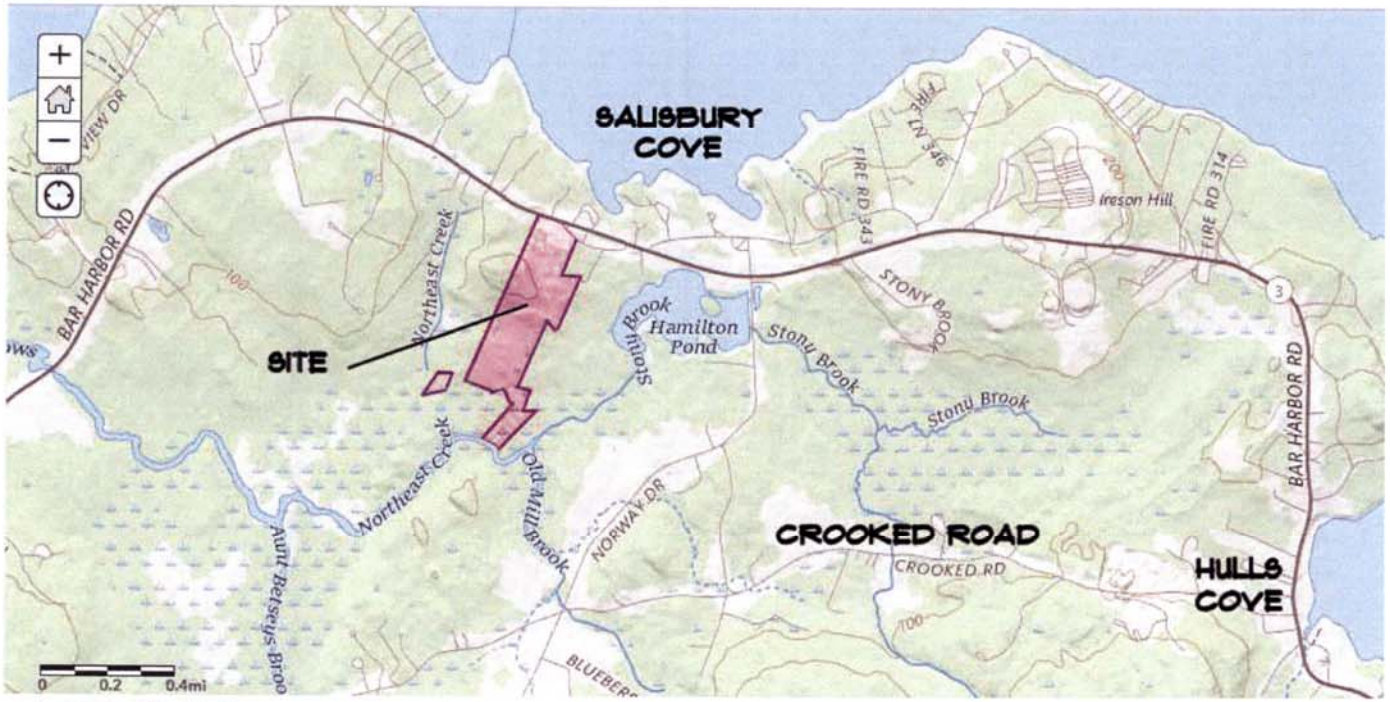




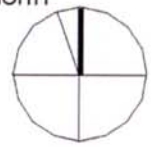
ASSESSOR'S MAPS 207, 208 AND 214, REDUCED.

PROJECT INVOLVES 207-043, 207-044, 207-056, 207-058, 208-081 AND 214-004.

EXHIBIT 8



Magnetic North
16°W



North 0°

03.07.2020

Applicant:
The Farm, LLC
c/o Joseph M. Cough, Sr.
4 Holland Avenue
Bar Harbor ME 04609

Project Manager:
The Moore Companies
PO Box 120
Hulls Cove ME 04644

Project is entirely located in the Town of Bar Harbor, Hancock County, Maine, and is identified on municipal tax map 207 lots 43, 44, 56, and 58, tax map 208, lot 81 and, tax map 214, Lot 4

Zoning District:
Properties are governed by Salisbury Cove Corridor, Salisbury Cove Rural, Shoreland Limited Residential and Resource Protection Districts.

E-911

Certificate of Compliance

This certifies that:

The Farm, LLC

Planning Board Application Number: **SD 219-01**

Road Name: **Eden Farm Way & Chauncey's Way**

Tax Map & Lot #: **207-043-000 & 207-044-000**

will be compliant with E9-1-1 as per the Bar Harbor Land Use Ordinance Chapter125 Article V § 125-66 item K

Steven Weed

Steven Weed - Addressing Officer

April 30, 2020

Date

VII H

MEMORANDUM

TO: ✓ Town Council Members
CC: Cornell Knight, Town Manager
Michele Gagnon, Planning Director
Matthew Bartlett, Fire Chief
FROM: Angela M Chamberlain, Code Enforcement Officer AV
DATE: April 23, 2020
SUBJECT: Chapter 85 Town Code

The Town Council recently held a public hearing and approved amendments to Chapter 85 in effort to resolve code conflicts between the Maine Uniform Building and Energy Code (MUBEC) as adopted in chapter 36, the Life Safety Code adopted in chapter 85, and to adopt and enforce the same codes as the State Fire Marshal.

Unfortunately, in the same period of time that we were working on revising our ordinance language, the State Fire Marshal's office was also working towards updating their codes to a more current edition.

The State Fire Marshal recently adopted with amendments, the **2018** NFPA 101 Life Safety and the **2018** NFPA 1 Uniform Fire Code.

I am proposing to amend Chapter 85 again to adopt the **2018** NFPA 101 Life Safety, and the **2018** NFPA 1, Uniform Fire Code as the Life Safety and Fire Prevention Codes with the same amendments the State Fire Marshal has adopted.

This will align all our building codes, life safety codes, and fire prevention codes with one another, and will be in alignment with the codes that are applied at the State level. This will make enforcement and application of the codes a consistent and fair process.

I am requesting that you consider scheduling a public hearing to amend Chapter 85 again as proposed in the attached document.

§ 85-1 Life Safety and Fire Prevention Codes.

A. Life Safety Code adopted. The 20~~09~~18 edition of the NFPA 101 Life Safety Code, as amended to avoid conflict with the Maine Uniform Building and Energy Code and as published by the National Fire Protection Association, is hereby adopted as the official Life Safety Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor.

(1) Amendments. NFPA 101, Life Safety Code, 20~~09~~18 edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Unvented fuel-fired heaters. Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.

~~(b) Extinguishment Requirements. The following provisions of NFPA # 101, Life Safety Code, 2009 edition, are not incorporated by reference:~~

~~[1] Chapter 12, section 12.3.5.3, subsections 3 & 4; and,~~

~~[2] Chapter 13, section 13.3.5.3, subsections 1 & 2.~~

(~~c~~b) Extinguishment Requirements in One- and Two- Family Dwellings. Section 24.3.5.1 of NFPA 101, Life Safety Code, 20~~09~~18 edition, is not incorporated by reference.

(~~d~~c) Stair risers, guards, treads, and tread nosing. The following provisions of NFPA 101, Life Safety Code, 20~~09~~18 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for newly constructed stairs in one- and two family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one- and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one-and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.~~5~~3.2 is modified to permit a nosing at least ¾" but not more than 1 ¼" in depth for newly

constructed one-and two family dwellings. Nosings are not required where tread depth is not less than 11".

(~~e~~d) Separated Occupancies. Tables 6.1.14.4.1 Part 1 & 2, ~~a & b~~, "Required Separation of Occupancies (hours.)" shall be crossed referenced with Table 508.4 Required Separation of Occupancies of the 2015 International Building Code(IBC). Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

(~~f~~e) Accessory Occupancies. Chapter 6, Section 6.1.14.1.3 of NFPA 101, Life Safety Code, 20~~09~~18 edition, is not incorporated. Section 508.2 Accessory Occupancies, of the 2015 International Building Code governs.

(~~g~~f) Dead End Corridors. The following provisions of NFPA 101, Life Safety Code, 20~~09~~18 edition, are modified as indicated: Chapter 18, Section 18.2.5.2 is modified to require dead end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4 is modified to require dead end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5 is modified to require that a dead end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 ft.

(g) Chapter 33.7.3.6 Add Section 19.7 shall apply in such instances.

B. Fire Prevention Code adopted. In accordance with 30-A M.R.S.A. § 3003, as amended, the NFPA 1, Uniform Fire Code, 20~~06~~18 edition, as published by the National Fire Protection Association, is hereby adopted as the Fire Prevention Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor. Said code is hereby incorporated by reference as the minimum standards for safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(1) Amendments. NFPA 1, Uniform Fire Code, 20~~06~~18 Edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Chapter 13, Section ~~2.2.2~~ 3.2.20.1 of NFPA 1, Uniform Fire Code, 20~~06~~18 edition, is not incorporated.

(b) Chapter 13, Section 3.2.3 shall be amended to read as follows: Chapter 13, Section 3.2.3 New buildings housing emergency fire, rescue or ambulance services shall be protected throughout by approved supervised automatic sprinkler systems. Sprinklers shall be permitted to be omitted from emergency fire, rescue or ambulance services that are storing vehicles or equipment only and are not part of a multiple mixed occupancy.

~~(b) Chapter 20, Sections 2.3.5; 3.2.1; 4.2.6; 5.2.5.4; 6.2.6; 7.2.6; 8.2.6; 9.2.2; 10.2; and 11.2 of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated.~~

~~(c) Chapter 65, Section 11 of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated. (See Rules of the State Fire Marshal, Chapter 25, and Title 8 M.R.S.A § 236.)~~

~~(d) Chapter 66, Table(s) 66.2.3.2.1.1(a); 66.2.3.2.1.1(b); 66.2.3.2.1.4. of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated.~~

~~(e) Chapter 20, Section 11.1 shall be amended to read as follows: Chapter 20, Section 11.1 Application. New and existing one and two-family dwellings shall comply with Section 20.11 and NFPA 101. Chapter 24, Section 3.5.1, of NFPA 101 shall not be incorporated in this rule.~~

C. Penalty. The violation of any provision of said Fire Prevention Code or Life Safety Code shall be punishable by a fine of not more than $500 plus costs and/or imprisonment for not more than six months. This penalty shall be deemed to be exclusive of any other appropriate legal or equitable action. Each day any violation of said code occurs or continues shall constitute a separate offense.

16 DEPARTMENT OF PUBLIC SAFETY

219 OFFICE OF STATE FIRE MARSHAL

Chapter 3: FIRE PREVENTION CODE

SUMMARY: This chapter establishes the rules and regulations prescribing the minimum requirements necessary to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion.

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1. This rule incorporates by reference the following National Fire Protection Association standard, available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269: NFPA #1, *Uniform Fire Code*, 2018 edition.

2. The following chapters and sections of NFPA #1, *Uniform Fire Code*, shall not be incorporated in the State of Maine:

   Chapter 13, Section 3.2.20.1 shall be removed with no substitution.

3. The following chapter and section shall be amended to read:

   Chapter 13, Section 3.2.3 New buildings housing emergency fire, rescue or ambulance services shall be protected throughout by approved supervised automatic sprinkler systems. Sprinklers shall be permitted to be omitted from emergency fire, rescue or ambulance services that are storing behicles or equipment only and are not part of a multiple mixed occupancy.

STATUTORY AUTHORITY: 25 MRS §2452

EFFECTIVE DATE:
August 17, 2002 - filing 2002-310

AMENDED:
August 18, 2004 - filing 2004-339
September 3, 2007 – filing 2007-363
November 27, 2019 – filing 2019-207

16 DEPARTMENT OF PUBLIC SAFETY

219 OFFICE OF STATE FIRE MARSHAL

Chapter 20: FIRE SAFETY IN BUILDINGS AND STRUCTURES

SUMMARY: This rule incorporates by reference National Fire Protection Association (NFPA) #101, *Life Safety Code,* 2018 edition; NFPA #80, *Standard for Fire Doors and other Opening Protectives,* 2019 edition; NFPA #220, *Standard on Types of Building Construction*, 2018 edition; NFPA #221 *Standard for High Challenge Fire Walls, Fire Walls and Fire Barrier Walls*, 2018 edition; and NFPA #241, *Standard for Safeguarding Construction, Alteration, and Demolition Operations*, 2019 edition. Specific provisions of the *Life Safety Code* have been excluded to avoid conflict with the *Maine Uniform Building and Energy Code*, and several provisions have been modified to make the provisions specific to Maine. This chapter also includes rules governing portable classrooms and indoor and special pyrotechnic events.

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1. This rule incorporates by reference National Fire Protection Association Standard #101, *Life Safety Code*, 2018 edition. All rights reserved by the National Fire Protection Association. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

   A. **Unvented fuel-fired heaters**. Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.

   B. **Extinguishment Requirements in One- and Two- Family Dwellings**. Section 24.3.5.1 of NFPA #101, the *Life Safety Code*, 2018 edition, is not incorporated by reference.

   C. **Stair risers, guards, treads, and tread nosing**. The following provisions of NFPA #101, *Life Safety Code*, 2018 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for newly constructed stairs in one- and two family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one- and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one-and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.3.2 is modified to permit a nosing at least ¾" but not more than 1 ¼" in depth for newly constructed one-and two family dwellings. *Nosings are not required where tread depth is not less than 11 inches.*

   D. **Separated Occupancies**. Tables 6.1.14.4.1 Part 1 &2, "*Required Separation of Occupancies (hours.)*" shall be crossed referenced with Table 508.4 *Required Separation of Occupancies* of the *2015 International Building Code (IBC).* Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

E. **Accessory Occupancies**. Chapter 6, Section 6.1.14.1.3 of NFPA #101, *Life Safety Code*, 2018 edition, is not incorporated. Section 508.2 *Accessory Occupancies,* of the *2015 International Building Code* governs.

F. **Dead End Corridors**. The following provisions of NFPA #101, *Life Safety Code*, 2018 edition, are modified as indicated: Chapter 18, Section 18.2.5.2 is modified to require dead end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4 is modified to require dead end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5 is modified to require that a dead end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 ft.

G. Chapter 33.7.3.6 Add. Section 19.7 shall apply in such instances.

2. This rule incorporates by reference the National Fire Protection Association Standard #80, *Standard for Fire Doors and other Opening Protectives*, 2019 edition. All rights reserved by the National Fire Protection Association. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

3. This rule incorporates by reference the National Fire Protection Association Standard #220, *Standard for Types of Building Construction*, 2018 edition. All rights reserved by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

4. This rule incorporates by reference the National Fire Protection Association Standard #221, *Standard for High Challenge Fire Walls, Fire Walls and Fire Barrier Walls*, 2018 edition. All rights reserved by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

5. This rule incorporates by reference the National Fire Protection Association Standard #241, *Standard for Safeguarding Construction, Alterations, and Demolition Operations*, 2019 edition. All rights reserved by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

6. Portable Classrooms

Portable Classrooms shall mean buildings manufactured and moved to a site to provide educational space for educational facilities. Similar portable classrooms may be site built if the installation follows these requirements and a construction permit is obtained in accordance with Title 25 M.R.S. §2448.

A. All portable classrooms shall be placed in such a manner that no part of the portable classroom is within 20 feet horizontally to any other building.

B. Groups of portable classrooms shall maintain 20 feet of clearance between individual buildings.

C. All groups of buildings under this construction shall have a construction permit issued by the Office of State Fire Marshal as required by Title 25 M.R.S. §2448.

D. Buildings and groups of buildings on the same property shall have fire alarm systems as required (NFPA 101, 2018 edition, Sections 14.3.4 and 15.3.4) and all systems shall be interconnected.

E. Fire Drills shall be conducted in conjunction with drills in main educational buildings.

F. Portable classrooms shall meet all egress requirements of the adopted National Fire Protection Association Standard #101, *Life Safety Code*, 2018 edition.

G. No installation shall be completed unless a letter from the municipal fire authority has been received by the Office of State Fire Marshal. This letter must indicate that the fire authority's ability to respond to fire emergencies will not be hindered by the placement of the portable classrooms and that the installations of the portable classrooms do not violate local ordinances.

7. Announcement required

At every event with a defined start time, where an assembly occupancy can accommodate 300 occupants or more, the event manager, operator, sponsor, or a designee shall make an audio announcement to all occupants, prior to the commencement of the event, regarding the following:

A. Location of exits;

B. Smoking rules and regulations;

C. Use of open flame devices;

D. What to do in case of emergency evacuation; and

E. Location of any first aid stations.

Such events include but are not limited to those held at armories, assembly halls, auditoriums, dance halls, exhibition halls, gymnasiums, special amusement buildings regardless of occupant load, and theaters.

STATUTORY AUTHORITY: 25 M.R.S. §2452 and 8 M.R.S. §236

EFFECTIVE DATE:
December 22, 1977 - filed September 27, 1978

AMENDED:
October 24, 1982
September 30, 1985
September 1, 1988
September 1, 1991
September 1, 1994

EFFECTIVE DATE (ELECTRONIC CONVERSION):
May 15, 1996

AMENDED:
January 2, 1999

REPEALED AND REPLACED:
August 7, 2001 - formerly Ch. 29

AMENDED:
March 11, 2003 - filing 2003-67 *(EMERGENCY, expires June 9, 2003)*
September 1, 2003 - filing 2003-302
August 18, 2004 - filing 2004-345

NON-SUBSTANTIVE CORRECTIONS:
September 13, 2004 - corrected section numbering

AMENDED:
September 21, 2004 - filing 2004-409, section 1.B reinserted
September 3, 2007 – filing 2007-371
July 27, 2011 – filing 2011-250
November 27, 2019 – filing 2019-210

Fire Prevention Ordinance Amendment

Town of Bar Harbor
#2020-xx

An Amendment to adopt the 2018 NFPA 101 Life Safety, and the 2018 NFPA 1, Uniform Fire Code as the Life Safety and Fire Prevention Codes with the same amendments the State Fire Marshal recently adopted.

The Town of Bar Harbor hereby ordains that Chapter 85, Fire Prevention, of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

CHAPTER 85 – FIRE PREVENTION

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§ 85-1 Life Safety and Fire Prevention Codes.

A. Life Safety Code adopted. The 20~~09~~<u>18</u> edition of the NFPA 101 Life Safety Code, as amended to avoid conflict with the Maine Uniform Building and Energy Code and as published by the National Fire Protection Association, is hereby adopted as the official Life Safety Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor.

(1) Amendments. NFPA 101, Life Safety Code, 20~~09~~<u>18</u> edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Unvented fuel-fired heaters. Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.

~~(b) Extinguishment requirements. The following provisions of NFPA 101, Life Safety Code, 2009 edition, are not incorporated by reference:~~

~~[1] Chapter 12, Section 12.3.5.3, Subsections 3 and 4; and~~

~~[2] Chapter 13, Section 13.3.5.3, Subsections 1 and 2.~~

(~~e~~<u>b</u>) Extinguishment requirements in one- and two-family dwellings. Section 24.3.5.1 of NFPA 101, Life Safety Code, 20~~09~~<u>18</u> edition, is not incorporated by reference.

(~~d~~<u>c</u>) Stair risers, guards, treads, and tread nosing. The following provisions of NFPA 101, Life Safety Code, 20~~09~~<u>18</u> edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5, is modified to permit a maximum seven-and-three-quarter-inch riser for newly constructed stairs in one- and two-family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5, is modified to permit a minimum guard height of 36 inches for newly constructed stairs in one- and two-family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5, shall be amended to permit a ten-inch tread depth for newly constructed stairs in one- and two-family dwellings only. Tread nosing as prescribed in Chapter **7**, Section 7.2.2.3.~~5~~<u>3.2</u>, is modified to permit a nosing at least ¾ inch but not more than 1 ¼ inches in depth for newly constructed one- and two-family dwellings. <u>Nosings are not required where tread depth is not</u>

less than 11".

(~~e~~d) Separated occupancies. Tables 6.1.14.4.1 ~~a and b~~Part 1 & 2, "Required Separation of Occupancies (hours.)", shall be cross referenced with Table 508.4, Required Separation of Occupancies, of the 2015 International Building Code(IBC). Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

(~~f~~e) Accessory occupancies. Chapter 6, Section 6.1.14.1.3, of NFPA 101, Life Safety Code, 20~~09~~18 edition, is not incorporated. Section 508.2, Accessory Occupancies, of the 2015 International Building Code governs.

(~~g~~f) Dead-end corridors. The following provisions of NFPA 101, Life Safety Code, 20~~09~~18 edition, are modified as indicated: Chapter 18, Section 18.2.5.2, is modified to require dead-end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4, is modified to require dead-end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5, is modified to require that a dead-end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead-end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 feet.

(g) Chapter 33.7.3.6 Add Section 19.7 shall apply in such instances.

B. Fire Prevention Code adopted. In accordance with 30-A M.R.S.A. § 3003, as amended, the NFPA 1, Uniform Fire Code, 20~~06~~18 edition, as published by the National Fire Protection Association, is hereby adopted as the Fire Prevention Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor. Said code is hereby incorporated by reference as the minimum standards for safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(1) Amendments. NFPA 1, Uniform Fire Code, 20~~06~~18 Edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Chapter 13, Section ~~2.2.2~~3.2.20.1, of NFPA 1, Uniform Fire Code, 20~~06~~18 edition, is not incorporated.

(b) ~~Chapter 20, Sections 2.3.5; 3.2.1; 4.2.6; 5.2.5.4; 6.2.6; 7.2.6; 8.2.6; 9.2.2; 10.2; and 11.2, of NFPA 1, Uniform Fire Code, 2006 edition, are not incorporated~~Chapter 13, Section 3.2.3 shall be amended to read as follows: Chapter 13, Section 3.2.3 New buildings housing emergency fire, rescue or ambulance services shall be protected throughout by approved supervised automatic sprinkler systems. Sprinklers shall be permitted to be omitted from emergency fire, rescue or ambulance services that are storing vehicles or equipment only and are not part of a multiple mixed occupancy.

~~(c) Chapter 65, Section 11, of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated. (See Rules of the State Fire Marshal, Chapter 25, and Title 8 M.R.S.A § 236.)~~

~~(d) Chapter 66, Table(s) 66.2.3.2.1.1(a); 66.2.3.2.1.1(b); 66.2.3.2.1.4, of NFPA 1,~~

~~Uniform Fire Code, 2006 edition, are not incorporated.~~

~~(e) Chapter 20, Section 11.1, shall be amended to read as follows: Chapter 20, Section 11.1 Application. New and existing one- and two-family dwellings shall comply with Section 20.11 and NFPA 101. Chapter 24, Section 3.5.1, of NFPA 101 shall not be incorporated in this rule.~~

***

[End of Ordinance]

Vehicles and Traffic Ordinance Amendment

Town of Bar Harbor
#2020-xx

VII I

An Amendment to remove references to specific dates for permit and paid parking enforcement.

The Town of Bar Harbor hereby ordains that Chapter 194, Vehicles and Traffic, of the Town Code is amended as follows:

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

CHAPTER 194 – VEHICLES AND TRAFFIC

***

§ 194-15 Paid parking devices on certain streets and public parking lots.

A. When signs are erected giving notice thereof and devices are installed, no person shall park a vehicle except in conformity with the following:

(1) Parking meters. Metered parking spaces will be enforced ~~between 9:00 a.m. and 8:00 p.m., from May 15 to October 31~~ consistent with the Bar Harbor Town Council permit and paid parking policy. Locations and rates of metered parking spaces will be regulated in accordance with the Bar Harbor Town Council permit and paid parking policy.

(2) Multispace Pay Stations or Kiosks. Multispace pay station or kiosk parking spaces will be enforced ~~from 9:00 a.m. to 8:00 p.m. from May 15 to October 31,~~ consistent with Bar Harbor Town Council permit and paid parking policy. Locations and rates of multispace pay station or kiosk parking spaces will be regulated in accordance with Bar Harbor Town Council permit and paid parking policy.

***

§ 194-28 Permit parking only.

A. Parking prohibited except by permit will be enforced consistent with the Bar Harbor Town Council permit and paid parking policy. ~~From May 15 through October 31, i~~It shall be unlawful and in violation of this article for any person to stop, stand or park any vehicle, other than a vehicle displaying a valid permit issued by the Police Chief or their designee ~~under regulations to be prescribed by Council order~~as prescribed in the Bar Harbor Town Council permit and paid parking policy, on those streets or portions of parking areas duly posted and which are described ~~below:~~in the Bar Harbor Town Council permit and paid parking policy.

***

[End of Ordinance]

VII J

Permit and Paid Parking Policy

Town of Bar Harbor

Applications for permits will be done entirely online. The town has contracted with IPS Group to manage the process. Permit applications will be obtained, completed and managed through the IPS Group portal. Permit approvals will be done during normal business hours, typically Monday through Friday 8:30 AM to 4:30 PM. Permit approvals will normally not be done on holidays and weekends.

Unless otherwise stated, all permits are good for one season.

I. Permit Types:

A. Resident Vehicle Permit- A person whose vehicle registration is within the Town of Bar Harbor and who pays excise tax to the Town of Bar Harbor shall be eligible to apply for one free seasonal parking permit for each registered vehicle.

Application Requirements:

Fee: $0
Application Materials Required: II. B. ~~4~~3
Application Approval by Finance Department during normal business hours

B. Employee Vehicle Permit- Any employee residing outside of the Town of Bar Harbor who is an employee of a Bar Harbor business shall be eligible to apply for a seasonal parking permit.

Application Requirements:

Fee: $30.00 plus transaction fees
Application Materials Required: II. B. ~~3~~2, ~~5~~4
Application Approval by Finance Department during normal business hours

C. Non Resident Vehicle permit- Non Resident Property Owner Permit: Any person who does not qualify for the Resident Vehicle Permit but who owns residential property and pays property taxes to the Town of Bar Harbor, shall be eligible to apply for a Non Resident Property Owner Permit for each registered vehicle.

Application Requirements:

Fee: ~~$150~~75.00 plus transaction fees
Application Materials Required: II. B. ~~2~~1, ~~3~~2
Application Approval by Finance Department during normal business hours

D. Commercial Fishing Permit – Commercial Fishing Permit: Any person who fishes commercially shall be eligible to apply for a Commercial Fishing Permit; limited to one parking space per commercial mooring. Issuance of this permit is limited to 30 per year.

Application Requirements:

Fee: $5.00 plus transaction fee

Application Materials Required: II. B. ~~2~~1, ~~3~~2, ~~7~~6

Application Approval by the Harbormaster during normal business hours

E. Municipal Employee Permit: Any Municipal employee shall be eligible to apply for a Municipal Parking Permit for parking in the Municipal Building Kiosk Lot.

Application Requirements:

Fee: $0

Application Materials Required: II. B. ~~3~~2, ~~5~~4

Application Approval by Finance Department during normal business hours

F. Bed & Breakfast Permit- Any Bed & Breakfast owner who requires on street parking for guests only in the "Permit Parking Only" designated areas shall be eligible to apply for a Bed & Breakfast Permit.

Application Requirements:

Fee: $750.00 per permit plus transaction fees

Application Materials Required: II. B. ~~2~~1, ~~6~~5a, ~~6~~5b

Application Approval by Parking Enforcement Personnel during normal business hours

G. Guest of Resident Permit- Guest of Resident Permit: Any guest of a resident who requires a permit for on street parking shall be eligible to receive a Guest of Resident Permit for parking in "Permit Only Parking" for a period of ~~one~~three days in duration.

Application Requirements:

Fee: $0 plus transaction fees

Application Materials Required: II. B. ~~11~~8

Application Approval by Parking Enforcement Personnel or Finance Department during normal business hours

H. Resident Recreational Boater Permit- Resident Recreational Boater Permit: Any resident recreational boat owner shall be eligible to apply for a Resident Recreational Boater Permit for parking in the boat trailer parking spaces in the Newport Drive Parking Lot. This permit has a one day duration.

Application Requirements:

Fee: $24.00 plus transaction fees

Application Materials Required: II. B. ~~2~~1, ~~3~~2, ~~7~~6

Application Approval by the Harbormaster or Parking Enforcement Personnel during normal business hours

I. Contractor/Dumpster Use of Space Permit – Contractor/Dumpster Use of Space Permit: Any contractor shall be eligible to apply for a Contractor/Dumpster Use of Space Permit where there is a verifiable lack of private property area to complete a physical improvement to the property under an approved Building Permit. This permit is limited to 5 days in duration.

Application Requirements:

Fee: $24.00 per metered space/day
Application Materials Required: II. B. ~~6~~5a
Application Approval by Parking Enforcement Personnel during normal business hours

J. Special Events Permit- Any person shall be eligible to apply for a Special Events Permit for any event requiring the blocking off of one or more paid parking spaces. This permit has a one-day duration only.

Application Requirements:

Fee: $24.00 per metered space blocked
Application Materials Required: II. B. ~~6~~5a
Application Approval by Parking Enforcement Personnel during normal business hours

K. Hospital Permit: Up to 75 permit spaces shall be issued for hospital employees to park only in the hospital zone (Hancock, Wayman and Center Streets). Parking spaces are not guaranteed.

Application Requirements:

Fee: $0 plus transaction fees in the amount of $2,250.00 annually
Application Materials Required: II. B. ~~3~~2
Application Approval by Finance Department during normal business hours

L. College of the Atlantic Student Permit: Any College of the Atlantic student shall be eligible to apply for a student parking permit to park in "Permit Parking Only" areas.

Application Requirements:

Fee: $30.00 plus transaction fees
Application Materials Required: II. B. ~~3~~2, ~~10~~7
Application Approval by Finance Department during normal business hours

M. Home Business/Weekly Rental Permit: Any business owner/weekly rental business owner shall be eligible to apply for a Home business/Weekly Rental Permit for on street parking for guests in the "Permit Parking Only" areas.

Application Requirements:
Fee: $750.00 per permit plus transaction fees
Application Materials Required: II. B. ~~2~~1, ~~6~~5a, ~~6~~5b
Application Approval by Parking Enforcement Personnel

N. Municipal Guest Permit- Municipal Guest Permit: These permits shall be issued through the Finance and Police Departments to accommodate parking for guests attending meetings or conducting Town business with Town staff, as directed by Department Heads or their designee. These permits shall be valid for both kiosk and metered spaces. These permits have a one day duration only.

Application Requirements:
Fee: Transaction fees paid by the Town
Application Materials Required: II. B. ~~3~~2
Application Approval by Finance Department

II. Permit Parking Rules

A. From May 15 through October 30 Permit holders may park their permitted vehicle anywhere designated "Permit Parking Only". Availability of parking within any designated area is not guaranteed. Permit holders must follow the appropriate payment and parking rules if parking within a metered or kiosk area. A parking ticket will be issued if the vehicle is parked outside of a designated permit area or in non-compliance with parking regulations of the Town of Bar Harbor. Parking regulations are enforced during the established Bar Harbor Parking Program schedule. Unless otherwise stated, Permits will be valid from the date of issuance through October ~~31~~30 of each year. Violation of these guidelines may result in a parking ticket and or revocation of permit.

1. Parking Permits are not required on the 4th of July holiday.
2. Parking enforcement on Sundays shall be from 12pm to 6pm.
3. On MDI Marathon Race Day parking on Lower Ledgelawn (Park Street south), Park Street, Glen Mary Road and Shannon Road will be allowed without a permit.

B. Information that may be needed to apply for permits depending upon type in Section I.

~~1. A valid driver's license~~

~~2~~1. Proof of property owner ship within the Town, such as a tax bill or utility bill.

~~3~~2. Proof of current excise tax and registration.

~~4~~3. Proof of current excise tax and registration in the Town of Bar Harbor.

~~5~~4. Pay stub or signed letter from employer.

~~6~~5. Proof of resident, business, lodging (B&B) ownership:

a. Parking spaces available on premises.
b. Number of beds or sleeping accommodations

~~7~~6. Proof of mooring registration.

~~8. Proof of current Building Permit~~

~~9. Approval from Department Head~~

~~10~~7. Valid student id card

~~11~~8. License Plate Number

C. Permits are not interchangeable between vehicles unless otherwise allowed herein
D. The Town of Bar Harbor reserves the right to deny a permit request and/or revoke parking permits for blatant non-compliance and abuse of the permit rules at any time.
E. There are no full or partial refunds on permit purchases.

III. Location of and Signage for Permit Areas
Permit area signs to read:

Parking by Permit Only
May15-Oct.30
9 am – 6 pm.

A. Locations Parking Areas Requiring a Permit

Permit Parking (streets within the area between Cromwell Harbor Road, Kebo Street, Eden Street where parking is not otherwise prohibited)

- Ash Street
- Atlantic Ave
- Billings Ave
- Brewer Ave
- Bridge Street
- Center Street
- Davis Place
- Derby Lane
- Des Isle Avenue
- Edgewood Street
- Federal Street
- First South Street
- Glen Mary Road
- Greeley Ave
- Hancock Street
- High Street
- Kennebec Ave
- Kennebec Place
- Kid's Corner Parking Lot
- Ledgelawn Ave
- Livingston Road
- Maple Ave
- Michigan Ave
- Myrtle Ave
- Newton Way
- Norris Ave
- Oliver Street
- Park Street
- Pleasant Street
- Roberts Ave
- Rodick Street
- School Street
- Shannon Road
- Shannon Way
- Snow Street
- Spring Street
- Stanwood Place
- Waldron Road
- Wayman Lane

*West St (Eden to Holland, south side)

IV. 15 Minute Parking Spaces

A. Signs to read

15 Minute Parking Only
9 am – 8 pm

B. Locations of areas for 15 minute parking spaces

- Cottage Street
    1. Four spaces north side directly in front of the Post Office
    2. Two spaces north side between Ash Place and Holland Avenue
- Mount Desert Street
    1. One space north side across from the Jesup Library

V. Paid Parking Areas

A. Locations of areas for paid parking (meters and kiosks)

- West Street - from Town Pier to Eden St.(except south side Eden to Holland)
- Cottage Street - from Main St. to Eden St.
- Mt. Desert Street – from Main St, to Ledgelawn Ave.
- Main Street – from West St. to Park St.
- Main Street RV Parking (Ballfield)
- Firefly Lane
- Rodick Place
- Bridge Street Parking Lot (Casino)
- Backyard Parking Lot
- Kid's Corner Parking Lot
- East Municipal Building Parking Lot
- Central Parking Lot (Old PD Lot)
- Grants Park
- Newport Drive Lot
- Town Pier Parking Lot

B. Rates for Paid Parking

1. Paid parking is $2 per hour and is restricted to one four hour session for each vehicle in the following meter locations:
    a. On Main St. from West St. to Hancock St.
    b. On Cottage St. from Main St. to Rodick St.
    c. On West St. from Main St. to Bridge St.
    d. On Mt. Desert St. from Main St. to Kennebec St.
    e. On Firefly Lane – all spaces
2. The fee of $2 per hour in the following parking lots: Backyard, Central Parking, Grants Park, Newport Drive and Town Pier.
3. The fee is $1.50 per hour for all metered areas not listed in 1 above and all remaining kiosk areas on the streets and parking lots.
4. Parking meters and kiosks shall operate on Sundays from 12 pm to 8 pm.

C. Ferry Terminal Site – ferry passenger vehicle fee is $12.00 per night for overnight parking.
D. No fee parking in designated areas near Municipal Building by Parking Enforcement Personnel on Election Day.
E. No fee parking on July 4th holiday.
F. Extension of time in kiosk areas can be done from any kiosk.
G. Paid parking is enforced June 1st through October 30th between the hours of 9:00 AM and 8:00 PM.

LEGISLATIVE HISTORY
3-19-19 – Introduced to Town Council
4-16-19 – Adopted by Town Council
5-7-19 – Amended by Town Council
5-21-19 – Amended by Town Council
7-1-19 – Amended by Town Council
8-20-19 – Amended by Town Council
9-3-19 – Amended by Town Council
9-17-19 – Amended by Town Council
5-5-20 – Amended by Town Council

PARKING
PERMIT
REQUIRED
MAY 15 TO OCT 30
9AM-6PM MON-SAT
12PM-6PM SUN

VII K

Personnel Rules for COVID-19 State of Emergency
Town of Bar Harbor

45.0 EMERGENCY ADDENDUM TO PERSONNEL RULES:

WHEREAS, on March 16, 2020, the Town of Bar Harbor declared a state of emergency relating to the COVID-19 pandemic, which was extended on April 21, 2020; and

WHEREAS, the Governor of the State of Maine declared a state of emergency on March 15, 2020, which was extended on April 14, 2020, and

WHEREAS, the Governor issued an executive order on March 31, 2020, requiring people to stay at home except to participate in essential activities until April 30, 2020, and a second executive order on April 29, 2020, setting forth a partial reopening plan extending through May 31, 2020; and

WHEREAS, community-based government operations and essential functions, including police, fire, public works, transfer stations, water, wastewater, and other employees who support mission essential functions are exempted from the stay at home order provided social distancing standards are observed; and

WHEREAS, the State of Maine and the United States Government have enacted a variety of emergency employment laws in response to the pandemic; and

WHEREAS, the combination of emergency laws and emergency orders necessitate a temporary amendment to the Town of Bar Harbor Personnel Rules;

NOW THEREFORE, the Town of Bar Harbor hereby amends its Personnel Rules as follows:

45.1 ESSENTIAL TOWN EMPLOYEES:

For the purpose of this Policy, "Essential Town Employees" are defined to mean those employees who are performing essential operations including, but is not limited to, police, finance, fire, public works, transfer stations, water, wastewater, tax and assessing, administration, and Town Clerk. The Town Manager will assess whether other positions qualify on a case-by-case basis.

Essential Town Employees are expected to report to work as usual. Essential Town Employees may request to temporarily work from home if doing so is feasible given the essential service provided. Working from home is not deemed feasible for police, fire, public works, transfer station, water and wastewater; other employees will be evaluated on a case-by-case basis. To be approved to work from home, an employee must submit a written request to work from home to the employee's supervisor. The supervisor, in consultation with the Town

Manager, will determine whether the employee's position is conducive for remote work on a temporary emergency basis.

A. If the request is granted, the employee shall set up an appropriate workspace. The employee shall consult with the Technology Systems and Services Administrator regarding remote connections and any hardware issues. The employee shall keep accurate records of all time worked and submit them on a weekly basis to their supervisor.

B. If the request is denied, the employee is expected to report to work as usual. If such an employee nevertheless chooses to be absent from work, the employee may use his or her accrued sick, comp, and/or vacation time to maintain pay during the voluntary absence. If the employee does not have accrued time, the employee may request an advance of sick time. The grant or denial of such request is within the Town Manager's sole discretion. Sick and vacation time accrued will be prorated based upon work time. See section 8.1 of Personnel Rules.

Certain benefits may be available to employees who are required to be: absent due to illness related to COVID-19; quarantined for reasons related to COVID-19; or who are caring for immediate family members, including children who are ill or whose school has been cancelled due to COVID-19. See 45.4.

45.2 NON-ESSENTIAL EMPLOYEES:

For the purpose of this Policy, "Non-essential Town Employees" are defined to mean those employees who do not fall within the definition of essential employee.

Non-essential Town Employees may request to temporarily work from home if doing so is feasible. To be approved to work from home, an employee must submit a written request to work from home to the employee's supervisor. Requests will be evaluated on a case-by-case basis. The supervisor, in consultation with the Town Manager, will determine whether the employee's position is conducive for remote work on a temporary emergency basis.

A. If the request is granted, the employee shall set up an appropriate workspace. The employee shall consult with the Technology Systems and Services Administrator regarding remote connections and any hardware issues. The employee shall keep accurate records of all time worked and submit them on a weekly basis to their supervisor.

B. If the request is denied, the employee is expected to not report to work as usual. The employee may use his or her accrued sick, comp, and/or vacation time to maintain pay during the absence. If the employee does not have accrued time, the employee may request an advance of sick time or request sick time transfer as per section 8.7 of the Personnel Rules. The grant or denial of such request is within the Town Manager's sole discretion.

Certain benefits may be available to non-essential employees who are required to be: absent due to illness related to COVID-19; quarantined for reasons related to COVID-19; or who are caring for immediate family members, including children who are ill or whose school has been cancelled due to COVID-19. See 45.4.

45.3 SOCIAL DISTANCING FOR EMPLOYEES AT THE WORKPLACE

All employee who are working at their regular places of employment shall adhere to the following social distancing to the extent practicable:

A. do not allow customer, vendor or other visitor in-person contact;

B. do not allow more than 10 people to convene in space where social distancing is not possible;

C. maintain a separation distance of six (6) feet wherever possible;

D. wash/sanitize hands on a regular basis and clean highly-touched surfaces daily; and

E. report symptoms of fever, dry cough, or shortness of breath.

Employees may, but are not required to, wear face masks.

45.4 EMERGENCY BENEFITS:

Emergency Paid Sick Leave. Under the federal law, employees are entitled to 80 hours of paid sick time for full-time employees. Part time employees are entitled to a prorated amount of paid leave. This leave is separate from and above an employee's normal sick leave.

A. Paid sick leave may be used where an employee:

1. is subject to a federal, state or local quarantine or isolation order related to COVID;

2. has been advised by a health care provider to self-quarantine due to concerns related to COVID;

3. is experiencing symptoms of COVID and seeking a medical diagnosis;

4. is caring for an individual who is subject to an order to quarantine or isolate or has been advised to do so;

5. is caring for a son or daughter if the school or place of care for child is closed or child care provider is unavailable, due to COVID; or

6. substantially similar conditions identified by the Department of Labor.

B. If the leave is because the employee is unable to work or telework due to a need for leave because the employee (1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; (2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or (3) is experiencing symptoms of COVID-19 and is seeking medical diagnosis, the employee will receive for each applicable hour the greater of:

- His/her regular rate of pay;
- the federal minimum wage in effect under the FLSA, or
- the applicable State or local minimum wage.

The maximum is $511 per day, or $5,110 total over the entire paid sick leave period.

C. If the leave is because the employee is: (1) caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; (2) caring for the employee's child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons; or (3) experiencing any other substantially-similar condition that may arise, as specified by the Secretary of Health and Human Services, the pay is 2/3 of the greater of the amounts above. Under these circumstances, the maximum is $200 per day, or $2,000 over the entire two-week period.

D. Emergency paid sick leave is not subject to deductions for state and federal income tax or the employee contribution to social security. The pay is subject to such deductions voluntarily made by the employee to pay for health insurance premiums, income protection, AFLAC, retirement account contributions, etc. They are also subject to any court mandated deductions.

Emergency Family Medical Leave. Under federal law, employees who have been employed for at least 30 calendar days are entitled to use their 12 weeks of FMLA leave when the employee is unable to work or telework due to the need for leave to care for the son or daughter under age 18 if the school or place of care has been closed, or the child care provider is unavailable, due to public health emergency.

A. The first 10 days are unpaid but an employee may use the paid leave in (A), or substitute accrued vacation, sick, or comp time.

B. After the first 10 days, the leave is paid in the amount of 2/3 of regular rate of pay based on number of hours employee normally scheduled to work; not to exceed $200 per day and $10,000 in the aggregate.

The Emergency Family Medical Leave provisions do not apply to emergency responders.

45.5 RELATION TO EXISTING PERSONNEL RULES:

Except as otherwise provided herein, the provisions of the Town of Bar Harbor Personnel Rules shall remain in full force and effect.

45.6. REVISION TO PERSONNEL RULES:

The Town Council may change these rules unilaterally at any time.

45.7 SEVERABILITY AND SAVINGS:

If any provision of these rules shall be determined to be contrary to law, the validity of the remaining provisions shall not be affected.

45.8 EFFECTIVE DATE AND SUNSET:

These rules shall become effective as of the date adopted by the Town Council and, unless the Town Council takes action to extend or earlier repeal them, this Emergency Addendum to Personnel Rules shall automatically repeal at 11:59 PM on December 31, 2020.