

**Minutes**  
**Bar Harbor Town Council**  
**By Video Conference**  
**May 19, 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; and Town Manager Cornell Knight. Joe Minutolo joined at 4:13pm.

**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](mailto:jdobbs@barharbormaine.gov) and will be read during the meeting* – None.

**III. APPROVAL OF MINUTES – May 5, 2020 Regular Meeting**

Mr. Hochman, with second by Ms. Cough, moved to approve the minutes as presented.

Roll Call Vote:

Dobbs            Y

Hochman       Y

Coston         Y

Friedmann     Y

Goldthwait    Y

Cough          Y

Motion passed 6-0.

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

Dobbs           Y

Hochman       Y

Coston         Y

Friedmann     Y

Goldthwait    Y

Cough          Y

Motion passed 6-0.

**V. FINANCIAL REPORT** - *Review and possible adoption of a motion to accept the financial statements as presented.* Finance Director Stan Harmon summarized his report and answered Council questions. 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 0173231 to speak during the following public hearings.* Chair Dobbs announced that the code changed to 0184941.

**A. Special Amusement Permit Renewals**

1. **Bar Harbor Club & Spa, 111 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Richard Ade.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for the Bar Harbor Club & Spa for a Class 3ad as presented. Roll Call Vote:

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

2. **Stewman’s Lobster Pound Downtown, 35 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Patrick Walsh.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for Stewman’s Lobster Pound Downtown for a Class 3ad as presented. Roll Call Vote:

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

3. **West Street Hotel, 50 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Michael Walsh.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for West Street Hotel for a Class 3ad as presented. Roll Call Vote:

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

Cough Y  
Motion passed 7-0.

- 4. **Dog and Pony Tavern, 4 Rodick Place, request for a Class 4, Other Entertainment, as submitted by Amanda Gallant.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for the Dog and Pony Tavern for a Class 4 as presented. Roll Call Vote:

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

- B. Ethics Ordinance Amendment #2020-03 – Public comment and possible adoption of the amendment to Chapter 78 of the Municipal Code.** There was no public comment. Ms. Cough identified a typo under C-4 where the word “case” should be “cause”. The correction will be submitted with the amendment. Mr. Hochman, with second by Ms. Cough, moved to adopt the amendments to Chapter 78 Ethics Ordinance of the Municipal Code as presented. Roll Call Vote:

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

Motion passed 6-1 (Nay: Goldthwait).

**Ethics Ordinance Amendment**  
Town of Bar Harbor  
#2020-03

**An amendment to clarify conflict of interest.**

*The Town of Bar Harbor hereby ordains that Chapter 78 Ethics of the Town Code is amended as follows:*

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

**CHAPTER 78 – ETHICS**

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**Article II: Code of Ethics**

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**§78-12 Conflicts of Interest.**

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C. Determination of conflict. Once the issue of conflict has been raised relative to an individual member and disclosure has been made as provided above, such individual's fellow members shall

review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest, or the appearance of a conflict of interest, with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each member present, except the individual member who is alleged to have a conflict of interest, shall vote on all conflict of interest questions.

(1) All votes of conflict of interest questions shall be recorded. A majority of those present and voting shall determine the question.

(2) Upon determination that a conflict of interest ~~in fact~~ exists, the member concerned shall be excused from participating as a member in discussion, deliberation or vote on the relevant agenda item at that meeting and at all future meetings, unless the conflict is resolved, ~~and shall remove themselves from the meeting room as provided below.~~

(3) In the event that a majority of the agency, or subcommittee thereof, shall require disclosure of further information not immediately available or shall require confirmation of the information disclosed, consideration of the relevant agenda item shall be postponed to an appropriate time.

(4) As provided by the Maine Freedom of Access Act, an agency may enter executive session to discuss a potential conflict of interest, but only upon a motion "to go into executive session as permitted by 1 M.R.S.A. § 405.6.A for discussion or consideration of a potential conflict of interest, since open discussion could reasonably be expected to ~~ease~~cause damage to the reputation of the individual or infringe on the individual's right to privacy."

D. Influence prohibited. Once a member is determined to have a conflict of interest in respect to any agenda item and once all conflict of interest questions relating to the agenda item concerned have been determined as provided above, said individual shall immediately leave his/her seat at the table and shall not vote, participate in the deliberation, or otherwise take part in the decision making process ~~remove themselves from the meeting room and the sight of the remaining members to prevent their real or apparent influence.~~ Recused members shall not return to their regular seat ~~nor to the meeting room~~ until deliberation and action on the item is completed.

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[End of Ordinance]

**C. Cruise Ship Committee Ordinance Amendment #2020-04 – Public comment and possible adoption of the amendment to Chapter 31 of the Municipal Code.**

There was no public comment. Mr. Knight answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to adopt the amendment to Chapter 31 Cruise Ship Committee Ordinance of the Municipal Code as presented. Roll

Call Vote:

Dobbs            Y

Hochman       Y

Coston         N

Friedmann    Y

Minutolo      Y

Goldthwait    N

Cough         Y

Motion passed 5-2 (Nay: Coston, Goldthwait).

**Cruise Ship Committee Ordinance Amendment**

Town of Bar Harbor

#2020-04

**An amendment to change the term for the representative of Acadia National Park.**

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

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

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

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**Article VI: Cruise Ship Committee**

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**§31-81 Term of office.**

The term of each member shall be three years, except the Town Council liaison and the representative of Acadia National Park, which ~~is~~ are one-year appointments. There are no limits to the number of terms served. All appointments run from August 1 to July 31.

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[End of Ordinance]

**D. Age Friendly Committee Ordinance Amendment #2020-05– Public comment and possible adoption of the amendment to Chapter 31 of the Municipal Code.**

There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to adopt the amendment to Chapter 31 Age Friendly Committee Ordinance of the Municipal Code as presented. Roll Call Vote:

Dobbs            Y

Hochman       Y

Coston         Y

Friedmann     Y

Minutolo       Y

Goldthwait    Y

Cough          Y

Motion passed 7-0.

**Age Friendly Committee Ordinance Amendment**

Town of Bar Harbor

#2020-05

**An amendment to change the mission statement.**

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

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

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

**Article I: Age Friendly Committee**

**§31-1 Mission.**

The Age Friendly Committee ~~is to provide services and advocacy that enable all residents of Bar Harbor to live in their homes for as long as possible as well as provide programs geared to keeping older adults active and engaged in the community~~ strives for a community where all of the residents of Bar Harbor, regardless of age, can live, grow and thrive.

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[End of Ordinance]

**VII. REGULAR BUSINESS:**

**A. COVID-19 Community Forums – Tabled from 5/5/20 Possible motion to approve the plan for the community forums.** 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.

Mr. Dobbs introduced the plan. Nina St. Germain also participated. Following discussion, Mr. Coston, with second by Mr. Hochman, moved to approve the plan for community forums as presented. Roll Call Vote:

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

Motion passed 7-0.

**B. Town Land Salisbury Cove Right of Way – Tabled from 5/5/20 As requested by Joe Cough.**

Mr. Hochman, with second by Mr. Coston, moved to remove this item from the table. Roll Call Vote:

- Dobbs            Y
- Hochman       Y
- Coston          Y
- Friedmann     Y
- Minutolo       Y
- Goldthwait    Y

Motion passed 6-0-1 (Abstain: Cough).

Councilor Cough has continued recusal.

Mr. Knight presented an update from the town attorney. Code Enforcement Officer Angie Chamberlain, Joe Cough and Perry Moore participated.

Following discussion, Mr. Hochman, with second by Ms. Goldthwait, moved to indicate to Joe Cough that the Council is interested in pursuing a right of way from their sub-development to our property. Roll Call Vote:

- Dobbs            Y
- Hochman       Y
- Coston          Y
- Friedmann     Y

Minutolo        Y  
Goldthwait    Y  
Motion passed 6-0-1 (Recused: Cough).

**C. Licensing Ordinances** – *Review draft ordinances for Employee Living Quarters and Shared Accommodations. Possible motion to schedule public hearings for June 16, 2020.* Code Enforcement Officer Angie Chamberlain introduced the proposed ordinances and answered Council questions. Mr. Hochman, with second by Mr. Coston, moved to schedule a public hearing for June 16, 2020 for the purposes of hearing comments on the proposed Employee Living Quarters Licensing Ordinance Chapter 76 and Shared Accommodations Licensing Ordinances Chapter 168 of the Municipal Code. Roll Call Vote:

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

**D. Street Closure** – *Update on options to assist businesses with social distancing.* The following participated in the discussion: Parking Solutions Task Force Chair Eben Salvatore, Chamber Director Alf Anderson, Police Chief Jim Willis and Nina St. Germain. Mr. Coston, with second by Ms. Goldthwait, moved that the Manager and town staff engage with the Chamber and other necessary participants to pursue and refine a plan as generally described today by Eben Salvatore to include parklets and dining areas in public spaces and report back to Council at our next regular meeting. Roll Call Vote:

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

**E. Permit and Paid Parking Policy** – *Possible motion to amend.* Mr. Salvatore presented the changes. Mr. Hochman, with second by Ms. Cough, moved to approve the amendments to the Permit and Paid Parking Policy as presented. Roll Call Vote:

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

Cough \_\_\_\_\_ Y  
Motion passed 6-1 (Nay: Coston).

**F. Annual Town Meeting 2020 Notice of Public Hearing** – *possible motion for staff to prepare the final notice for Council’s signature and schedule the public hearing for June 16, 2020.* Mr. Hochman, with second by Ms. Cough, moved to have staff prepare the final notice for Council’s signature and schedule the public hearing for June 16, 2020. Roll Call Vote:

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

Motion passed 7-0.

**G. Pandemic Items** – *Discussion regarding playgrounds, meetings, comfort stations, July 4th activities, band concerts, etc.*

1. Comfort Stations. Mr. Coston, with second by Mr. Hochman, moved to direct the Manager to look at each bathroom individually and open them as soon as he sees fit in his judgement. Roll Call Vote:

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

Motion passed 6-1 (Nay: Cough).

2. Playgrounds. Mr. Coston, with second by Ms. Goldthwait, moved to ask Cornell to seek to open the playgrounds as soon as he feels it is safe and practical to do so. Roll Call Vote:

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

Motion passed 6-1 (Nay: Hochman).

3. Meetings. Following discussion, with the majority of Councilors agreeing not to hold meetings in person yet, no action taken.

4. July 4<sup>th</sup> activities. Alf Anderson participated in the discussion. The Chamber has not officially cancelled the parade or fireworks and is looking at alternatives to celebrate the day differently. No action taken.

- 5. Band Concerts. Band director Brian Booher shared what the board has discussed. No action taken.
- 6. Trash Cans. A question was raised whether all the trash cans are out yet. Mr. Knight will find out.
- 7. Ms. Goldthwait, with second by Mr. Hochman, moved to send a letter from the Council with our sincere apologies and gratitude to Jay Boyce at Hannaford regarding the restroom situation we created and thank him for what he has done and that we will get the town restrooms open as soon as possible. Roll Call Vote:  
Dobbs Y  
Hochman Y  
Coston Y  
Friedmann Y  
Minutolo Y  
Goldthwait Y  
Cough Y  
Motion passed 7-0.

- H. 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.

**VIII. TOWN MANAGER’S COMMENTS** – Mr. Knight received a text from the Public Works Director, 40 trash cans are out, the rest will be out as soon as they finish with parking meter installation. He informed residents that the municipal building has reopened. Residents can access Clerk, Finance, Assessing and Code offices. When they come in wearing a mask there are stanchions and lines on the floor to maintain social distance. All doors are open. The metal pile is open at the public works facility and transfer station stickers can be picked up at the transfer station.

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

**Mr. Minutolo** referenced a doctor from Brigham & Women’s Hospital having good luck with combination therapy. Things we can reinforce in town are social distancing, hygiene/washing hands, screening for symptoms (probably out of our control) and masks. Anything we can do to show that we are trying to mitigate the problem.

**Ms. Goldthwait** had a request that Council make a strong statement to encourage everyone to wear a mask. The work continues on the shore path, it looks great and it is being well-used these days. She requested the question of the fireworks be on the agenda for next meeting, the call needs to be made by then at the latest.

**Ms. Cough** absolutely agrees with masks, particularly in businesses. It is part of the Governor’s order. I hope it doesn’t become an issue. Be kind. She also reminded residents that their parking permits need to be renewed. She also spoke about unintended consequences and would like people to understand that Council and the town are trying to do the best we can. We can’t see everything and we can’t see the future. She hopes people will be patient, understanding and have a realistic point of view about how we are trying to enforce and keep public safety. Our town and our town manager are doing an absolutely wonderful job trying to get things open. And our year round resident population is afraid. Be nice, wear a mask.

**Mr. Friedmann** thanked the people in Bar Harbor who are pulling together through this. I believe the kindness and neighbors helping neighbors will make us stronger when we come out the other side.

**Mr. Hochman** loves Jill’s idea of having the fireworks on New Year’s Eve. He echoed the wearing of masks. You can have fun with them. He thanked the crew at the transfer station. The staff is great, keeping social distancing and making sure it is nice and clean. Happy anniversary to Ron Graves as well. He thanked Council, everybody is doing an excellent job. He thanked Cornell for all the work he is putting in. And he gave a very large thank you to Sharon for keeping us on task and our motions straight, it is really appreciated.

**Mr. Coston** strongly encouraged people to read the Polco report. It is extremely sobering. He spoke to market levels as well. Also at last meeting, he and Matt had a testy exchange. Some people thought I said Matt was lying. That was not my intent. The same thing can look different from two different perspectives. This is a hard issue for our community to deal with over the next 6-12 months. I’d hate to see us divide. We may disagree, but the person who owns that business is probably a neighbor or a friend.

**Mr. Dobbs** did an interview with a magazine from Washington state on how I feel about our national park opening up. I represented my own feelings and said I’m scared. I trust the businesses in this town and the private sector to do the right thing.

**X. EXECUTIVE SESSION:** (none)

**XI. ADJOURNMENT** – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 7:43 p.m. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

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Sharon M Linscott, Town Clerk