

Minutes
Bar Harbor Town Council
By Video Conference
June 16, 2020

I. CALL TO ORDER – 4:00 P.M.- In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Joe Minutolo, Erin Cough, Jill Goldthwait; 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. Public comment will be allowed in the Municipal Building with social distancing. Seating will be in the auditorium* – Chair Dobbs read two emails. First from Alison Lawrence regarding masks, which will be discussed under regular business COVID. Second from Dessa Dancy regarding issues around making public comment on the town meeting warrant articles.

III. APPROVAL OF MINUTES –

A. June 2, 2020 – Regular Meeting

Mr. Hochman, with second by Ms. Cough, moved to approve the June 2 Regular Meeting minutes as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

B. June 3, 2020 – Special Budget Meeting

Mr. Hochman, with second by Ms. Cough, moved to approve the June 3 Special Budget Meeting minutes 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 – 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

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 report and answered Council questions. Public Works Director Bethany Leavitt answered questions regarding the water and sewer financials. 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. **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. **Annual Town Meeting 2020** – *Possible motion:*

1. To sign the Municipal Officers’ Return regarding the posting of the Notice of Public Hearing.
2. To sign and post the Annual Town Meeting Warrant.

B. **FY21 Sewer Spending** – *Possible motion* to approve a Continuing Resolution that authorizes staff to continue spending Wastewater Division funds at the current levels until a sewer budget is approved.

C. **FY21 Water Spending** – *Possible motion* to approve a Continuing Resolution that authorizes staff to continue spending Water Division funds at the current levels until a water budget is approved, except that wages may be increased on July 1 as for other Town employees.

D. **Black Friar Inn Lease Renewal** – *Possible motion* to renew the one-year lease.

E. **Vehicles for Hire** – *Police Department approved and proof of insurance provided.*
Possible motion to approve:

1. **Wild Iris Farm** request for 2 carriage license renewals as submitted by Sandra Read.
2. **At Your Service Taxi** request for 1 taxi license renewal as submitted by Clare Bingham Broad.
3. **Oli’s Trolley** request for 7 trolley license renewals as submitted by Denise Morgan.

Mr. Hochman, 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.

VII. PUBLIC HEARINGS- *Public comment will be allowed in the Municipal Building with social distancing. Seating will be in the auditorium. Maximum of 3 minutes per person.*

A. New Special Amusement Permit

1. **Kampgrounds of America, 1453 State Hwy 102, request for Class 3a, three or more musicians with mechanical amplification, as submitted by Gretchen Chauncey.** Michael Good and Kimberly Wolf spoke. Councilor Goldthwait read email comments from Barbara Pretorius and Victoria Hamblen. Gretchen Chauncey, General Manager, spoke and answered Council questions. After the public hearing, Councilor Hochman stated that the request as submitted violates Town Code Chapter 14-6 which states amplified music out of doors is categorically declared to be in violation of this article. Additional discussion followed. Mr. Hochman, with second by Ms. Cough, moved to deny the Special Amusement Permit for a 3a for KOA. Roll Call Vote:

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

Motion passed 6-1 (Nay: Coston).

B. Annual Town Meeting 2020 – Public comment on the following warrant articles:

1. Article 2 – LUO Amendment – Addressing Officer
No public comment.
2. Article 3 – LUO Amendment – Permitting Authority etc.
Diane Vreeland spoke. Chair Dobbs read a comment from Arthur Greif. Town Planner Michele Gagnon and Code Enforcement Officer Angie Chamberlain also spoke.
3. Article 4 – LUO Amendment – Employee Living Quarters
Diane Vreeland and Michael Good spoke. Chair Dobbs read a comment from Arthur Greif. Michele Gagnon also spoke.
4. Article 5 – LUO Amendment – Shared Accommodations
Diane Vreeland spoke. Chair Dobbs read a comment from Arthur Greif. Michele Gagnon also spoke.

- 5. Article 6 – LUO Amendment – Boundary Map and New Uses Hulls Cove
Diane Vreeland and John Cochran spoke. Chair Dobbs read a comment from Arthur Greif. Angie Chamberlain answered Council questions.
- 6. Article 7 – Citizens’ Initiative – Definition of Vacation Rentals in LUO
Diane Vreeland spoke.

C. Employee Living Quarters Licensing Ordinance #2020-08 - Public comment and possible motion to enact Chapter 76 of the Municipal Code. No public comment. Angie Chamberlain addressed Council concerns. Mr. Hochman, with second by Mr. Friedmann, moved to enact Chapter 76 Employee Living Quarters Licensing 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.

EMPLOYEE LIVING QUARTERS LICENSING

Town of Bar Harbor

#2020-08

An Amendment to the Town Code to Enact Chapter 76: Employee Living Quarters Licensing

CHAPTER 76. Employee Living Quarters Licensing Ordinance

§ 76-1 Title and Purpose

- A. Title. This chapter shall be known and may be cited as the “Employee Living Quarters Licensing Ordinance of the Town of Bar Harbor.”
- B. Purpose. The purpose of this ordinance is to ensure that Employee Living Quarters do not become dilapidated, a fire hazard, overcrowded with occupants, unsanitary, vermin infested, or a detriment to the health, safety, and welfare of the people of Bar Harbor.

§ 76-2 Definitions

Employee Dining Room

A space, for employees only, managed by the employer, the employers parent company, or a subsidiary company, where the employee may consume food or beverages provided or purchased on site.

Habitable Floor Area

The total area of a room as measured from interior wall to interior wall. Bathrooms, closets, halls, storage or utility space, and similar areas, are not considered habitable floor area.

Licensee

Any person, individual, partnership, firm, association, corporation or other legal entity acting as an agent or employee of any holder of an Employee Living Quarters license.

Management Personnel

A person or individual with authority to make decisions related to the operations and control of the Employee Living Quarters and responsible to ensure compliance with the terms of the license, and who is available in accordance with §76-6H.

Shift Meal

A meal provided to an employee by their employer for consumption on-site or off-site.

Violation, First

A first violation is deemed to have occurred when the Code Enforcement Officer concludes that a violation of this Chapter has occurred but within the immediately preceding 12 months, no written warning has been issued to the licensee for a violation of this Chapter.

Violation, Second

A second violation is deemed to have occurred when the Code Enforcement Officer concludes that a violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has been issued a written warning of a first violation of this Chapter.

Violation, Third

A third violation is deemed to have occurred when the Code Enforcement Officer concludes that another violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has been issued a written warning of a second violation of this chapter.

§ 76-3 License Required

No person shall rent, lease, operate or otherwise allow, under their ownership or control, any Employee Living Quarters without first obtaining a license from the Town Council.

§76-4 Application for license; procedure

- A. Applications for all Employee Living Quarters shall be made in writing to the Town Clerk on forms provided by the Clerk for that purpose and shall contain the following information:
 - (1) The full name, address, telephone number, and email address of the person in whose name such license is to be issued.
 - (2) The full name, address, telephone number, email address of the owner of the property. If the owner of the property is a business entity, the applicant shall provide the name, address, telephone number, and email address of the person who is the owner, director, or manager of the business entity.
 - (3) If an applicant is not the owner of the property for which the license has been applied, the applicant must provide a written letter of authorization allowing them to act on behalf of the property owner.
 - (4) Each application shall be accompanied by a full set of to-scale floor plans, clearly labeled with the intended use of each room in the building, including any spaces to be used as storage.
 - (5) The application shall include the names and contact information of two separate management personnel who are available 24 hours a day and are normally available to be on site within 30 minutes of contact.
 - (6) The applicant shall provide written documentation that demonstrates compliance with all requirements of §76-6.
 - (7) The application must bear the signatures of the Fire Chief and Code Enforcement Officer indicating that the Employee Living Quarters have satisfactorily passed the annual life-safety inspection.
- B. Within 30 days of the Town Clerk's receipt of a complete application for an Employee Living Quarters license, the Town Council shall hold a public hearing, at which time the testimony of the applicant and any interested member of the public shall be taken. At least 14 days prior to the public hearing, notice of the hearing shall be mailed by first-class mail to all owners of property within 300 feet of the outer boundary of the property in question. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. Failure of any property owner to be sent or actually receive notice shall not necessitate another hearing or invalidate any actions of the Town Council taken.

- C. The Town Council, after hearing and upon such terms and conditions as it reasonably deems necessary to protect the public interest and to fulfill the purposes of this chapter, shall grant or renew a license unless it finds that issuance of the license will be detrimental to the public health, safety or welfare or would violate municipal ordinances.
- D. The Town Council may revoke an Employee Living Quarters license if the use of the premises or building does not fully comply with all ordinances of the Town of Bar Harbor.
- E. A license shall be valid for one year, at which time the applicant shall reapply for a renewal license. A renewal license application shall not be considered by the Town Council unless the Fire Chief and Code Enforcement Officer have indicated in writing that the Employee Living Quarters has satisfactorily passed the annual life-safety inspection, occurring no more than 60 days prior to consideration of the application.
- F. A renewal license shall not be considered by the Town Council until the Police Chief or their designee has provided a written report describing any violations of Chapter 64 "Disorderly Houses". The Town Council may consider any prior violations of Chapter 64 as a finding for denial of a renewal license application.

§76-5 Fees

License fees. Each application for an Employee Living Quarters license shall be accompanied by the administrative fee and public notice fee, which shall, from time to time, be set by the Town Council.

§76-6 General Requirements

- A. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be less than 7 feet in any horizontal direction.
- B. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows shall be provided to each occupant by the property owner or management personnel.
- C. Bathing facilities. There shall be a minimum of one toilet for every 5 occupants, and one shower for every 5 occupants.
- D. Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first 8 occupants. For every 1-12 additional occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided (two on-site community kitchen facilities for cooking, refrigeration, and washing shall be provided for 9-20 total occupants, three such on-site community kitchens shall be provided for 21-32 total occupants, etc.). If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.
- E. Outdoor storage. The keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours shall be screened from public view and abutting neighbors by a fence, wall, roof, and/or landscaping.
- F. Clothes washer and dryer. On-site access to a minimum of one clothes washer and dryer must be provided.
- G. Pest Control. All structures on the premises shall be kept free from insect and rodent infestation. In the event an infestation of insects or rodents is found, the licensee shall promptly exterminate such insects or rodents by approved processes that will not be injurious to human health.
- H. Management. If management is located off-site, they must be available to be present on-site within 30 minutes of being contacted.

- I. Trash and recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.
- J. Property Maintenance. The lot where the Employee Living Quarters is located shall be maintained in compliance with Chapter 109 "Health and Sanitation" of the Bar Harbor Town Code, as enforced by the Bar Harbor Health Officer.
- K. Emergency key Box. An emergency key box shall be provided via a Knoxbox located on the site in a location approved by the Fire Chief or his designee.
- L. Tenants. A list of the last names of all tenants occupying the Employee Living Quarters shall be visibly posted in a conspicuous location inside the building for emergency personnel use.
- M. Interior Signage. Directional signage shall be placed within the building to direct emergency personnel to bedrooms, mechanical areas, and storage spaces; and all interior doors shall be labeled to indicate the use of the space. The Fire Chief, or his designee, shall approve the location of the signage.

§76-7 Inspections

Prior to the issuance, or re-issuance, of a license for Employee Living Quarters, the building must satisfactorily pass an annual life safety inspection conducted by the Fire Department and Code Enforcement Officer. The inspection shall be conducted in accordance with the standards and requirements of the life safety code as adopted by the Town in Chapter 85 of the Bar Harbor Town Code.

§76-8 Enforcement; violations and penalties

- A. Enforcement authority. The provisions of this chapter shall be enforced by the Code Enforcement Officer of the Town of Bar Harbor.
- B. Violations. Each violation of this chapter following a written warning issued by the Code Enforcement Officer shall constitute a separate violation.
 - (1) Warning for first violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.
 - (2) Warning for second violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.
 - (3) Action for a third violation. Should the Code Enforcement Officer conclude that a third violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises. The Code Enforcement Officer shall provide a copy of all pertinent documentation to the Town Clerk, who shall place the matter on the next available Town Council agenda for action under §76.8 B.(3)(a).

(a) Town Council action.

[1] Upon being informed of a third and subsequent violation, the Town Clerk shall provide written notice to the licensee, by certified mail, return receipt requested, and by first-class mail to all owners of land within 300 feet of the licensee’s premises, that the Town Council shall conduct a public hearing to consider whether the licensee committed a violation. Neither the failure of any landowner to receive notice or the licensee’s refusal to accept certified mail shall necessitate another hearing or invalidate any action taken by the Council at such hearing.

[2] Following a hearing, the Council by a preponderance of the evidence, shall make a determination of whether the licensee committed a violation of this article. If the Council finds that the licensee committed a third violation, the Council shall revoke the licensee’s license for an Employee Living Quarters.

§76-9 Appeals

Any applicant who has applied for a license and has been denied or a licensee whose permit has been revoked may, within 30 days of the denial or revocation, appeal the decision to the Bar Harbor Board of Appeals.

[End of Ordinance]

D. Shared Accommodations Licensing Ordinance #2020-09 - Public comment and possible motion to enact Chapter 168 of the Municipal Code. No public comment. Mr. Hochman, with second by Mr. Friedmann, moved to enact Chapter 168 Shared Accommodations Licensing 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.

SHARED ACCOMODATIONS LICENSING

Town of Bar Harbor

#2020-09

An Amendment to the Town Code to Enact Chapter 168: Shared Accommodations Licensing

CHAPTER 168. Shared Accommodations Licensing Ordinance

§ 168-1 Title and Purpose

- A. Title. This chapter shall be known and may be cited as the “Shared Accommodations Licensing Ordinance of the Town of Bar Harbor.”
- B. Purpose. The purpose of this ordinance is to ensure that Shared Accommodations do not become dilapidated, a fire hazard, overcrowded with occupants, unsanitary, vermin infested, or a detriment to the health, safety, and welfare of the people of Bar Harbor.

§ 168-2 Definitions

Habitable Floor Area

The total area of a room as measured from interior wall to interior wall. Bathrooms, closets, halls, storage or utility space, and similar areas, are not considered habitable floor area.

Licensee

Any person, individual, partnership, firm, association, corporation or other legal entity acting as an agent or employee of any holder of a Shared Accommodations license.

Management Personnel

A person or individual with authority to make decisions related to the operations and control of the Shared Accommodations and responsible to ensure compliance with the terms of the license, and who is available in accordance with §168-6H.

Violation, First

A first violation is deemed to have occurred if the Code Enforcement Officer concludes that a violation of this Chapter has occurred but within the immediately preceding 12 months, no written warning has been issued to the licensee for a violation of this Chapter.

Violation, Second

A second violation is deemed to have occurred when the Code Enforcement Officer concludes that a violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has been issued a written warning of a first violation of this Chapter.

Violation, Third

A third violation is deemed to have occurred when the Code Enforcement Officer concludes that another violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has been issued a written warning of a second violation of this chapter.

§ 168-3 License Required

No person shall rent, lease, operate or otherwise allow, under their ownership or control, any Shared Accommodations without first obtaining a license from the Town Council.

§168-4 Application for license; procedure

- A. Applications for all Shared Accommodations shall be made in writing to the Town Clerk on forms provided by the Clerk for that purpose and shall contain the following information:
 - (1) The full name, address, telephone number, and email address of the person in whose name such license is to be issued.
 - (2) The full name, address, telephone number, email address of the owner of the property. If the owner of the property is a business entity, the applicant shall provide the name, address, telephone number, and email address of the person who is the owner, director, or manager of the business entity.
 - (3) If an applicant is not the owner of the property for which the license has been applied, the applicant must provide a written letter of authorization allowing them to act on behalf of the property owner.
 - (4) Each application shall be accompanied by a full set of to-scale floor plans, clearly labeled with the intended use of each room in the building, including any spaces to be used as storage.
 - (5) The application shall include the names and contact information of two separate management personnel who are available 24 hours a day and are normally available to be on site within 30 minutes of contact.
 - (6) The applicant shall provide written documentation that demonstrates compliance with all requirements of §168-6.
 - (7) The application must bear the signatures of the Fire Chief and Code Enforcement Officer indicating that the Shared Accommodations have satisfactorily passed the annual life-safety inspection.
- B. Within 30 days of the Town Clerk's receipt of a complete application for a Shared Accommodations license, the Town Council shall hold a public hearing, at which time the testimony of the applicant and any interested member of the public shall be taken. At least

14 days prior to the public hearing, notice of the hearing shall be mailed by first-class mail to all owners of property within 300 feet of the outer boundary of the property in question. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. Failure of any property owner to be sent or actually receive notice shall not necessitate another hearing or invalidate any actions of the Town Council.

- C. The Town Council, after hearing and upon such terms and conditions as it reasonably deems necessary to protect the public interest and to fulfill the purposes of this chapter, shall grant or renew a license unless it finds that issuance of the license will be detrimental to the public health, safety or welfare or would violate municipal ordinances.
- D. The Town Council may revoke a Shared Accommodations license if the use of the premises or building does not fully comply with all ordinances of the Town of Bar Harbor.
- E. A license shall be valid for one year, at which time the applicant shall reapply for a renewal license. A renewal license application shall not be considered by the Town Council unless the Fire Chief and Code Enforcement Officer have indicated in writing that the Shared Accommodation has satisfactorily passed the annual life-safety inspection, occurring no more than 60 days prior to consideration of the application.
- F. A renewal license shall not be considered by the Town Council until the Police Chief or their designee has provided a written report describing any violations of Chapter 64 "Disorderly Houses". The Town Council may consider any prior violations of Chapter 64 as a finding for denial of a renewal license application.

§168-5 Fees

License fees. Each application for a Shared Accommodations license shall be accompanied by the administrative fee and public notice fee, which shall, from time to time, be set by the Town Council.

§168-6 General Requirements

- A. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be less than 7 feet in any horizontal direction.
- B. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows shall be provided to each occupant by the property owner or management personnel.
- C. Bathing facilities. There shall be a minimum of one toilet for every 5 occupants, and one shower for every 5 occupants.
- D. Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first 8 occupants. For every 1-12 additional occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided (two on-site community kitchen facilities for cooking, refrigeration, and washing shall be provided for 9-20 total occupants, three such on-site community kitchens shall be provided for 21-32 total occupants, etc.). If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.
- E. Outdoor storage. The keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours shall be screened from public view and abutting neighbors by a fence, wall, roof, and/or landscaping.
- F. Clothes washer and dryer. On-site access to a minimum of one clothes washer and dryer must be provided.
- G. Pest Control. All structures on the licensed premises shall be kept free from insect and rodent infestation. In the event an infestation of insects or rodents is found, the licensee shall promptly exterminate such insects or rodents by approved processes that will not be injurious to human health.
- H. Management. If management is located off-site for a SA-1, they must be available to be present on-site within 30 minutes of being contacted. Management for SA-2 and SA-3 must be on-site between the hours of 9:00 PM and 3:00 AM; and between 3:00

AM and 9:00 PM, the management must be available to present on-site within 30 minutes of being contacted.

- I. Trash any recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.
- J. Property Maintenance. The lot where the Shared Accommodations is located shall be maintained in compliance with Chapter 109 "Health and Sanitation" of the Bar Harbor Town Code, as enforced by the Bar Harbor Health Officer.
- K. Emergency key Box. An emergency key box shall be provided via a Knoxbox located on the site in a location approved by the Fire Chief or his designee.
- L. Tenants. A list of the last names of all tenants occupying the Shared Accommodations shall be visibly posted in a conspicuous location inside the building for emergency personnel use.
- M. Interior Signage. Directional signage shall be placed within the building to direct emergency personnel to bedrooms, mechanical areas, and storage spaces; and all interior doors shall be labeled to indicate the use of the space. The Fire Chief, or his designee, shall approve the location of the signage.

§168-7 Inspections

Prior to the issuance, or re-issuance of a license for a Shared Accommodations, the building must satisfactorily pass an annual life safety inspection conducted by the Fire Department and Code Enforcement Officer. The inspection shall be conducted in accordance with the standards and requirements of the life safety code as adopted by the Town in Chapter 85 of the Bar Harbor Town Code.

§168-8 Enforcement; violations and penalties

- A. Enforcement authority. The provisions of this chapter shall be enforced by the Code Enforcement Officer of the Town of Bar Harbor.
- B. Violations. Each violation of this chapter following a written warning issued by the Code Enforcement Officer shall constitute a separate violation.
 - (1) Warning for first violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.
 - (2) Warning for second violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.
 - (3) Action for a third violation. Should the Code Enforcement Officer conclude that a third violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises. The Code Enforcement Officer shall provide a copy of all pertinent documentation to the Town Clerk, who shall place the matter on the next available Town Council agenda for action under §168.8 B.(3)(a).
 - (a) Town Council action.

[1] Upon being informed of a third and subsequent violation, the Town Clerk shall provide written notice to the licensee, by certified mail, return receipt requested, and by first-class mail to all owners of land within 300 feet of the licensee’s premises, that the Town Council shall conduct a public hearing to consider whether the licensee committed a violation. Neither the failure of any landowner to receive notice or the licensee’s refusal to accept certified mail shall necessitate another hearing or invalidate any action taken by the Council at such hearing.

[2] Following a hearing, the Council by a preponderance of the evidence, shall make a determination of whether the licensee committed a violation of this article. If the Council finds that the licensee committed a third violation, the Council shall revoke the licensee’s license for a Shared Accommodations.

§168-9 Appeals

Any applicant who has applied for a license and has been denied or a licensee whose permit has been revoked may, within 30 days of the denial or revocation, appeal the decision to the Bar Harbor Board of Appeals.

[End of Ordinance]

VIII. REGULAR BUSINESS:

A. Jackson Laboratory – Update by Catherine Longley, Chief Operating Officer.

Ms. Longley presented her annual report to Council, which included Jax’s COVID-19 Response, their economic impact and their plans for year round workforce housing. Council thanked Ms. Longley. No action taken.

B. Coastal Resources- Update on the Hampden waste plant operation. Public Works Director Bethany Leavitt provided an update on the situation at the Hampden facility. Bar Harbor’s msw is being diverted to Juniper Ridge and single sort is being recycled by Casella in Old Town. MRC has stepped in and the goal is to have the plant up and running by July 4. MRC has scheduled a Town Hall at 10am tomorrow and Bethany will participate. No action taken, but Council requested Bethany provide a summary to Council after MRC’s town hall and if the plant is not running by July 4 to have MRC come to the next Council meeting on July 21.

C. Bar Harbor Police Department- Possible motion to schedule a facilitated forum on Community Policing. Police Chief Jim Willis stated the Mount Desert selectmen met last night and are also interested in participating. The forum would be facilitated by Nina St. Germain. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to schedule a facilitated forum on July 7. Roll Call

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

D. Parade/Rally Permit Request

Sirohi Kumar spoke about events that have already happened and their plans for the upcoming event on the 21st. Chief Willis also participated. Following discussion, Mr. Coston, with second by Ms. Goldthwait, moved to approve the rally request and route as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough N

Motion passed 6-1 (Nay: Cough).

E. COVID-19 Updates.

1. *Superintendent of Schools – Dr. Marc Gousse.* Dr. Gousse was unable to stay and will provide an update via email.
2. *Meetings – public or video conference.* Mr. Knight led the discussion. Ms. Goldthwait, with second by Ms. Cough, moved to use the webinars as an opportunity to figure out public input and Council meetings stay on Zoom through August. Roll Call Vote:

Dobbs Y

Hochman Y

Coston N

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 6-1 (Nay: Coston).

3. *Polco Results.* Nina St. Germain emailed the preliminary results from the 2nd business survey to Council prior to the meeting. She will be sending the results to the DECD. No action taken.
4. *Town Meeting.* Mr. Knight announced we can safely hold town meeting June 30 at 7pm and meet the guidelines the state just put out. It will be a drive-in similar to graduation with a stage, tent and audio system. Registered voters stay in their cars except to comment or ask questions. They will vote by holding their voter card out their window. Mr. Knight will look into streaming on radio. No action taken.
5. *Governor’s Keep ME Healthy Campaign.* Mr. Hochman, with second by Mr. Coston, moved to authorize the submittal of a grant application to the Maine Dept of Health and Human Services for a public education program and expend the funds if awarded. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

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

A discussion around masks followed the vote. No action taken.

- 6. *Forums.* Following discussion, Mr. Hochman, with second by Ms. Cough, moved to schedule a forum on July 28 with details to follow. Roll Call Vote:

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

- F. Town Manager’s Contract** – *Possible motion to renew.* Mr. Coston, with second by Mr. Hochman, moved to renew a 3-year employment agreement with the town manager and thank him for his excellent work over the past 6 years on behalf of the Town of Bar Harbor. Roll Call Vote:

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

- G. 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** – Mr. Knight reminded people they can pick up an absentee ballot and drop it in the box in the lobby, you don’t have to have it mailed.

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

Mr. Minutolo commented that Bar Harbor has always been a place where people want to live and articles 2, 3, 4, and 5 are going to help us with that. We need to look at an economic development strategy and get a little more creative to attract another employer of the caliber of the Jackson Lab. These articles that were developed by our town are really important. We need to evolve, look at broadband, other industries, and have a strategy to a sustainable year round economy.

Mr. Hochman, as this is the last meeting of the current Council before the election, thanked Stephen, Jill, Erin and Judie. It’s been a pleasure serving with you. He also wished Erin (and Joe) a very happy anniversary.

Ms. Cough added that it is their 5th anniversary. She stated it has been a pleasure working with this Council. Whether or not I’m re-elected, the town is in good hands. I’m very proud of the work we’ve done over the past three years. Thank you.

Ms. Goldthwait checked out Northern Light Home Care and got all her questions answered, she is good with them. She bid a fond farewell to all at the end of my crazy six-month term. I appreciate the warm welcome from all of you as a newbie in the middle of a term. Thank you for your patience with my novice status on issues. I was honored to be asked.

Mr. Coston thanked Matt and congratulated Erin.

Mr. Friedmann thanked Cornell for an incredibly well done job. This is one of the most challenging times anyone could be leading a town and trying to keep operations going smoothly. He has kept morale up with department heads and town staff. Thank you for your service to the town and congratulations on another three-year term.

Mr. Dobbs echoed Gary. He hopes to see everybody back here. We work hard. We don’t always agree but we get things done. Most people appreciate us. I received feedback about charging for parking during the pandemic. Merchants think it is overkill with hardly anybody showing up. At least think about it, find out what other people are thinking. I told them I would bring it up at the end of the meeting.

XI. EXECUTIVE SESSION: (none)

XII. ADJOURNMENT – Mr. Hochman, with second by Mr. Coston, moved to adjourn at 8:14 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