

**Minutes**  
**Bar Harbor Town Council**  
**By Video Conference**  
**September 1, 2020**

**I. CALL TO ORDER** – 5:06 P.M. - In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Valerie Peacock, Gary Friedmann, Joe Minutolo, Erin Cough, Jill Goldthwait; and Town Manager Cornell Knight.

**A. Excused Absence(s)** – all present.

**II. COMMITTEE APPOINTMENTS** - *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:*

**1. Cruise Ship Committee**

a. *Lawrence Sweet, Taxi & Tour Representative, term expiring 2023*

**2. Marine Resources Committee**

a. *Fiona de Koning, term expiring 2023*

b. *John Avila, term expiring 2021*

**3. Parking Solutions Task Force**

a. *Stephen Coston, term expiring 2023*

The Appointments Committee recommends and Mr. Friedmann, with second by Ms. Cough, moved the appointment of those listed on the agenda as read by Chair Dobbs. Roll Call Vote:

Dobbs            Y

Hochman       Y

Peacock       Y

Friedmann     Y

Minutolo       Y

Goldthwait    Y

Cough           Y

Motion passed 7-0.

**III. 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 can be made through the Zoom webinar or may be emailed in advance to the Council Chair at*

[jdobbs@barharbormaine.gov](mailto:jdobbs@barharbormaine.gov) to be read during the meeting. – Arthur Greif requested that instead of holding the public hearing two weeks before the election on the Charter, it be held two weeks from today before absentee voting begins. In reference to the discussion last meeting on weekly rentals and VR2 transferability, he talked about the difference between heirs, successors and assigns.

**IV. APPROVAL OF MINUTES** – *August 18, 2020 Regular Meeting*

Mr. Hochman, with second by Mr. Friedmann, moved to approve the August 18, 2020 Regular Meeting minutes as presented. Roll Call Vote:

Dobbs            Y

Hochman        Y

Peacock            Y

Friedmann       Y

Minutolo         Y

Goldthwait      Y

Cough            Y

Motion passed 7-0.

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

Dobbs             Y

Hochman         Y

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

- 1. **Bar Harbor Coastal Cab** request for 1 taxi license renewal as submitted by Craig Wood.

Mr. Hochman, with second by Mr. Friedmann, moved to approve the Consent Agenda as published. Roll Call Vote:

Dobbs             Y

Hochman         Y

Peacock         Y

Friedmann       Y

Minutolo         Y

Goldthwait      Y

Cough            Y

Motion passed 7-0.

**VII. REGULAR BUSINESS:**

**A. Cooperating Agencies Policy** – *Tabled from 8/4/2020.* Ms. Cough, with second by Mr. Hochman, moved to take this item off the table. Roll Call Vote:

Dobbs             Y

Hochman         Y

Peacock         Y

Friedmann       Y

Minutolo         Y

Goldthwait      Y

Cough            Y

Motion passed 7-0.

Councilors Cough and Goldthwait presented their recommendations. Following discussion, Mr. Hochman, with second by Mr. Friedmann, moved to have Councilors Cough and Goldthwait prepare a final draft for next meeting. Roll

Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

**B. COVID** – *Bar Harbor Chamber of Commerce request for letter to Gov. Mills.*

Chamber Director Alf Anderson joined the discussion. Based on recent recommendations by the Maine CDC that it is too soon to ease restrictions for Massachusetts residents, Council took no action, but wants to make sure that this does not mean they do not support the Bar Harbor business community.

**C. Task Force on the Climate Emergency** – *Review bylaws and possible motion to amend.*

After discussion, Ms. Peacock, with second by Mr. Friedmann, moved that, pending the advice of the town attorney, all members of the climate change task force be allowed to make and second motions. Roll Call Vote:

Dobbs Y

Hochman N

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 6-1 (Nay: Hochman).

Ms. Cough, with second by Mr. Hochman, moved to start looking at changing the ordinance in Chapter 31 to say all Bar Harbor residents versus all registered voters. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

**D. Parks & Recreation** – *Possible motion to allow Lifeflight to build a landing pad*

*at the ballfield.* Fire Chief Matt Bartlett and Public Works Director Bethany Leavitt participated in the discussion and answered Council questions. Mr.

Hochman, with second by Ms. Cough, moved to allow Lifeflight to build a landing pad at the ballfield as presented in a concept sketch dated June 12, 2020.

Roll Call Vote:

Dobbs            Y

Hochman       Y

Peacock       Y

Friedmann    Y

Minutolo      Y

Goldthwait   Y

Cough         Y

Motion passed 7-0.

**E. Amusements Ordinance Amendments -**

1. *Review revised emergency ordinance and possible motion to adopt.* Police Chief Jim Willis participated and read an email from town attorney Ed Bearor on the proposed changes. Chief Willis recommended amending the change in sec. 14-6, last line of the first paragraph to read “must adhere to this Chapter” rather than reference the noise ordinance. Ms. Cough, with second by Mr. Hochman, moved to approve the amended Ordinance Chapter 14 as amended and make it effective immediately under the Emergency Ordinance provisions of the Town Charter. Roll Call Vote:

Dobbs            Y

Hochman       Y

Peacock       Y

Friedmann    Y

Minutolo      Y

Goldthwait   N

Cough         Y

Motion passed 6-1 (Nay: Goldthwait).

**EMERGENCY ORDINANCE**

Whereas, a pandemic emergency exists; and

Whereas, The Governor has extended the civil state of emergency until September 3, 2020, and

Whereas, the Town Council has the authority to enact emergency ordinances under Section C-16 of the Town Charter; and

Whereas, the pandemic will affect the business community,

Now Therefore be it ordained that the Town Council orders that the Special Amusement Ordinance be amended as shown below and take effect upon passage.

**Amusements Ordinance Amendment**

Town of Bar Harbor

#2020-11

**An Amendment to allow amplified music outdoors.**

*The Town of Bar Harbor hereby ordains that Chapter 14, Amusements of the Town Code is amended as follows:*

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

**CHAPTER 14 – AMUSEMENTS**

**Article I: Special Amusement Permits**

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**§ 14-2 Definitions.**

The following definitions apply to this article and do not affect the meanings of words or terms in any other article of this Code. As used in this article, the following terms shall have the meanings indicated:

**AMPLIFIED ACOUSTIC INSTRUMENT**

Any Musical instrument designed to be played without mechanical amplification but that can also be connected to an amplifier, these may include but are not limited to: Acoustic Guitars, Violins/fiddles, Upright/Acoustic Bass, Mandolin, Banjo etc. Instruments designed to be played only with mechanical amplification are excluded.

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**§ 14-4 Classes of permit; reapplication.**

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- B. Any permit granted shall be for one of the above-noted classes. ~~A licensee shall not permit on the licensed premises any music, dancing or entertainment which exceeds that permitted by the class of his/her permit, during the period for which his/her permit is valid as otherwise determined by this article.~~ This emergency Ordinance shall grant a temporary license upgrade to allow amplification while active and shall expire at midnight on September 15th unless renewed by council and will automatically expire on the 61st day after enactment per Bar Harbor Charter.

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**§ 14-6 Regulation of noise.**

An applicant for a special amusement permit hereunder shall, as part of his/her application, demonstrate his/her ability to prevent the emanation of excessive noise from the premises sought to be licensed brought about by music, dancing or entertainment, except for a radio or other mechanical device excluded under 28-A M.R.S.A. § 1054 or amendments thereto. ~~The performance of amplified music out of doors by licensees is categorically declared to be in violation of this article.~~ Amplified outdoor music shall be limited to amplified acoustic instruments as defined in this chapter and one vocal microphone per performer, all outdoor amplification must adhere to this Chapter.

The performance of nonamplified music out of doors by licensees is prohibited between the hours of 10:00 p.m. and 9:00 a.m. The performance of amplified music out of doors by licensees is prohibited between the hours of 9:00 p.m. and 11:00 a.m.

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[End of Ordinance]

- 2. *Review permanent ordinance amendment and possible motion to schedule a public hearing for October 6, 2020.* Police Chief Willis recommended Council postpone action on this to allow further review of the proposed changes. No action taken.

**F. Special Town Meeting November 2020**

- 1. *Council Recommendations for warrant on Charter Modification articles 2-10.*  
Town Clerk Sharon Linscott was apprised by Mike Gurtler of a copy and

paste error that affects Articles 3 and 4. Under Article 3, Article II Section C-6 B.(3) actually belongs under Article 4. The change has been made in the warrant that will be presented to Council at the next meeting.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 2 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>N</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 6-1 (Nay: Peacock).

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 3 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 4 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>N</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 6-1 (Nay: Peacock).

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 5 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 6 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 7 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 8 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>N</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 6-1 (Nay: Peacock).

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 9 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

Ms. Cough, with second by Mr. Hochman, moved that the Town Council recommend adoption of Article 10 of Charter Modifications. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>

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

2. **Special Town Meeting Warrant** – *Possible motion for staff to prepare final Warrant for Council’s signature.*

Mr. Hochman, with second by Ms. Cough, moved for staff to prepare the final Warrant for Council’s signature. Roll Call Vote:

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

3. **Notice of Public Hearing** - *Possible motion for staff to prepare final notice for Council’s signature and schedule the public hearing for October 20, 2020.*

Following discussion about moving the date of the hearing, Mr. Hochman, with second by Ms. Cough, moved for staff to prepare final notice for Town Council’s signature and schedule the public hearing for October 6, 2020. Roll Call Vote:

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

**VIII. TOWN MANAGER’S COMMENTS** – On September 9 at 5:30 Council will have a joint workshop with the Planning Board for further discussion of the vacation rental amendments. We are now selling the \$1 tokens in packs of 25 in the Finance Office and

we just got in the smart cards that have the Bar Harbor logo and sunrise on one side and an explanation on the other on how it can be loaded and used at the parking meters. They will be ready in about a week for setup.

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

**Ms. Peacock** acknowledged all the work the teachers and school staff are doing to get ready to be in school again. She wished everyone a good start to the school year and have a happy Labor Day.

**Mr. Minutolo** wished a happy September and apologized for being late. Thank you, it was a good meeting.

**Mr. Friedmann** thanked Jill and all the members of the Charter Commission for the huge amount of work, their diligence and their many hours. We reached a milestone to get this on the warrant.

**Mr. Hochman** congratulated Puranjot Kaur on her attempt to swim around the island, she made it about 17 miles to raise money for Open Table MDI that helps with food scarcity on MDI. It was absolutely incredible. He also congratulated Sage Dentremont, an MDI Senior, who swam from Cranberry Island to MDI to raise money to help kids learn how to swim.

**Mr. Dobbs** thanked Jill and Mike Gurtler and the rest of the Charter Commission for a long year of taking in lots of information and doing a really good job. He thanked Matt Hochman for trying to resolve the music ordinance. And he thanked Sharon for keeping us straight and legal.

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

**XI. ADJOURNMENT** – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 7:35 p.m. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

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Sharon M Linscott, Town Clerk