

Minutes
Bar Harbor Town Council
By Video Conference
May 5, 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 21, 2020 Regular Meeting

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

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. Friedmann, with second by Mr. Coston, moved to approve the agenda with the exception of moving the Polco Survey Report up to Item A under Regular Business. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

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.*

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.

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.** An email from Loren Hubbard submitted to Council prior to the meeting was read. Police Chief Jim Willis responded. Jon Stein from Fogtown Brewing also answered questions. Mr. Hochman, with second by Ms. Cough, moved to approve the new Special Amusement Permit to Fogtown Brewing Company for a Class 3a permit. Roll Call Vote:

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

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.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit to the Lompoc Cafe for a Class 3ad permit. Roll Call Vote:

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

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. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit to Atlantic Brewing for Mainely Meats for a Class 3a permit. Roll Call Vote:

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

- 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.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit to Atlantic Oceanside Hotel for a Class 3ad permit. Roll Call Vote:

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

- 4. **Atlantic Midtown, 52 Cottage St, request for Class 3a, three or more musicians with mechanical amplification as submitted by Alex Maffucci.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit to Atlantic Midtown for a Class 3a permit. Roll Call Vote:

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

VII. REGULAR BUSINESS:

- A. COVID-19 Polco Survey Report - Nina St. Germain, Engagement Coordinator.** Ms. St. Germain gave a PowerPoint presentation summarizing the survey results and answered Council questions. No action taken.
- B. COVID-19 – Governor Mills’ reopening plan discussion.** Director of the Bar Harbor Chamber of Commerce Alf Anderson participated. Following a lengthy discussion, Mr. Coston, with second by Mr. Friedmann, moved that Bar Harbor's Council Chair and Town Manager, on behalf of the Bar Harbor Town Council,

reach out to Governor Mills and request a dialogue about adjusting the re-opening plan to make it more balanced, more optimistic, more inclusive, take into account our total health and give Bar Harbor every chance it has to survive 2020 and for the state to survive 2020 as well. Roll Call Vote:

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

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

- C. **COVID-19 – Zoom forum planning discussion.** Nina St. Germain participated in the discussion. Mr. Friedmann, with second by Mr. Coston, moved to have Gary, Cornell, Jeff and Nina develop a plan for the community forums to be brought to the May 19 Council meeting for approval. Roll Call Vote:

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

Motion passed 6-1 (Nay: Goldthwait).

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

Mr. Hochman, with second by Mr. Friedmann, 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.

Nina St. Germain participated in the discussion. Ms. Cough, with second by Mr. Friedmann, moved to form a Task Force in relation to COVID-19. Roll Call Vote:

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

Cough N
Motion failed 5-2 (Nay: Dobbs, Hochman, Minutolo, Goldthwait, Cough).

E. Road Closure – *Request from the Thirsty Whale to close Cottage Street from Rodick to Main during the upcoming season.* Police Chief Jim Willis and Heather Sorokin participated in the discussion. Mr. Coston, with second by Mr. Hochman, moved that Cornell form an internal working group as described by Chief Willis with the people on that group to be at Cornell’s discretion, to help us work through issues. Roll Call Vote:

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

Motion passed 7-0.

F. Citizens’ Petition: Vacation Rentals – *Council’s final determination of petition and possible motion to place on the July 14, 2020 town meeting warrant.* Mr. Hochman, with second by Ms. Goldthwait, moved to place the Citizens’ Initiative vacation rental question on the July 14, 2020 town meeting warrant. Roll Call

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

Motion passed 5-2 (Nay: Minutolo, Cough).

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

Councilor Cough requested recusal since Joe is her husband. Mr. Coston, with second by Mr. Hochman, moved to recuse Councilor Cough for the appearance of conflict of interest as disclosed. Roll Call Vote:

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

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

Joe Cough and Perry Moore participated. An email received from John Kelly prior to the meeting was read. Mr. Moore stated this is not about road acceptance but proposing a right of way to the town land in Salisbury Cove abutting the

subdivision. Following discussion, Ms. Goldthwait, with second by Mr. Friedmann, moved to table this until May 19 for further information. Roll Call Vote:

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

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

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. Mr. Hochman, with second by Ms. Cough, moved to schedule a public hearing for June 2, 2020 to hear comments on the amendment to Chapter 85 Fire Prevention 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.

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. Mr. Hochman, with second by Ms. Cough, moved to schedule a public hearing for June 2, 2020 to hear comments on the amendments to Chapter 194 Vehicles and Traffic Ordinance 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.

J. Permit and Paid Parking Policy – Possible motion to amend. 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 Y
- Friedmann Y
- Minutolo Y

Goldthwait Y
Cough Y
Motion passed 7-0.

K. COVID-19 Pandemic Emergency Addendum to Personnel Rules – *Possible motion to enact.* Sarah Gilbert presented the addendum. Mr. Hochman, with second by Ms. Cough, moved to approve the Emergency Addendum to the town’s Personnel Rules as presented. Roll Call Vote:

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

L. 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 – None.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Hochman thanked everyone for sitting through this marathon meeting. I appreciate all your viewpoints, whether we agree or not. Thank you for all your hard work. He also reminded the public we are all working towards everyone’s best interest.

Mr. Friedmann and Mr. Coston echoed Mr. Hochman.

Ms. Goldthwait stated she loved the emails we got this week. They were long, detailed, full of information. They were really helpful and had good ideas.

Mr. Dobbs seconded Jill and added they were civil, which is appreciated. He also mentioned he would call Cornell tomorrow about contacting the governor.

X. EXECUTIVE SESSION: (none)

XI. ADJOURNMENT – Mr. Hochman, with second by Mr. Friedmann, moved to adjourn at 8:48 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