

Minutes
Bar Harbor Town Council
October 3, 2022

I. CALL TO ORDER – 6:30 P.M. In attendance were Councilors Valerie Peacock, Matthew Hochman, Joe Minutolo, Jill Goldthwait, Erin Cough, Jeff Dobbs, and Gary Friedmann; Town Manager Kevin Sutherland and Town Clerk Liz Graves.

Before proceeding with the agenda, Ms. Peacock made opening remarks. She said Bar Harbor has a lot of layers—native homeland, tourist town or gateway community to a National Park, global hotspot for genetic research, fishing town—many people swirl through several or all of these. These layers are what makes our community so dynamic and interesting, and also what makes it so hard to find paths forward sometimes.

She said Bar Harbor has about 25 full-time fishing men and women, a handful more part-time and student men and women, and about 35 more people who crew on lobster boats. Many are second, or third or more, generation fishing families. Last year our Bar Harbor fishing fleet landed one million pounds of lobsters, worth almost eight million dollars—that money contributes to taxes, donations, local businesses. Compared with some other fishing communities, it can sometimes be harder to see the fishing layer of this community, but it is still an important layer here. But the money alone doesn’t represent the value of Bar Harbor lobstermen to our culture and our community.

She said she moved here to attend College of the Atlantic in the 1990s, but she stayed because of the fishing community. Given all the challenges in the Maine lobstering community right now, she wanted to recognize the important layer that they are in this town and the value that they bring. She encouraged listeners to learn about the issues affecting this community and find out how to get involved or help by reaching out to a local lobsterman.

II. READING OF THE MEETING GROUND RULES

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.*—Annlinn Kruger read portions of an email from Mr. Sutherland and quotes from media stories about her graffiti project. She said the graffiti was protected by the First Amendment and compliant with Maine law. She claimed her messages were quickly erased and had been repeatedly misrepresented. She asked for an accounting of why Mr. Sutherland undertook what she called a crusade against her project.

IV. APPROVAL OF MINUTES

A. September 6, 2022 Regular Meeting

B. September 20, 2022 Regular Meeting

Mr. Hochman, with second by Ms. Cough, moved to approve both the September 6 and the September 20, 2022 Regular Meeting minutes as presented. Roll Call Vote:

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

Friedmann 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:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann 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. **General Assistance Ordinance**—*Possible motion* to schedule a public hearing for November 15, 2022 on the annual revision of maximum benefit levels in Chapter 102, General Assistance Appendices A-H pursuant to 22 MRSA §4305(4).

B. **Special Town Meeting November 2022**—*Possible motion* to sign the Municipal Officers’ Return acknowledging the posting of the Notice of Public Hearing on September 28, 2022.

C. **State of Maine Election November 2022**—*Possible motion* to appoint the Town Clerk as Warden for the November 8, 2022 State Election.

D. **Council Policies**—*Possible motion* to approve amendments to policies reviewed at last meeting.

1. **Debt Management**

2. **Debt Compliance**

E. **Quitclaim Deeds**—*Possible motion* to authorize the Town Manager to sign.

Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as presented. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

VII. **PUBLIC HEARINGS**

A. **Short-Term Rental Registration Ordinance Amendment #2022-05**—*Public comment and possible adoption of the ordinance amendment.*—There being no public comment, Mr. Hochman with second by Ms. Cough, moved to adopt the amendment to Chapter 174 of the Municipal Code, Short Term Rental Registration Ordinance, as presented. Roll Call Vote:

Minutolo Y

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

Short-Term Rental Registration Ordinance Amendment
Town of Bar Harbor
2022-05

An amendment to the Short-Term Rental Registration Ordinance to revise the Life Safety Inspection requirements and schedule, and to include explanatory text boxes inadvertently omitted when the ordinance was originally adopted.

The Town of Bar Harbor hereby ordains that Chapter 174, Short-Term Rental Registration, of the Town Code is amended as follows:

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

Chapter 174
Short-Term Rental Registration

§ 174-1 Purpose.

The purpose of this chapter is to ensure that the quality of short-term rentals (herein "STR") within the Town of Bar Harbor is adequate for protecting the health, safety and welfare of occupants of STRs and of the community.

§ 174-2 Administration.

- A. Authority. The provisions of this chapter shall be administered and enforced by the Code Enforcement Officer or their designee (herein referred to as the "CEO").
- B. Text box aids. The text boxes are not part of this chapter but placed there to assist the reader in understanding and complying with this chapter.
- C. Cross-references. Information is cross-referenced for the convenience of the reader. Any omissions or misreferences shall not preclude STRs from having to meet the requirements of other chapters of the Bar Harbor Municipal Code or other applicable regulations.

§ 174-3 Validity and severability.

If any section, subsection, clause or phrase of this chapter shall be found to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this chapter and, to that end, the provisions of this chapter are hereby declared severable.

§ 174-4 Definitions.

As used in this chapter, the following terms shall have the following meanings:

PRIMARY RESIDENCE

As defined in the Land Use Ordinance, § 125-109.

REGISTRATION

A written permission issued by the CEO to a property owner to operate an STR.

SHORT-TERM RENTAL

As defined in the Land Use Ordinance, § 125-109.

VACATION RENTAL (VR)

As defined in the Land Use Ordinance § 125-109

VACATION RENTAL-1 (VR-1)

As defined in the Land Use Ordinance § 125-109.

VACATION RENTAL-2 (VR-2)

As defined in the Land Use Ordinance § 125-109.

§ 174-5 **Requirements to operate short-term rentals (STRs).**

- A. STRs must comply (it cannot be in violation) with Chapter 125 Land Use Ordinance. Refer to Chapter 125 for information on where STRs are allowed, related definitions, and standards.
- B. No person(s) shall advertise for rent, rent, or operate an STR without a valid registration issued pursuant to this chapter.
- C. The owner of an STR shall complete and post the emergency information sheet, provided by the CEO, on or about the inside of the front or main door of the dwelling unit for convenient inspection by the occupant. The emergency information sheet shall include, but is not limited to, the following information:
 - (1)Registration number;
 - (2) Physical address of the STR and instruction on how to contact emergency responders;
 - (3)Information on how to file a complaint regarding life safety requirements with the Town of Bar Harbor;
 - (4)The name, mailing address, email address, and telephone number of the owner; and
 - (5)The name, email address, and telephone number of a local contact (if different from the owner) who will be available to respond to problems and emergencies.
- D. The registration number shall be posted on all advertising, including, but not limited to, online platforms.
- E. At the time of issuance of a registration, the property taxes, Town water fees, and/or Town sewer fees associated with the property to be rented as an STR shall not be in arrears.
- F. Prior to the issuance of a registration, the dwelling unit to be used as an STR must pass the life safety inspection per § 174-8A. In between inspections cycles, the property owner shall attest, in writing, that the dwelling unit complies with the regulations in § 174-8B.
- G. No person(s) shall be housed separately and/or apart from the dwelling unit in any tent, trailer, camper, lean-to, recreational vehicle, accessory structure or other structure of a similar nature.

Summary of VR-1 and VR-2

VR-1

- VR-1 is the short-term rental of an owner’s primary residence (or a part of it) and/or the rental of another residential dwelling unit on the owner’s primary residence property.
- The maximum number of VR-1 registrations allowed per primary residence property is two.
- The minimal rental period for VR-1 is two nights.
- VR-1 are allowed in 34 districts.

VR-2

- A VR-2 is the short-term rental of a

Definition of Terms as defined in §125-109

with bracketed notes for clarification

Primary residence: The primary location that a person inhabits and is where the owner resides most of the year. The property owner uses this address as their legal address for tax returns, driver’s license, and/or voter registration card.

Short-term rental (STR): Includes vacation rental, vacation rental-1 (VR-1) and vacation rental-2 (VR-2).

Vacation rental (VR): 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 [4 nights]. Time-share property, as most recently defined in 33 M.R.S.A § 591, is also included in this definition.

Vacation rental-1 (VR-1): A dwelling unit, or portion thereof, that is rented to a person or a group for less than 30 days and a minimum of [3 days] two nights. The rental of a portion of the dwelling, as in a bedroom, must be located in the principal structure housing the dwelling unit.

Vacation rental-2 (VR-2): An entire dwelling unit that is not the primary residence of the property owner and is rented to a person or a group for less than 30 days and a minimum of [5 days] 4 nights.

Family: Two or more persons related by

- H. Trash shall be removed on a weekly basis while the property is being rented as an STR.
- I. To register as a VR-1, the property owner shall attest and provide reasonable documentation demonstrating that the subject property is the owner's primary residence such as tax returns and driver's license.

§ 174-6 Terms; maximum number of registrations; transfer of registration; transition from VR to VR-1 or VR-2.

- A. Terms. All registrations expire on May 31 of each year, per § 125-69Y(1)(a).
- B. Maximum number of registrations. Refer to § 125-69Y(1)(b).
- C. Transfer of registration. Refer to § 125-69Y(1)(c).
- D. Transition from VR to VR-1 or VR-2. Refer to § 125-69Y(2)(a).

§ 174-7 Procedure for registration, renewal, and registration wait list.

- A. Applications. All applications for STR registrations shall be filed with the CEO on forms provided for this purpose.
- B. Fee. The nonrefundable registration fee must be paid at the time the application is filed.
- C. Renewal. Refer to § 125-69Y(2)(b).
- D. Registration wait list (VR-2 9% cap).

(1)The CEO shall maintain a registration wait list for VR-2s.

(2)To be on the registration wait list, the owner must have submitted a complete registration application.

(3)The CEO will determine at the start of the calendar year if registration slots are available. When registration slots are available, the CEO will inform the applicant(s) at the top of the registration wait list. The applicant(s) will have 120 days to secure the registration, including but not limited to passing the required inspection.

(4)If, for any reasons, the applicant does not obtain the registration within 120 days, the VR-2 slot shall be offered to the next owner on the registration wait list.

- E. The Code Enforcement Office shall issue a registration to the property owner if the dwelling unit has met all requirements of this chapter.
- F. Within 30 days of the issuance of a new registration, the CEO shall send a one-time notification of the STR to all property owners within 50 feet of the outer boundary of the property. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. This provision does not apply to registrations that are being renewed.
- G. Having secured a registration does not relieve the property owner from the obligation to obtain any additional permits necessary for the use.
- H. All issued registrations shall be filed with the building permit files under the management of the CEO.

Summary of Transfer and Transition

The transfer of any short-term registration is expressly prohibited. However, if there is a change of ownership during the term of the registration, the registration remains valid for the dwelling unit, or part thereof, to which it was issued until it would expire on the following May 31.

Transition from VR to VR-1 or VR-2

- On or before May 31, 2022, the VR registration will be renewed as a VR-1 for a VR operating in a dwelling unit, or in a room in the dwelling unit, which is the owner's primary residence, or on the property of the primary residence. However, if an owner has more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) will be renewed as VR-2s notwithstanding the 9% cap.
- On or before May 31, 2022, the VR registration will be renewed as a VR-2 for any VR not operated in a dwelling unit that is the owner's primary residence or is not on the property of the owner's primary residence notwithstanding the district it is in or the 9% cap.
- After December 2, 2021, the Code Enforcement Officer will accept applications for, but will not process or issue,

§ 174-8 **Life safety inspections and inspection schedule.**

- A. The registration of an STR shall be subject to an initial inspection of life safety requirements by the CEO, and thereafter, registration renewals shall be subject to an inspection every three years.
- B. All STRs shall comply with the following minimum codes and safety standards in order to operate:

(1) **Sleeping areas.** Only habitable space will be considered for sleeping purposes. Areas such as garages, storage areas, bathrooms, laundry rooms, hallways, closets, or similar shall not be used for sleeping purposes.

(a) A minimum ceiling height of 7 feet as required by section R305 of the 2015 International Residential Code (IRC), as amended.

(b) Minimum room size as required by section R304 of the 2015 International Residential Code (IRC), as amended.

(c) Emergency and escape opening complying with section R310 of the 2015 International Residential Code (IRC), as amended.

(d) When egress windows or openings are located more than 20 feet above exterior finished grade as measured to the finished sill of the window, a safe landing no less than 4 feet X 4 feet shall be provided no more than 20 feet below the window, or the window shall be directly accessible to the Fire Department rescue apparatus as approved by the authority having jurisdiction.

(e) Safety glass is required for windows located in hazardous locations in compliance with section R308.4 of the 2015 International Residential Code (IRC) as amended.

(f) Smoke and carbon monoxide alarm(s) installed in accordance with sections R314 and R315 of the 2015 International Residential Code (IRC), as amended.

(g) All required smoke and carbon monoxide alarms shall be interconnected in accordance with sections R314.4 and R315.5 of the 2015 International Residential Code (IRC), as amended.

(h) All windows, which are located more than 72 inches from finished grade or other exterior surface below and have a sill height of less than 24 inches from the floor surface of the room, shall comply with section R312.2 of the 2015 International Residential Code (IRC), as amended.

(2) **Fire Alarms and Suppression Systems.** Structures containing fire protection systems shall have those systems serviced and tagged annually by a licensed State of Maine fire protection contractor.

(3) **Additional Safety Standards.** The following additional minimum safety standards are applicable to all STRs:

(a) The E-911 address shall be posted on-site in a location clearly visible from the roadway.

(b) The structure shall be maintained in a safe, hazard-free condition. This includes, but is not limited to, all mechanical, electrical, and plumbing systems, which shall be maintained in operating condition in accordance with the original permit approved, unless otherwise specified in this chapter.

(c) Every dwelling unit shall be equipped with fire extinguishers sized and located per the requirements of the most recently adopted edition of NFPA 10.

(d) Smoke alarms and carbon monoxide alarms installed in accordance with sections R314 and R315 of the 2015 International Residential Code (IRC), as amended.

(e) All stairways, steps, landings, handrails, and guardrails shall be installed and maintained in accordance with section R311 of the 2015 International Residential Code (IRC). Full compliance with the requirements of section R311 is not required where a property owner can demonstrate to the Authority Having Jurisdiction (AHJ) that it is structurally impracticable to meet the requirements.

(f) Temporary wiring shall not be used for permanent fixtures, outlets, or receptacles.

(g) All required exits and egress windows shall remain unobstructed.

(h) Portable heaters shall not be used as a primary source of heat for any space.

(i) A Knox box is required when a fire alarm system or fire sprinkler system is installed.

(j) Ground fault circuit interrupter (GFCI) receptacles shall be installed and operable in bathrooms, laundry areas, kitchens, basements, garages, and around the exterior of the building.

(k) Attached garages must comply with the standards in section R302.6 of the 2015 International Residential Code (IRC), as amended.

(4) Other Applicable Codes.

(a) 2018 NFPA 1 (Fire Code);

(b) 2009 NFPA 54 (National Fuel Gas Code);

(c) 2006 NFPA 211 (Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances);

(d) MRS Title 25 §2469 Fuel Gas Alarms;

(e) 2021 Uniform Plumbing Code; and

(f) Chapter 70, Electrical Installations, of the Bar Harbor Municipal Code, as it may be amended, edited and as applicable.

~~(1)The following chapters of the NFPA 101 Life Safety Code, as most recently amended and edited, and as applicable:~~

~~(a) Chapter 4, General.~~

~~(b) Chapter 6, Classifications of Occupancy and Hazard of Contents.~~

~~(c) Chapter 7, Means of Egress.~~

~~(d) Chapter 9, Building Service and Fire Protection Equipment.~~

~~(e) Chapter 24, One and Two Family Dwellings.~~

~~(f) Chapter 30/31, New and Existing Apartment Buildings.~~

~~(2)Chapter 70, Electrical Installations, of the Bar Harbor Municipal Code, as it may be amended, edited and as applicable.~~

§ 174-9 Violations and penalties.

A. Violation of operating without a registration. It shall be a violation of this chapter for any person to advertise for rent, rent, or operate an STR without a valid registration. If, after investigation, the Code Enforcement Officer finds that an STR is being advertised for rent, or is being rented without a valid registration, written notice shall be given by certified mail, return receipt requested, of such violation to the property owner. A copy of such notice shall be submitted to the Town Council and shall be maintained as a permanent record. This violation shall prohibit the property owner from applying for an STR registration for the property in violation for 12 months from the date of the payment of the applicable fine. The fine for operating without a valid registration shall be \$250 per day for each day of operation without a valid registration as determined by the Code Enforcement Officer.

B. Violation of registration.

- (1) The Code Enforcement Officer shall investigate all alleged violations and enforce the provisions of this chapter and the terms and conditions of the registration. If, after investigation, the Code Enforcement Officer finds that any provision of this chapter or any term or condition of any registration granted under this chapter is being violated, written notice shall be given by certified mail, return receipt requested, of such violation to the owner and to any other person responsible for such violation, indicating the nature of the violation and ordering that action necessary to correct it be taken within a reasonable time determined by the Code Enforcement Officer. A copy of such notice shall be submitted to the Town Council and shall be maintained as a permanent record.
- (2) If, after notice given pursuant to § 174-9B(1), the violation is not abated or corrected within the specified time, the Code Enforcement Officer shall report same to the Town Council. The Code Enforcement Officer's report shall indicate the additional enforcement actions under consideration and whether the Town Attorney has been consulted or will subsequently be involved. At its next meeting, the Town Council shall vote to accept the Code Enforcement Officer's report. The Town Council shall not entertain comment from the person alleged to have violated this chapter nor shall it take any evidence relating to whether a violation has in fact occurred.

C. Suspension and revocation of registration.

- (1) Suspension - minor violation. The Code Enforcement Officer shall suspend a registration for failure to correct a violation, per § 174-9B. The suspension may not exceed three months. Operation of the STR during the period of suspension shall be a violation subject to a fine of \$500 per day.
- (2) Suspension - major violation. After three or more of the following: substantiated disorderly events as defined in Chapter 64 or other violations of this chapter in a twenty-four-month period, the Code Enforcement Officer, shall suspend a registration for a minimum of three months and a maximum of 12 months. Minor and major violations can be either concurrent or cumulative. Operation of the STR during the period of suspension shall be a violation subject to a fine of \$500 per day.

D. Revocation. In cases of recurring major violations or in certain cases of criminal activity at the STR property, the Code Enforcement Officer may revoke a registration.

§ 174-10 Appeals.

In accordance with the process outlined in § 125-103, the Board of Appeals may, upon written application of an aggrieved party received by the Planning Department within 30 days of any decision or enforcement action which interprets this chapter, or hear an appeal from such decision. For purposes of this section, the term "decision" is limited to an order, decision, or enforcement action made in writing.

[End of ordinance]

B. Question and Answer Session on Cruise Management Plan Memorandum of Agreement—Ms. Peacock gave a presentation on the history and content of the plan. Mr. Hochman moderated the session; other Councilors and Mr. Sutherland answered questions. Diane Vreeland, Jim O’Connell, Alf Anderson and Eben Salvatore asked questions, and other participants contributed written questions which were read by staff.

VIII. UNFINISHED BUSINESS

A. Council Policies—*Discussion and vote on policy reviewed at last meeting.*

- 1. **Land Acquisition Policy**—Mr. Hochman, with second by Ms. Cough, moved to repeal the Land Acquisition Policy. Roll Call Vote:

<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

B. 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:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

IX. NEW BUSINESS

A. Housing Policy Framework—*Presentation and discussion of An Examination of Bar Harbor’s Development Process report.*—Planning Director Michele Gagnon summarized the report by Resilience Planning and Design, which was commissioned jointly by the town and the Bar Harbor Chamber of Commerce. She highlighted her memo discussing possible next steps to improve the issues identified in the report, and answered Council questions.

B. Communications Coordinator—*Presentation from Maya Caines.*—Ms. Caines gave a presentation about her work so far and answered Council questions.

C. Sustainability Coordinator—*Presentation from Laura Berry.*—Ms. Berry gave a presentation about her work so far and answered Council questions.

D. Council Priorities—*Discussion on the upcoming November 1st goal-setting meeting.*—Ms. Peacock spoke about the structure of the November 1 meeting, which will focus on both the “what” and the “how” of the Council Priorities identified in March. Mr. Sutherland said he would like the framework of priorities and goals to influence the way the next budget is presented—he said if Council has other goals or priorities that we need to be thinking about as part of the budget process, he wants to hear them at this meeting so he can bring proposals in January that address them. The meeting was set for 5:30 to 8:00 p.m. in the Public Works conference room with dinner.

E. Council Policies—*First reading of proposed changes.*

1. **Investment Policy**

2. **Cooperating Agencies Policy**

Mr. Friedmann moved to table the Council Policies to the next meeting. Following a brief discussion, the motion was withdrawn. The policies will be on the next agenda anyway for discussion and possible approval.

X. TOWN MANAGER'S COMMENTS

Ms. Sutherland said the town is exploring options for maintenance of the municipal solid waste trailers. All three trailers need routine maintenance to keep them road-worthy; they can be pulled out of service one at a time to perform the maintenance. Staff is working on comparing costs and impacts of options for accomplishing this.

Last Wednesday, a first "Manager's Minute" event was held at the Jesup Library last week, to talk about the Cruise Management Plan. About half a dozen residents participated. He thanked Maya Caines for arranging it and Councilor Goldthwait for participating; he said he'd like to arrange more of these events, each with a specific topic and a Councilor or two to join him and share their own points of view.

Several staff are attending the Maine Municipal Association convention this week.

At the monthly League of Towns meeting on Swan's Island last week, Iyla Shornstein from the Center for Climate Integrity gave a similar presentation to the one the Council heard last month. Laura Berry will be following up with some of the other towns who expressed interest in possibly participating in a climate litigation effort. Cathy Conlow, the executive director of the Maine Municipal Association and former city manager of Bangor, also attended to share recent changes at MMA. If Counselors have and feedback or suggestions for how MMA can more effectively serve the town, please share them with Mr. Sutherland and he'll pass them along.

Earlier today, Mr. Sutherland said, he went to Augusta to participate in a panel on short-term rentals. He said the state is very interested in the approach Bar Harbor has taken to the issue. There are currently 124 VR-1 rentals in town (in an owner's primary residence) and 521 VR-2 rentals (not owner-occupied). He said this policy doesn't create housing, it just curbs the transition of long-term rentals to short-term rentals. It also may help keep housing that comes on the market available for first-time home buyers. He said the Council took a very smart first step and the state is now looking at creating other opportunities to do that.

Liz Graves added that the town remains without any applicants for vacancies on the Design Review Board and the board will be unable to meet and review projects that are waiting. Michele Gagnon said this is a quasi-judicial board that must have the ability to meet. She said it may help, in the future, to reduce the size of the board.

XI. COUNCIL COMMENTS

Mr. Minutolo welcomed the new staff and said Ms. Berry had some really good ideas at the last Climate Emergency Task Force meeting he attended. He said the recent hurricane impacts in Florida and Nova Scotia highlight the importance of that work.

Ms. Goldthwait asked whether the thank-you to the YMCA for extending swimming hours this summer had happened. Mr. Sutherland said there was a post on the town's social media. She had talked at the last meeting about the possibility of inviting the new director of The Jackson Laboratory to a Council meeting, but since then, three Councilors and Mr. Sutherland attended a community event that the lab held, which served much of the same purpose. She also asked about holding Council meetings in Hulls Cove, Town Hill or Salsbury Cove—whether that's feasible in the next couple of months. In relation to the plans from our new staff, who she said we've made fabulous choices in hiring, she asked if it has already been decided that we're going to have a town slogan. Mr. Sutherland suggested bringing it back to the next meeting to have the Council decide whether they want to pursue it.

Ms. Cough said there is a little more than a month before Election Day. She encouraged people to be aware of what the ballot says and, if they have questions, to do fact-finding. There is an Elections-November page on the town website, barharbormaine.gov, under Town Hall, then Town Clerk. She encouraged people to get out and vote.

Mr. Hochman thanked the Council and the staff for having this meeting on a Monday in deference to Yom Kippur. With the Jewish New Year he wished everyone *L’shanah tovah* and *Gmar tov* for Yom Kippur tomorrow.

Mr. Dobbs said he has been asked about a memorial plaque for Oliver “Oli” Parker on a town bench, the one at the corner of Main Street and Cottage Street in front of Island Imports. A similar plaque was installed a number of years ago on the pier for Tommy Pinkham. Ms. Peacock suggested putting that project on a future agenda, to give time to clarify the process.

Mr. Friedmann asked about the forum on Article 3 that Ms. Peacock attended. She said the petitioners held a forum at the YWCA last week; she was planning just to go and listen, but in the process there were questions that came up about current practice and about the Memorandum of Agreement with the cruise lines. Faith DeAmbrose, who moderated the event, asked Ms. Peacock to explain those things. She thought it was a positive meeting and was glad she went.

Ms. Peacock said there is a Comprehensive Plan meeting next Wednesday at 6 p.m., the last meeting before the big public events Oct. 25 and 26. The next Council meeting, October 18, will include public hearings on the town ballot articles. She said work continues toward a workshop on the town Ethics ordinance and that will come back to Council soon.

Ms. Goldthwait said if the Council has an interest, she could begin drafting a bill for the Legislature that would allow expenditures from the parking fund for capital expenses in a municipality, which could be another source of revenue for some of our upcoming projects. Mr. Hochman said he spoke to one of our state representatives about something similar.

XII. EXECUTIVE SESSION—*Consultation with code enforcement*—Mr. Hochman, with second by Ms. Cough, moved to enter into executive session to consult with code enforcement related to the prosecution of enforcement matters against Emmons, 191 Thundermist Road pursuant to Title 1 MRSA section 405(6)(H). Roll Call Vote:

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

Mr. Sutherland and Code Enforcement Officer Angela Chamberlain participated in the executive session. At 10:16 p.m., Council returned to regular session. Mr. Hochman, with second by Ms. Cough, moved to modify the Consent Agreement Policy for the violation that occurred at 191 Thundermist Road. Roll Call Vote:

- Minutolo Y
- Goldthwait Y
- Cough Y

Peacock Y
Hochman Y
Dobbs Y
Friedmann Y
Motion passed 7-0.

Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agreement as presented and authorize the Town Manager to sign said agreement. Roll Call Vote:

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

XIII. ADJOURNMENT—Mr. Hochman, with second by Ms. Cough, moved to adjourn at 10:17 p.m. Roll Call Vote:

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

Elizabeth N. Graves, Town Clerk