

**Minutes**  
**Bar Harbor Town Council**  
**By Video Conference**  
**May 4, 2021**

**I. CALL TO ORDER**—5:01 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. 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 may be emailed in advance to the Council Chair at [jdobbs@barharbormaine.gov](mailto:jdobbs@barharbormaine.gov) to be read during the meeting or through the Zoom webinar using the raise hand function.*—None.

**III. APPROVAL OF MINUTES**—*April 20, 2021 Regular Meeting*

Interim Clerk Liz Graves requested a correction to the draft minutes document so the page header reads “Bar Harbor Town Council Minutes.” Ms. Goldthwait, with second by Mr. Hochman, moved to amend the page header and approve the minutes from the April 20, 2020 Regular Meeting as amended. Roll Call Vote:

Dobbs            Y

Hochman       Y

Peacock       Y

Friedmann    Y

Minutolo       Y

Goldthwait    Y

Cough           Y

Motion passed 7-0.

**IV. ADOPTION OF AGENDA**—Ms. Goldthwait, with second by Mr. Hochman, moved to move item VIII. Task Force on Climate Emergency, to the first item of Regular Business, VIIA and to adopt the agenda as amended. Roll Call Vote:

Dobbs            Y

Hochman       Y

Peacock       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. Annual Town Meeting June 2021 Warrant** – *Possible motion to sign.*

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

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

1. **Point 2 Point Taxi & Tours** request for three taxi license renewals as submitted by Denise Daugherty.
2. **Oli’s Trolley** request for seven bus license renewals and one new taxi license as submitted by Denise Morgan.

**D. Shellfish** – *Possible motion to suspend the conservation hour requirement for licensing for 2021-2022 due to the pandemic as recommended by the Marine Resources Committee.*

Mr. Hochman, with second by Ms. Cough, 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.

**VI. PUBLIC HEARINGS** - *Maximum of 3 minutes per person. Comments may be emailed in advance to the Council Chair at [jdobbs@barharbormaine.gov](mailto:jdobbs@barharbormaine.gov) to be read during the hearing or through the Zoom webinar using the raise hand function.*

**A. Boards and Committees Ordinance Amendment #2021-03** - *Public comment and possible motion to adopt the amendment to Chapter 31 of the Municipal Code.* Chair Dobbs read a comment from Ellen Akeson. Mr. Hochman, with second by Ms. Goldthwait, moved to adopt the amendment to Chapter 31 of the Municipal Code; Boards, Committees and Commissions as presented. Roll Call Vote:

Dobbs            Y  
Hochman      Y  
Peacock       Y  
Friedmann    Y  
Minutolo      Y  
Goldthwait   Y  
Cough         Y

Motion passed 7-0.

**Boards and Committees Ordinance Amendment**  
Town of Bar Harbor  
#2021-03

**An amendment to clarify eligibility for voting members.**

*The Town of Bar Harbor hereby ordains that Chapter 31, Boards, Committees and Commissions, Article X: General, of the Town Code is amended as follows:*

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

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

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**Article X: General**

**§ 31-136 Residency a prerequisite to voting.**

All voting members of all boards, committees and commissions that are appointed by the Bar Harbor Town Council, or that are appointed to any subsidiary board, committee or commission of said Council, shall be persons who are residents in the Town of Bar Harbor ~~who have no other residence and are physically present and are at least 15 years old.~~ A resident shall be defined to mean a person whose residence is Bar Harbor. Residence shall be defined to mean that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return. If permitted by this chapter or by other chapters of this Code, or by the Charter of the Town of Bar Harbor, persons who are not residents in the Town of Bar Harbor may be appointed to such boards, committees or commissions, but they shall not be permitted to vote on any business that comes before such boards, committees or commissions.

[End of Ordinance]

**B. Special Amusement Permit Renewals**

1. **Dog and Pony Tavern, 4 Rodick Place, request for Class 4, Other Entertainment as submitted by Dustin Gallant.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the special amusement application for the Dog & Pony Tavern for a Class 4 permit as presented. Roll Call Vote:

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

2. **Side Street Cafe, 49 & 51 Rodick Street, request for Class 3a, three or more musicians with mechanical amplification as submitted by Jena Young.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the special amusement application for the Side Street Café for class 3a permit as presented. Roll Call Vote:

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

- 3. **Mainely Meat BBQ Dreamwood Hill**, 269 State Hwy 3, request for Class 3, three or more musicians without mechanical amplification as submitted by Laura Johnson. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the special amusement application for the Mainely Meat BBQ Dreamwood Hill for Class 3 permit as presented. 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. Task Force on Climate Emergency** – *Review recommendation regarding electricity providers.* Brian Booher, Chair of the Task Force on Climate Emergency, participated in the discussion. Ms. Goldthwait, with second by Mr. Hochman, moved to table this item until the task force is prepared to bring further information to the Council. Roll

Call Vote:

Dobbs                    Y

Hochman                Y

Peacock                Y

Friedmann            Y

Minutolo               Y

Goldthwait            Y

Cough                   Y

Motion passed 7-0.

- B. Black Friar Inn** – *Request to purchase leased plot of land.* Mr. Knight explained the request. Following discussion, Mr. Hochman, with second by Ms. Goldthwait, moved to allow the Black Friar Inn owners to get an appraisal at their expense on the strip of land that abuts the Inn and the town’s parking lot. Roll Call

Vote:

Dobbs                    Y

Hochman                Y

Peacock                Y

Friedmann            Y

Minutolo               Y

Goldthwait            Y

Cough                   Y

Motion passed 7-0.

- C. Conservation Commission**—*Presentation of final Open Space Plan by Michael Handwerk.* Mr. Handwerk, chair of the Conservation Commission, presented the summary report and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to thank Mr. Handwerk and the commission for the presentation and their work on the Open Space Plan and put the

plan on a future agenda for further discussion. Roll Call Vote:

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

**D. Breakwater**—*Army Corps of Engineers update.* Cruise Ship Committee Chair Eben Salvatore discussed his memo, which stated that the Army Corps made the determination that the work needed to the Breakwater was classified as a maintenance project and not an improvement project. Because of this the repair is moving forward as a federal project. He answered Council questions. No action was taken.

**E. Cruise Ships** – *Consideration of American Cruise Lines plan and possible changes to No Sail Order.* Sarah Flink of CruiseMaine answered and Paul Taiclet, vice president of American Cruise Lines, answered Council questions. Following discussion, Mr. Friedmann, with second by Ms. Peacock, moved that the Town of Bar Harbor welcomes American Cruise Lines back to Bar Harbor in 2021. Roll Call Vote:

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

**F. Resolution** – *Recognition of Harbormaster Charlie Phippen.* Council expressed their appreciation to Charlie. Mr. Hochman, with second by Mr. Friedmann, moved to accept and sign the Resolution honoring our outgoing Harbormaster Charlie Phippen as presented. Roll Call Vote:

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

**Resolution of the  
Bar Harbor Town Council**

WHEREAS Charlie Phippen has served for 22 years as Bar Harbor Harbormaster and will start his well-deserved retirement on May 15; and

WHEREAS harbor management requires balancing the activities of commercial fishing, recreational boating, visiting yachts and cruise ships; and

WHEREAS Charlie has kept the docks, piers, ramps, boats, hoists, and pump-out system in excellent condition and rescued many people stranded on Bar Island or in disabled boats; and

WHEREAS Charlie’s final year in office was one of constant adjustment to changes in harbor activity due to the pandemic; and

WHEREAS Charlie has taught harbor and boating courses to new harbormasters and served as president of the Maine Harbormasters’ Association; and

NOW THEREFORE BE IT RESOLVED that the members of the Bar Harbor Town Council do hereby express their appreciation for Charlie’s service to the community; and be it further

RESOLVED that the members of the Bar Harbor Town Council extend their best wishes to Charlie for an enjoyable retirement.

**G. 4<sup>th</sup> of July Parade, Fireworks and Band Concerts**

- 1. Chamber of Commerce Director Alf Anderson highlighted his letter. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to approve Fourth of July activities provided they comply with state and federal CDC guidelines.

Roll Call Vote:

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

Motion passed 6-1. (Nay: Goldthwait)

- 2. Mr. Hochman, with second by Ms. Cough, moved to approve Town Band concerts provided they comply with state and federal CDC guidelines. Roll Call Vote:

Dobbs                    Y  
Hochman                Y  
Peacock                Y  
Friedmann             Y  
Minutolo               Y  
Goldthwait             Y  
Cough                   Y

Motion passed 7-0.

**H. Main St and Cottage St Streetscapes—Update.** Mike Rogers of LARK Studio reviewed the plans from 2017 and 2018. Public Works Director Bethany Leavitt also participated in the discussion. No action was taken.

**I. Treasurer’s Warrants – 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**

Mr. Knight said the Planning Department is analyzing the results of the Polco survey on vacation rentals and is working on an amendment and would like to have a workshop with the council. In order to stay on schedule for a vote in November they do need to move on this to have it back to the Planning Board to call for a public hearing the first week of June. Workshop will be next Tuesday, May 11 at 5:30 p.m.

Paving on West Street and upper Rodick Street has been delayed to Thursday because they had problems opening the paving plant in Hancock.

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

Mr. Hochman thanked Ron Graves for all of his years of work at the transfer station. He’s known Ron a very long time, both as the father of one of his best friends in high school and fellow MDI Drama parent, and as a Councilor and town employee. He also recognized Brad O’Neil’s last call as an officer for the Bar Harbor Police Department before his retirement and thanked him for all his years of service to the town.

Ms. Goldthwait said a surprising number of people went to the library to get help applying for their parking permits. The library is not yet open for public computer use. She also asked when the cruise ship survey results are expected. Mr. Knight said 1,000 were returned by mail and 500 online, but he doesn’t have a date yet. Ms. Goldthwait also shared a brochure about ocean pollution by a 10-year-old resident.

Mr. Friedmann thanked everyone for their patience and good humor during another long meeting.

Ms. Peacock says there’s character to our town and she worries that projects like the streetscapes can make us look like a lot of other towns.

Mr. Dobbs said a retired CBP agent had contacted him wanting to tell his tale of what it was like to work on customs for cruise ships here, but later learned that doing so would violate agreements he has made. He thanked Ron Graves and Charlie Phippen. He also thanked Councilor Goldthwait for the resolutions and testimony she has written.

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

**XI. ADJOURNMENT**—Mr. Hochman, with second by Ms. Cough, moved to adjourn at 9:00 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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Elizabeth Graves, Interim Town Clerk