

Minutes
Bar Harbor Town Council
By Video Conference
May 18, 2021

I. CALL TO ORDER – 4:45 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. EXECUTIVE SESSION—*IAFF contract*. Fire Chief Matt Bartlett was present. Mr. Hochman, with second by Ms. Cough, moved to go into executive session as permitted by MRSA 1 Sec. 405(6)(D) for discussion of a labor contract renewal. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

No action was taken. Meeting returned to regular session at 5:01 p.m.

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

A. Parks and Recreation Committee

1. *Desiree Sirois, term expiring 2023*

Mr. Friedmann moved to appoint Desiree Sirois to the Park and Recreation Committee with a term expiring 2023. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

IV. 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 to be read during the meeting or through the Zoom webinar using the raise hand function.*—None.

V. APPROVAL OF MINUTES- May 4, 2021 Regular Meeting

Mr. Hochman, with second by Ms. Cough, moved to approve the May 4, 2021 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.

VI. ADOPTION OF AGENDA—Mr. Hochman requested that “Fourth of July Parade” be added as Item A under Regular Business without objection. He noted that the request meets the requirement of the Council’s Rules of Order 3C(1), as significant inconvenience would result if the matter were postponed. Mr. Hochman, with second by Mr. Minutolo, moved 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.

VII. FINANCIAL REPORT - *Review and possible motion to accept the financial report as presented.* Mr. Hochman, with second by Ms. Cough, moved to accept the financial report as presented. Roll Call Vote:

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

Motion passed 7-0.

VIII. 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. **Acadia National Park Tours** request for one bus license renewal and two new bus licenses as submitted by Andrew Cough.

B. Sewer Multiple Connection Permits—*Possible motion to approve:*

1. **7 Holland Ave**
2. **128 West Street**

Mr. Cough asked whether she needed to be recused, as she is distantly related to one applicant and is an abutting neighbor to the others. Mr. Knight said there’s no conflict of interest on a consent agenda. Mr. Hochman, with second by Mr. Minutolo, 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.

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

A. Special Amusement Permit Renewals

1. **Atlantic Brewing/Mainly Meats BBQ, 15 Knox Road, request for Class 3a, three or more musicians with mechanical amplification as submitted by Alex Maffucci.** Mr. Dobbs noted that he does business with Atlantic Brewing; Mr. Hochman said that does not rise to the level of a conflict of interest. There was no public comment. Following discussion, Mr. Hochman, with second by Mr. Friedmann, moved to approve the special amusement application for Atlantic Brewing/Mainly Meats BBQ for a 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.

2. **Atlantic Brewing Midtown, 52 Cottage Street, 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 Mr. Friedmann, moved to approve the special amusement application for Atlantic Brewing Midtown for a Class 3a permit as presented. Roll Call

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

Motion passed 7-0.

B. Amusements Ordinance Amendment #2021-04 - *Public comment and possible motion to adopt the amendment to Chapter 14 of the Municipal Code.* Chair Dobbs read email comments from Brian and Eleanor Richardson, Valerie Ortigas, Zachary Freedenberg and Christopher Strout. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to adopt the amendment to Chapter 14 of the Municipal Code, Amusements Ordinance as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait N

Cough Y

Motion passed 6-1. (Nay: Goldthwait)

Amusements Ordinance Amendment

Town of Bar Harbor

#2021-04

An amendment to allow amplified outdoor music.

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

§ 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.

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

A. Special amusement permits granted by the Town Council shall be limited to the following classes:

(1) Without mechanical amplification:

- (a) Class 1: single musician.
- (b) Class 2: two musicians.
- (c) Class 3: three or more musicians.

(2) With mechanical amplification:

- (a) Class 1a: single musician.
- (b) Class 2a: two musicians.
- (c) Class 3a: three or more musicians.
- (3) With mechanical amplification and dancing:
 - (a) Class 1ad: single musician.
 - (b) Class 2ad: two musicians.
 - (c) Class 3ad: three or more musicians.
- (4) With outdoor mechanical amplification:
 - (a) Class 1ao: single musician.
 - (b) Class 2ao: two musicians.
 - (c) Class 3ao: three or more musicians.
- (45) Other entertainment or amusement:
 - (a) Class 4: any other type of entertainment, as provided by 28-A M.R.S.A. § 1054(1)(C).

§ 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.

[End of Ordinance]

X. REGULAR BUSINESS:

- A. Fourth of July Parade**—Discussion of parade start time. Mr. Friedmann gave an update on the Chamber of Commerce’s plan for an 11 a.m. start time for the parade and reserved parking for churches that morning. No action was taken.
- B. Higgins Pit Solar Feasibility Analysis**—Beth Woolfolk from A Climate to Thrive reviewed her study and answered Council questions. Following discussion, Mr. Hochman, with second by Mr. Minutolo, moved to thank Ms. Woolfolk for her presentation and ask A Climate to Thrive to come back with a proposal for next steps and costs on the Higgins Pit Project. Roll Call Vote:

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

Cough _____ Y
Motion passed 7-0.

- C. Transfer Station**—*Right of way easement request.* Mr. Minutolo raised a possible appearance of a conflict of interest with this item. Mr. Hochman, with second by Ms. Cough, moved to recuse Councilor Minutolo for the appearance of a conflict of interest due to his brother being an abutter to the property in question. Roll Call Vote:

Dobbs _____ N
Hochman _____ N
Peacock _____ N
Friedmann _____ N
Goldthwait _____ N
Cough _____ N
Motion failed 0-6.

Margaret Jeffrey, attorney for Robert Rechholtz, reviewed the request for a right of way easement to a parcel on White Spruce Road and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Cough, moved that the town grant a right of way easement for all purposes of a way, together with utilities as defined in Title 33 MRSA Sec 458.2, over the 25 foot wide right of way as depicted on the 1909 Edgar Lord Plan and the April 1994 Plan. Roll Call Vote:

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

- D. MRC Update**—*Possible motion to approve fundamental matters.* Bethany Leavitt, Public Works Director, explained her memo and answered Council questions. Following discussion, Mr. Friedmann, with second by Mr. Hochman, moved to make a call for a Municipal Review Committee membership meeting before agreeing to the four matters and ask the MRC director to meet with the Council. Roll Call Vote:

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

- E. Council Meeting Schedule** – *Discussion on Zoom vs. in person & start time.* Following discussion, Mr. Hochman, with second by Ms. Cough, moved that, beginning with the Council’s June 9 organizational meeting, all town boards and committees meet in person, masked, pending any changes from the U.S. or Maine Center for Disease Control. Roll Call Vote:

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

Motion passed 6-1. (Nay: Goldthwait)

- F. Town Clerk**—*Possible motion to approve the appointment.* Mr. Hochman, with second by Ms. Goldthwait, moved to approve the Town Manager’s appointment of Elizabeth Graves of Bar Harbor as Town Clerk. Roll Call Vote:

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

Motion passed 7-0.

- G. Fire Department**—*Possible motion to approve labor agreement.* Mr. Knight said the two-year contract includes a 3 percent wage increase retroactive to July 1, 2020 and a 15-cent bump per hour on those pay columns of 10 years and above. In the second year, beginning July 1, 2021, it’ll be a 3 percent increase, which is comparable to other municipal employees, and a 25-cent jump on those columns 10 years and above. Mr. Hochman, with second by Ms. Cough, moved to approve the proposed labor agreement. Roll Call Vote:

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

Motion passed 7-0.

H. Resolutions

- 1. Recognition of Solid Waste Superintendent Ron Graves. Council expressed appreciation to Mr. Graves. Ms. Goldthwait, with second by Mr. Friedmann, moved to approve the resolution recognizing Ron Graves 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 Ron Graves has served as Bar Harbor Transfer Station Superintendent since 1999, and retired in April after 22 years of service to the town, and

WHEREAS Ron provided quality service to the town customers and commercial drivers, and

WHEREAS Ron was involved with the planning of the new transfer station and single sort facility as well as the interim site operation, and

WHEREAS movement of solid waste and recycled materials is an important municipal operation and Ron saw that it was done efficiently and smoothly, and

WHEREAS, Ron spearheaded the recycling program and educated the community on its environmental benefits, and

NOW THEREFORE BE IT RESOLVED that the members of the Bar Harbor Town Council do hereby express their deep appreciation for Ron’s service as Bar Harbor Transfer Station Manager and be it further

RESOLVED that the members of the Town Council extend their best wishes to Ron in his retirement.

- 2. Recognition of Patrol Officer Brad O’Neil. Council expressed appreciation to Officer O’Neil. Mr. Friedmann, with second by Ms. Goldthwait, moved to approve the resolution recognizing Brad O’Neil 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 Brad O’Neil has served in the Bar Harbor Police Department for 17 years; and

WHEREAS Brad is known for his community involvement through the Coffee with a Cop program and his willingness to drop in and visit with various community groups; and

WHEREAS Brad participated in DARE, the Drug Abuse Resistance Program, to the benefit of our local youth; and

WHEREAS Brad had a deep commitment to Crisis Intervention, acquiring additional training and responding with compassion and empathy to calls involving mental and emotional health issues; and

WHEREAS Brad’s calming presence, positive attitude and sense of humor helped defuse many challenging situations,

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

RESOLVED that the members of the Bar Harbor Town Council extend their best wishes to Brad upon his retirement from the Bar Harbor Police Department.

I. Treasurer’s Warrants – Request of Treasurer to authorize paid bills. Mr. Hochman, with second by Mr. Friedmann, 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.

XI. TOWN MANAGER’S COMMENTS

Mr. Knight said that Town Meeting will be June 1 at 6 p.m, at the Connors Emerson School gym. There will be no space requirements but everyone will have to wear a mask.

He received an email from Lilea Simis on behalf of the school board, saying they are looking at requesting a bond for the November ballot for the school. They would like to discuss that with the Council at an in-person workshop towards the end of June.

XII. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Minutolo said he has learned a lot about the town and about himself during his Council term that ends this month. He thanked his fellow Councilors, town staff and residents.

Ms. Cough wished everyone who’s running for town office the best of luck. She said this job is hard and it is sometimes very hard to make the decisions the Council has to make. She is glad that we’re moving back to in-person meetings; it’s important for the public be able to come to the meeting as well as watch the meeting from home. She asked the Climate Emergency Task Force to keep up the things they’re sending to us, it’s great to see all these proposals and how the town potentially is going to change in the future. She and other Councilors congratulated Liz Graves on her appointment.

Ms. Peacock thanked everyone for helping her through her first year on the Council.

Mr. Friedmann thanked the Council for all we’ve accomplished this year. He said he is looking forward to following through with a lot of important projects over the next few weeks.

Mr. Hochman thanked Mr. Minutolo and Mr. Friedmann for their service for the last three years. He said he is looking forward to seeing Ms. Peacock in person up on the dais since her whole first year on the Council has been via Zoom.

Mr. Dobbs thanked Brad O’Neil and Ron Graves for their service to the town.

XIII. ADJOURNMENT— Mr. Hochman, with second by Ms. Cough, moved to adjourn at 8:48 p.m. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

Elizabeth Graves, Interim Town Clerk