

MINUTES
Bar Harbor Town Council
May 2, 2023

- I. CALL TO ORDER**—6:30 pm. In attendance were Councilors Valerie Peacock, Matthew Hochman, Joe Minutolo, Jill Goldthwait, Erin Cough, and Clark Stivers; Interim Town Manager Sarah Gilbert, Town Attorney Stephen Wagner and Deputy Clerk Lynn Kenison Higgins.

Ms. Peacock gave opening remarks. She thanked everyone for coming to the regular meeting or watching Town Hall Streams, and said Happy May to all. She said things are getting greener, leaves are bigger, dandelions and daffodils are blooming and it is No Mow May. Acadia National Park is now open and the town is starting to get busier.

- A. Excused Absence(s)**— Mr. Hochman with second by Ms. Cough, moved to excuse Councilor Gary Friedmann as provided by Town Charter section C-12.B(1)(d). Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Stivers Y

Motion passed 6-0.

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.*—None.

IV. APPROVAL OF MINUTES

April 18, 2023 Regular Meeting— Mr. Hochman with second by Ms. Cough, moved to approve the minutes of the April 18, 2023 Regular Meeting as presented. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Stivers Y

Motion passed 6-0.

- 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
Stivers _____ Y
Motion passed 6-0.

VI. CONSENT AGENDA - *A single vote has been scheduled to approve the following routine item(s) 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. At Your Service Taxi request for eight taxi license renewals as submitted by Clare Bingham.

Mr. Hochman, with second by Ms. Cough, moved to approve the consent agenda as published. Roll Call Vote:

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Stivers _____ Y
Motion passed 6-0.

VII. PUBLIC HEARING

A. Special Amusement Permits

- 1. **Bar Harbor Lobster Bakes**, 10 State Highway 3, request for a new Class 3a, three or more musicians with mechanical amplification, as submitted by Brewer Brothers & HT LLC. Following discussion, Mr. Hochman with second by Ms. Cough, moved to approve the Special Amusement Permit application for Bar Harbor Lobster Bakes for a new Class 3a permit, three or more musicians with mechanical amplification as submitted by Brewer Brothers & HT LLC. Roll Call Vote:

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Stivers _____ Y
Motion passed 6-0.

- 2. **Bar Harbor Beer Works**, 119 Main Street, request for a renewal Class 3a, three or more musicians with mechanical amplification, as submitted by FishMaine Inc. Following discussion, Mr. Hochman with second by Ms. Cough, moved to approve the Special Amusement Permit application for Bar Harbor Beer Works, a renewal Class 3a permit, three or more musicians with mechanical amplification, as submitted by FishMaine Inc. Roll Call Vote:

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Peacock _____ Y
Hochman _____ Y

Stivers _____ Y
Motion passed _____ 6-0.

- 3. **The Travelin Lobster**, 1569 State Highway 102, request for a renewal Class 1a, single musician with mechanical amplification, as submitted by Kelly Corson. Following discussion, Mr. Hochman with second by Ms. Cough, moved to **table** the Special Amusement Permit application for The Travelin Lobster, a renewal Class 1a permit, single musician with mechanical amplification, as submitted by Kelly Corson; pending clarification and accurate permit submitted. Roll Call Vote:

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Stivers _____ Y
Motion passed _____ 6-0.

B. Employee Living Quarters

Witham Family LLC, 119 Eden Street, Atlantic Oceanside Hotel & Conference Center, accommodations on-site for 16 employees. Mr. Hochman, with second by Ms. Cough, moved to approve an Employee Living Quarters License for Witham Family LLC, 119 Eden Street, Atlantic Oceanside Hotel & Conference Center, on-site for 16 employees as submitted by David C. Witham. Roll Call Vote:

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Stivers _____ Y
Motion passed _____ 6-0.

VIII. UNFINISHED BUSINESS

- A. **Bar Harbor Pride** – *Request for painted sidewalks.* Ms. Gilbert presented potential crosswalks to paint on Main street, the new colors and new flag design. Following discussion, Mr. Hochman with a second by Ms. Cough, moved to approve the painting of two crosswalks on Main Street to celebrate June Pride month. Roll Call Vote:

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Stivers _____ Y
Motion passed _____ 6-0.

- B. **Treasurer’s Warrant**—*Request of Treasurer to authorize paid bills.* Mr. Hochman with a second by Ms. Cough, moved to approve Treasurer’s request to authorize paid bills. Roll Call Vote:

Minutolo Y
Goldthwait Y
Cough Y
Peacock Y
Hochman Y
Stivers Y
Motion passed 6-0.

IX. NEW BUSINESS

A. Ethics Ordinance—*Update and discussion with Town Attorney Stephen Wagner*

Ms. Peacock presented a close analysis of all the comments, questions, and suggested revisions collected last month. She said that the bulk of feedback suggested that the ethic ordinance was adequate but that it wasn't being implemented correctly or enforced adequately. Better training was another recurring suggestion. Mr. Wagner felt there may be a need of possibly changing the definition for conflict of interest, and for development of a different procedure and consequences, depending on the function of a board or committee. Ms. Goldthwait shared her concerns of the enormity of documents to review and the potential of something happening if anything wasn't thought of and addressed. She felt there must be another more efficient way to proceed. It was acknowledged that better guidelines and procedures are needed to help everyone working with the Ethics Ordinance to feel more confident, and to provide more transparency. Ms. Peacock thanked those that took the time to provide the helpful feedback.

B. Public Works Projects-*Update from Public Works Director Bethany Leavitt on Summer 2023 Construction Activities*—Ms. Leavitt's presentation provided an overview of the capital projects under construction this summer. She said that these projects have various phases-concept, design, bid, construction, commissioning and closeout- and the presentation was focusing on the construction phase. For spring and summer there will be sewer, water, sidewalk restoration and road paving projects. Several projects have been put out to bid, so an exact start time is pending. Ms. Leavitt also gave an update on 77 Cottage Street and Bridge Street. Councilors thanked Ms. Leavitt for a fabulous presentation.

C. Legislative Update-*Updates by Councilor Goldthwait*

Bill LD 801 would require municipalities to acquire housing for residence experiencing homelessness, and the only person that testified opposed this bill. There is a bill to introduce a fee charged for State agencies doing research for Freedom of Access information requests. Ms. Goldthwait reached out to the sponsor of the bill to advocate amending the bill to include municipalities as well. Ms. Goldthwait only wants an accurate charge for the amount of time and resources involved processing a Freedom of Access request. Several bills address micro-mobility and motorized devices. These are not expected to pass as there is also a bill for the Maine Transportation Department to study all these devises and their impact. After the meeting that took place earlier today, she believed they would all become incorporated into the one bill. No hearing has been scheduled for the localized tax bill.

X. TOWN MANAGER'S COMMENTS—Ms. Gilbert shared that beginning May 15th the paid parking goes into effect. She wanted to reminded everyone that the parking portal is in operation.

Ms. Gilbert also announced that the Public Works Power Screen was delivered last week, and she thanked everyone involved with the Earth Day Cleanup last Saturday April 29th.

XI. COUNCIL COMMENTS

Mr. Minutolo gave his thanks to everyone involved in the Earth Day cleanup.

Ms. Goldthwait passed.

Ms. Cough said that the Council candidates’ debate was approaching May 8 and 9th by Zoom.

Mr. Hochman also expressed gratitude for everyone participating in the Earth Day Cleanup and how good the road side looked.

Mr. Stivers passed.

Ms. Peacock reminded everyone that the new Town Reports were available at the Town Clerk’s office. She said that she would not be attending the May 16th Town Council regular meeting, missing Mr. Stivers and Ms. Goldthwait’s last meeting.

XII. EXECUTIVE SESSION— Discussion with Town Attorney, APPLL. et al. v. Bar Harbor— 8:35 pm. Mr. Hochman, with second by Ms. Cough, moved to enter into executive session to consult with the town attorney concerning pending litigation in APPLL et al v. Town of Bar Harbor, as permitted under 1 MRSA §405.6.E. 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>Stivers</u>	<u>Y</u>
<u>Motion passed</u>	<u>6-0.</u>

Executive session ended at 9:38 pm.

XIII. ADJOURNMENT— Mr. Hochman, with second by Ms. Cough, moved to adjourn at 9:40 p.m. 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>Stivers</u>	<u>Y</u>
<u>Motion passed</u>	<u>6-0.</u>

