

Minutes
Bar Harbor Town Council
By Video Conference
June 2, 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 – May 19, 2020 Regular Meeting

Mr. Hochman, with second by Ms. Cough, moved to approve the minutes of the May 19th meeting as presented. 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. Hochman, with second by Ms. Cough, moved to adopt the agenda as presented. 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. Annual Town Meeting 2020 – *Possible motion to sign and post the Notice of Public Hearing for June 16, 2020.*

B. Special Town Meeting November 2020 – Possible motion to sign the Order placing the Charter Modification articles on the November 3, 2020 town meeting warrant.

Order

Of the Bar Harbor Town Council
For the November 3, 2020 Town Meeting

It is hereby ordered that the following articles be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to 1. Clarify the recording of recommendations on Town Warrants and Ballots, 2. Change the Warrant Committee’s responsibilities to consideration of the Municipal Budget and Land Use Ordinance amendments, and 3. Remove review and recommendations of Citizen Initiative and Referendum from the Town Council, Warrant Committee, School Committee and Planning Board, as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE II: Town Meetings: § C-5. Annual and Special Town Meetings.

- (1) Contents of ballots: In addition to the provisions of the Revised Statutes of the State of Maine, the ballots for all Town Meetings shall include:
 - (a) For each ballot article except election of officeholders, revisions or modifications to this charter, the school budget, and citizen initiatives and referendums, the recommendation of the Warrant committee, including in the form of the number of Committee members and number of Committee members voting for and against the recommendation;
 - (b) For each Land Use Ordinance amendment article except those originating from citizen initiative or referendum, the recommendation of the Planning Board, including in the form of the number of Board members and the number of Board members voting for and against the recommendation;
 - (c) For each ballot article affecting school issues except those originating from citizen initiative or referendum, the recommendation of the School Committee, including in the form of the number of Committee members and the number of Committee members voting for and against the recommendation;
 - (d) For each ballot article except Land Use Ordinance amendments, ~~and~~ election of officeholders, revisions or modifications to this Charter, and citizen initiatives and referendums, the recommendation of the Town Council, including in the form of the number of Councilors and the number of Councilors voting for and against the recommendation.
- (2) Warrant: The Town Meeting warrant shall be prepared as required by law and be posted in the Municipal Building. Further, the warrant shall include:
 - (a) A brief statement outlining the intent of the proposed article;

- (b) For each ballot article except election of officeholders, revisions or modifications to this charter, the school budget, and citizen initiatives and referendums, the recommendation of the Warrant committee, including in the form of the number of Committee members and number of Committee members voting for and against the recommendation;
- (c) For each Land Use Ordinance amendment article except those originating from citizen initiative or referendum, the recommendation of the Planning Board, including in the form of the number of Board members and the number of Board members voting for and against the recommendation;
- (d) For each ballot article affecting school issues except those originating from citizen initiative or referendum, the recommendation of the School Committee, including in the form of the number of Committee members and the number of Committee members voting for and against the recommendation;
- (e) For each ballot article except Land Use Ordinance amendments, ~~and~~ election of officeholders, revisions or modifications to this Charter, and citizen initiatives and referendums, the recommendation of the Town Council, including in the form of the number of Councilors and the number of Councilors voting for and against the recommendation.
- (f) Such other explanatory material as, in the opinion of the Town Council, would help the voters better understand the issues at hand.

ARTICLE VII: Warrant Committee: § C-36. Duties and responsibilities.

- A. It shall be the duty of ~~any duly elected~~ the Warrant Committee, meeting as a full body, to consider, investigate and report upon, with recommendations or comments, all articles except those dealing with election of candidates, revisions or modifications to this charter, the school budget, and citizen initiatives or referendums included in the Warrant of all Town Meetings, whether annual or special. ~~When requested to do so,~~ It shall be the duty of Town officers and committees to meet with the full body of the Warrant Committee ~~or any of its subcommittees~~ and to furnish, to all members, all information relative to matters being considered by the Warrant Committee.
- B. The Warrant Committee shall submit its recommendations on municipal budget articles to the Town Council as provided by Charter § C-31, Preparation and submission of the budget.

Rationale:

- The recommended amendments for Article II clarify the method of recording elected bodies' recommendations on Warrant Articles
- The recommended amendments clarify that the Warrant committee will review the Municipal Budget, and LUO amendments but will no longer review or make recommendations on the school budget. The School Budget is currently presented by staff, reviewed by the School Committee and the Town Council before being placed on the Town Warrant for adoption by vote at the Town Meeting. This process provides two reviews by elected bodies. Removing a third review by Warrant Committee will allow that committee to focus efforts on the Municipal Budget and proposed Land Use Ordinance amendments.
- The recommended amendments establish that neither the Town Council or Warrant Committee will provide recommendations on revisions or modifications to this charter
- The recommended amendments remove possible review or written recommendations of any citizen initiative or referendum from any elected or appointed body of the town. Citizen initiatives and referendums originate directly from voters and must be included on the Town Warrant unless immediately adopted by Town Council such a process should supersede review and recommendation by elected or appointed bodies of the town. Article ____ proposes to create a mandatory public hearing process for all

initiatives and referendums so that voters may be informed, weigh their merits and express opinions in an open forum

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 7 to 2.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to allow for the use of electronic voting as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE II: Town Meetings: § C-5. Annual and Special Town Meetings.

C. (3) Method of voting at Open Town Meeting. Except where required otherwise by state law the town may use any means of manual or electronic voting approved by the Town Council to ensure accuracy, efficiency, integrity, security, transparency, and voter anonymity.

ARTICLE II: Town Meetings: § C-6. Powers and responsibilities.

- B. (3) Act on those ordinances placed on the warrant ~~pertaining to the Town's Land Use Ordinance~~ and on any initiative or referendum questions as provided for by this Charter;
- D. Any Town Meeting amendment made to the budget published in the Warrant or Town Report, shall be voted only by written or electronic ballot.

Rationale:

- The recommended amendments for Article II will allow for the use of electronic voting technology at Open Town Meeting which can expedite voting on budgetary articles not requiring written vote by State statute, help to increase participation in Town Meeting and mitigate social pressure on controversial items.
- This recommendation does not mandate the use of electronic voting at Town Meetings but allows its use providing it can ensure accuracy, efficiency, integrity, security, transparency, and voter anonymity.
- The use of electronic voting technology can also assist in providing better accessibility for voting at Open Town Meeting.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to provide a process that allows the Town Council to amend the Land Use Ordinance when an amendment is procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors or to bring the land use ordinance into compliance with statutes, after it has first been recommended by the Town Planner, discussed at Public Hearings and recommended by a supermajority of both the Planning Board and Town Council, as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE III: The Town Council: § C-10. General powers and duties.

A. (9) Make, adopt, ~~alter~~ amend and repeal ordinances for any purpose permitted by statute, with the exception of those pertaining to zoning except as provided below. In addition to such ordinances, the Council shall have the power to adopt ordinances which:

(a) Adopt or amend an administrative code.

(b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.

~~(c) Amend or repeal any ordinance previously adopted.~~

(d) Adopt land use ordinance amendments by supermajority vote as defined in §C-14C3 when:

i. The land use ordinance change is procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors or to bring the land use ordinance into compliance with state statutes pertaining to municipal zoning and;

ii. The land use ordinance change is first recommended to the Planning Board by the Planning Director and upon review and after a public hearing, the Planning board recommends it to the Town Council by a supermajority vote (as defined in §C-14C3)

ARTICLE III: The Town Council: § C-14. Procedure.

C. (2) Each Councilor in attendance shall vote on all issues and questions presented for vote except when a valid conflict of interest ~~clearly exists~~ is stated and recognized by a majority vote of the Council. If any Councilor does abstain from a vote other than because of a recognized conflict of interest, he/she shall be considered to have cast a vote with the majority and the record shall so show.

C. (3) Qualifying land use ordinance amendments as described in §C-10 A(9)d must be recommended to the Town Council by a supermajority of the full membership of the Planning Board and must be approved by a supermajority of the full membership of the Town Council.

C. (3) (a) For the purpose of this charter, supermajority shall be defined as two-thirds of the full membership of the body rounded up to the nearest whole number. (e.g. 4 in a 5-member body and 5 in a 7-member body.) In the case of a body of 3-members or less a supermajority shall be defined as a unanimous vote.

Rationale:

- This recommendation provides a method to make minor, non-substantive, changes to the Land Use Ordinance under the following conditions:
 - The change is defined as procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors, or
 - The change is to bring the land use ordinance into compliance with state statutes
 - The change is first recommended by the Town Planner
 - The change is reviewed by the Planning Board and a Public Hearing is held
 - The Planning Board recommends the amendment by a super-majority (two-thirds)

- The change is reviewed by the Town Council and an additional Public Hearing is held
- The amendment is then adopted by a super-majority (two thirds) of the Town Council
- This recommendation provides a mechanism to amend minor aspects of the Land Use Ordinance without the lengthy process currently in place
- This recommendation will allow the Land Use Ordinance to be more dynamic and citizen friendly
- New or substantial amendments would continue to be adopted only by voters through Town Meeting

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 7 to 2.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to change the language in Articles IV and V of the Charter that would: 1. clarify the Town Manager’s residency requirement; 2. ensure that human resource procedures are compliant with State and Federal laws; 3. clarify the role of a Town Planner; 4. allow for additional legal counsel for the Town, if needed, and; 5. establish rotating terms for School Committee members; as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE IV: The Town Manager: § C-18. Appointments; qualifications; compensation.

The Council shall appoint a Town Manager for a term not to exceed three years and shall fix the Manager's compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the Town or state at the time of appointment and may reside outside the town while in office ~~only~~ with the approval of the Council.

ARTICLE IV: The Town Manager: § C-21. Powers and duties of the Town Manager.

J. ~~Make recommendations to the Council for the more efficient operation of the municipality;~~ (Reserved)

ARTICLE V: Administrative Organization: § C-23. Personnel administration.

C. Personnel policies. The Human Resources Director shall prepare draft personnel policies in compliance with all applicable State and Federal Laws. After approval by the Manager, the policies shall be proposed to the Council for adoption. The Council may adopt them with or without amendment.

D. Planning Director. The Manager or a person appointed by the manager shall be designated as the Planning Director. The Planning Director shall administer the planning department for the town.

ARTICLE V: Administrative Organization: § C-25. Town Attorney

There shall be a Town Attorney, appointed by the Council, who shall serve as chief legal adviser to the Town and all of its departments, except for the Superintending School Committee. In any matter where there may be a conflict between the Town Council and any other Town officer, department, board, agency or commission, Town Attorney shall

represent the Town Council only. The Town Council may appoint or authorize such additional legal counsel as the Town's interest may require

ARTICLE V: Administrative Organization: § C-26. Superintending School Committee.

- C. Elections and terms. Each member shall be elected for a term of three years; with terms to be staggered such that no more than two Committee members are elected to fill expired terms in any one year.

Rationale:

- This recommended change clarifies that the Town Manager may reside outside of Bar Harbor with Town Council approval.
- This recommended change updates the Human Resource Director’s responsibilities to ensure that all procedures are complaint with State and Federal laws
- This change does not require that the Town hire a Planner but rather emphasizes the importance of the planning function. Town Council can choose to allocate funds in the municipal budget for this position. The Charter will require that the function is assigned to staff at the Manager’s direction if funding is not available.
- This recommended change institutes staggered terms for the School Committee to maintain continuity, reduce the impact of turnover and ensure consistency with other elected bodies of the Town.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to remove specific salaries for Town Council and School Committee listed in the Charter and provide for annually establishing salaries as part of the budget voted on at Town Meeting as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE III: The Town Council: § C-8. Salary.

Each member of the Town Council shall be paid an annual salary of ~~\$1,500, except the Chair, whose annual salary shall be \$1,800.~~ to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members. Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that he/she was sworn into office. In the event that a member vacates his/her office as provided in 30-A M.R.S.A. § 2602(1), as amended, the member's salary shall be prorated based on the number of months that member has held office, to the nearest full month.

ARTICLE V: Administrative Organization: § C-26. Superintending School Committee.

- D. Compensation. Each member of the School Committee shall be paid an annual salary of ~~\$400, except the Chair, whose annual salary shall be \$500~~ to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members. Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that

he/she was sworn into office. In the event that a member vacates his/her office as provided in 20-A M.R.S.A. § 2305(4), as amended, his/her salary shall be prorated based on the number of months that member has held office, to the nearest full month

Rationale:

- This recommended change allows for the Town Council compensation to be decided annually by the Town through the budget process.
- This recommended change allows for the School Committee compensation to be decided annually by the Town through the budget process.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to establish a new process for the development and adoption of the annual budget that provides for both the Town Council and Warrant Committee to conduct their reviews concurrently as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE VI: Financial Procedures: § C-31. Preparation and submission of the budget.

- A. Departmental CIP and operating budget requests. ~~Fifty six days before the Town Manager is required to submit the budget to the Town Council, all department heads and board or committee chairs, except for the School Committee, shall submit their CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C(2) through (4).~~ shall be prepared according to a timeline set by the Town Manager to allow for submission of the budget by the last Tuesday in January each year. Budget submissions shall be in accordance with the provisions set forth in § C-29 and § C-30.
- ~~B. Departmental operating budget requests. Forty two days before the Town Manager is required to submit the budget to the Town Council, the department heads, board or committee chairs, except for the School Committee and cooperating agencies shall submit their budget requests to the Town Manager. Said requests shall include the information required in § C-29B through D.~~
- B. School Committee budget request. Fourteen days before the Town Manager is required to submit the budget to the Town Council, the School Committee shall submit its operating budget and CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C (2) through (4), as well as § C-29B through D.
- C. Submittal of budget to the Council and Warrant Committee. The Town Manager shall compile the budget information submitted, prepare the budget as provided in this section, and submit the operating budget and CIP to a joint meeting of the Town Council and Warrant Committee on or before the ~~third Tuesday in January~~ last Tuesday in January each year. The Town Warrant Committee and Town Council shall then jointly meet with town staff for

detailed presentation of the municipal budget by town staff before proceeding to independent review.

- D. Warrant Committee and Town Council Review. The Warrant Committee shall review the municipal budget and submit its recommendations to the Council at a joint meeting of those bodies on or before the 4th Tuesday in February. The Council shall review the municipal and school budgets and the recommendations of the Warrant Committee.
- E. ~~Tentative adoption of budget by Council. The proposed budget prepared by the Manager shall be reviewed by the Town Council which shall tentatively adopt the budget as presented and reviewed shall be tentatively adopted by the Council with or without amendments on or before the seventh day of February~~ the 1st Tuesday of March of each calendar year and Council shall fix a time and a place for holding a public hearing on the budget prior to the ~~22nd of February~~ 4th Tuesday of March of each calendar year.
- F. Notice of hearing. The Town Clerk shall give public notice of such hearing in a newspaper of general circulation in the Town. Said notice shall contain as a minimum the date, time and place of the meeting, the locations where copies of the budget may be reviewed, the total appropriations requested for both the municipal and education budgets and an estimate of the ~~effect~~ effect on the tax rate. Full copies of the detailed budget shall be made available for public review at the office of the Town Clerk.
- G. Adoption of budget by Council. The Town Council shall hear public comment at the budget hearing, review the budget, adopt it with or without change and recommend it to ~~the Warrant committee on or before February 22nd~~ Town Meeting on or before the 4th Tuesday in March.
- ~~H. Submittal to Warrant Committee. No later than seven days following the date of adoption, the Town Manager shall submit to the Town Warrant Committee the complete detailed budget as adopted by the Town Council~~
- H. ~~Warrant Committee review. The Town Warrant Committee shall review the budget and submit its recommendations to the Council prior to April 1. The Council shall review the recommendations as submitted by the Warrant Committee and submit the budget to Town Meeting with or without changes. The recommendations of the Warrant Committee pertaining to the municipal and education budgets budget shall be provided as a commentary to the Town Meeting as set forth in §C-5 1A and §C-5 2B.~~

ARTICLE VII: Warrant Committee: § C-36. Duties and responsibilities.

- C. No later than ~~60~~ 30 days prior to each Annual or 10 days prior to each Special Town Meeting, the report of the Warrant Committee shall be submitted to the Town Clerk, who shall have it printed and made available for distribution to the voters. The report of the Warrant Committee shall be with respect to all articles submitted to it and shall include its recommendations with respect to each article and contain any commentary which the Warrant Committee elects to have included in said report.

Rationale:

- These recommended changes introduce a new budget development timeline that encourages a more streamlined approach for the development, review and comment on the annual Town budget.
- These recommended changes allow for an effective use of time and human resources.
- These recommended changes provide a process where the Warrant Committee and Town Council will have the same and simultaneous access to budget information and

staff time so that each full body may review, comment and make recommendations on the annual Town budget.

- Town staff will present the draft budget to both the Town Council and Warrant Committee at a joint meeting and their respective reviews will take place within the same timeframe.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to establish an election process for the Warrant Committee that is consistent with the other elected bodies of the Town and set the Warrant Committee membership number at 15 from 22 as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE VII: Warrant Committee: § C-34. ~~Nomination~~ Composition, eligibility, terms, and election

- ~~A. At least 75 days prior to each Annual Town Meeting, the person who held the office of Moderator at the most recent Annual Town Meeting (hereinafter referred to as the "Retired Moderator") shall call and chair a meeting or meetings to select 22 voters to be nominated for election by the Annual Town Meeting to serve as Warrant Committee members.~~
- ~~B. The Nominating Committee shall be composed of five members: said Retired Moderator, the Chair and Secretary of the Warrant Committee and two other registered voters to be appointed by the Retired Moderator. The Chair of the Nominating Committee may vote on motions coming before the Committee only in the event of a tie.~~
- ~~C. Should the Retired Moderator or Warrant Committee Chair or Secretary be unable, refuse or fail to fulfill their duties as provided above, the Town Clerk shall appoint a registered voter to fill their seat.~~
- ~~D. The Nominating Committee shall report the names of its intended nominees to the Town Clerk for inclusion in the Annual Town Report at least 60 days prior to the Annual Town Meeting.~~
- ~~E. At each Annual Town Meeting, a member of the Nominating Committee shall nominate the 22 voters selected pursuant to this section to serve as the Warrant Committee for the ensuing year. The Town Meeting shall thereupon proceed with the election of the Warrant Committee.~~
- A. Composition: There shall be a Warrant Committee of 15 members elected by the qualified voters of the Town in accordance with Article VIII.
- B. Eligibility. Only persons who are qualified to vote in elections in the Town of Bar Harbor and have been registered to vote for one year prior to their election to office shall be eligible to hold the office of Warrant Committee Member. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act, no Warrant Committee Member shall hold any other Town office or Town employment while serving as a Warrant Committee Member.

C. Terms: Each member shall be elected to a term for three years, with terms to be staggered such that no more than 5 Warrant Committee members are elected to fill expired terms in any one year.

ARTICLE VII: Warrant Committee: § C-35. Organization.

A. The Warrant Committee, upon the call of the Town Clerk, shall meet and organize with the election of a Chair, a Vice Chair and a Secretary within three weeks of its election. It shall have the power to ~~fill vacancies in its number by vote of its members and shall~~ establish its own rules of procedure and bylaws.

B. Filling of vacancies. A vacancy in the Warrant Committee shall be filled for the remainder of the unexpired term, if any, at the next regular election held more than 60 days after the occurrence of the vacancy. The Committee by a majority vote of all of its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. Notwithstanding the requirement of a quorum, if at any time the membership of the Committee is reduced below that requirement, the remaining members may by majority action appoint additional members to raise the membership to the number required; such appointed members shall serve until succeeded by a person duly elected to fill the vacancy.

ARTICLE VIII: Elections and Nominations: § C-39. Elections.

A. Conduct of elections. The regular municipal election shall be held on the second Tuesday of June. Except as otherwise provided for by this Charter, the provisions of the Revised Statutes of the State of Maine, as amended, shall govern elections of all Town officials required by this Charter, except the Moderator ~~and the members of the Warrant Committee~~, and said elections shall be conducted by the election officials accordingly.

ARTICLE VIII: Elections and Nominations: § C-40. Nominations.

A. (1) Candidates for election to the Town Council, Warrant Committee, and the Superintending School Committee shall be nominated by petition. Any person who is qualified to vote in elections in the Town of Bar Harbor may be nominated for election as a Councilor, Warrant Committee member, or School Committee member by a petition signed by not less than the number of qualified voters of the Town that is required by state law.

Rationale:

- These recommended changes ensure that Warrant Committee members are individually nominated by petition and elected by ballot at Town Meeting in a manner consistent with both the Town Council and School Committee.
- These recommended changes ensure that the Warrant Committee members’ terms are rotating in order to maintain continuity of the committee.
- These recommended changes establish eligibility requirements for the Warrant Committee that are consistent with other elected bodies of the Town.
- The recommended new budget development process will allow for the whole Warrant Committee to work with the whole Town Council and staff as a group so that each individual member has access to the same information as they deliberate and make recommendations to the voters of the Town.
- These recommended changes reduce the Warrant Committee membership from 22 to 15 to reflect the recommended reduction in duties and to encourage full involvement of the Committee as it fulfills its duties to consider, investigate and report upon Warrant Articles. Much of the Committee’s current work relies heavily on subcommittee work by small groups of individuals rather than full review by the whole Committee.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 8 to 1.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to establish that the due date for filing of nomination papers be not less than 60 days before the election in order to be consistent with the State of Maine as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE VIII: Elections and Nominations: § C-40. Nominations

- B. Filing and acceptance of nomination petitions. All separate papers comprising a nominating petition shall be assembled and filed with the Town Clerk as one instrument not less than ~~45~~ 60 days prior to the day of election. The Clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination.
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Rationale:

- This recommended change ensures that the Town Charter is consistent with the procedures of the State of Maine for the filing of nomination papers by candidates for elected office.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to require that a Public Hearing be held for any proposed Initiative or Referendum as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE IX: Initiative and Referendum: § C-48. Action on petitions.

- A. Public Hearing: When an initiative or referendum has been finally determined sufficient the Council shall set a date no later than 30 days from the final determination of sufficiency to hold a public hearing for the purpose of presentation and information on the proposed initiative ordinance or resolution and to receive public comment.
- B. Action by Council. When an initiative or referendum petition has been finally determined sufficient, and after holding a public hearing, the Council shall promptly consider the proposed initiative ordinance or resolution or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance or resolution without any change in substance within 60 days or fails to repeal

the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.

C. (1) (a) The vote on a proposed or referred ordinance shall be by secret ballot at a Town election, ~~held not less than 45 days and not later than~~ but not less than 45 days nor more than one year from the date of the final Council vote thereon. If no scheduled regular annual Town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as the regular annual election, ~~except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.~~

i. Council may provide for a special election at an earlier date within the prescribed period.

ii. Copies of the proposed or referred ordinance shall be made available at the polls.

C. (2) (a) Timeline for Voting. The vote on a proposed resolution shall be held at either a Town election or an open Town Meeting not less ~~then~~ than 45 days and not more than one year from the date of the final Council vote thereon. If no regular annual Town Meeting is to be held within the period prescribed in this subsection, the Council shall provide for a special Town Meeting; otherwise, the vote shall be held at the same time as the regular annual Town Meeting, except that the Council may in its discretion provide for a special Town Meeting at an earlier date within the prescribed period.

Rationale:

- This recommended change ensures that information for proposed Initiatives or Referendums is provided to the public at a Public Hearing so citizens can gain first-hand knowledge of the proposals and their possible impacts for the Town.
- This recommended change will help voters to make effective and informed decisions and provide for transparency in communicating information about Initiatives or Referendums.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

C. State of Maine Election July 14, 2020 – Possible motion to appoint the Town Clerk as Warden for the July 14, 2020 State of Maine Primary and Special Referendum Election.

Mr. Hochman, with second by Mr. Friedmann, moved to approve the consent agenda as published. 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 0144715 to speak during the following public hearings.*

A. Fire Prevention Ordinance Amendment #2020-06 – *Public comment and possible adoption of the amendment to Chapter 85 of the Municipal Code.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve amendments to Chapter 85 Fire Prevention of the Municipal Code as presented. Roll Call Vote:

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

Fire Prevention Ordinance Amendment
Town of Bar Harbor
#2020-06

An Amendment to adopt the 2018 NFPA 101 Life Safety, and the 2018 NFPA 1, Uniform Fire Code as the Life Safety and Fire Prevention Codes with the same amendments the State Fire Marshal recently adopted.

The Town of Bar Harbor hereby ordains that Chapter 85, Fire Prevention, of the Town Code is amended as follows:

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

CHAPTER 85 – FIRE PREVENTION

§ 85-1 Life Safety and Fire Prevention Codes.

- A. Life Safety Code adopted. The ~~2009~~18 edition of the NFPA 101 Life Safety Code, as amended to avoid conflict with the Maine Uniform Building and Energy Code and as published by the National Fire Protection Association, is hereby adopted as the official Life Safety Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor.
 - (1) Amendments. NFPA 101, Life Safety Code, ~~2009~~18 edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:
 - (a) Unvented fuel-fired heaters. Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.
 - ~~(b) Extinguishment requirements. The following provisions of NFPA 101, Life Safety Code, 2009 edition, are not incorporated by reference:~~
 - ~~[1] Chapter 12, Section 12.3.5.3, Subsections 3 and 4; and~~
 - ~~[2] Chapter 13, Section 13.3.5.3, Subsections 1 and 2.~~
 - (eb) Extinguishment requirements in one- and two-family dwellings. Section 24.3.5.1 of NFPA 101, Life Safety Code, ~~2009~~18 edition, is not incorporated by reference.
 - (dc) Stair risers, guards, treads, and tread nosing. The following provisions of NFPA 101, Life Safety Code, ~~2009~~18 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5, is modified to permit a maximum seven-and-three-quarter-inch riser for newly constructed stairs in one- and two-family dwellings only. The minimum height of guards as prescribed in

Chapter 24, Section 24.2.5, is modified to permit a minimum guard height of 36 inches for newly constructed stairs in one- and two-family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5, shall be amended to permit a ten-inch tread depth for newly constructed stairs in one- and two-family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.53.2, is modified to permit a nosing at least ¾ inch but not more than 1 ¼ inches in depth for newly constructed one- and two-family dwellings. Nosings are not required where tread depth is not less than 11”.

- (ed) Separated occupancies. Tables 6.1.14.4.1 ~~a and b~~ Part 1 & 2, “Required Separation of Occupancies (hours.)”, shall be cross referenced with Table 508.4, Required Separation of Occupancies, of the 2015 International Building Code(IBC). Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.
- (fe) Accessory occupancies. Chapter 6, Section 6.1.14.1.3, of NFPA 101, Life Safety Code, ~~2009~~18 edition, is not incorporated. Section 508.2, Accessory Occupancies, of the 2015 International Building Code governs.
- (gf) Dead-end corridors. The following provisions of NFPA 101, Life Safety Code, ~~2009~~18 edition, are modified as indicated: Chapter 18, Section 18.2.5.2, is modified to require dead-end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4, is modified to require dead-end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5, is modified to require that a dead-end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead-end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 feet.

(g) Chapter 33.7.3.6 Add Section 19.7 shall apply in such instances.

- B. Fire Prevention Code adopted. In accordance with 30-A M.R.S.A. § 3003, as amended, the NFPA 1, Uniform Fire Code, ~~2006~~18 edition, as published by the National Fire Protection Association, is hereby adopted as the Fire Prevention Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor. Said code is hereby incorporated by reference as the minimum standards for safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

- (1) Amendments. NFPA 1, Uniform Fire Code, ~~2006~~18 Edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:
 - (a) Chapter 13, Section ~~2.2.23.2.20.1~~, of NFPA 1, Uniform Fire Code, ~~2006~~18 edition, is not incorporated.
 - (b) ~~Chapter 20, Sections 2.3.5; 3.2.1; 4.2.6; 5.2.5.4; 6.2.6; 7.2.6; 8.2.6; 9.2.2; 10.2; and 11.2, of NFPA 1, Uniform Fire Code, 2006 edition, are not incorporated.~~Chapter 13, Section 3.2.3 shall be amended to read as follows: Chapter 13, Section 3.2.3 New buildings housing emergency fire, rescue or ambulance services shall be protected throughout by approved supervised automatic sprinkler systems. Sprinklers shall be permitted to be omitted from emergency fire, rescue or ambulance services that are storing vehicles or equipment only and are not part of a multiple mixed occupancy.
 - ~~(c) Chapter 65, Section 11, of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated. (See Rules of the State Fire Marshal, Chapter 25, and Title 8 M.R.S.A § 236.)~~
 - ~~(d) Chapter 66, Table(s) 66.2.3.2.1.1(a); 66.2.3.2.1.1(b); 66.2.3.2.1.4, of NFPA 1, Uniform Fire Code, 2006 edition, are not incorporated.~~
 - ~~(e) Chapter 20, Section 11.1, shall be amended to read as follows: Chapter 20, Section 11.1 Application. New and existing one and two family dwellings shall comply with Section 20.11 and NFPA 101. Chapter 24, Section 3.5.1, of NFPA 101 shall not be incorporated in this rule.~~

[End of Ordinance]

B. Vehicles and Traffic Ordinance Amendment #2020-07 – Public comment and possible adoption of the amendment to Chapter 194 of the Municipal Code. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the amendments to Chapter 194 Vehicles and Traffic Ordinance of the Municipal Code as presented. Roll Call Vote:

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

Vehicles and Traffic Ordinance Amendment
 Town of Bar Harbor
 #2020-07

An Amendment to remove references to specific dates for permit and paid parking enforcement.

The Town of Bar Harbor hereby ordains that Chapter 194, Vehicles and Traffic, of the Town Code is amended as follows:

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

CHAPTER 194 – VEHICLES AND TRAFFIC

§ 194-15 Paid parking devices on certain streets and public parking lots.

- A. When signs are erected giving notice thereof and devices are installed, no person shall park a vehicle except in conformity with the following:
 - (1) Parking meters. Metered parking spaces will be enforced ~~between 9:00 a.m. and 8:00 p.m., from May 15 to October 31~~ consistent with the Bar Harbor Town Council permit and paid parking policy. Locations and rates of metered parking spaces will be regulated in accordance with the Bar Harbor Town Council permit and paid parking policy.
 - (2) Multispace Pay Stations or Kiosks. Multispace pay station or kiosk parking spaces will be enforced ~~from 9:00 a.m. to 8:00 p.m. from May 15 to October 31~~, consistent with Bar Harbor Town Council permit and paid parking policy. Locations and rates of multispace pay station or kiosk parking spaces will be regulated in accordance with Bar Harbor Town Council permit and paid parking policy.

§ 194-28 Permit parking only.

- A. Parking prohibited except by permit will be enforced consistent with the Bar Harbor Town Council permit and paid parking policy. ~~From May 15 through October 31, it~~ shall be unlawful and in violation of this article for any person to stop, stand or park any vehicle, other than a vehicle displaying a valid permit issued by the Police Chief or their designee under regulations to be prescribed by Council order as prescribed in the Bar Harbor Town Council permit and paid parking policy, on those streets or portions of parking areas duly posted and which are described ~~below~~ in the Bar Harbor Town Council permit and paid

parking policy.

[End of Ordinance]

C. Special Amusement Permit Renewals

1. **Side Street Cafe**, 49/51 Rodick St, 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 Class 3a Special Amusement Permit for Side Street Cafe as presented. Roll Call Vote:

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

2. **Havana**, 318 Main St, request for Class 3, three or more musicians without mechanical amplification as submitted by Michael Boland. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Class 3 Special Amusement Permit for Havana as presented.

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. **Kids' Corner** – Request from Lori Krupke for rent relief. Ms. Krupke presented her request. Mr. Hochman, with second by Mr. Friedmann, moved to apply Kids' Corner's rent for March, April, and May to the third quarter of 2020. Roll Call

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

B. Shellfish Ordinance Amendment - Possible motion to schedule a public hearing for July 21, 2020 to hear comments on an amendment to Chapter 170 of the Municipal Code. Chris Peterson, Secretary of the Marine Resources Committee, presented the proposed changes. Mr. Hochman, with second by Ms. Cough, moved to schedule a public hearing for July 21, 2020 to hear comments on an amendment to Chapter 170 Shellfish Conservation 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.

C. Shellfish License Fees – Possible motion to approve changes as recommended by the Marine Resources Committee. Mr. Peterson also presented the changes to the fee structure. Mr. Hochman, with second by Ms. Cough, moved to approve the Shellfish License fee changes as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

D. COVID-19 Items:

1. Parklets & Use of Public Spaces.

Police Chief Jim Willis, Chamber Director Alf Anderson and Eben Salvatore participated in the discussion and addressed Council questions. Mr.

Friedmann, with second by Mr. Hochman, moved to approve the Curbside

Temporary Outdoor Restaurant and Retail Operation Permit application

process with the exception of the fee being \$100 per month. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

2. 4th of July Fireworks - As requested by Councilor Goldthwait – According to Chamber Director Alf Anderson they are postponing the fireworks until

2021. There will be no fireworks provided by the Chamber of Commerce.
No action taken.

- 3. **Lodging and Quarantine.** There was a lengthy discussion. Mr. Friedmann, with second by Mr. Coston, moved to urge the Governor to:
 - Eliminate the 14-day quarantine
 - Restrict lodging with internal corridors to 50% capacity with a phase out of this at the end of Phase 2; 100% for external room access.
 - Develop a level of regular community testing on a basis recommended by epidemiological pathologists with statistical samples of residents and employees to detect increased in Covid-19 infection.
 - Continue requirements for masks and social distancing.

Roll Call Vote:

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

- 4. **Business signage regulations.** Town Planner Michele Gagnon, Code Enforcement Officer Angie Chamberlain and Fire Chief Matt Bartlett participated in the discussion. Since waiving the sign regulations is included in the Emergency Ordinance below, no action taken.

- 5. **Emergency Ordinance – Possible motion to enact.** Mr. Hochman, with second by Ms. Goldthwait, moved to enact the emergency ordinance as presented. Roll Call Vote:

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

- E. **Resolution: MDI Drama – Possible motion to sign resolution honoring the MDI Drama Department.** Mr. Hochman read the resolution. Mr. Hochman, with second by Mr. Friedmann, moved to sign the resolution honoring the MDI Drama Department. Roll Call Vote:

Dobbs Y
Hochman Y
Coston Y
Friedmann Y

Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

**RESOLUTION
of
THE BAR HARBOR TOWN COUNCIL**

Whereas, the Mount Desert Island High School Drama department has advanced to the State Championship 9 times in the last 11 years (2010-2011, 2013-2018 and 2020);

Whereas, the Mount Desert Island High School Drama department has distinguished themselves once again by winning the 2020 Class A Downeast regional drama title;

Whereas, the Mount Desert Island High School Drama department had 4 actors named to the All Festival Cast (Zach Uliano, Rawl Blackett, Ruby Mahoney, & Rex DeMuro)

Whereas, the Mount Desert Island High School Drama department received Judges commendations for: Video Design and Operation (Piper Charron, Laura Yeadon), For outstanding Physicality & Choreography (Moxie McBreairty, Anna Redgate & Dezirae Zaman) and for Outstanding set construction (The entire MDI set crew)

Whereas, due to Covid-19 MDI Drama was unable to take their one-act on to the state championship

And Whereas, the Bar Harbor Town Council wishes to recognize these many achievements as well as the MDI Drama Department’s passion, dedication, and hard work;

Be It Therefore Resolved, that the Cast and Crew of ‘A Beautiful Day in November on the Banks of the Greatest of the Great Lakes’ their directors, supportive families, and volunteers are hereby recognized for their outstanding accomplishments.

F. Treasurer’s Warrant - 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
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

VIII. TOWN MANAGER’S COMMENTS – Mr. Knight reminded Council they are meeting tomorrow at 5:00 for Budget Review.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Hochman acknowledged the world events over the past week and thanked everyone who attended the very peaceful rally on the Village Green the other day. It was well attended. It’s important to keep everyone in our thoughts.

Mr. Minutolo hopes everybody can survive this and hopes we’ve made some good decisions tonight to help people and businesses. The shop has been open and it’s been a

struggle at times. On the whole people are trying to do the right thing, trying to keep separated and wearing masks. Be prepared. Hang in there. Keep positive.

Mr. Friedmann wanted to acknowledge all the correspondence he’s had with business owners and residents over the last two weeks. My heart goes out to all of you. This Council is doing everything we can to help us through some really challenging times. Together we can take steps to support you and keep this the vibrant community we’ve come to know and enjoy.

Ms. Cough thanked the COA students for their presentation yesterday on the LUO, for the incredible amount of work they did and for the interactive map they provided us. The make some really good recommendations on the LUO. She also asked that at 4pm on Sunday people line Eagle Lake Road, the Class of 2020 will be going by.

Mr. Coston asked for an update on the status of benches on the street.

Ms. Goldthwait urged everyone to take care of yourselves and stay well.

Mr. Dobbs reported on the forum last Thursday. All in all there was a lot of great information. About 80 people tuned in. I wish it was bigger. Maybe we need to do another one. He thanked all the panelists. He also stated that we get a lot of information, some of it comes in late, I try to read stuff every day. We are doing the best we can. I appreciate everybody. Stay safe.

X. EXECUTIVE SESSION: (none)

XI. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 6:24 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