

**Minutes**  
**Bar Harbor Town Council**  
**March 1, 2022 via videoconference**

**I. CALL TO ORDER** 7:02 p.m. In attendance were Councilors Jeff Dobbs, Matthew Hochman, Valerie Peacock, Gary Friedmann, Joe Minutolo, Erin Cough, Jill Goldthwait; Town Manager Kevin Sutherland and Town Clerk Liz Graves.

**A. Excused Absence(s)**—None.

**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. To offer comment, please join the Zoom webinar and use the Raise Hand function.*—Jim O’Connell spoke about cruise ships. Cruise Ship Committee Chair Eben Salvatore spoke in response to comments made about cruise ships at the Feb. 22 joint meeting with the Warrant Committee.

**IV. APPROVAL OF MINUTES**

**A. February 8, 2022 Budget Workshop**

**B. February 10, 2022 Budget Workshop**

**C. February 15, 2022 Regular Meeting**

**D. February 22, 2022 Joint Meeting with Warrant Committee**

Mr. Hochman, with second by Ms. Cough, moved to approve the February 8, 2022 Budget Workshop minutes; February 10, 2022 Budget Workshop Minutes; February 15, 2022 Regular Meeting minutes and February 22, 2022 Joint Meeting with Warrant Committee minutes as presented.

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

**V. ADOPTION OF AGENDA**—Mr. Hochman, with second by Ms. Cough, moved to adopt the agenda as presented. Roll Call Vote:

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

**VI. CONSENT AGENDA**—*A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*

**A. Police Department**—*Possible motion to participate in the FY19-20 Byrne JAG grant program and accept and expend the \$1,370.00 funds awarded.*

**B. Frenchman Bay Water Quality Testing**—*Possible motion to support further efforts for water quality monitoring in the Frenchmen Bay and should Dr. Ross be awarded the Maine Outdoor Heritage Trust grant, that staff utilize the Contingency Account #1036-5906 for this contribution.*

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.

**VII. PUBLIC HEARINGS**— *To offer comment, please join the Zoom webinar and use the Raise Hand function.*

**A. Special Amusement Permit Renewals**

1. **Atlantic Brewing Midtown, 52 Cottage St., 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 Ms. Cough, moved to approve the Special Amusement Permit application for Atlantic Brewing Midtown for a Class 3a permit. Roll Call Vote:*

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

Motion passed 7-0.

2. **Atlantic Brewing/Mainely Meat BBQ, 15 Knox Rd, 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 Ms. Cough, moved to approve the Special Amusement Permit application for Atlantic Brewing/Mainely Meat BBQ for a Class 3a permit. Roll Call Vote:*

- Dobbs            Y
- Hochman       Y
- Peacock        Y
- Friedmann     Y
- Minutolo       Y

Goldthwait Y  
Cough Y  
Motion passed 7-0.

- 3. **Bar Harbor Regency, 123 Eden St., request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Patrick Walsh**—There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit application for the Bar Harbor Regency for a Class 3ad permit. Roll Call Vote:

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

- 4. **Harborside Hotel & Marina, 55 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Patrick Walsh**—There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit application for the Harborside Hotel & Marina for a Class 3ad permit. Roll Call Vote:

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

**VIII. REGULAR BUSINESS:**

- A. **FY23 Budget**—*Tentative approval and call for public hearing March 15*—Mr. Hochman, with second by Mr. Friedmann, moved to tentatively approve the FY23 budget as modified by Council through February 22 and schedule a public hearing for March 15, 2022. Roll Call Vote:

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

- B. **Bonds**—Updates on bond questions expected for June Town Meeting

- 1. West Street Pump Station—Bethany Leavitt, Public Works Director, provided an update and overview on sewer system needs and work that will be mandated by the

CSO Program in the next six years and answered Council questions. No action was taken.

- 2. Higgins Pit Solar Array—Beth Woolfolk gave an update on the project and answered Council questions. No action was taken.

**C. Grants**—*Contract services for assistance in grant writing*—Mr. Sutherland explained the request. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to authorize the Town Manager to utilize up to \$25,000 of the contingency account #1036-5906 for grant writing services with the ability to sole-source contracts. Roll Call Vote:

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

**D. Pandemic**

- 1. Resolution thanking first responders—Mr. Hochman, with second by Ms. Cough, moved to approve the resolution 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**, the Town of Bar Harbor and its citizens have always had the great fortune of being well protected and served by its fire, police, and EMS personnel and we are honored to have such dedicated public servants represent our municipality; and

**WHEREAS**, this expertise and commitment has never been more evident than over the past two years of a global pandemic where our first responders worked in close contact with the public despite high exposure risks; and

**WHEREAS**, while in many occupations the pandemic led to time off, working from home, or similar accommodations, our first responders did not have those options. Their duties called them to serve shifts 24 hours a day and in many cases more than 40 hours per week. Such commitment to our safety must not go unnoticed nor unappreciated for it has been by their commitment that we have enjoyed greater protection and continued safety throughout the entire pandemic; and

**WHEREAS**, our Fire/EMS department was one of two area agencies tasked with administering COVID vaccinations to other area first responder departments and provided over 400 vaccinations. Likewise, during the pandemic, EMS personnel continue to provide COVID testing for municipal employees and their families; and

**WHEREAS**, the citizens of Bar Harbor shall remember this pandemic by recalling the commitment of our first responders with appreciation and respect and shall be continually grateful for their service;

**NOW THEREFORE BE IT RESOLVED** by the Bar Harbor Town Council, that the members of this Council extend their highest regards to our Police, Fire, and EMS personnel and formally thank them for their emergency services during this pandemic and for their service past, present, and future.

- 2. Possible return to in-person meetings—Mr. Sutherland gave an update on conversations with the hospital. Following discussion, Ms. Goldthwait, with second by Ms. Cough, moved that the Council resume in-person meetings with masking and social distancing and recommend the same for the rest of our community, and rescind the request that boards and committees meet in a remote-only format. Roll Call Vote:

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

**E. Aquaculture**—*Presentation from Protect Maine’s Fishing Heritage Foundation*—Crystal Canney and Jon Lewis of Protect Maine’s Fishing Heritage Foundation gave a presentation and answered Council questions. No action was taken.

**F. 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.

**IX. EXECUTIVE SESSION**—None.

**X. TOWN MANAGER’S COMMENTS**

Mr. Sutherland mentioned several events coming up. A council retreat is set for Tuesday, March 8 from noon to 4 p.m. at the Atlantic Oceanside, beginning with lunch. He has invited department heads and the chairs of boards, committees and task forces. Members of the public are welcome to attend, but lunch will only be provided for the volunteers who are participating.

On Wednesday, March 9 our Task Force on the Climate Emergency in partnership with A Climate to Thrive will host a community workshop as part of the Community Resilience Program, a state grant program. It’s a virtual event and we’re encouraging people to sign up online and participate.

On Thursday, March 10 we will host a neighborhood meeting for the residents of Atlantic Ave. and Hancock Street to talk about the challenges with the water situation there. He hopes to work with the neighborhood to come up with a final solution that all parties can agree to. It will be a

hybrid meeting, in-person but with remote participation on Zoom using a new camera we have that makes it easier for remote participants to see the person who's speaking in the room.

The next Council meeting is on March 15. Mr. Sutherland said he is considering going to Washington, D.C. that day to meet with our federal delegates in conjunction with the Maine Municipal Association. He reviewed the expected agenda items for that meeting and asked Council if they'd be comfortable going forward without him at the Council meeting that day, and if they support him going to D.C. Councilors expressed support for the manager meeting with the federal delegation and their staff members. Mr. Dobbs noted that he will miss that meeting as well.

Mr. Sutherland said he will be on vacation March 23-29. He shared the announcement of annual, temporary trail closures in Acadia National Park for peregrine falcon nesting, effective March 1.

## **XI. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS**

**Ms. Goldthwait** reported that Mr. Friedmann read the Council's resolution for Ruth Eveland at a small event celebrating her retirement and that Ruth was very pleased. Regarding the aquaculture moratorium, she thinks the Council needs to decide whether it wants to proceed before launching into the details. She says that's kind of a big conversation and the Council needs to figure out when they've got the time to do the necessary due diligence of do we want to go there or not. She suggested it be an item at the retreat.

She also noted that is a big event is coming up: two months since Mr. Sutherland's first day. He is the Weekly Winner this week because he has gone through so much. It has been the worst introduction possible for somebody new to any job, let alone this job, and yet he prevails and manages to crank out an amazing amount of work. She said we're glad he's here and assured him it's going to get better. Mr. Sutherland noted that this week is also Michele Gagnon's third anniversary as Planning Director.

**Mr. Minutolo** said, looking at all the bonds we're facing in the future, he's happy to see the proposal for grant writing work. He also hopes the town can work on getting some type of lodging tax approved; a lot of these bonds may be offset by getting something like that together. He suggested working with the Chamber of Commerce on this conversation in the future. He said it's going to be an unbelievable feat for a little town like this to raise \$100 million to supply services. He responded to Mr. Salvatore's comment at public comment period, saying the conversation about limiting cruise ships has been going on five or six years, maybe longer, and the frustration he expresses is his own as well as that of many of the people who voted him in. People have felt helpless. He said after the survey that we spent \$14,000 on, we extended an olive branch to the cruise ship committee and the industry and all we've received are veiled threats, and not a lot of forward motion. He said he appreciates Mr. Salvatore and his work, but the Council has to keep up its side representing the people of this town. He said he sees parallels with the early development of cruise tourism in Maine, and where aquaculture is right now, and it's important to face all of these issues.

**Mr. Friedmann** shared his Cruise News fact of the week: He said one of the reasons cruise lines can continue to be profitable ventures is their reliance on cheap fossil fuels. In this case it's bunker oil, which is the cheapest kind of petroleum that you can buy on the market. It is high in sulfur and other toxins. The way that cruise ships have dealt with this is they can clean up the smokestacks by installing what they call scrubbers that prevent harmful pollutants in the exhaust

from escaping into the air. The problem is that the scrubbers use seawater to take those chemicals out of the exhaust and contaminated water is leaving a potentially toxic trail in the water in the wake of the cruise ship. He said as we think about the future of cruising it's important that we know not only the impacts on shore but the impacts of the cruise ships in our bay.

**Mr. Dobbs** said the resolution for police, fire, and EMS is long overdue and he wants to thank those staff for the great job they do.

**XII. ADJOURNMENT**—Mr. Hochman, with second by Ms. Cough, moved to adjourn at 9:22 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, Town Clerk