

Minutes
Bar Harbor Town Council
By Video Conference
March 2, 2021

I. CALL TO ORDER – 5:00 P.M. - In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Valerie Peacock, Gary Friedmann, Joe Minutolo, Erin Cough, Jill Goldthwait; and Town Manager Cornell Knight.

A. Excused Absence(s) – all present.

II. PUBLIC COMMENT PERIOD - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Comments may be emailed in advance to the Council Chair at jdobbs@barharbormaine.gov to be read during the meeting or through the Zoom webinar using the raise hand function.* – Chair Dobbs read an email from Patrick Kilbride referencing the numbers of vacation rental applications stated by Councilor Goldthwait at the 2/16 meeting, indicating they are inaccurate. He provided numbers he said he obtained from the Code Enforcement Officer. For the upcoming POLCO survey, he stated it is essential to use verified and accurate data in formulating the questions, which should be unbiased and straightforward. He also stated the survey should be open to all stakeholders.

III. APPROVAL OF MINUTES- February 16, 2021 Regular Meeting

Mr. Hochman, with second by Ms. Cough, moved to approve the minutes from the February 16, 2021 Regular Meeting as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

IV. ADOPTION OF AGENDA –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.

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. Cable TV Public Access Channel** – *Possible motion to approve the annual request from Jeff Dobbs to use channels 2, 5 and 7 as recommended by the Communication and Technologies Committee.*

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

<u>Dobbs</u>	<u>Abstain</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 6-0-1 (Abstained: Dobbs).

- VI. 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. **Bar Harbor Inn**, *8 Newport Drive, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by David C Witham.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement permit application for the Bar Harbor Inn for a Class 3ad permit as presented. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

- 2. **Bluenose Inn**, *90 Eden Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Kaitlyn Conway.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement permit application for the Bluenose Inn for a Class 3ad permit as presented. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

- VII. REGULAR BUSINESS**

- A. Tabled from 2/16/21 Resolution: Recycling – Request by Councilor Peacock.** Mr. Hochman, with second by Ms. Cough, moved to remove this item from the table.

Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

Prior to the meeting, Councilor Peacock provided an updated version of the resolution without the old legislative language. She answered questions held over from the previous meeting and provided additional information. Mr. Hochman, with second by Ms. Cough, moved to approve the Recycling Reform 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, Maine’s communities are struggling to maintain, expand, and in some cases are eliminating, recycling programs due to rising costs and difficult-to-manage materials; and

Whereas, product packaging, which includes plastic, metal, glass, and cardboard, constitutes approximately 30-40% of the materials managed by weight in Maine’s municipal waste management programs; and

Whereas, Maine taxpayers currently unfairly bear 100% of the cost and pay an estimated \$16 million to \$17 million each year to finance the management of this material through fragmented and increasingly expensive disposal or recycling options; and

Whereas, producers of product packaging have little incentive to minimize wasteful packaging or increase access to recycling; and there is no organized coordination between the producers of packaging and municipalities that are responsible for disposing of or recycling the packaging materials; and

Whereas, producers of product packaging have taken some or all responsibility for the management of post-consumer packaging in other parts of the world, including all European Union member states and five provinces in Canada, and, as a result, have greatly increased recycling rates, expanded infrastructure investment, created jobs, and reduced taxpayer costs;

Now, Therefore Be It Resolved,

We, Maine’s municipalities, support an Extended Producer Responsibility (EPR) for Packaging law. We believe that this policy will work to make recycling in Maine:

More effective: Producers of packaging materials would have a direct economic incentive to produce less-wasteful packaging that can easily and profitably be managed by municipal recycling

programs. Having shared responsibility between those who create the waste and those who manage the waste would foster recycling system improvements and enable greater participation in recycling across Maine;

More sustainable: An EPR law for packaging is an insurance policy for Maine municipalities when global recycling markets are unfavorable. The current approach to recycling is not resilient to fluctuations in the global recycling market. When commodity prices fall unexpectedly, towns and cities may be forced stop or restrict their programs; and

More equitable: Maine's cities, towns, and taxpayers are currently footing the bill for a problem they didn't create. With recycling reform, taxpayers will no longer pay for the cost of recycling since the net costs of recycling would be reimbursed—and the packaging manufacturers that produce less- wasteful, more recyclable packaging would pay less than those who do not. This is a much more equitable way to distribute costs.

- B. Parklet Permit** – *Review request by Leary's Landing.* There was some discussion about parklets in 2021, which will be on a future agenda. Mr. Knight recommends approving this request until April 6. Ms. Goldthwait, with second by Mr. Hochman, moved to approve this request. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

C. Cruise Ships

- 1. Survey** – *Review of draft #3.* Patrick Murphy and Jason Edes from Pan Atlantic Research presented the latest draft of the survey. Councilors provided feedback. Additional changes are needed for the next iteration. No action taken.

Mr. Hochman, with second by Ms. Cough, moved that we rescind our previous action placing this on the June warrant and instead place it on the November warrant. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

- 2. Cruise Ship Committee** - *Recommendation regarding shift of Anchorage B.* Harbormaster Charlie Phippen and Eben Salvatore, Chair of the Cruise Ship Committee, presented the recommendation and addressed concerns regarding the CAT and COA's aquaculture lease. Mr. Hochman, with second by Ms. Cough, moved to approve the Cruise Ship Committee's recommendation to move Anchorage B by 600 feet and to send a letter to the Coast Guard as presented. Roll Call Vote:

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

D. Council Meeting Schedule – *Discussion of Zoom vs in person and start time.*

Following discussion, Mr. Hochman, with second by Ms. Cough, moved to continue municipal meetings at 5:00pm by video conference until at least May 18, 2021. Roll

Call Vote:

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

E. Task Force on Climate Emergency – *Update by Councilor Goldthwait.* Councilor Goldthwait stated the task force will work with a class at COA, Communicating Science, on a public project with topics to be determined. Regarding collaborating with other towns, the four island towns and Swan’s Island are interested. The main focus of the task force right now is an action plan outline. No action taken.

F. Treasurer’s Warrant - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Ms. Cough, moved to sign the Treasurer’s Warrants for paid bills. Roll Call Vote:

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

VIII. TOWN MANAGER’S COMMENTS – Mr. Knight announced nomination papers can now be taken out in the clerk’s office. There are two council seats, one school board, one school trustee and 15 warrant committee seats (five for 3 years, five for 2 years and five for one year.) Papers need to be returned by April 9.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Goldthwait inquired about Millard Dority’s appointment to the task force on climate. Town Clerk Sharon Linscott stated the interview is scheduled for this Friday and it will be on the next council agenda.

Ms. Peacock spoke to the comment earlier about the broader perspective on cruise ships outside the harbor, thinking about what other data we might want to look at and what conversations we should have. Also thinking about next steps after the survey and how to parse this out.

Mr. Dobbs suggested best practices for cruise ships could be discussed at the committee level. He also spoke with the superintendent of ANP regarding Town Hill. They can't do a final survey until summer. Mr. Dobbs would also like to join a site visit to Higgins dump.

X. EXECUTIVE SESSION

A. Legal Consultation - To be held in executive session as permitted by 1 M.R.S.A. §405(6)(E) consultation with legal counsel. Mr. Hochman, with second by Ms. Cough, moved to enter Executive Session at 7:19 pm under 1 M.R.S.A. §405(6)(E) for the purposes of discussion with the Town Attorney on pending litigation. Roll Call Vote:

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

Mr. Knight, as well as Ed Bearor and Stephen Wagner from Rudman Winchell, joined Executive Session. Council returned to regular session at 7:51 pm. No action taken.

XI. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 7:51p.m. Roll Call Vote:

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

Sharon M Linscott, Town Clerk