

Minutes
Bar Harbor Town Council
March 15, 2022

I. CALL TO ORDER—7:02 p.m., Municipal Building Council Chambers. In attendance were Councilors Matthew Hochman, Valerie Peacock, Gary Friedmann, Joe Minutolo, Erin Cough, Jill Goldthwait; Town Clerk Liz Graves.

A. Excused Absence(s)—Ms. Goldthwait, with second by Ms. Cough, moved to excuse Councilor Dobbs as provided by Town Charter section C-12.b(1)(d). Roll Call Vote:

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough 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 from citizens who are present at the meeting on any subject not on the agenda and not in litigation with a maximum of three minutes per person.*—Resident Nina St. Germain thanked Brady and his team at the Water Division for doing a great job helping with a freeze-up.

IV. APPROVAL OF MINUTES

A. March 1, 2022 Regular Meeting—Ms. Cough, with second by Ms. Goldthwait, moved to approve the March 1, 2022 Regular Meeting Minutes as presented. Roll Call Vote:

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 6-0.

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

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 6-0.

VI. FINANCIAL REPORT—Review and possible motion to accept—Ms. Gilbert summarized her report and answered Council questions. Following discussion, Ms. Cough, with second by Ms. Goldthwait, moved to accept the Financial Report as presented. Roll Call Vote:

Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y

Motion passed 6-0.

VII. PUBLIC HEARINGS

A. FY23 Budget

- Public comment on the proposed budget for fiscal year 2023 (July 1, 2022 to June 30, 2023)**—School Committee Chair Lilea Simis offered comment.

Ms. Peacock, with second by Ms. Goldthwait, moved to amend the Council budget to add \$150,000 back in to the school CIP line 2194-6654, building repair. Connors Emerson Principal Heather Webster participated in the discussion. Following discussion, Roll Call Vote:

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

Motion failed 1-5.

- Possible adoption of the proposed budget as presented/amended**—Mr. Friedmann, with second by Ms. Cough, moved to adopt the proposed FY23 budget as presented by the town manager and subsequently amended by Council. Roll Call Vote:

Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y

Motion passed 6-0.

VIII. REGULAR BUSINESS:

A. Annual Town Meeting June 2022

- Citizens’ Petition: Marijuana Stores**—*Possible motion to sign Order*—Following discussion, Mr. Friedmann, with second by Ms. Cough, moved to sign the Citizen’s Petition: Marijuana Stores Order and place on the June 14, 2022 town meeting warrant. Roll Call Vote:

Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y

Motion passed 6-0.

- 2. **Priority Infrastructure Improvements Bond**—*Possible motion to sign Order*—Public Works Director Bethany Leavitt and Finance Director Sarah Gilbert answered Council questions.

Mr. Friedmann moved to remove \$1.25 million from the Shared Use Path Extension/Retaining Wall project and remove the Up Island Storage Tank project from the Order, for a total of \$39,520,000, and sign the Order placing the Priority Infrastructure Improvements Bond on the June town meeting warrant with voting to be held on the floor of open town meeting on Jun 7, 2022. Motion failed for lack of a second.

Ms. Goldthwait, with second by Ms. Cough, moved to sign the Order placing the Priority Infrastructure Improvements Bond on the June town meeting warrant with voting to be held on the floor of open town meeting on Jun 7, 2022.

Roll Call Vote:

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

Motion passed 5-1.

- 3. **Higgins Pit Solar Array**—*Possible motion to sign Order*—Mr. Friedmann, with second by Ms. Peacock, moved to sign the Order placing a bond warrant article titled Engineering, Design, Procurement, Construction, and Interconnection of a Free Standing Solar Array located on Town-owned Property on the June town meeting warrant with voting to be held on the floor of open town meeting on June 7, 2022. Roll Call Vote:

Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y

Motion passed 6-0.

- B. Higgins Pit Solar Array – Extending Project Management Contract with ACTT and other related expenses.**—Mr. Friedmann is recused from this agenda item (July 20, 2021 vote). Ms. Cough, with second by Ms. Peacock, moved to authorize the Town Manager to utilize \$19,800 of the contingency account #1036-5906 for Higgins Pit Solar Array related expenses with ACTT, Sundog Solar, and Biodiversity Research Institute. Roll Call Vote:

Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y

Cough _____ Y
Motion passed 6-0.

C. Municipal Review Committee—*Update*—Public Works Director Bethany Leavitt gave an update and answered Council questions. No action was taken.

D. Community Resilience Program—*Resolution*—Ms. Cough, with second by Mr. Friedmann, moved to approve the resolution as presented. Roll Call Vote:

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

Resolution of the Bar Harbor Town Council

WHEREAS, the Town of Bar Harbor has completed the Community Resilience Partnership’s Community Resilience Self-Assessment and List of Community Actions, and held a community workshop on March 9, 2022 which prioritized the following action areas:

- A2 - Install EV chargers in public parking areas.
- A3 - Adopt ordinances to encourage EV charging infrastructure, including at multifamily dwellings, businesses, and public parking areas.
- A6: Implement strategies that encourage municipal/tribal employees to commute via carpools, public transit, bike/walk, or other alternatives to single-occupancy vehicles.
- A9: Adopt a Complete Streets policy which addresses safety, bike/pedestrian uses, and transit.
- C4: Adopt a renewable energy ordinance(s) that allows, enables, or encourages community-appropriate renewable energy and energy storage installations.
- H2 - Create a climate change education, outreach, and engagement program, focusing on mitigation and adaptation for residents and businesses.

NOW THEREFORE BE IT RESOLVED, the Town of Bar Harbor commits to participating in the Community Resilience Partnership, which supports community leadership in reducing greenhouse gas emissions and increasing resiliency to extreme weather and climate change impacts; and be it further

RESOLVED, the Town of Bar Harbor designates Town Manager Kevin Sutherland to coordinate planning, implementation, and monitoring of energy and resilience projects and to be the primary point of contact to the Community Resilience Partnership.

E. Pandemic—*Update Council directive regarding mask requirements*—Request of the Town Manager for the Council to consider easing earlier mask requests and requirements.

Ms. Cough, with second by Mr. Friedmann, moved to symbolically amend the “now, therefore be it resolved” in the Resolution dated January 18th, 2022 to read: “by the Bar Harbor Town Council, that this Council encourages Bar Harbor businesses to follow CDC Guidelines around mask wearing, and for residents and patrons to respect those businesses’ expectations...” Roll Call vote:

Hochman _____ Y
Peacock _____ Y
Friedmann _____ Y

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Motion passed 6-0.

Mr. Friedmann, with second by Ms. Cough, moved that effective immediately, assuming U.S. CDC data at the county COVID-19 Community Level of low or medium, masks may be optional in municipal buildings where the public is present. Should COVID-19 Community Level rise above the medium threshold, the Town Manager be given the authority to require mask wearing in municipal facilities. Roll Call Vote:

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

F. Comprehensive Plan—Update—Ms. Peacock gave an update on the Comprehensive Planning Committees work and answered Council questions. Planning Director Michele Gagnon also participated in the discussion. No action was taken.

G. Treasurer’s Warrants – Request of Treasurer to authorize paid bills.—Ms. Cough, with second by Ms. Goldthwait, moved to sign the Treasurer’s warrants for paid bills. Roll Call Vote:

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

IX. EXECUTIVE SESSION—None.

X. TOWN MANAGER’S COMMENTS

Mr. Hochman read Mr. Sutherland’s comments from a written memo, which is posted on the Town Manager’s page on the website. It discusses the March 8 Council retreat and a bill in the legislature (LD 2003) related to housing and land use. Mr. Sutherland will be on vacation and out of town March 23 – 29.

XI. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Friedmann continued his Cruise News. He said that over the years he has been hearing lots of allegations and concerns about cruise ships, so he began to do in-depth research and pull up scientific papers published in peer-reviewed journals. He said we’re most concerned about the impacts of passengers coming ashore and the congestion that they can cause, but there are many other concerns about cruise ships that you might not think about. He said it’s legal for cruise ships to dump untreated sewage when they’re more than 12 nautical miles from shore; this can include human waste, chemicals, pharmaceuticals, heavy metals and hazardous waste. It’s estimated that the global contribution of ship emissions are 15 percent

of nitrous oxides and 19 percent of sulfur oxide, because the ships burn low-grade oil. Air emissions can have localized and regional effects on the environment, including acid rain, often large distances away, which can alter the pH of water. Localized smog events can have impacts on human health and it's estimated that, globally, 30 percent of smog comes from ships. Waste incinerators aboard ships also produce emissions which can include dioxins and other toxic chemicals.

Ms. Peacock said she really enjoyed the March 8 retreat and received good feedback about it. Participants said they had never done anything like that exercise with the town and that they wanted more chances to talk and hear other people's perspectives. She said there's a lot of big thinking that's happening; it can feel complicated and overwhelming and hard to figure out what is and isn't the town's role. Some of the role of the town is exactly this function of bringing people together. She also said she is extra excited this year for spring and warmer weather.

Ms. Goldthwait also said she thought the retreat went well—it was fabulous that staff was so involved. People who are not usually in front of council in a leadership way were, and they really rose to the occasion. She also noticed some staff introducing themselves to each other—she wondered how to make it so everyone has a sense of who's who and who's doing what.

Jill's Weekly Winner is Planning Director Michele Gagnon, who recently passed her third anniversary. She has hung in there through some blood, sweat and tears and actually moved some mountains.

She noted that the housing bill Mr. Sutherland mentioned came out of a study committee that was just completed on January 10 and submitted on March 7, so it's been on a very fast track. Some of the provisions were stripped out following the public hearing, including a state review board that could overturn local zoning decisions.

Ms. Cough thanked Ms. Gilbert for helping us get through the whole new process of budgeting, and the Warrant Committee and everybody who was part of that.

Mr. Minutolo said he wants to continue to advocate for alternative revenue sources; perhaps scheduling a meeting with the Chamber of Commerce about a local option tax.

Mr. Hochman thanked Ms. Graves and Mr. Sutherland and the staff facilitators for the retreat. He said it was one of the most productive meetings we've had in a long time. He said he has received emails asking why the Council is allowing the manager to negotiate with the cruise lines rather than just going ahead and making reductions on our own. He wanted to remind those people that there is a question of some constitutional issues with unilaterally limiting ships or removing ships. One of the things we do every year after elections is we swear to uphold the Constitution and we have to make sure that everything we are doing is constitutional and legal. About alternative revenue streams, this Council has supported a local option tax or lodging tax every year; we don't have the authority to do that on our own. To get the legislature to consider that, we do need the assistance of the business community, and residents contacting their representatives. A 1% local option tax or lodging tax, with the amount of revenue the town takes in from tourism, could have a huge impact on our budget and future tax increases. For the most part, customers don't even notice a small local option tax, so he agrees we need to discuss and push for it. He also pointed out the new projectors and screens in the Council chambers, which will make it easier to have presentations as well as hybrid meetings.

- XII. ADJOURNMENT**— Mr. Friedmann, with second by Ms. Cough, moved to adjourn at 9:12 p.m. Roll Call Vote:
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|-------------------|----------|
| <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.

Elizabeth Graves, Town Clerk