

Minutes
Bar Harbor Town Council
May 3, 2022

I. CALL TO ORDER—7:01 p.m. In attendance were Councilors Jeff Dobbs, Matthew Hochman, Valerie Peacock, Gary Friedmann, Joe Minutolo, Jill Goldthwait; Town Manager Kevin Sutherland and Town Clerk Liz Graves.

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

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait 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.* —**Sherri Coopersmith** spoke about problems with delivery trucks in the Backyard parking lot at odd hours and suggested changes to clarify the noise ordinance. **Terry Smith** spoke about parking spaces near the intersection of Hancock Street and Main Street that, when occupied, impact the sightlines for turning vehicles. **Nina St. Germain**, on behalf of the Chamber of Commerce, shared an update from area businesses. She said many of the businesses that were most dramatically affected by Covid were also those affected by the lack of cruise ships and it's exciting to have some of our tour businesses back operating again. Restaurants reported that on the two days the Norwegian Pearl cruise ship was in town they were able to make payroll on those days alone, which allowed them to be open through other, very slow days; tour buses and retail reported similar results. The Chamber feels it has been a good effect on tourism and increasing the shoulder season. She welcomed the foreign and summer workers and said we're well on the way to a Covid recovery.

IV. APPROVAL OF MINUTES

A. April 19, 2022 Regular Meeting—Mr. Hochman, with second by Ms. Cough, moved to approve the April 19, 2022 Regular Meeting minutes as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Motion passed 6-0.

V. ADOPTION OF AGENDA—Without objection, Mr. Hochman requested amending the agenda to add discussion of extending the lease agreement with the Black Friar Inn to

Regular Business before Treasurer’s Warrants. Then Mr. Hochman, with second by Ms. Goldthwait, moved to adopt the agenda as amended. Roll Call Vote:

Dobbs Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y

Motion passed 6-0.

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. Vehicles for Hire – *Police Department approved and proof of insurance provided. Possible motion to approve*

1. **V&P Taxi Service** request for new taxi license as submitted by Phelecia Allen.
2. **Oli’s Trolley, Inc** request for one taxi and six bus license renewals as submitted by Denise Morgan.
3. **Bar Harbor Coastal Cab** request for one taxi license renewal as submitted by Craig Wood.

B. Quitclaim Deed—*Possible motion that the Town Council, representing the Inhabitants of Bar Harbor, does hereby authorize the Town Manager, Kevin L. Sutherland, to sign a quit claim release deed for the property of Bar Harbor Holdings, LLC, located at 8 Mount Desert Street, Tax Map 104-460-000.*

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

Dobbs Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y

Motion passed 6-0.

VII. PUBLIC HEARINGS

A. Council Rules of Order—*Public comment and possible motion to accept changes.*—There being no public comment, Mr. Hochman, with second by Ms. Goldthwait, moved to amend the Town Council Rules of Order as presented.

Following discussion, Ms. Goldthwait, with second by Mr. Friedmann, moved to amend the motion to include, in Section 1.E. Policies, as follows: “Council will review all policies at the first full agenda meeting each fiscal year, typically the 2nd meeting in June over the course of each year.” Roll Call Vote on the amendment:

Dobbs Y
Hochman Y
Peacock Y

Friedmann Y
Minutolo Y
Goldthwait Y
Motion passed 6-0.

Mr. Friedmann moved to remove the “Ballot Voting Method” section 5.B(2). Following discussion, the motion was withdrawn.

Roll Call Vote on the main motion:

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

VIII. REGULAR BUSINESS:

A. FY21 Audit Review – *Possible motion to accept the 2021 fiscal year audit by James Wadman, CPA.*—James Wadman and Wanese Lynch, CPAs, presented their findings and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Goldthwait, moved to accept the Financial Statements and the Independent Auditor’s Reports by James Wadman, CPA for Fiscal Year ending June 30, 2021. Roll Call Vote:

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

B. Communication and Technologies Committee—*Fiber project*—Steve Cornell, Technology Systems Administrator and Clark Stivers, Communication and Technologies Committee Chair participated in the discussion and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Goldthwait, moved to authorize the Town Manager to negotiate the monthly maintenance/lease rate down under the Consolidated proposal for Council to consider.

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

C. Conservation Commission—*Open Space Plan*—Jacquie Colburn, secretary of the Conservation Commission, presented an update. Commission members Kim Zdenek, Ted Koffman and Christian Barter also participated in the discussion. Following discussion, Mr. Hochman, with second by Mr. Friedmann, moved to accept the Open Space Plan as presented to the Council May 4, 2021. Roll Call Vote:

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

D. Parks and Recreation Committee—*Special Event Permit*—Ann Tikkanen, Chief Executive Officer and Bob Huff, Membership Director of the MDI YMCA participated in the discussion and answered Council questions. Following discussion, Mr. Friedmann, with second by Mr. Hochman, moved to authorize the Town Manager to negotiate a lease of the use of park space by the YMCA for summer 2022. Roll Call Vote:

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

E. Budget—*Review of new process*—Councilors and Seth Libby, Warrant Committee Chair shared feedback from the process this year. Liz Graves, Town Clerk presented a general outline for adjustments to the implementation of the charter requirements based on survey feedback. No action was taken.

F. Housing Needs Assessment—Michele Gagnon, Planning Director explained the request and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Goldthwait, moved to authorize the Town Manager to negotiate and sign a contract with RKG Associates for \$20,770 to provide a Housing Needs Assessment to the Town of Bar Harbor and to amend the FY22 budget by moving \$20,770 from account 1032-5105 to 1034-5356. Roll Call Vote:

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

G. American Rescue Plan Act (ARPA)—*Request to use funds to purchase Rectangular Rapid Flashing Beacons*—Bethany Leavitt, Public Works Director explained the request for Rectangular Rapid Flashing Beacons (RRFBs) at four locations: the West Street Crosswalk near the intersection with Eden Street, the Park Street Crosswalk near the YMCA and Ballfield #3, the Mount Desert Street Crosswalk near the library and at the Halls Cove Crosswalk near the Chart Room.

Following discussion, Mr. Hochman moved to authorize the Town Manager to utilize up to \$75,000 of the FY22 ARPA funds for Roadway and Pedestrian Safety Improvements. Motion failed for lack of a second.

Mr. Friedmann said he would prefer not to add flashing lights on Mount Desert Street. He suggested reducing the amount by 25 percent to fund the RRFBs at the other three locations. He moved, with second by Mr. Hochman, moved to authorize the Town Manager to utilize up to \$57,250 of the FY22 ARPA funds for Roadway and Pedestrian Safety Improvements. Roll Call Vote:

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

H. Black Friar Inn—*Possible motion to approve lease extension agreement*—Mr. Sutherland explained the request to extend the current lease, which expired April 30. Mr. Friedmann, with second by Mr. Hochman, moved to authorize the Town Manager to sign a lease extension agreement with the Black Friar Inn. Roll Call Vote:

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

I. Treasurer’s Warrants—*Request of Treasurer to authorize paid bills.*—Mr. Hochman, with second by Ms. Peacock, 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
- Motion passed 6-0.

IX. EXECUTIVE SESSION—None.

X. TOWN MANAGER’S COMMENTS

Mr. Sutherland shared the highlights of his Manager’s Comments memo published on the Town Manager page of the town website, barharbormaine.gov. Topics include recognizing Town Clerk Liz Graves and Deputy Clerk Lynn Kenison Higgins in honor of Professional Municipal Clerks Week and Community Resilience Partnership grant award in partnership with other MDI towns.

Regarding the Glen Mary wading pool, an update was posted on the Town Facebook page today to clarify that we have been aware of the concerns and have work planned for future budget years. The wading pool was supposed to last 25 years and it has only been 12 years since the project got redone; there are issues that likely have to do with groundwater destroying the pipes that are under the pool. We do have to think differently about what the next iteration of a wading pool, or splash pad, or some other recreational facility, will be. He hopes to utilize this summer

to figure that out, working with the community and the Parks and Recreation committee, then will look to the Council to move resources to get started on the work and have it ready as soon as possible.

Mr. Friedmann asked what the cost estimate is for repairs. Mr. Sutherland said it's in the \$200,000 range; that's just to put it back the way it is, which would still be at risk of future water infiltration damage. The site is wet and the best time to do work is in the dry season when the water table is lower, which happens to be after the couple of months that it's used. Mr. Dobbs said Parks and Rec will plan to have public hearings to hear input on what the community would like to see happen. Ms. Goldthwait asked if there is any opportunity to apply for grant funding while ARPA and other funds are out there.

Mr. Sutherland said prospective summer interns for the Maine Conservation Corps environmental steward internship program were having trouble finding housing. There are some College of the Atlantic students who are currently working with the Climate Emergency Task Force; we're looking to use the funds that were going to support the environmental steward intern to hire a COA intern to help us with some of those efforts ahead of us getting a Sustainability Coordinator. There are also two interns who will be assisting us in looking at our solid waste reduction efforts through the Summer Pilot Internship Program for Sustainability Leaders through the Mitchell Center at UMaine.

XI. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Friedmann spoke about "No Mow May," an initiative encouraging property owners to let their dandelions and other plants grow for pollinators. It also saves on the use of fossil fuels. He encourages people in town not to mow their lawns until June 1. He asked about contacting the owner of the privately owned parking lot across the street from the Post Office to see if she would be willing to work out a deal with the town to make it part of our municipal parking. He noted that he will miss the next meeting.

Ms. Peacock thanked the volunteers who participated in the Earth Day roadside cleanup program. She said one of the things she learned in waste management sessions at a recent conference was that 40 percent of municipal solid waste is food waste and 40 percent is packaging. She said her house is near Glen Mary and there are a few ducks that live in a gully between houses where it's wet in the spring, so her son calls them Glen and Mary.

Mr. Hochman reminded residents that no decision has been made on Glen Mary and encouraged anyone with questions to contact a Councilor. He said the Acadia Community Theatre production of "Matilda, the Musical" is performing this weekend at The Grand auditorium in Ellsworth.

Ms. Goldthwait thanked Liz Graves and Lynn Kenison Higgins for their work in honor of Clerks Week. She asked about the status of a property tax assistance program. Mr. Sutherland said he should have a draft for the Council to consider at the next meeting.

Mr. Minutolo said tourist season has officially started. He has had several customers who are beginning cross-country bicycle tours ship their bikes to his shop.

Mr. Dobbs asked about whether the Council needs to vote every year to have the rainbow crosswalk on Main Street is going to be repainted. Mr. Sutherland said the vote does not need to be re-taken.

XII. ADJOURNMENT— Mr. Hochman, with second by Ms. Cough, moved to adjourn at 10:28 p.m. Roll Call Vote:

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

Elizabeth Graves, Town Clerk