

Minutes
Bar Harbor Town Council
By Video Conference
March 16, 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. COMMITTEE APPOINTMENTS - *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:*

A. Task Force on Climate Emergency

1. *Millard Dority, term expiring 2023*

Mr. Friedmann, with second by Ms. Goldthwait, moved the appointment of Millard Dority for a 3-year term to the Task Force on Climate Emergency. Roll

Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

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. 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.* – None.

IV. APPROVAL OF MINUTES- March 2, 2021 Regular Meeting

Mr. Hochman, with second by Ms. Goldthwait, moved to approve the March 2, 2021 Regular Meeting minutes as presented. Roll Call Vote:

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. FINANCIAL REPORT - *Review and possible motion to accept the financial report as presented.* Finance Director Sarah Gilbert summarized her report and answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to accept the financial report as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

VII. 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 Franchise – *Possible motion that the Town designate in the Assigned Fund Balance section of the General Fund an amount equal to \$50,000 to be labeled Designated For Fiber/Inet Lease; such funds to be transferred from the Town’s Unassigned General Fund balance.*

B. Bond – *Possible motion to sign the Order placing the Fiber Network bond article on the June 2021 annual town meeting warrant.*

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.

Order

Of the Bar Harbor Town Council
For the June 1, 2021 Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting to be held on the floor of the open town meeting.



Warrant Article

Article ____ **BUILD A FIBER NETWORK TO TOWN FACILITIES**– Shall the Town of Bar Harbor:

1. **Authorize** the Town Council to provide monies to build a fiber network to its Town Facilities that will connect these Town’s operating facilities in a secure private network; said project, known as the **Fiber Network**, to include all costs related to the following:

- All certifications/Pole attachment agreements
- All pole make-ready work and equipment
- Locations also include pump stations of the Water & Wastewater Divisions
- Installation of said fiber network
- Identify and contract with potential partners, local businesses, network service providers, etc., with the possibility to lower construction and operating costs
- Explore & purchase any existing dark fiber on the poles
- Other activities that are reasonably related to the project

2. **Appropriate** the sum of Seven Hundred Fifty Thousand dollars (\$750,000) to provide for the costs of said project, including final engineering and transaction costs;

3. **Authorize** the Treasurer and Chair of the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to issue general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000); and

4. **Delegate** the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof, to the Treasurer and Chair of the Town Council.

FINANCIAL STATEMENT

As of June 1, 2021

1. Total Town Indebtedness- Principal

A. Bonds outstanding and unpaid	\$18,021,871
B. Bonds authorized and unissued (June 2021)	- 0
C. Bonds to be issued if this article is approved:	\$750,000

2. Costs

At an estimated interest rate of 2.75% for a twenty (20) year maturity, the estimated costs for this bond issue will be:

Principal:	\$750,000
Interest:	<u>\$235,076</u>
<u>Total Debt Service:</u>	<u>\$985,076</u>

3. Validity

The validity of the bond and of the voters’ ratification of the bond may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/

 Sarah M. Gilbert
 Treasurer
 Town of Bar Harbor

Explanation:

Recent federal legislation makes it likely that the Town would soon incur a cost of \$45,000 per year for continued use of its current fiber due to this change as well as resolving the expired (2015) franchise agreement. There is currently no maintenance guarantee if a service break occurs in the network owned by Charter Communications. Charter has advised the Town it requests this “rent” for what it had previously provided to the Town without cost as one of the conditions to re-sign a new franchise agreement. In order to address this situation, the Communications & Technology Committee recognized that the fiber network is part of the Town’s critical infrastructure and recommended that the Town build and take ownership of its own secure network. The Town explored the feasibility of building its own fiber network and completed a detailed engineering plan for connecting twenty-five town-owned locations in 2019. The completed engineering plan outlines the technical requirement and estimates the development and build-out costs through a normal bid proposal basis. Included in this Bond is the authority to seek partners and contract with such businesses and ISP network providers in an effort to lower both the capital and operating costs of the project. The \$750,000 estimate has a 15% included contingency.

VIII. 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. Vacation Rentals Ordinance Amendment #2021-02 - Public comment and possible motion to adopt the amendment to Chapter 190 of the Municipal Code.

There was no public comment. Mr. Hochman, with second by Ms. Cough, moved to adopt the amendment to the Vacation Rental Ordinance Chapter 190 of the Municipal Code as presented. Roll Call Vote:

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

Vacation Rentals Ordinance Amendment
Town of Bar Harbor
#2021-02

An Amendment to replace references to the Fire Department with the Code Enforcement Department.

The Town of Bar Harbor hereby ordains that Chapter 190, Vacation Rentals, of the Town Code is amended as follows:

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

CHAPTER 190 – VACATION RENTALS

§ 190-3 Registration; procedure.

- D. A registration card shall be issued to the property owner upon submission of the completed form and payment of any fees as may be set from time to time by the Town Council. The card shall certify that the applicant has met all requirements in this chapter and the Land Use Ordinance as attested by ~~both the Fire Chief and~~ the Code Enforcement Officer or his/her designee.

§ 190-4 Inspections; compliance with certain regulations.

- A. All vacation rentals shall be inspected initially by the ~~Fire Department~~ Code Enforcement Officer or his/her designee for life safety requirements.

§ 190-5 Enforcement; violations; appeals.

- C. Appeals. An appeal from the action of code enforcement ~~or the Fire Department~~ may be sought through the powers and responsibilities in the Land Use Ordinance, Chapter 125, § 125-103, Administrative appeals.

[End of Ordinance]

B. Special Amusement Permit Renewals: Lompoc Café & Books, 36 Rodick Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by James Pike. Chair Dobbs read an email comment from Adele & Rudy Abolafia. Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement permit application for the Lompoc Café & Books for a Class 3ad permit as presented. Roll Call Vote:

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

IX. REGULAR BUSINESS

A. Age Friendly Committee – Presentation of annual report by Chair Doreen Willett. Ms. Willett presented the report and addressed Council comments. Mr. Hochman, with second by Ms. Cough, moved to thank the Age Friendly Committee members for their work and Doreen Willett for her presentation and place the report on file.

Roll Call Vote:

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

B. Marine Resources Committee – Presentation of annual report by Chris Petersen, Secretary. Mr. Petersen presented the report and answered Council questions. He is now the Chair of this committee. Mr. Hochman, with second by Ms. Goldthwait, moved to thank the Marine Resources Committee members for their work and Chris Petersen for his presentation and place the report on file and approve the use of their remaining funds as requested in their report. Roll Call Vote:

Dobbs Y

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

- C. Parks & Recreation Committee** – *Presentation of annual report by Chair Greg Veilleux.* Mr. Veilleux presented the report and addressed Council comments and questions. Mr. Hochman, with second by Mr. Minutolo, moved to thank the Parks & Recreation Committee members for their work and Greg Veilleux for his presentation and place the report on file. Roll Call Vote:

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

- D. Aquaculture** – *Discussion of proposed American Aquafarms project in Gouldsboro.* David Farmer from Bernstein Shur introduced Mikael Roenes and Eirik Jors from American Aquafarms who presented a PowerPoint. Q&A followed. Elizabeth Ransom joined the Q&A session. No action taken.

E. Cruise Ships

1. **Tabled from 2/2/21: Cruise Ship 2021 Season** – *Request regarding Seabourn Odyssey.* Ms. Goldthwait, with second by Mr. Hochman, 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.

Mr. Hochman, with second by Ms. Cough, moved to take no action on this matter since Seaborn has withdrawn their request for anchorages in 2021. Roll Call Vote:

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

Cough _____ Y
Motion passed 7-0.

- 2. **Tabled from 2/16/21 American Cruise Lines** 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.

Mr. Hochman, with second by Ms. Goldthwait, moved to table the request from American Cruise Lines until the Maine CDC has approved their operations plan.

Roll Call Vote:
Dobbs _____ Y
Hochman _____ Y
Peacock _____ Y
Friedmann _____ Y
Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Motion passed 7-0.

- 3. **Survey – Review latest draft.** Patrick Murphy from Pan Atlantic Research led the discussion on the latest draft of the survey. He specifically requested that Council choose between the two options for questions 15 & 16. Eben Salvatore, Chair of the Cruise Ship Committee, joined the discussion. Mr. Hochman, with second by Ms. Cough, moved to approve the cruise ship survey as amended.

Roll Call Vote:
Dobbs _____ Y
Hochman _____ Y
Peacock _____ Y
Friedmann _____ Y
Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Motion passed 7-0.

- F. Vacation Rentals – Review and agree on proposed amendments to Chapter 125 LUO, Chapter 190 Vacation Rentals and make a new Chapter 174 Short Term Rental.** Planning Director Michele Gagnon gave a brief introduction and answered Council questions. Town Attorney Ed Bearor also participated. Mr. Hochman, with second by Ms. Cough, moved to forward the proposed amendments to Chapter 125 and to Chapter 174 to the Planning Board for review at its April 7, 2021 meeting and report to the Council at its April 20, 2021 meeting. The review of Chapter 174 by the Planning Board is advisory and is to make sure that it works in complement with

Chapter 125.

Following discussion, Ms. Goldthwait, with second by Ms. Cough, moved to amend the motion to move the caps from Chapter 125 section 69 to the proposed Chapter

174. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

Roll call vote on the amended motion:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

G. FY22 Budget – Possible motion to fund Cooperating Agency Downeast

Transportation. Mr. Hochman, with second by Ms. Cough, moved to increase line item 1068-5950 Cooperating Agency Downeast Transportation in the FY22 Budget by \$1,988. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

H. Open Town Meeting June 1 – Discussion regarding location. Ms. Goldthwait, with second by Mr. Hochman, moved to go for open town meeting at Connors Emerson.

Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

- I. 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.

- X. TOWN MANAGER'S COMMENTS – Mr. Knight stated there are still a number of open seats for the Warrant Committee to take out papers by April 9.**

XI. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Hochman thanked Jill for arranging the tour at Higgins Pit for the possible solar farm there. He also addressed his comment at the Cruise Ship Committee and apologized if his comment wasn't clear. He did not mean that Council did not value the input of the Cruise Ship Committee. It was on the particular issue of the survey and that we were not as interested in feedback otherwise we would have sent it to them for their input. He also read into the record, as requested by the Abolafias regarding the special amusement permit for the Lompoc, the relevant section of the noise ordinance 14.7.

Mr. Minutolo requested an update in the near future regarding recycling and where we're going. It's costing us about \$4000/month with concerns about what it will be in June, July and August. Also an update if Fiberight is coming back online and when and if economically it makes sense for us.

Ms. Peacock thanked Council and Patrick and Jason during the cruise ship survey process. I felt they really listened to us. Also, regarding aquaculture, I know there will be a public hearing process but is there formal input we can give as a town? Additional discussion followed including the request for this be on a future agenda.

Ms. Cough echoed thanks for the Higgins Pit tour and commented on the questions raised, getting answers and the feasibility. It's good for the town to use land we have and to look at other types of energy projects as well.

Mr. Dobbs made additional comments regarding Higgins Pit, I think it could work. He asked Cornell about the bridge over Cromwell brook. It is a 3-year or more project. DOT needs to design it and fund it. They are going to put up a more permanent light system.

XII. EXECUTIVE SESSION: (None)

- XIII. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 9:02p.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