

Minutes
Bar Harbor Town Council
April 18, 2023

- I. **CALL TO ORDER** – 6:30 p.m. In attendance were Councilors Valerie Peacock, Matthew Hochman, Joe Minutolo, Jill Goldthwait, Erin Cough, Gary Friedmann and Clark Stivers; Interim Town Manager Sarah Gilbert and Deputy Clerk Lynn Kenison Higgins.

Ms. Peacock gave opening remarks. She said that spring weather had definitely arrived with rainy evenings for our local amphibians. She said she loved hearing the frogs, and knowing that people were out helping them cross the road. The grass is getting greener, Acadia National Park is open and Town is getting busier. She said that personally she was feeling busier too. A new season and new fiscal year were rounding the corner.

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.*—None.

IV. **APPROVAL OF MINUTES**—*April 4, 2023 Regular Meeting*

Mr. Hochman with second by Ms. Cough, moved to approve the minutes of the April 4, 2023 Regular Meeting as presented. Roll Call Vote:

Minutolo Y
Goldthwait A
Cough Y
Peacock Y
Hochman Y
Friedmann Y
Stivers Y

Motion passed 6-1A.

- V. **ADOPTION OF AGENDA**— Mr. Hochman, with second by Ms. Cough, moved to amend the agenda and suspend the rules pursuant to Rule 4.M of the Council Rules of Order to add an Executive Session pursuant to 1 MRS 405 (6) to discuss APPLL et al V. Town of Bar Harbor after item XII. Roll Call Vote:

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

Motion passed 7-0.

- VI. **FINANCIAL REPORT**— *Review and possible motion to accept the financial report.*—Finance Director Sarah Gilbert presented the report and answered Councilors' questions. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to approve the financial report as presented, with thanks. Roll Call Vote:

Minutolo Y
Goldthwait Y

Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Friedmann _____ Y
Stivers _____ 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. Annual Town Meeting June 2023—*Possible motion to sign and post:*

1. The Annual Town Meeting Notice of Public Hearing scheduled for May 16, 2023.
2. The Warrant for Annual Town Meeting scheduled June 6 and 13, 2023.

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

1. Y and P Taxi Service request for one taxi license renewal as submitted by Phelecia Allen.
2. Cadillac Mtn. Summit Shuttle new request for limousine as submitted by Ellen Finn.
3. Sunrise 2 Sunset Taxi new request for one taxi license as submitted by Michele Griffiths.

C. Small Balance Write off’s for Taxes-*Request and possible motion, from Tax Collector, Elizabeth Spear, to write off small balances on 2022 tax bills.*

D. Worker’s Compensation Safety Incentive Program Resolution-*Request to sign resolution to participate in program.*

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

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Friedmann _____ Y
Stivers _____ Y

Motion passed 7-0.

VIII. PUBLIC HEARING

A. Special Amusement Permits

1. **Salt Cottages, 20 State Highway 3, request for a new Class 3ao, three or more musicians with outdoor mechanical amplification restricted to amplified acoustic instruments and vocal microphones as defined in Chapter 14-2, as submitted by Timothy Harrington.** Following discussion, Mr. Hochman with second by Ms. Cough, moved to approve the Special Amusement Permit application for Salt Cottages, 20 State Highway 3, for a new Class 3ao permit, three or more musicians with outdoor mechanical amplification restricted to amplified acoustic instruments

and vocal microphones as defined in Chapter 14-2, as submitted by Timothy Harrington. Roll Call Vote:

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

Motion passed 7-0.

2. **Bluenose Inn**, 90 Eden Street, request for a renewal Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by Lafayette Bluenose, LLC. Following discussion, Mr. Hochman with second by Ms. Cough, moved to approve the Special Amusement Permit application for the Bluenose Inn, 90 Eden Street, for a renewal Class 3ad permit, three or more musicians with mechanical amplification and dancing, as submitted by Lafayette Bluenose LLC.

Roll Call Vote:

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

Motion passed 7-0.

3. **Bar Harbor Inn**, 8 Newport Drive, request for a renewal Class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by David C. Witham. Following discussion, Mr. Hochman with second by Ms. Cough, moved to approve the Special Amusement Permit application for the Bar Harbor Inn, 8 Newport Drive, for a renewal Class 3ad permit, three or more musicians with mechanical amplification and dancing, as submitted by David C. Witham.

Roll Call Vote:

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

Motion passed 7-0.

IX. UNFINISHED BUSINESS

- A. **Shared Use Path**—*Possible motion.* Ms. Cough removed herself from discussion and vote due to conflict of interest as the Executive Director to the Bar Harbor Historical Society, which is at the end of the Shared Use Path. This conflict of interest was established at the April 4, 2023 Town Council meeting. Mr. Minutolo said there may be a potential conflict of interest for himself due to his bicycle shop business. Mr. Hochman with a second by Ms. Goldthwait, moved that there was **not**

a conflict of interest for Mr. Minutolo due to the Bar Harbor Bicycle Shop. Roll Call Vote:

- Minutolo A
 - Goldthwait Y
 - Cough A
 - Peacock Y
 - Hochman Y
 - Friedmann Y
 - Stivers Y
- Motion passed 5-2A.

Public Works Director Bethany Leavitt presented at the April 4, 2023 Town Council meeting Alternatives 3 and 4 for redesigning the shared use path. Councilors thanked Ms. Leavitt for her very thorough presentation. Following discussion, Mr. Hochman with a second by Mr. Stivers, moved to accept Alternative 4 as presented for the Shared Use Path Sidewalk Expansion with Enhanced user experience. Roll Call Vote:

- Minutolo Y
 - Goldthwait Y
 - Cough A
 - Peacock Y
 - Hochman Y
 - Friedmann Y
 - Stivers Y
- Motion passed 6-1A.

B. Senior Tax Program—*Update and possible motion.* Financial Director Sarah Gilbert presented the update. Ten applicants qualified and were reviewed by Tax Collector Elizabeth Spear and Deputy Assessor Hannah Chamberlain. The Program policy requires that the Town rebate not exceed half of the credit amount that had been awarded from the State Property Tax Fairness credit. The rebate will come from the FY-23 contingency account. Following discussion, Ms. Goldthwait with second by Mr. Hochman, moved to approve \$3,000.00 from the contingency account for the local Senior Tax Program. Roll Call Vote:

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

C. Treasurer’s Warrant—*Request of Treasurer to authorize paid bills.* Mr. Hochman moved with a second by Ms. Cough, to approve Treasurer’s request to authorized paid bills. Roll Call Vote:

- Minutolo Y
- Goldthwait Y

Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Friedmann _____ Y
Stivers _____ Y
Motion passed 7-0.

X. NEW BUSINESS

A. YMCA –Discussion and possible motions for:

1. Recreational Vehicle for Employee housing approval.

Ms. Gilbert and YMCA Executive Director Ann Tikkanen presented an overview of the housing situation for the YMCA employees hired for the summer. Because this is Town property, Ms. Gilbert felt Councilors’ decision whether or not to allow the YMCA to apply for a permit was required. Mr. Friedmann with second by Ms. Goldthwait, motioned to authorize Interim Town Manager to sign letter of agreement for the YMCA to apply for permits to install a Recreational Vehicle on Town owned property on School Street. Because of numerous questions, Mr. Friedman motioned for a call to question. Roll Call
Vote:

Minutolo _____ Y
Goldthwait _____ N
Cough _____ N
Peacock _____ N
Hochman _____ N
Friedmann _____ Y
Stivers _____ Y
Motion failed 3Y-4N.

Following further discussion, Mr. Friedmann amended the first motion with second by Ms. Goldthwait, to authorize Interim Town Manager to sign the letter of agreement for the YMCA to apply for permits to install a Recreational Vehicle on Town owned property on School Street with restrictions. Restrictions would include; no external lights, no driving, no extension cords, no fire pits, not overtly visible, no immediate neighbors, safe distance from buildings. Roll Call Vote:

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

2. Summer Program use of Ballfield—YMCA Executive Director Ms. Tikkanen requested use of an additional tent on the ballfield for summer camp use. Following discussion, Mr. Hochman with a second by Ms. Goldthwait, motioned to authorize Interim Town Manager to negotiate a lease and the use of park space for the YMCA Summer Camp 2023. Roll Call Vote:

Minutolo _____ Y
Goldthwait _____ Y

Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Friedmann _____ Y
Stivers _____ Y
Motion passed _____ 7-0.

B. Higgins Pit -Update

Public Works Director Ms. Leavitt presented the solar array update. She highlighted the Town’s roles and responsibilities, as this isn’t a typical project for the Town. This project is still moving forward with Sundog Solar, which is bringing experience and capability for a successful project. Ms. Leavitt presented a tentative schedule outline dependent on numerous variables, and answered Councilors’ questions.

C. Comp Plan—Update

Ms. Peacock presented the update from the Comprehensive Planning Committee meeting April 12, 2023. She said this and prior meetings provided very good and productive discussions. The next Comprehensive Planning meeting will be May 10, 2023 and she strongly encouraged attendance.

D. Bond Repayment Opportunities—Update

Ms. Peacock said that the April 6, 2023 Bond Forum with Joe Cutera was a very productive and informative discussion. Ms. Gilbert presented highlights for bond structure opportunities and how the Town could structure bond payments with the least burden to the tax payers.

E. Legislative Update-Councilor Goldthwait updates

There is a bill that would promote free trade by preventing municipalities restricting sale of products. She said this bill seemed partially a response to the flavored tobacco restrictions. There will be a hearing March 25, 2023 to look at 1) prohibit flavored tobacco and 2) prohibit the sale of flavored tobacco. She said there is a bill currently tabled that would expand the Homestead Exemption. Another bill would increase the Homestead Exemption from \$25,000.00 to \$50,000.00. She said there is also a bill established by Representative Lynne Williams that asks the Transportation Department to study everything motorized that is appearing on the roads.

XI. TOWN MANAGER’S COMMENTS—Ms. Gilbert said that new parking permits for residents and summer employees are available online. If a resident had a parking permit in 2022 and the information hasn’t changed it will automatically transfer to 2023.

XII. COUNCIL COMMENTS

Mr. Minutolo said Happy Spring to everyone. Signs of tourism happening with bike rentals. It’s nice to feel the warmer weather. It feels good to head towards summer again.

Ms. Goldthwait said how she would like an update on the pumping situation at the end of Atlantic Avenue. She also would like to revise the definition of bed & breakfast. She asked that the new Chamber of Commerce Executive Director Everal Eaton be introduced. He approached the public comment microphone to greet the Councilors. He said how he was happy to be there.

Ms. Cough reminded all that Short-Term Rental applications are due at the end of May. Design and Review committee has discussed how to embrace the history and protect some of

the historical architecture, as that is one of the aspects unique to Bar Harbor. There are incredible examples of architectural history and legacy. She said she was disappointed that no one took out nomination papers for the High School Trustee. Planning Board is still looking for members.

Mr. Hochman said that as we are coming upon another summer season, a future agenda item could be to address noncompliance with business and special amusement license holders and how to enforce instead of waiting for voluntary compliance.

Mr. Friedmann said he would be interested in the Harbor master opinion about idling cruise ship tenders. Mr. Friedmann felt there were very valid concerns raised regarding the pollutants and the fact that there is an ordinance prohibiting vehicle idling. He said he is taking his annual rafting and hiking trip and would be gone until May 8th.

Mr. Stivers passed.

Ms. Peacock shared that she had been at the Harbor Committee meeting and the discussion focused on the Ferry terminal launching ramp. Town manager applications deadline are Wednesday April 19th. Packets of the applications will be distributed to the Councilors Friday April 21st for review, and then a special meeting will be scheduled Monday May 1st at 5:00 pm to discuss the applicants. Potential interviews may be scheduled the week of May 15th. There has been good input about the ethics ordinance. Town Attorney Stephen Wagner will assist in the changes.

XIII. EXECUTIVE SESSION—8:33 pm.

A. APPLL et al vs. Town of Bar Harbor— Mr. Hochman, with second by Ms. Cough, moved to enter into executive session to consult with the town attorney concerning pending litigation in APPLL et al v. Town of Bar Harbor, as permitted under 1 MRSA §405.6.E. Roll Call Vote:

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

Motion passed 7-0.

XIV. ADJOURNMENT— Mr. Hochman with second by Ms. Cough, moved to adjourn the meeting at 9:15p.m. Roll Call Vote:

- Minutolo Y
- Stivers Y
- Cough Y
- Peacock Y
- Hochman Y
- Friedmann Y
- Stivers Y

Motion passed 7-0.

