

Minutes
Bar Harbor Town Council
May 17, 2022

I. CALL TO ORDER—7:00 p.m. In attendance were Councilors Jeff Dobbs, Matthew Hochman, Valerie Peacock, Joe Minutolo, Jill Goldthwait, and Erin Cough; Town Manager Kevin Sutherland and Town Clerk Liz Graves.

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

Roll Call Vote:

Dobbs Y

Hochman Y

Peacock 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*—None.

IV. APPROVAL OF MINUTES

A. May 3, 2022 Regular Meeting—Mr. Hochman, with second by Ms. Goldthwait, moved to approve the May 3, 2022 Regular Meeting minutes as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 6-0.

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

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 6-0.

VI. FINANCIAL REPORTS—*Review and possible motion to accept*—Finance Director Sarah Gilbert highlighted her report and answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to approve the Financial Report as presented. Roll Call Vote:

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

VII. CONSENT AGENDA— *A single vote was taken 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. **Acadia National Park Tours** request for one new bus license, two bus license renewals, and one taxi license renewal.

B. Community Resilience Program—*Possible motion to accept grant award.*

C. Shore and Harbor Planning Grant – *Possible motion to accept grant award.*

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

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

VIII. PUBLIC HEARINGS

A. Special Amusement Permit

1. **Lompoc Cafe, 36 Rodick Street, request for new Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Leah Kelly**—Adele Abolafia offered public comment. Applicants Leah and Meg Kelly answered questions. Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit application for the Lompoc Café for a Class 3ad permit as presented. Roll Call Vote:

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

2. **Travelin Lobster, 1369 State Highway 102, request for renewal and upgrade to Class 3ao, three or more musicians with outdoor mechanical amplification as submitted by Kelly Corson**—Mr. Dobbs read an email comment from Toby Alley and Charles Colbert. Mr. Hochman, with second by Ms. Cough, moved to approve

the Special Amusement Permit application for The Travelin’ Lobster for a Class 3ao permit as presented. Roll Call Vote:

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

B. Vehicles and Traffic Ordinance Amendment #2022-02 – *Public comment and possible adoption of the ordinance amendment*—There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to adopt the amendment to Chapter 194 of the Municipal Code, Vehicles and Traffic Ordinance, as presented. Roll Call Vote:

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

C. Annual Town Meeting June 2022 - *Public comment on the following ballot articles:*

- **Article 2 - LAND USE ORDINANCE AMENDMENT**—No public comment.
- **Article 3 - LAND USE ORDINANCE AMENDMENT**—No public comment.
- **Article 4 – CITIZENS’ PETITION FOR ADULT USE MARIJUANA STORE LICENSING ORDINANCE**—No public comment.

IX. UNFINISHED BUSINESS

A. Resolution—*Honoring librarian Mae Corrion*—Mr. Dobbs read the resolution. Mr. Hochman, with second by Ms. Cough, moved to approve the resolution honoring Mae Corrion as presented. Roll Call Vote:

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

Resolution of the Bar Harbor Town Council

WHEREAS Mae Corrion has worked at the Jesup Memorial Library since 1997, serving as Director of Youth Services since December, 2001; and

WHEREAS Miss Mae has been a warm and welcoming presence for the children of our community and beyond while fostering a love of books and reading; and

WHEREAS Miss Mae has provided a variety of programming and a magical labyrinth of books and developmental materials, and an inviting space in which to explore them; and

WHEREAS hundreds of children have fallen under the spell of Miss Mae’s voice at story time; and

WHEREAS the Children’s Room has become a space for adults to exchange information about parenting while their children were happily occupied;

NOW THEREFORE BE IT RESOLVED that the members of the Bar Harbor Town Council do hereby express their appreciation for Mae’s dedication to local and visiting children in Bar Harbor and be it further

RESOLVED that the Council wishes Mae a happy retirement with many warm winters to come.

B. Treasurer’s Warrants – 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
- Minutolo Y
- Goldthwait Y
- Cough Y
- Motion passed 6-0.

X. NEW BUSINESS:

A. Task Force on the Climate Emergency

1. **Climate Action Plan—Revisions—**Task Force Chair Ruth Poland and consultant Laura Berry presented highlights of the Climate Action Plan 2.0 and answered Council questions.
2. **Greenhouse Gas Audit—For 2020-2021—**Ms. Poland and Ms. Berry shared a summary of findings for FY21. The town had a 4.3 percent decrease in municipal emissions last year. Electricity and heating oil remain the largest sources of emissions.

B. Black Friar Inn—Appraisal of town land currently being leased—Deborah Vickers of the Black Friar attended to participate in the conversation. Mr. Sutherland sought direction from the Council on whether to proceed with preparing a question for the November special town meeting on the sale of the town-owned real estate. Councilors said they did not have any objections to the potential sale.

C. Small Cells—Request to install communication devices on utility poles—Mr. Sutherland explained the request and guidance from Maine Municipal Association on applicable federal rules, included in the packet materials as a handout.

D. Property Tax Assistance Program—Review draft ordinance—Mr. Sutherland presented a draft new ordinance based on a program in Saco, which uses a state program to determine eligibility. Council discussed the proposal and agreed Ms. Goldthwait and Mr. Sutherland would continue working and bring back to Council at the June 21 meeting.

E. Comprehensive Plan—Update—Ms. Peacock said a draft Existing Conditions Report has been completed. The Comprehensive Planning Committee plans some outreach via the Polco polling platform and tabling, including at Hannaford and at Town Meeting. Big, community-wide meetings will begin in September. She encouraged everyone to come to committee meetings, which include public comment periods at the beginning and end.

XI. TOWN MANAGER’S COMMENTS

Mr. Sutherland said masks will continue to be required in public municipal facilities as Hancock County remains at “high risk” status for Covid-19. We’ll continue to re-evaluate on a weekly basis.

This week is National Public Works Week, National EMS Week and National Police Week. The Town’s Facebook page is highlighting behind the scenes work in the Public Works department.

He shared news of a report by the nonprofit First Street Foundation, citing information about wildfire risk that is now being included on many property listing websites. Maine is likely to see in-migration as climate-related risks in other states escalate.

He recommended that Bar Harbor nominate a Councilor to run for election to the Maine Municipal Association Legislative Policy Committee. Councilor Cough agreed to run.

He shared information from the Chamber of Commerce about the Memorial Day Remembrance ceremony on Monday, May 30 at 10:00 a.m. at the memorial in the Village Green.

XII. COUNCIL COMMENTS

Ms. Peacock spoke about a conference on solid waste she attended with Mr. Sutherland and Public Works Director Bethany Leavitt. It was interesting and helpful to hear from state officials laying out the regulatory system for trash in the state and different initiatives that are coming up. They met up with the interns from the Mitchell Center who will be working with the town this summer, including on a comprehensive waste audit. Other communities are also interested in better understanding how tourism impacts waste management. She said we expect to hear this month whether an application for a grant to pilot a reusable takeout food container program has been approved.

Mr. Hochman said he would like to resume the tradition of having occasional Council meetings in other locations, such as the MDIBL, Town Hill VIS, and Hulls Cove Schoolhouse. Residents of those villages are invited to participate and have a more convenient opportunity to be part of the town government. Since it’s the last regular Council meeting of his term, he thanked the Council for the last three years. It has been a very challenging term, especially with the pandemic, but this has been a very good Council to work with. He is running unopposed, so he said he looks forward to likely serving another term.

Ms. Goldthwait asked about follow-up on issues raised by members of the public—often, when an issue is raised during public comment, staff is on top of it, but she might not know. So if she runs into the person she doesn’t know what to say. She would like a system to track what is brought up, who it was directed to, and a very brief summary of the status. Mr. Sutherland said there is software designed for this purpose and we are exploring it.

She asked about the YMCA request to use one of the ball fields for summer camp. Mr. Sutherland said the agreement is not yet complete, but making progress.

Jill’s Weekly Winner is Harbormaster Chris Wharff, who spearheaded to process to secure a \$50,000 grant. It was one of the top scoring proposals. Way to go!

Ms. Cough said she loves the fact that the town is applying for, and receiving, more grants. She thinks it’s phenomenal that department heads and other staff are contributing to the grant applications. She also encouraged everyone to come to Town Meeting June 7 at 6 p.m. in the Connors Emerson gym. She said the infrastructure bond question is incredibly important and encouraged voters to ask any questions they may have about it. Finally, she said the Bar Harbor Historical Society museum at La Rochelle will be opening May 27 for Memorial Day weekend.

Mr. Minutolo said he appreciated Ms. Peacock’s comments about hoping the Comprehensive Plan can help integrate and filter decision making through other, existing documents including the Climate Action Plan, Housing Policy Framework, Open Space Plan and others. He suggested the Comprehensive Plan include footnotes referencing these other plans to make it easier to track the history of the ideas. He asked if there are any updates on cruise ship negotiations. He noted that the start of the tourism season and beginning of the paid parking program have coincided with the arrival of black flies this year.

Mr. Dobbs asked if the town attorney has weighed in on the Parks & Recreation Committee’s dog park recommendation. The committee is set to meet next June 6. He asked if the town could resume making free face masks available in the mailboxes around town. He said he looks forward to another term if reelected.

XIII. EXECUTIVE SESSION — *Consultation with code enforcement*—Mr. Hochman, with second by Ms. Cough, moved to enter into executive session to consult with code enforcement related to the prosecution of enforcement matters against Anderson, 25 Manteca Drive pursuant to Title 1 MRSA section 405(6)(H). Roll Call Vote:

Dobbs Y
Hochman Y
Peacock Y
Minutolo Y
Goldthwait Y
Cough Y

Motion passed 6-0.

Participating in the executive session in addition to Councilors and Mr. Sutherland were Code Enforcement Officer Angela Chamberlain and, for a portion of the time, property owners Michael and Fayelle Anderson.

Council returned to regular session at 9:39 p.m.

Mr. Hochman, with second by Ms. Cough, moved to modify the Consent Agreement Policy for the violation that occurred at 25 Manteca Drive. Roll Call Vote:

Dobbs Y
Hochman Y
Peacock Y
Minutolo Y
Goldthwait Y
Cough Y

Motion passed 6-0.

Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agreement as presented and authorize the Town Manager to sign said agreement upon payment receipt. Roll Call Vote:

Dobbs Y
Hochman Y
Peacock Y
Minutolo Y
Goldthwait Y
Cough Y

Motion passed 6-0.

XIV. ADJOURNMENT—Mr. Hochman, with second by Ms. Cough, moved to adjourn at 9:43 p.m.

Roll Call Vote:

Dobbs Y

Hochman Y

Peacock N

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 5-1.

Elizabeth Graves, Town Clerk