

**Minutes**  
**Bar Harbor Town Council**  
**June 21, 2022**

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

**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.* Alf Anderson of the Chamber of Commerce said the Chamber and other organizations are hard at work preparing for July Fourth activities. Groups interested in participating in the parade may register at [visitbarharbor.com](http://visitbarharbor.com).

**IV. APPROVAL OF MINUTES**

**A. May 17, 2022 Regular Meeting**—Mr. Hochman, with second by Ms. Cough, moved to approve the May 17, 2022 Regular Meeting minutes as presented. Roll Call Vote:

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

**V. ADOPTION OF AGENDA**—Without objection, Mr. Hochman requested two amendments to the published agenda: adding an additional executive session for discussion of a personnel matter, and moving executive session to after Council comments. Then Mr. Hochman, with second by Ms. Cough, moved to adopt the agenda as amended. Roll Call Vote:

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

**VI. FINANCIAL REPORT**—*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, with thanks. Roll Call Vote:

Minutolo       Y  
Goldthwait    Y

Cough           Y  
Peacock        Y  
Hochman       Y  
Dobbs           Y  
Friedmann     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. Vehicles for Hire** – *Police Department approved. Possible motion to approve:*

- 1. Island Taxi** – request for one new taxi license as submitted by Shany Edwards upon satisfactory proof of insurance with the Clerk’s Office.

**B. Priority Infrastructure Improvements Bond**—*Possible motion to approve the Declaration of Official Intent and authorize the Town Treasurer and Chair of the Town Council to sign the declaration with a maximum principal debt to be issued of \$43,897,600.*

**C. Solar Array Bond**—*Possible motion to approve the Declaration of Official Intent and authorize the Town Treasurer and Chair of the Town Council to sign the declaration with a maximum principal debt to be issued of \$4,350,000.*

**D. FY23 Wastewater Spending**—*Possible motion to approve a Continuing Resolution that authorizes staff to continue spending Wastewater Division funds at the current levels until a budget is approved.*

**E. FY23 Water Spending**—*Possible motion to approve a Continuing Resolution that authorizes staff to continue spending Water Division funds at current levels until a budget is approved, except that wages may be increased on July 1 as for other Town Employees.*

**F. Working Capital Transfer Request**—*Possible motion to designate an additional \$102,000 of the Unassigned Fund Balance to the Assigned Fund Balance account of the General Fund totaling an amount equal to \$2,348,000 labeled Assigned for Working Capital.*

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  
Dobbs           Y  
Friedmann     Y

Motion passed 7-0.

**VIII. PUBLIC HEARINGS**

**A. Special Amusement Permits**

- 1. Mainly Meat BBQ Dreamwood Hill, 269 State Hwy 3, request for renewal of Class 3, three or more musicians without mechanical amplification as**

*submitted by Laura Johnson.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit application for Mainely Meat BBQ Dreamwood Hill for a Class 3 permit as presented. Roll Call Vote:

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

2. **Kebo Valley Golf Club**, *136 Eagle Lake Rd*, request for renewal of Class 3ad, *three or more musicians with mechanical amplification and dancing as submitted by David Closson.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit application for Kebo Valley Golf Club for a Class 3ad permit as presented. Roll Call Vote:

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

3. **Finback Alehouse**, *30 Cottage St*, request for renewal of Class 3a, *three or more musicians with mechanical amplification as submitted by Dale Stockburger.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit application for Finback Alehouse for a Class 3a permit as presented. Roll Call Vote:

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

4. **Havana**, *318 Main St*, request for **new** Class 3, *three or more musicians without mechanical amplification as submitted by Michael Boland.* Scott Ream offered public comment. Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for Havana for a Class 3 permit as presented. Roll Call Vote:

- Minutolo      Y
- Goldthwait    Y

Cough \_\_\_\_\_ Y  
Peacock \_\_\_\_\_ Y  
Hochman \_\_\_\_\_ Y  
Dobbs \_\_\_\_\_ Y  
Friedmann \_\_\_\_\_ Y  
Motion passed 7-0.

- 5. **Jack Russell’s Steak House, 102 Eden St, request for new Class 3a, three or more musicians with mechanical amplification as submitted by Tom St. Germain.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for Jack Russell’s Steak House for a Class 3a permit as presented. Roll Call Vote:

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

**IX. UNFINISHED BUSINESS**

- A. Marine Resources Committee – Possible motion to approve recommended shellfish harvest area closure per Shellfish Conservation Ordinance, Chapter 170-6—**Fiona de Koning, secretary of the Marine Resources Committee, explained the request and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Cough, moved that pursuant to Municipal Code § 170-6 and at the recommendation of the Marine Resources Committee, to close the Clark Cove Salt Pond, all area north of a line from a red painted post on the eastern point at the mouth of the salt pond to a red painted post on the western point at the mouth of the salt pond, to harvest of oysters between May 15th and October 15th. Roll Call Vote:

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

- B. Citizen Petition: Cruise Ship Disembarkations – Presentation of petition for final determination of sufficiency and possible motion to schedule a public hearing.** Mr. Hochman, with second by Ms. Cough, moved to set a public hearing on the citizen initiative concerning cruise ship disembarkations for July 19, 2022, and instruct the Clerk to present the initiative in the ballot for the November 8, 2022, Town Election, in a form consistent with Charter section C-48(C)(1)(b). Roll Call Vote:

Minutolo \_\_\_\_\_ Y  
Goldthwait \_\_\_\_\_ Y  
Cough \_\_\_\_\_ Y

Peacock \_\_\_\_\_ Y  
Hochman \_\_\_\_\_ Y  
Dobbs \_\_\_\_\_ Y  
Friedmann \_\_\_\_\_ Y  
Motion passed 7-0.

**C. 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:

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

**X. NEW BUSINESS:**

**A. Council Policies** – *Discuss schedule for review and updates.* Mr. Sutherland said that changes to the Personnel Rules are connected to the union negotiations for the Fire Department and Public Works, so that document will be addressed in the first batch. It was suggested that any policy that hasn’t been changed since 2000 should get a second look. Also flagged by councilors were the Remote Participation Policy and the Speed Limit Policy. Council agreed to give the manager latitude to start slotting policies in on meeting agendas.

**B. Senior Property Tax Relief Program** – *Review Draft Ordinance, discuss LD290.* Mr. Sutherland said this new law creates a program to freeze property taxes going forward for some residents over the age of 65. This program as well as the contemplated town tax assistance program will require staff time to administer. Council supported moving forward with the proposed new ordinance.

**C. Manager’s Contract** – *MOU to modify contract language.* Mr. Sutherland explained the request related to moving expenses. Ms. Goldthwait, with second by Mr. Dobbs, moved to accept the manager’s proposal for a Memorandum of Understanding to modify the contract between the Town and Mr. Sutherland signed November 16, 2021. Roll Call Vote:

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

**D. Comprehensive Plan Update** – *Update.* Ms. Peacock said the consultants have drafted an Existing Conditions report and the committee and staff have gone through it and given extensive feedback. A subcommittee has been formed to plan for bigger

public engagement events in the fall; more targeted engagement will be happening before then, too. A link to the Comprehensive Plan webpage is on the town website, [barharbormaine.gov](http://barharbormaine.gov) under Town Hall > Planning > Projects. Paper flyers and newsletters are available. Residents can sign up for an email newsletter. A Polco survey is open with initial questions and there are paper copies of that survey as well. The next meeting of the committee is July 13.

## **XI. TOWN MANAGER'S COMMENTS**

Mr. Sutherland gave updates on staffing. In the Municipal Building lobby/hallway are a list of open positions in the town, especially in Public Works, and applications.

- The Public Works union contract is set to expire soon; those discussions with union representatives begin next week.
- We've been advertising for some temporary assistance in assessing to help us get through the tax commitment process. While we have the Deputy Assessor vacancy, we're trying to figure out how to restructure so we can accommodate all the work as much as possible.
- The town is looking for an equipment operator, drivers, maintenance workers in the Water Division, and more. A construction management position may be added to assist the Public Works Director with the infrastructure bond projects.
- In Finance, the shared Human Resources position with Mount Desert will be posted soon, and an Accounts Receivable Clerk position as the current clerk in that position, Betsy Spear, has been promoted to Tax Collector/Payroll Supervisor.
- Liz Morrison, a sustainability intern for the summer, has been helping with the job descriptions for the new Communications Coordinator and Sustainability Coordinator positions.
- The fire department is interviewing for its new positions, and we'll be posting for the Deputy Fire Chief in the months ahead.

Mr. Friedmann asked whether the number of vacancies is impacting the level of service Town departments are able to provide. Mr. Sutherland said Public Works is stressed; there are challenges with finding people and he hopes to address those working with the Council and the union, but we're not the only community that is struggling to find good, qualified people. In some cases may be in a position to hire people who are a good fit for our organization who are willing to learn; the town may have to pay for some of that training.

## **XII. COUNCIL COMMENTS**

**Mr. Minutolo** said Ms. Peacock did a great job leading the meeting.

**Ms. Goldthwait's** Weekly Winners are Brady Anderson and Josh Conary from the Water Division who responded to a recent crisis, arriving quickly and staying on the job until it was fixed. They are nice, polite and careful; the kind of people who are just good representatives of the town, she said.

**Mr. Hochman** thanked Liz Graves, Town Meeting Moderator Bill Ferm and the other election staff who worked to make the Town Meeting and election go smoothly. It was a very pleasant Town Meeting and very well-run. He congratulated Ms. Peacock on surviving her first meeting; the chair comes with a lot of pressure and she handles it well. He asked

about space in the Municipal Building for councilors to meet with constituents, ideally with access to budgets, policies, the town code and charter.

**Mr. Dobbs** said Ms. Peacock did a great job tonight and he looks forward to however long she wants to serve as chair.

**Mr. Friedmann** shared that the community launch of the \$12.5 million campaign to expand the Jesup Library on Saturday went great. He said the final result is going to be a great asset to this community. Jill was one of the featured speakers and spoke very well. There were probably 100 kids and families there, dancing to Bee Parks and the Hornets.

**Ms. Peacock** that because it’s the first meeting of the new council year, she had been thinking about “Best of” lists that always come out at the end of each calendar year. So she thought about a “Best of Bar Harbor Town Council” from the past year, flipping through agendas. There’s a lot that has been taken up, including infrastructure evaluation and resiliency planning, sidewalk rating system, adapting plans for the fiber network and the Higgins Pit solar array. Related to the marine economy, there has been work on aquaculture leases, the return of the Cat ferry, continued work on cruise ship management and looking to reduce visitation in the 2023 season and beyond. In Planning and Code Enforcement work, the vacation rental ordinance passed in November, accessory and bonus dwelling work and PUD work has happened, we’ve expanded the membership of the Planning Board from five to seven, and we have a Long Term Rental Registration Task Force working. We have a new Remote Participation Policy and all the new equipment that came in to support that, a Social Media Policy. Committees have created the Climate Action Plan and the Open Space Plan; the Comprehensive Plan Committee is also meeting. We’ve had some big retirements and changeover in staff—the Town Manager transition was a lot of work and time on all of our parts to get up to speed, Lt. Pinkham retired, Ron Graves retired, library staff retired. We did a revaluation and have looked at the tax impacts of that. We have expanded employee collaboration with Mount Desert. We have a new budget process that we worked through. We worked through some citizen petitions. We held a planning retreat to identify priorities. We hosted a COA class looking at local climate solutions. We had over 180 people at our town meeting. All of this while dealing with the pandemic and an insane tourist season. We’ve done a lot and she is excited to think about what’s coming next, using our council priorities to bring some plans and scheduling.

With interns from the Mitchell Center, the town will be doing a full waste audit on Monday, July 18. She and Ms. Cough had the chance to go with staff to the Build Maine conference in Skowhegan.

**XIII. EXECUTIVE SESSION**

**A. Personnel Matter**—Mr. Hochman, with second by Ms. Cough, moved to enter into executive session as permitted by Title 1 MRSA 405(6)(A) for discussion or consideration of a personnel matter. Roll Call Vote:

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

Councilors, Mr. Sutherland, and the person involved in the personnel matter participated in the executive session. Council returned to regular session at 8:59 p.m. Mr. Hochman, with second by Ms. Cough, moved to authorize the Town Manager to expend \$5,764 from Council contingency for a personnel matter. Roll Call Vote:

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

**B. Cruise Ships**—Mr. Hochman, with second by Ms. Cough, moved to enter into executive session to consult with our attorneys related to cruise code enforcement related to cruise ship industry negotiations where premature disclosure would disadvantage the municipality pursuant to Title 1 MRSA 405(6)(E). Roll Call Vote:

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

Councilors, Mr. Sutherland, attorney Jonathan Hunter, Harbormaster Chris Wharff, and intern Liz Morrison participated in the executive session. Council returned to regular session at 9:35 p.m. No action was taken.

**C. Union Negotiations Fire Department**—Mr. Hochman, with second by Mr. Cough, moved to enter into executive session related to the Bar Harbor Professional Firefighters Union Contract negotiations pursuant to Title 1 MRSA 405(6)(D). Roll Call Vote:

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

Councilors, Mr. Sutherland, Fire Chief Matt Bartlett, Finance Director Sarah Gilbert, and intern Liz Morrison participated in the executive session. Council returned to regular session at 10:53 p.m. Mr. Hochman, with second by Ms. Cough, moved to authorize the Town Manager to sign the contract with the Bar Harbor Professional Firefighters Union. Roll Call Vote:

- Minutolo        Y



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

**XIV. ADJOURNMENT**—Mr. Hochman, with second by Mr. Dobbs, moved to adjourn at 10:55 p.m. Roll Call Vote:

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

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Elizabeth N. Graves, Town Clerk