

Minutes
Bar Harbor Town Council
August 2, 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. EXECUTIVE SESSION**—*Consultation with Town Attorney on legal rights of future actions related to the Citizen Petition LUO Amendment on Cruise Ship Disembarkations as permitted by 1 MRSA §405.6.E.*—Mr. Hochman, with second by Ms. Cough, moved to enter into executive session to discuss the legal rights of further actions related to the Citizen Petition LUO amendment, as permitted under 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 and attorney Tim Pease participated in the executive session. Council returned to regular session at 7:25 p.m. Action was taken at agenda item IXA.

- III. READING OF THE MEETING GROUND RULES**
- IV. 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.
- V. APPROVAL OF MINUTES**

- A. July 19, 2022 Regular Meeting**—Without objection, Ms. Graves requested a correction on page 1, specifying in the motion that Mr. Siklosi was appointed to an Associate Member seat on the Appeals Board. Mr. Hochman, with second by Ms. Cough, moved to approve the July 19, 2022 Regular Meeting minutes as amended. Roll Call Vote:

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

- VI. ADOPTION OF AGENDA**— Mr. Hochman, with second by Ms. Cough, moved to adopt the agenda as presented. 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. Certification of Property Owners Mailing List** – *Possible motion to sign the certification of the mailing list used for notice of the Town Council’s Public Hearings July 19 and August 16, 2022 for three possible LUO Amendments for the November 8, 2022 Special Town Meeting warrant.*
- B. Fire Department Mutual Aid** – *Possible motion to authorize the Bar Harbor Fire Chief to sign the Mutual Aid Agreement with the Town of Mount Desert.*
- C. Council Policies**— *Possible motion to approve the Acquired Property and Purchasing Policy amendments as presented and update the Tax Payment Policy legislative history to reflect reviewed by Council as of 8-2-2022.*

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—*Maximum of 3 minutes per person.*

A. Special Amusement Permits

- 1. **Ivy Manor Inn, 194 Main St, request for renewal of Class 2ao, two musicians with outdoor mechanical amplification as submitted by Elizabeth Bunker.**—*There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit renewal application for Ivy Manor Inn for a Class 2ao permit, two musicians with outdoor mechanical amplification as submitted by Elizabeth Bunker. 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. Citizen Petition LUO Amendment: Cruise Ship Disembarkations—*possible motion to sign the order placing the amendment on the November 8, 2022 Special Town Meeting Warrant.*—Following discussion, Mr. Hochman, with second by Ms. Cough, moved to sign the order placing the amendment on the November 8, 2022 Special Town Meeting Warrant. Roll Call Vote:

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Peacock _____ Y
Hochman _____ Y
Dobbs _____ N
Friedmann _____ Y
Motion passed 6-1.

B. Chapter 170 Shellfish Conservation Ordinance Amendment—*Introduction and possible motion to call for a public hearing September 6, 2022 on ordinance amendment.*—Marine Resources Committee Chair Chris Petersen presented the change and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to set a public hearing for September 6, 2022 to hear comments on the proposed amendment to Chapter 170, Shellfish Conservation Ordinance. Roll Call Vote:

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

C. Hadley Point Road and Bayview Drive—*Request for speed limit reduction.*—Ms. Peacock explained the process and the request. Police Chief Jim Willis and requestor Kendra Rand participated in the discussion and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to set a public hearing for September 6, 2022 to request the Maine Department of Transportation reduce the speed to 25 mph for Hadley Point Road and Bayview Drive in Bar Harbor. Roll Call Vote:

Minutolo _____ Y
Goldthwait _____ Y
Cough _____ Y
Peacock _____ Y
Hochman _____ Y

Dobbs _____ Y

Friedmann _____ Y

Motion passed 7-0.

- D. Curb Cut**— *Possible motion to approve application for curb cuts on Mountain Ave.*—Before discussion of the application, Ms. Cough asked to be recused because the property owner is her spouse. Mr. Hochman, with second by Mr. Dobbs, moved to recuse Ms. Cough due to the appearance of a conflict of interest.

Roll Call Vote:

Minutolo _____ Y

Goldthwait _____ Y

Peacock _____ Y

Hochman _____ Y

Dobbs _____ Y

Friedmann _____ Y

Motion passed 6-0.

Public Works Director Bethany Leavitt presented the request and answered Council questions. Abutting property owner Susan Paulsen also participated in the discussion. Mr. Hochman, with second by Ms. Goldthwait, moved to approve the curb cut permit for the Cough Family Trust at 2 Mountain Ave. Roll Call Vote:

Minutolo _____ Y

Goldthwait _____ Y

Peacock _____ Y

Hochman _____ Y

Dobbs _____ Y

Friedmann _____ N

Motion passed 5-1.

- E. 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:

Minutolo _____ Y

Goldthwait _____ Y

Cough _____ Y

Peacock _____ Y

Hochman _____ Y

Dobbs _____ Y

Friedmann _____ Y

Motion passed 7-0.

X. NEW BUSINESS

- A. Age Friendly Committee**—*Annual report*—Committee Chair Susanne Hopkins presented her report and answered Council questions.
- B. Long-Term Rental Registration Program**—*Report from task force work*—Code Enforcement Officer Angela Chamberlain and Fire Chief Matt Bartlett presented recommendations from the Long-Term Rental Registration Task Force and answered Council questions.

C. Chapter 174 Short-Term Rental Registration Ordinance

Amendment—Introduction—Code Enforcement Officer Angela Chamberlain presented the proposed ordinance amendment, changes to the safety standards to eliminate inconsistencies between the requirements for new construction and requirements for a Short-Term Rental Registration inspection.

D. Cruise Management Plan—Presentation—Town Manager Kevin Sutherland presented the plan from the working group appointed in February and answered Council questions. Police Chief Jim Willis and Special Services Lieutenant Chris Wharff presented updates on cruise ship operations and management, including a proposal to create a licensing process for tour operators.

E. Council Policy Review—Discussion of draft updates

1. **Personnel Rules**—Postponed.

XI. TOWN MANAGER’S COMMENTS

Mr. Sutherland said that on Thursday, August 11, from 7 a.m. to 6 p.m., Maine DOT will be closing lower Ledge lawn Ave, between the wastewater treatment facility and Great Meadow Drive in order to perform subsurface geotechnical investigations. The work is necessary to design the new (state-owned) Cromwell Brook bridge. During the closure a traffic detour will be in place.

He said the dates have been announced for the upcoming Maine Municipal Association Convention, October 5 and 6 at the Cross Insurance Center in Bangor. Councilors interested in attending should let him know.

He said the Chamber of Commerce Business Roundtable is discussing challenges with AT&T service. He said over the winter a representative of AT&T met with the roundtable and promised better service, unfortunately that hasn’t really happened. One of our efforts was to put one of the “Cell on Wheels” (COW) units that we had been using downtown at the ferry terminal, which still hasn’t happened. He hopes to encourage AT&T to partner with the Chamber and the town to get this resolved.

Interviews for the Communications Coordinator and Sustainability Coordinator positions have begun; he hopes to be making some very positive announcements in the near future.

Finally, he shared that in response to the power outage experienced by many businesses in Bar Harbor last week, Alf Anderson, on behalf of the Chamber, reached out to Versant to understand the cause and learn what steps are being taken to prevent future power outages. It appears the cause was increased demand for electricity in the downtown area, especially on the hot, humid days which require adjustments to be made to the load balancing of the power being delivered. Versant representatives said they are confident that the short-term solution they’ve implemented will prevent similar outages and investigating need for action on a longer-term basis. Mr. Sutherland said he has heard from several businesses asking what the town is going to do to address this. At this time there’s not much we can do but to try and build a further business case for the company as to why more investment for the island is necessary, especially as we see more electrification. There’s a lot to do in understanding the challenges we have with Versant and how we can improve in the future.

XII. COUNCIL COMMENTS

Mr. Friedmann also spoke about the power outages. He said he has been working with Versant since they came to Maine three years ago. Versant is wholly owned by Enmax, which is owned by the City of Calgary in Alberta, Canada. He thinks that being 2,500 miles away, they're not attuned to providing good service. He said Versant and Central Maine Power have the worst service ratings, longer outages, and more outages than any other investor-owned utilities in the U.S. He said he thinks the system Versant inherited from Emera was suffering from deferred maintenance costs because Emera was sucking profits out of Maine and sending them to Canada for years. Now, he said, Versant is taking \$50 million a year out of Eastern Maine and sending it to Calgary to build skating rinks and sidewalks. He said the Council might at some point consider support the effort for a consumer-owned utility in Maine. He doesn't think there are going to be improvements. Emera presented to the Council a number of years ago about how they were building resiliency—there are two major transmission lines coming into Bar Harbor and a brand-new substation. Given that, he thinks having outages here is probably either incompetence or inattention. He said he spoke with Alf Anderson, who estimates the recent outages were responsible for well over \$100,000 in lost revenue.

Mr. Dobbs said he appreciates the work Mr. Sutherland, Ms. Peacock, and Ms. Goldthwait did on the cruise management plan. He said he thinks the tenor of the council has evened on this issue; we all feel like we're getting somewhere. He also said that the Parks & Recreation Committee has asked the Public Works Director to look into putting in a sprinkler system in Glen Mary Pool.

Mr. Hochman said he loves hearing from constituents via email. There are a lot of excellent, thoughtful questions and comments. Lately, however, the tone from a few people who email often has gotten to be over the top. To those people who are constantly questioning our ethics, who are constantly saying that we are greedy, self-serving, or only serving the business community, he would point out that he's happy to be sitting up here and representing people but he and Councilor Dobbs ran unopposed this year. There are seats open every year. He said getting involved is the way to make things better. Writing nasty emails isn't. Some of the things that councilors have to do is hard, especially seeing the work that Ms. Sutherland and Ms. Peacock and Ms. Goldthwait put into working with the cruise ship industry. He said that trying to have discussions with representatives of the cruise lines during Cruise Ship Committee meetings was tough enough—this group sat down with the industry and went back and forth and tried to come up with compromises. The amount of hours that are put in would surprise a lot of people.

Ms. Cough thanked the cruise ship working group, saying it's important work. She said there's still a bigger issue in this town, and it is capacity. She hopes we are looking at tourism capacity overall as we move forward. Mr. Sutherland said part of how we're tackling that question is through the Comprehensive Plan process, which can inform recommendations going forward. Ms. Cough also said she's concerned about a tone in

town getting back to extreme division. She thought we were working toward being cooperative and willing to compromise. She hopes people can see the good things about this town and the work that is being done. She said she hears a lot of people who say they won't come downtown because it's too crowded, but she encouraged people to come see for themselves. The Norwegian Pearl is at harbor every Thursday; come downtown and take a look. Also, councilors are always more than happy to answer questions.

Ms. Goldthwait said she agrees with Ms. Cough on the importance of tourism capacity research; it's going to be fundamental to a lot of decisions in the next couple of years and we need that data to do that. Jill's Weekly Winner is Technology Systems Administrator Steve Cornell. She said that in one of the Appointments Committee interviews, the applicant specifically identified Steve as somebody who stepped in to rescue them from their own technological ineptness, in a really nice way that didn't make them feel like an idiot. Steve has also been helping with the interview process for some of the new hires.

She also said our Police Department was the subject of a very vicious, verbal round of abuse this week. She was shocked when she saw the video. In the face of what she thinks was completely out-of-line abuse, they were calm, they were professional, they explained (to the extent anybody had an actual question other than just wanting to yell at them). Nobody should have to take that kind of abuse for being a public servant; she said it was shocking and disappointing and distressing to her to see them treated in that way, knowing the many times that they have gone through personal agony watching the situations that unfold before them and trying to deal with them. That was really low behavior.

Mr. Minutolo said in the current dry weather conditions, people have to be really careful. He appreciated the good communication in tonight's meeting.

Ms. Peacock said, looking at the agenda, there's a crazy amount of topics. The information in the packets is technical, bureaucratic, dry—and really important. She wants to acknowledge that these are tough times and people are super stressed. Not to make excuses for people, but these systems that we built don't really work for everyone, she said. They exclude people, they marginalize people—there's work to do to make reparations for harm the system has caused. We all have good intentions and are here for the right reasons and there are sleepless nights. She doesn't condone nasty emails but she does understand that people are frustrated. There has been no news or action on the cruise ship work for a long time. She said she's happy with where we are; we came to something that is a great place for us to work from. But for people who prefer not to have cruise ships in town, it's been frustrating. She encourages everyone to have perspective. She said that in face-to-face conversations with people who have bumper stickers on their cars that don't match her political views, she usually finds we have more in common than we have different.

At 10:38 p.m., Mr. Hochman, with second by Ms. Cough, moved to set aside the Rules of Order to complete the agenda, with the exception of Item XE, Council Policy Review.

Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

XIII. EXECUTIVE SESSION—*Discussion/Update with Council regarding Public Works union (Teamsters) negotiations as permitted by 1 MRSA §405.6.D.*—Mr. Hochman, with second by Ms. Cough, moved to enter into executive session to discuss the managers negotiations with the Teamsters union pursuant to 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 and Public Works Director Bethany Leavitt participated in the executive session. Council returned to regular session at 11:04 p.m. No action was taken.

XIV. ADJOURNMENT—Mr. Hochman, with second by Ms. Cough, moved to adjourn at 11:05 p.m. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.