

**Minutes**  
**Bar Harbor Town Council**  
**August 16, 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. COMMITTEE APPOINTMENTS** – *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of the applicable year:*

**1. Age Friendly Committee: Three-year term**

- a. Peter Houghton*—Appointments Committee recommends and Ms. Goldthwait nominated Peter Houghton to the Age Friendly Committee.  
Roll Call Vote:

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

By a vote of 7-0, Peter Houghton was appointed.

**2. Task Force on the Climate Emergency: Three-year term**

- a. Kaitlyn Burke*—Appointments Committee recommends and Ms. Goldthwait nominated Kaitlyn Burke to the Task Force on the Climate Emergency. Roll Call Vote:

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

By a vote of 7-0, Kaitlyn Burke was appointed.

**3. Parks & Recreation Committee: Three-year term**

- a. Bob Huff, YMCA Representative*—Appointments Committee recommends and Ms. Goldthwait nominated Bob Huff to the Parks & Recreation Committee, YMCA Representative seat. Roll Call Vote:

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

By a vote of 7-0, Bob Huff was appointed.

**4. Planning Board: Three-year term**

**a. Calistra Martinez**—Appointments Committee recommends and Ms. Goldthwait nominated Calistra Martinez to the Planning Board. Roll Call Vote:

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

By a vote of 7-0, Calistra Martinez was appointed.

**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.*—Shannon Westphal spoke about the need for year-round affordable housing. Janice Hanscom suggested widening and paving the parking area at the south side of the athletic fields on Main Street and making it a dedicated employee parking lot.

**V. APPROVAL OF MINUTES - August 2, 2022 Regular Meeting**—Mr. Hochman, with second by Ms. Cough, moved to accept the August 2, 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.

**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. PUBLIC HEARINGS:**

**A. Special Amusement Permits**

**1. Atlantic Oceanside Hotel, 119 Eden Street, request for renewal of Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by David C. Witham**—There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit renewal application for Atlantic Oceanside Hotel for a 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
- Dobbs         Y
- Friedmann    Y

Motion passed 7-0.

2. **Bar Harbor Club & Spa, 111 West Street, request for renewal of Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Richard Ade.**—Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit renewal application for Atlantic Oceanside Hotel for a Class 3ad permit, three or more musicians with mechanical amplification and dancing as submitted by Richard Ade. Roll Call Vote:

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

Motion passed 7-0.

**B. Land Use Ordinance Amendments**—*Public comment and possible motion to sign the orders placing the following LUO amendments on the November 8, 2022 special town meeting warrant:*

1. **Removal of the Two-Thirds Majority Vote Requirement**—Ruth Eveland, Millard Dority, Erica Brooks, Sherri Dyer, Cara Ryan, Shaun Farrar, Peter Miano and Stephen Coston offered comment. Following discussion, Mr. Hochman, with second by Mr. Dobbs, moved to sign the order placing the Land Use Ordinance Amendment: Removal of the Two-thirds Majority Vote Requirement on the November 8, 2022 Special Town Meeting warrant. Roll Call Vote:

- Minutolo      Y
- Goldthwait    Y
- Cough        N
- Peacock       Y
- Hochman      Y
- Dobbs         Y
- Friedmann    Y

Motion passed 6-1.

2. **Citizen Petition LUO Amendment: Marijuana Stores**—Derrick Harrison (legal name change from Derrick Sekulich since the petition process began) presented on behalf of the petitioners’ committee. Adele Abolafia and Phil Payne also offered comment. Planning Director Michele Gagnon answered Council questions. Following discussion, Mr. Hochman, with second by Ms.

Cough, moved to sign the order placing the Citizen’s Petition Land Use Ordinance Amendment: Marijuana Stores on the November 8, 2022 Special Town Meeting warrant. Roll Call Vote:

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

Motion passed 7-0.

**C. Citizen Petition: Marijuana Stores Licensing**—Public comment and possible motion to sign the order placing the proposed ordinance on the November 8, 2022 special town meeting warrant. —Derrick Harrison (legal name change from Derrick Sekulich since the petition process began) presented on behalf of the petitioners’ committee and answered Council questions. There was no other public comment. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to not adopt the Adult Use Marijuana Store Licensing Ordinance and instead to sign the order placing the ordinance on the November 8, 2022 Special Town Meeting warrant. Roll Call Vote:

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

Motion passed 7-0.

**D. Senior Taxpayer Assistance Ordinance Amendment #2022-03** – Public comment and possible adoption of the new ordinance.—There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to adopt Chapter 162 of the Municipal Code, Senior Taxpayer Assistance Program, as presented. Roll Call Vote:

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

Motion passed 7-0.

**Senior Taxpayer Assistance Program Ordinance Amendment**  
 Town of Bar Harbor  
 2022-03

**An amendment to the Town Code to enact a Senior Taxpayer Assistance Program Ordinance.**

*The Town of Bar Harbor hereby ordains that Chapter 162, Senior Tax Assistance Program, of the Town Code is appended as follows:*

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

**Chapter 162 Senior Taxpayer Assistance Program**

**§ 162-1. Purpose.**

The purpose of this article is to establish a program pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes to provide property tax assistance to qualifying persons who have a residence in the Town of Bar Harbor. For those eligible, the State of Maine refunds to the citizen a portion of funds paid as local property tax or rent. The Town intends, by this chapter, to offer a credit to those individuals who qualify as beneficiaries of the State of Maine Residents Property Tax Fairness Credit pursuant to Chapter 822 of Title 36 of the Maine Revised Statutes, as may be amended from time to time and who meet the criteria established by this chapter of Title 36 of the Maine Revised Statutes to provide property tax assistance to qualifying persons who are residents of the Town of Bar Harbor. Under this program the Town of Bar Harbor may provide tax rebate and rental rebate payments to those individuals who meet the criteria established by this article.

**§ 162-2. Definitions.**

For the purposes of this article, the following terms shall have the following meanings and definitions:

**HOMESTEAD EXEMPTION** - The State of Maine property tax exemption for all individuals who have owned a permanent residence in Maine for 12 months as of April 1; established by the State of Maine pursuant to 36 M.R.S.A. § 683.

**PROGRAM ADMINISTRATOR** - The Town Manager or their designee.

**QUALIFYING APPLICANT** - A person who is determined, after review of a complete application under §162-3 and §162-4 of this chapter, to be eligible to participate in the Senior Taxpayer Assistance Program.

**QUALIFYING SPOUSE** - The legal spouse of a senior citizen who is qualified for and participates in the Senior Taxpayer Assistance Program.

**RENT CONSTITUTING PROPERTY TAXES** - The amount of annual rent paid which constitutes property tax as calculated by the State of Maine Property Tax Fairness Credit program.

**RESIDENCE** - The dwelling must be a permanent residence, occupied by that person and that person's dependents as a home.

**SENIOR TAX ASSISTANCE PROGRAM** - The program established by the Town of Bar Harbor under this article.

**STATE PROPERTY TAX FAIRNESS CREDIT** - The property tax credit established by the State of Maine pursuant to 36 M.R.S.A. § 5219-KK, as may be amended from time to time.

**§ 162-3. Qualifications for participation.**

A. To participate in the Senior Taxpayer Assistance Program, an applicant must demonstrate all of the following:

- (1) The qualifying applicant shall be at least 65 years of age before April 1 of the program year.
- (2) The qualifying applicant and their qualifying spouse (if applicable) be a resident in the Town of Bar Harbor at the time of application and for the prior 5 years continuously.
- (3) The qualifying applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program.

B. Additionally, if the applicant is a property owner:

- (1) The qualifying applicant has applied for and has been granted the homestead exemption.
- (2) The qualifying applicant has paid property taxes in full through the date of application.

**§ 162-4. Application and credit procedures.**

A. A new application shall be required each year in which participation in the program is sought. The program administrator shall provide an application form for the program, which shall include, at a minimum, the applicant's name, residential address, a list of required documentation, and contact information.

B. The program is based on the state property tax fairness credit and relates to property taxes and rent paid in the preceding calendar year. As part of the application to the Town, the applicant shall authorize the Town to seek documentation from the Maine Revenue Services of proof and dollar amount of the state property tax fairness credit received by the applicant.

C. The program administrator shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the program. The program administrator shall notify an applicant if an application is determined to be incomplete or inaccurate. Applications not deemed complete by July 1 shall not be considered. The program administrator's decision on eligibility to participate in the program will be final.

D. In Year 1 of the program (the Fiscal Year ending June 30, 2023), the deadline for complete applications will be December 1, 2022 and subsequently August 1 of each year.

#### **§ 162-5. Determination of tax assistance.**

A. If the program administrator determines the applicant is eligible to participate in the program, they shall determine the tax rebate. The rebate shall be the lesser of the following amounts but in no case shall the Town's rebate exceed the property taxes or rent paid in the preceding calendar year, less the state property tax credit.

(1) The amount of the credit qualified for under the property tax fairness credit program; or

(2) A pro rata share of the funds appropriated by Town Council for that fiscal year.

B. The Town's rebate is not to exceed half the amount of the credit qualified for under the property tax fairness credit, and in no case shall the Town's rebate exceed the property taxes or rent paid in the preceding calendar year, less the state property tax credit.

C. The Town Manager shall report to the Town Council each year the projected payments and number of eligible applicants requesting assistance from the program fund.

D. Timing of rebate payments:

(1) In Year 1 of the program (the Fiscal Year ending June 30, 2023), a person who qualifies for a credit under the program will have their property tax bills reduced by the amount approved by the program administrator before the second half tax bills are due.

(2) In subsequent years, a person who qualifies for a credit under the program will have their property tax bills reduced by the amount approved by the program administrator before the first half tax bills are due.

E. In February of each year, the Town Council will re-evaluate the program and determine the funding level for the ensuing fiscal year.

F. Limitations upon payments. Only one qualifying applicant per residence shall be entitled to payment under this program each year. The right to file an application and to receive a rebate under this article is personal to the applicant and does not survive the applicant's death, but such rights might be exercised on behalf of the applicant by the applicant's legal guardian, attorney in fact, or personal representative.

[End of Ordinance]

### **VIII. UNFINISHED BUSINESS:**

**A. LUO Amendment Appendix A: Design Review Board**—*Possible motion to sign the order placing this article on the November 8, 2022 special town meeting warrant.*—Assistant Planner Steve Fuller explained the annual update and answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to sign the order placing the Land Use Ordinance Amendment: Appendix A, Historic Properties in the

Design Review Overlay District on the November 8, 2022 Special Town Meeting warrant. Roll Call Vote:

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

Motion passed 7-0.

**B. Cruise Management Plan**—Town Manager Kevin Sutherland presented a recap of the plan presented at the previous meeting, questions submitted about it, and responses to the questions. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to support the Working Group’s Cruise Management Plan as presented on August 2, 2022 and further clarified this evening. Roll Call Vote:

- Minutolo        N
- Goldthwait    Y
- Cough         Y
- Peacock        Y
- Hochman       Y
- Dobbs         Y
- Friedmann    N

Motion passed 5-2.

Mr. Hochman, with second by Mr. Dobbs, moved to instruct the Town Manager to draft Memoranda of Agreement with the cruise lines that anchor in Bar Harbor. Roll Call Vote:

- Minutolo        N
- Goldthwait    Y
- Cough         Y
- Peacock        Y
- Hochman       Y
- Dobbs         Y
- Friedmann    N

Motion passed 5-2.

Mr. Hochman, with second by Ms. Cough, moved to work with staff and interested parties to develop a Shoreside Vendor Ordinance. Roll Call Vote:

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

Motion passed 7-0.

Mr. Hochman, with second by Ms. Cough, moved to authorize the Harbormaster to accept cruise ship requests that are not currently booked for the remainder of 2022 and who meet the newly agreed-upon limits to anchor through the 2023 season.

- Minutolo           N
- Goldthwait           Y
- Cough           Y
- Peacock           Y
- Hochman           Y
- Dobbs           Y
- Friedmann           N

Motion passed 5-2.

**C. Dog Park**—Discussion of proposal presented at the July 19 meeting. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to allow the Town of Bar Harbor to accept donations on behalf of a proposed dog park, and serve as fiduciary to safeguard the funds. Roll Call Vote:

- Minutolo           Y
- Goldthwait           N
- Cough           N
- Peacock           Y
- Hochman           Y
- Dobbs           Y
- Friedmann           Y

Motion passed 5-2.

**D. 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.

**IX. NEW BUSINESS**

**A. The Jackson Laboratory**—*Community update*—Mike McKernan, Director of Government and Community Relations for The Jackson Laboratory in Bar Harbor gave a presentation and answered Council questions. Mr. Hochman disclosed at the outset that he works at, but not for, The Jackson Laboratory; and his wife works for the laboratory.

At 9:57 p.m, Ms. Goldthwait, with second by Mr. Hochman, moved to set aside the Rules of Order to continue the meeting past 10:00 p.m. to complete the agenda. Roll Call Vote:

- Minutolo           Y
- Goldthwait           Y
- Cough           Y
- Peacock           Y
- Hochman           Y



Dobbs \_\_\_\_\_ Y

Friedmann \_\_\_\_\_ Y

Motion passed 7-0.

**B. Highbrook Road**—*Speed limit request*—Ms. Peacock and Mr. Sutherland introduced the request. Residents Carol Wade and Robert “Whitey” Carpenter spoke. Public Works Director Bethany Leavitt participated in the discussion. Mr. Hochman, with second by Ms. Cough, moved to set a public hearing to request the Maine Department of Transportation consider reducing the speed on Highbrook Road, Bloomfield Road, Cleftstone Road, and Champlain Road in Bar Harbor for September 20th, 2022. Roll Call Vote:

Minutolo \_\_\_\_\_ Y

Goldthwait \_\_\_\_\_ Y

Cough \_\_\_\_\_ Y

Peacock \_\_\_\_\_ Y

Hochman \_\_\_\_\_ Y

Dobbs \_\_\_\_\_ Y

Friedmann \_\_\_\_\_ Y

Motion passed 7-0.

**C. Council Policy Review**

1. Personnel Rules—Postponed.
2. Snow Removal Policy—Public Works Director Bethany Leavitt explained the proposed changes and answered Council questions.
3. Poverty Abatement Policy—Updated policy was included in the agenda packet. No discussion.

**D. Comprehensive Plan**—*Update*—Postponed.

**X. TOWN MANAGER’S COMMENTS**

Mr. Sutherland said that the owners of a new B&B that has been approved plan to demolish the existing house on 8 Summer Street and are offering to donate the house to the town, if the town moves it. The owners are also interested in buying a small parcel of land owned by the town on the other side of that lot. He said some research is needed to determine whether the parcel of land was tax-acquired; that impacts the options for selling it. The Black Friar Inn is currently leasing another small parcel from the town and hopes to purchase it; the sale would need Town Meeting approval and staff haven’t had time to prepare that question for the November warrant, so it will need to go to Town Meeting in June. The town will have to further extend the lease, which provides that rent payments are applied to a future purchase price.

He announced that offers for both positions have been accepted. Our Sustainability Coordinator is Laura Berry. She comes to us with a variety of climate and sustainability consulting experience including assisting in the development of our own Climate Action Plan with the Climate Emergency Task Force. Laura has a masters degree in Global Environment, Politics and Society and has an undergraduate degree from College of the Atlantic. Our Communications Coordinator is Maya Caines. She comes to us from JAX, has a degree in marine biology from UMaine Orono, and has been serving on the Design Review Board. Her relevant skills include web design, digital ADA compliance, digital analytics understanding and search engine optimization (SEO). That all sounds very nerdy, but she’s very personable and friendly and engaged, and is very excited about this role. Both are excited about the

opportunity to expand our capacity to address our town’s needs and they’ll be joining us on September 6.

Finance Director Sarah Gilbert gave an update to say that the town committed 2022 taxes yesterday, Aug. 15. The mil rate is \$9.32 per thousand dollars of valuation; that’s down from \$9.74 in 2021. Assessments went up \$205 million throughout the town; \$15M of that was new construction and \$190M was market increase adjustment. Most folks will see a 10 percent increase in their assessed value, but a decrease in the mil rate.

She also said the town has received 36 applications for the new state Property Tax Stabilization Program for senior citizens.

**XI. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS**

**Ms. Goldthwait** said Jill’s Weekly Winner is Mr. Sutherland. He did a huge amount of work this week on some really important stuff and it took extra dedication. She asked him to say Happy Birthday to his son Rex from the Council. She also said she received a message about an effort to get towns to pass resolutions about National Clean Energy Week.

**Mr. Hochman** said he’d like to discuss the winter parking ban. With social media and better communication, he thinks we can find better ways to deal with winter parking than a blanket ban for the entire winter.

**Mr. Dobbs** thanked Mr. Sutherland, Ms. Goldthwait and Ms. Peacock for the wonderful job they’ve done on the Cruise Management Plan. He also congratulated Earl Brechlin, founding editor of the Mount Desert Islander newspaper, on his upcoming induction into the Maine Press Association Hall of Fame.

**Mr. Friedmann** thanked Ms. Peacock for the time she’s putting in as chair and said she had done a good job preparing for this meeting.

**Ms. Peacock** said she continues to marvel at the breadth and the width of the things that are coming before us, and all the people that are coming out to share their thoughts and ideas. The level of detail that staff and the Council are trying to carry around all these things, and how much they matter, and how much people in town pay attention, is remarkable. It’s also a lot of work. She’s hoping we’re on the right track with the Cruise Management Plan and that we can pull this off and that we’re going to get to where we want to get to. She said she personally feels that responsibility of making the plan do what we want it to do. She thanked everyone who has come to meetings, called, written, or otherwise reached out—the depth of engagement says a lot.

**Mr. Friedmann** acknowledged Ruth Eveland and Charles Sidman for attending the whole meeting.

**XII. EXECUTIVE SESSION—None.**

**XIII. ADJOURNMENT—Mr. Hochman, with second by Ms. Cough, moved to adjourn at 11:00 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