

**Minutes**  
**Bar Harbor Town Council**  
**September 20, 2022**

**I. CALL TO ORDER – 7:00 P.M.**

**A. Excused Absence(s)**

**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.*—Annlinn Kruger asked for a public accounting of the town’s decision to use Bar Harbor resources to erase chalk paint graffiti she created. She claimed that the town manager had threatened her with criminal and financial liability, and that the graffiti is protected free speech and compliant with the Maine Criminal Code.

**IV. APPROVAL OF MINUTES**—None

**V. 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.

**VI. 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. Special Town Meeting November 2022**

1. **Special Town Meeting Warrant**—*Possible motion to sign.*

2. **Notice of Public Hearing**—*Possible motion to sign for public hearing October 18, 2022.*

**B. Council Policies**—*Possible motion to approve amendments to policies reviewed at last meeting.*

1. **Appointments**

2. **Rules of Order**

3. **Personnel Rules**

Ms. Goldthwait requested moving Item VI.B to be the first item under Unfinished Business. Then Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as amended. 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. Speed Limit Review Request: Highbrook, Bloomfield, Cleftstone and Champlain Roads**—*Public comment per Speed Limit Policy.*—Robert “Whitey” Carpenter and Pamela Peverini offered comment. Mr. Hochman, with second by Ms. Cough, moved to request the Maine Department of Transportation review the current speed limits on Highbrook, Bloomfield, Cleftstone, and Champlain Roads to consider reducing the speed on these streets.

Mr. Friendmann requested an amendment to add and request the manager explore other traffic calming measures for the neighborhood. Mr. Hochman and Ms. Cough accepted the amendment to the motion.

Roll Call Vote on the motion to request the Maine Department of Transportation review the current speed limits on Highbrook, Bloomfield, Cleftstone, and Champlain Roads to consider reducing the speed on these streets, and request that the manager explore other traffic calming measures for the neighborhood.

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

**VIII. UNFINISHED BUSINESS**

**A. Council Policies**—*Possible motion to approve amendments to policies reviewed at last meeting.*

1. **Personnel Rules**—Following discussion of the presented amendments and suggestions for further changes, Ms. Goldthwait, with second by Ms. Cough, moved to approve amendments to the Personnel Rules as presented and schedule review of further edits for the October 18, 2022 meeting. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

2. **Appointments**—Mr. Hochman, with second by Ms. Cough, moved to approve amendments to the Appointments Policy as presented. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

- 3. **Rules of Order**—Mr. Hochman, with second by Ms. Cough, moved to approve amendments to the Rules of Order as presented. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

- B. Proposed New Long-Term Rental Housing Ordinance**—*Review changes and possible motion to set a public hearing for October 18, 2022.*—Code Enforcement Officer Angela Chamberlain explained the changes to the proposed ordinance since the last meeting. Mr. Hochman, with second by Ms. Cough, moved to set a public hearing on the amendment to the Municipal Code to add the proposed Long-Term Rental Housing Ordinance for October 18, 2022. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

- C. Ferry Terminal**—*Request to remove old building*—Ms. Peacock explained the request. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to accept the Maine Coast Marine quote and authorize the Town Manager to sign a contract and utilize capital fund 53-6258 to fund Phase 2 of the demolition work. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

- D. Cruise Management Plan**—*Request to authorize Town Manager to sign MOA*—Mr. Sutherland explained an edit to the document from the version published in the agenda packet. The change is to the Definitions section on the first page; the new version was circulated as a handout (and appended to the published packet after the meeting).

Following discussion, Mr. Minutolo, with second by Ms. Cough, moved to schedule a public hearing on the Memorandum of Agreement (MOA). Following discussion, an

amendment was suggested and accepted to hold a Question and Answer session on the MOA at the October 3, 2022 meeting.

Roll Call Vote on the motion to schedule a Question and Answer session on the Memorandum of Agreement (MOA) for the October 3, 2022 meeting:

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

Ms. Goldthwait requested additional edits to the MOA document: removing “as is practical and desirable” in the third Whereas, changing the definition of “Booked” to read “The Harbormaster has approved a requested anchorage,” replacing “a certain date” in the second-to-last paragraph on page 2 with “January 15<sup>th</sup>,” and deleting “drop dead” in the following paragraph. Then Mr. Hochman, with second by Mr. Dobbs, moved to authorize the Town Manager to sign the Memorandum of Agreement with the cruise lines that visit Bar Harbor as modified. Roll Call Vote:

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

**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.

**IX. NEW BUSINESS**

**A. Jesup Library—Presentation—**Library director Matt DeLaney gave a presentation and answered Council questions. Discussion included use for town meetings and events of the 150-seat auditorium planned for the library’s new building, which Mr. DeLaney said is designed to be accessible even when the library is not open.

**B. Council Policies—First reading of proposed changes**

1. **Land Acquisition Policy**—Councilors asked about the history of the very brief existing policy. Liz Graves offered to research that question for the next meeting.
2. **Debt Management Policy and Debt Compliance Policy**—Finance Director Sarah Gilbert explained the updates.

**C. Council Meeting Schedule**—*Discuss schedule for goal-setting, trainings*—Ms. Peacock said this was added to the agenda to discuss two upcoming meetings: the goal-setting session November 1, and a meeting on the Ethics Ordinance both for training and to discuss possible amendments to the ordinance. Council agreed to use the November 1 meeting time for a workshop discussion with a facilitator on council priorities. Ms. Peacock proposed bringing a draft agenda for the workshop on the Ethics Ordinance to a future meeting and setting a date.

**D. Comprehensive Plan**—*Update*—Ms. Peacock said the October 24 and 25 community meetings will be based on the Existing Conditions Report, which includes sections on demographics, housing, recreation, open space, etc. There will be tables at the meetings with maps, graphs, and information to spark discussion on each topic. She encouraged Councilors to attend and participate and listen.

She noted that 70 percent of the jobs in Bar Harbor in 2019 were filled by employees who lived outside of town and had to commute in. A lot of people are not necessarily around in the evenings for meetings like this—she asked for ideas or thoughts about how to engage people like this group, who are part of our community and have input into things that are happening even if they don't live here.

She said the town has also contracted with the Comprehensive Plan consultants to do the housing needs study. That's mostly going to happen as a survey which will be on Polco.

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

Mr. Sutherland said the Maine Municipal Association convention is October 5-6 in Bangor; he asked Councilors to let him know if they'd like to attend one or both days and offered to arrange carpooling.

The Planning and Code office will be closed from 8:00 to 10:30 a.m. on Monday, October 3, for a meeting.

October 3 is also the next Council meeting, Monday instead of Tuesday, and it will be starting at 6:30 p.m. Sustainability Coordinator Laura Berry and Communications Coordinator Maya Caines will both give 10-minute presentations at that meeting on what they have learned in the last month and some of the ideas that they have for us as a community going forward. Mr. Friedmann asked where their offices are. Mr. Sutherland said that for now, Laura Berry is working from the Assessing office, and Maya Caines is at a desk in the Finance office. He said he plans to close the offices briefly in the next few weeks to allow all the municipal building staff to meet to talk about the layout of the building, departments and workstations. He said he doesn't want to ask the Council to spend a fortune modifying the space, but will look at how to better utilize what we have.

He gave an update from the Water Division—the town has been experiencing some supply chain issues with sodium fluoride. As a result, he said, the town is working with the state drinking water program on a temporary suspension of fluoridation and a notice of

suspension. That notice will be appearing on water customers' bills in the next few weeks and we're working on additional town-wide communication on this subject.

Last week, the town submitted an application for a \$250,000 planning grant to address traffic, bike and pedestrian safety called Safe Streets for All. It's a partnership with towns on Routes 1 and 3, including Ellsworth, Trenton, Lamoine and others. Another grant application in progress is a second round of the state Community Resilience Partnership program, about \$50,000. The focus for this has shifted a little—the Climate Emergency Task Force had recommended using the finds for a vulnerability assessment for the community at large, but staff has identified more appropriate and larger sources of funding for that project. So this application will instead focus on a comprehensive energy audit for the Municipal Building. There's about \$10,000 in a town Capital Improvement account that could serve as a town match. He said it has been useful for staff to collect the information about what work is needed, including further weatherization, efficiency upgrades, and the best way to replace the current heating system. The Municipal Building is the town's third largest greenhouse gas emitter, behind Connors Emerson and the wastewater treatment plant, so replacing the boiler in the building would save 70 metric tons of CO2 per year, which is about four percent of the total direct emissions for municipal operations. Plans also include energy use monitoring so the public can be informed about what the town is doing to lead by example in our most visited building. He also said he continues to work with Congressional staff on other grant opportunities, especially for infrastructure.

## **XI. COUNCIL COMMENTS**

**Mr. Minutolo** said he is glad to hear about the work on grants.

**Ms. Goldthwait** said a property owner on Albert Meadow needed to open the road months ago and has not been able to get a paver to come fix the road. She said there are big holes and everyone on the road is complaining to the property owner, who continues to have the holes filled with dirt and gravel. She asked if the town can do anything to help get a contractor there. She also said she met with Lon Cardon, the new-ish president of The Jackson Laboratory, and talked about his interest in fostering a closer relationship with the community. She asked about inviting him to a Council meeting to make brief comments and offered to work with JAX staff to get that scheduled. She asked about the B&B ordinance which created huge discussion around a project in progress. She said she has no intention of doing anything that would affect that current project, but given the amount of discussion, it seems to her the Council ought to have a conversation about B&Bs and whether the current rules are what we want them to be.

She said that given the conversation at this meeting about the cruise management plan and public input on it, she wondered about the marijuana ballot questions. The Council took a recommendation vote, but has not done anything to explain to the community why they voted as they did. Do we have a Q&A on that, or do we ask staff to write something that could go in the newspaper? She asked about the order of the meetings at which there are guests or presenters—could those items move earlier in the agenda, perhaps confining the time to ten minutes? She asked about how to get the word out about the next meeting having a different start time, and also being on a Monday.

**Ms. Cough** said the Cruise Management Plan is a better structure than what the town currently has. She said it is an agreement that's based on a conversation with the town, with its people, and with the cruise ship industry. While there may not have been a public hearing

on it, there has been lots of public input that shaped the negotiation with the industry that led to the Memorandum of Agreement. She said she fully supports the idea that the town will have a legally binding document, which is more than currently exists. She said is also proud, even though the Council votes were not unanimous, to be putting this document forward to help manage cruise ship visitation. Maybe it doesn't go far enough, maybe for some people it goes too far, but she is proud of the compromise the town has been able to achieve. She thinks it's a good place to lead to a better relationship with all the businesses in our resort community. Yes, we are year-round, and that is most-important, but we are also a resort community. She said the petition that is out there for the 1,000-person disembarkation limit will not accomplish the goals that she has heard from many people, which is to limit the number of cruise ships that are coming. It does not limit the cruise ships; we can still have 4,000 and 5,000-passenger cruise ships in the anchorages if the petition is approved by the voters. She said this could even cause more traffic in the mornings if tenders are racing to get people from their boats to the dock before the limit is reached. That could undo all of the work that has been done to try to improve bus traffic and space out tender arrivals. She thinks this petition would encourage more people to be rushing to the dock at a single point and the the harbor would be bedlam. The rush of people in the morning might wane by the middle of the day, but you would still have a harbor full of the large cruise ships and the potential environmental impacts that people are worried about.

She also said she is happy to see many people participating in town conversations, whether it's the Comprehensive Plan outreach, speaking at Council meetings, or through other established channels. There are sometimes passionate feelings about the issues, but it seems to be a reasonable, friendly discussion. Finally, she said she thinks the season has gone well. The flow of traffic and crowds in town this season has been awesome, thanks to the Police Department, the Fire Department, our parking officials (it's not as hard as it used to be to find a parking space), and Public Works for making sure that we stay incredibly clean. She often hears people say that with this many people here, they can't believe town is as clean as it is.

She said Bar Harbor needs to always evolve and grow. She said it's great to see developments like the Jackson Laboratory housing and future daycare and the hospital renovations, and she would caution anybody who doesn't want to see this town grow and evolve with a quote from Charles Darwin: "It is not the strongest that survive, it is not the most intelligent that survives, it is the ones that adapt to change."

**Mr. Hochman** said that local lobstermen have had a couple of tough weeks with Maine lobster being placed on a red list and with losing a federal appeals case. He said he would like to see the town support its lobstermen, whether through an agenda item requesting help from our state and federal delegations, or passing a resolution in support of local lobstermen. He said fishing has always been part of this community and he would like to show support for the industry in any way we can.

**Mr. Dobbs** said tomorrow, Sept. 21, the first electric hybrid cruise ship will be coming to Bar Harbor, the MS Roald Amundsen. It carries 530 passengers. Several people from town will be taking a tour of the ship while it's here. He also thanked the Police Department for the improved bus management and queuing at the waterfront. He said he goes down there every day and has not yet seen a traffic jam this season.

**Mr. Friedmann** thanked Ms. Cough for her comments, and Ms. Peacock for setting a good tone for Council meetings. He suggested that it might be appropriate for someone on the Council to respond to Annlinn Kruger's questions. He said because she has attacked our Town Manager, a response from the Council Chair might be best. At the same time, he

expressed his support for Mr. Sutherland from unfortunate attacks that have been leveled in the Quightside Journal and elsewhere, like tonight from Ms. Kruger. He said not responding could be seen as acquiescence to those attacks and silence sometimes sense the wrong message. Ms. Goldthwait said she supports the idea of Ms. Peacock making that response. Ms. Peacock said the situation speaks to work we’re trying to do as a community about how to address conflict.

**Ms. Peacock** said she attended a community-wide meeting about energy transitions hosted by A Climate to Thrive. She said it featured big-picture thinking about how to transition all of MDI to energy independence by 2030 and she appreciated hearing from the rock stars we have in the community doing that work. She also attended visioning meetings for Connors Emerson and is thinking about how to keep the Council up to date and engaged with that process. She visited the ferry terminal with the Harbor Committee, and attended the Comprehensive Plan Committee meeting. As hard as this work is sometimes, there are also a lot of people at the table doing really good work. She said Senator Grohoski mentioned that the amount of engagement and participation in Bar Harbor is the envy of other towns. Bar Harbor also has extensive resources and a large, engaged, caring staff to bring to bear on the problems we’re working on.

Mr. Friedmann asked for more detail on the school’s process. Ms. Peacock said she has begun talking with School Committee Chair Lilea Simis and Mr. Sutherland about making sure the Council is informed as the planning process proceeds, not just at the end. The school has hired architects, and the architects have a consultant to lead them through a process beginning with a group of people from the school. Later conversations will involve going out into the community to get input from a wider group. The idea is to translate the school’s goals for academics and programs into what’s needed in a building to support those goals. Mr. Dobbs asked about the idea of an island middle school, and Ms. Goldthwait noted that the planned building project at the high school has expanded in scope.

**XII. EXECUTIVE SESSION**

**A. Personnel Matter**—Mr. Hochman, with second by Ms. Cough, moved to enter into executive session to discuss a personnel matter pursuant to 1 MRSA §405.6.A Roll Call Vote:

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

Mr. Sutherland participated in the executive session. At 9:55 p.m., Council returned to regular session.

Mr. Hochman, with second by Ms. Cough, moved to authorize the creation of a sick leave transfer bank for a town employee and allow other employees to donate as afforded to by 8.7 of the Personnel Rules. Roll Call Vote:

- Minutolo        Y
- Goldthwait    Y
- Cough         Y



Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

- B. Public Works (Teamsters) Union Negotiations**—Mr. Hochman, with second by Ms. Cough, moved to enter executive session to discuss the manager’s 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.

Mr. Sutherland, Sarah Gilbert and Bethany Leavitt participated in the executive session. Council returned to regular session at 9:59 p.m.

- Mr. Hochman, with second by Ms. Cough, moved to accept the Teamsters Local No. 340 Contract for the Public Works Department effective July 1, 2022 as negotiated and authorize the Town Manager to sign pending Union approval of the contract. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.

- XIII. ADJOURNMENT**—Mr. Hochman, with second by Ms. Cough, moved to adjourn at 10:00 p.m. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Dobbs Y

Friedmann Y

Motion passed 7-0.