

Minutes
Bar Harbor Town Council
January 18, 2022 by Videoconference

I. CALL TO ORDER – 7:00 P.M.

A. Excused Absence(s)—None.

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. To offer public comment, please join the webinar and use the Raise Hand function.*—None.

IV. APPROVAL OF MINUTES – January 4, 2022 Regular Meeting—Mr. Hochman, with second by Ms. Cough, moved to approve the minutes of the January 4, 2022 Regular Meeting minutes as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

V. ADOPTION OF AGENDA—Without objection, Mr. Hochman requested to move Items XI and XII, Manager’s Comments and Council Comments, to before Item X. Executive Session. Then Mr. Hochman, with second by Ms. Cough, moved to adopt the agenda as amended. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

VI. FINANCIAL REPORT—Finance Director Sarah Gilbert highlighted her report and answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to accept the financial report as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough _____ 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. Council Meeting Schedule—*Possible motion to approve amended schedule.*

Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as published.

Roll Call Vote:

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

VIII. PUBLIC HEARING—*Three minutes per person. To offer public comment, please join the webinar and use the Raise Hand function.*

A. Citizens’ Petition: Marijuana Stores—Town Attorney Tim Pease spoke to his memo to the Council about their options. Then Phil Payne, Hannah King, Lynne Williams, Derrick Sekulich, Sheryl DeWalt, Adele Abolafia, Janice Lowe and Kiana Baranowski offered public comment. Following discussion, Mr. Hochman, with second by Ms. Goldthwait, moved to schedule this item for further discussion at a meeting in February. Roll Call Vote:

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

IX. REGULAR BUSINESS:

A. Social Media Policy—*Proposed new policy.*—Town Attorney Tim Pease answered Council questions about the proposed policy and Terms of Use. Mr. Friedmann, with second by Mr. Hochman, moved to adopt the Social Media Policy and Social Media Terms of Use as presented except, in the Terms of Use, Section VIII License to Reuse Posts or Comments, replacing “adapt” with “adopt.” Roll Call Vote:

Dobbs _____ Y
Hochman _____ Y
Peacock _____ Y
Friedmann _____ Y
Minutolo _____ Y
Goldthwait _____ Y

Cough _____ Y
Motion passed 7-0.

B. Ethics Ordinance—*Proposed revision to add Social Media Policy. Possible motion to schedule a public hearing for February 15.*—Mr. Hochman, with second by Mr. Friedmann, moved to schedule a public hearing February 15, 2022 to hear comments on amendments to Chapter 78, Ethics of the Municipal Code. Roll Call Vote:

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

C. Lower Rodick Street—*Concepts for pedestrian friendly route.*—Bethany Leavitt, Public Works Director, and Matt Bartlett, Fire Chief explained the options. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to request the Parking Solutions Task Force review the options presented and make a recommendation to the Council for a final decision at their second meeting in February. Roll Call Vote:

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

D. Pandemic

1. *Update from Chrissi Maguire, MDI Hospital*—Ms. Maguire spoke and answered Council questions.
2. *Resolution encouraging everyone to mask up*—Mr. Hochman, with second by Ms. Cough, moved to approve the resolution as presented. Roll Call Vote:

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

Resolution of the Bar Harbor Town Council

WHEREAS, the United States experienced an outbreak of the novel coronavirus SARS-CoV-2 and its associated disease COVID-19, and has documented over sixty-one million cases and over eight hundred and thirty thousand deaths; and

WHEREAS, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and defines mitigation strategies as masking, distancing, and maintaining respiratory hygiene; obtaining the COVID-19 vaccine series and prescribed boosters is the pathway out of the pandemic; and

WHEREAS, recently, we have experienced an increase in COVID-19 positive cases and hospitalizations due to the COVID-19 Omicron Variant, and a shortage of healthcare workers and testing supplies; and

WHEREAS, the Center for Disease Control ("CDC") has emphasized the COVID-19 risk to individuals is dependent on exposure, and transmission is through respiratory and airborne droplets produced in closed airspaces; and

WHEREAS, Maine has seen an increase in positivity rate of COVID-19 tests from 0.4% in July 2021 to 18.9% in January 2022, Maine Hospitals have seen the highest hospitalization rate with over 400 patients hospitalized for COVID-19, over 155,000 Mainers have been infected with COVID-19 and over sixteen hundred have died; and

WHEREAS, since January of 2021 cases have increased exponentially locally and across our state; as of January 12, 2021 – Maine had 30,000+ cases and as of January 12, 2022, Maine has had 155,000+ cases; as of January 14, 2021, there were 66 cases and a total of 2 hospitalizations at MDI Hospital and as of January 12, 2022, there have been 378 cases and 26 hospitalizations; and

WHEREAS, the US 7-day average case rate per one hundred thousand is at 18.83% as of January 10, 2022, compared to the 7-day case rate per one hundred thousand in January of 2021 which was 6.7%; the variants of Delta and Omicron are highly infectious and are putting a strain on the National, State and Regional healthcare delivery systems; and

WHEREAS, the CDC recommends, as a safety measure, wearing face coverings (masks) over the nose and mouth to help prevent the wearer from spreading airborne virus particles and causing new infections and to prevent persons wearing the face-covering from becoming infected with COVID-19; and

WHEREAS, given the increased transmissibility of Omicron, a well-fitted medical grade or KN95 masks are recommended over cloth face coverings;

NOW, THEREFORE BE IT RESOLVED by the Bar Harbor Town Council, that this Council strongly encourages Bar Harbor businesses to require mask-wearing, regardless of vaccination status, and for residents and patrons to respect those requirements; and be it further

RESOLVED that failing to respect a business' requirement may mean a business could ask a resident or patron to leave an establishment and, if that resident or patron refuses, a trespassing citation may be issued.

1. *Request of town boards and committees to meet remotely*—Mr. Hochman, with second by Mr. Minutolo, moved to request that all Town of Bar Harbor boards, committees and task forces that have adopted the Remote Participation Policy meet in a remote-only format at this time. Roll Call Vote:

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

B. Community Resilience Program—*Discussion and possible motion to join*—Ms. Cough presented the request. Following discussion, Mr. Hochman, with second by Ms. Cough,

moved to support the Town of Bar Harbor’s involvement in the Climate Resilience Partnership. Roll Call Vote:

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

C. Town Manager—*Request for permission to look outside of Bar Harbor for housing.*—Mr. Sutherland explained the request. Following discussion, Mr. Hochman, with second by Mr. Minutolo, moved to authorize the town manager to seek housing outside of the Town of Bar Harbor while serving in this capacity. Roll Call Vote:

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

D. 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
 - Friedmann Y
 - Minutolo Y
 - Goldthwait Y
 - Cough Y
- Motion passed 7-0.

X. TOWN MANAGER’S COMMENTS

Mr. Sutherland said he sent the Council an email just before the meeting with his comments, but wants to share them with the public as well. He’s been doing a lot of one-on-ones, and thinking about the Council retreat he’d like to have for goal-setting and priorities. He thanked Councilors, staff, and committee members and others who have met with him; it’s been great hearing from everybody their own viewpoints about where we are as a community. There’s a word board going up on his office wall with all of the comments that he’s heard and he’s looking forward to sharing it with the Council, staff, and the general public—so they can see all of the things that are really out there. We need to work together to decide what gets taken care of first, and start working down that list. He’d like to continue those conversations in February before asking Council to schedule this retreat, hopefully in person, to discuss goals and priority-setting.

The Planning Board opened their public hearing on January 5 on amending the Land Use Ordinance to remove the 2/3 majority requirement, but then after much discussion they moved

and voted to continue the Public Hearing at their February meeting. From a procedural standpoint, the postponement should have been performed differently, if that was the Planning Board's intent, but what matters at this point is that's not coming to Council tonight. If he had put the item on the Council agenda tonight before the conclusion of the Planning Board hearing, it would have violated our own Land Use Ordinance. Unfortunately, that means it missed the timeline to get on the June warrant and it will have to wait until November. He said he has not yet had an opportunity to meet with members of the Planning Board; he hopes to do so in the weeks to come and attend a few of their meetings.

He hopes to make time on Council agendas once a month to update the Council and the general public on what's happening with the Comprehensive Plan process, especially where and when we'll have opportunities for public engagement. A well-designed and written Comp Plan with strong public participation and action steps can be a phenomenal guiding document for future Councils.

We received one response to the Community Engagement and Communication Services RFP. It was submitted late and it did not meet the standards he would have expected in working with a municipality. He hopes to further address this need as part of the budget presentation next week. Mr. Friedmann alluded to some of the social media challenges we face; he thinks they can be addressed but it will require some Council and Warrant Committee support.

This week's focus for the manager and staff is finalizing the manager's budget. Next Tuesday, Jan. 25 will be the official start to the budget process. He'll be presenting an overview of the entire budget and what the major changes will be for the Warrant Committee and the Council to consider. He said that given everything that's occurred for him and his family around COVID, we won't have the budget document complete for that date, but will be sure they are in front of you for the presentations on Thursday Jan. 27.

He said he has been working on an EDA grant for Travel, Tourism, and Outdoor Recreation. It is an up to \$10 million dollar grant that was suggested to him his first week and it is due by the end of this month. He has met with staff and several local, regional, and state stakeholders to begin piecing together a proposal. The grant can be used for infrastructure, but they have to tie into tourism and travel. The focus will be around improving the "west gateway," improving multi-modal options from the parking lot at the ferry terminal to downtown. This includes some modifications to the parking lot (nothing substantial until we know what we are going to do with the site long term), addressing town infrastructure needs along that path to the downtown, some improvements to Harborview park, and bus shelters.

XI. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Hochman said the federal government's website to order free at-home Covid tests went live today. People can go online and get up to four at-home rapid tests per address.

Ms. Goldthwait thanked Doreen Willett, who has been chair of the Age Friendly Committee. Her family is moving out of the area. She was an exceptional chair; she worked very hard, she had a lot of creative ideas, and that committee got a lot done including a wonderful Resource Guide. Many thanks to Doreen. She asked if the Town Clerk could send a letter to Doreen expressing the Council's gratitude for her service in that role. Mr. Sutherland said we can put something together.

Ms. Goldthwait also recommended a 2013 book called "Overbooked" by Elizabeth Becker about tourism as an industry and how different government policies guide extremely different outcomes on the ground. It touches on some things that we're specifically facing in town right now. It helped her think about tourism in a new way. She said if she were to design an

introduction to being Town Manager of Bar Harbor, she couldn't have created a worse one than Mr. Sutherland has faced, so she hopes he knows that the Council gets it and is grateful that he's here. She also requested the Town Manager think about a way to track citizen requests and questions and whether they've been resolved.

"Jill's Weekly Winner" is the Public Works Department for their efforts during the January 17 rain and wind. There were trees down everywhere, fires, roofs collapsing; they couldn't even manage the calls fast enough, and to a person they were amazingly committed. They've got to be exhausted and the rain today isn't helping either.

Mr. Friedmann said he has been thinking about the growth of tourism in Bar Harbor. He'd like to see the Chamber of Commerce discuss, possibly with Council or maybe with the Comprehensive Plan, the quality of visitor experience here. What are the limits to growth here? He said he doesn't necessarily believe that land-based tourism is inherently superior to cruise ship tourism. We really need to be looking at the big picture and thinking about, "Is there a different way to measure growth?"

Mr. Minutolo thanked Mr. Sutherland for his work so far and wished him the best of luck on his house search.

Ms. Peacock said one good thing about meeting on Zoom is that it's easier to see everyone's faces at the same time, rather than trying to swivel to see different directions. She would like to talk about starting Council meetings a little earlier. She said she is impressed by how open and engaged Mr. Sutherland has been and how much he has already gleaned from conversations with people; she said she has heard others mention this in good ways, too. He's hitting the ground running and adding a lot to the Council's conversations already.

Ms. Peacock also said the Comprehensive Planning Committee has met twice, elected officers, and begun to identify stakeholders. The conversation in the room is rich; the group has a lot to say about the role of natural resources in our community and about the places that are so important to us. The terms "tourism" and "carrying capacity" are right in the front of the conversation so far. She said she's excited for that conversation to be happening and to be part of it.

Mr. Dobbs said Mr. Sutherland knows what he's doing and the Council appreciates that he is here.

XII. EXECUTIVE SESSION—*Consultation with attorney to be held in executive session as permitted by 1 MRSA §405.6.E for discussion of legal rights and duties*—Mr. Hochman, with second by Ms. Cough, moved to go into executive session at 9:59 p.m. as permitted by 1 MRSA §405.6.E for discussion of legal rights and duties. Roll Call Vote:

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

The Council returned to regular session at 11:39 p.m.

ADJOURNMENT— Mr. Hochman, with second by Ms. Cough, moved to adjourn at 11:40 p.m. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.