

Minutes
Bar Harbor Town Council
April 5, 2022

I. CALL TO ORDER—7:01 p.m. In attendance were Councilors Jeff Dobbs, Matthew Hochman, Valerie Peacock, Gary Friedmann, Joe Minutolo, Erin Cough, Jill Goldthwait; Town Manager Kevin Sutherland and Town Clerk Liz Graves.

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 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.*—None.

IV. APPROVAL OF MINUTES

A. March 15, 2022 Regular Meeting—Mr. Hochman, with second by Ms. Cough, moved to approve the March 15, 2022 Regular Meeting minutes as presented.

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

V. ADOPTION OF AGENDA—Mr. Hochman, with second by Ms. Cough, moved to adopt the agenda as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough 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. Biennial Appointment of Election Clerks – *Possible motion to appoint the slate of election clerks for 2022-2024 as presented.*

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.

VII. REGULAR BUSINESS:

A. Marine Resources Committee

- 1. **Maine Shellfish Restoration and Resilience Program Grant**—*Possible motion to accept and expend funds.*—Chris Petersen, chair of the Marine Resources Committee, presented the grant proposal and answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to accept and expend the \$10,332.00 funds awarded by the Maine Community Foundation for the Maine Shellfish Restoration and Resilience Fund. Roll Call Vote:

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

- 2. **Committee Updates**—Mr. Petersen updated the Council on other aspects of the committee’s work and answered questions. No action was taken.

B. Annual Town Meeting June 2022

- 1. **Notice of Public Hearing**—*Possible motion for staff to prepare the final notice for Council’s signature and schedule the public hearing for May 17.*—Mr. Hochman, with second by Ms. Cough, moved to ask the Town Clerk to prepare the final notice for Council’s signature and schedule the Public Hearing for Articles 2, 3, and 4 on the Town Meeting Warrant for May 17, 2022. Roll Call Vote:

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

2. Warrant

- a. **Council’s recommendations on Warrant articles.**

Mr. Hochman, with second by Ms. Cough, moved to recommend adoption of Articles B through P. Roll Call Vote:

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

Cough Y
Motion passed 7-0.

Mr. Hochman, with second by Ms. Cough, moved to recommend adoption of Article Q. Roll Call Vote:

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

Mr. Hochman, with second by Ms. Cough, moved to recommend adoption of Article R. Roll Call Vote:

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

Mr. Hochman, with second by Ms. Cough, moved to recommend adoption of Articles S through Y. Roll Call Vote:

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

Mr. Hochman, with second by Ms. Cough, moved to recommend adoption of Article 4. Roll Call Vote:

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

Mr. Hochman, with second by Ms. Cough, moved to recommend rejection of Article 4. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>N</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 6-1.

b. Possible motion for staff to prepare the final Warrant for Council’s signature—Mr. Hochman, with second by Ms. Cough, moved to ask the Town Clerk to prepare the Town Meeting Warrant for Town Council signatures. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

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:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Cough</u>	<u>Y</u>

Motion passed 7-0.

VIII. EXECUTIVE SESSION—None.

IX. TOWN MANAGER’S COMMENTS

Mr. Sutherland gave updates on FOAA requests, takeaways from the March 8 retreat, applications for funding through the Congressional Discretionary Spending program and other grant opportunities, and union negotiations. A memo with his complete comments is posted on the town’s website, barharbormaine.gov, under Town Hall > Town Manager > Manager’s Updates.

X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Cough said she will be out of town the day of the next meeting and will need to participate via Zoom. She also shared that the Climate Emergency Task Force is working on a 2.0 version of the Climate Action Plan; there are some interesting policies in the new version of the plan that she thinks everybody will be excited about. An electric vehicle car show, the only one in the state, is also in the planning stages.

Ms. Goldthwait asked about a review of the budget process; it would be good to do that soon. She also wants to keep working on the proposed property tax assistance program and get it going. She said she is hearing concerns about vehicles speeding in a residential neighborhood—there have been police details that have come to the conclusion that there wasn't any speeding, but there clearly is. As the town gets more crowded, anyone who lives here can figure out how to get where you're going, which often means driving at speed in neighborhoods where it's not appropriate. She has noticed some neighborhoods in Bangor have traffic-calming measures such as a circle in the middle of the intersection—just enough to get you to slow down. A long time ago the town did a traffic-calming study and there's a thing called a *woonerf*, a bumpout in the road so cars have to follow a path around. She said this is a serious problem and it may get worse.

She also said she was informed by a constituent that the Council never actually adopted the Open Space Plan created by the Conservation Commission. Mr. Sutherland said he had just received a request from the Commission to schedule a time with Council soon to continue that discussion. She asked about the plan for cruise ship buses. The last talk was they were going to be at the end of Ledge lawn, but that caused a certain amount of community dismay. Where does that stand? Mr. Sutherland offered to check with the Police Chief and include an update in his report to the Council next week.

Finally, she addressed an email that was sent to the Council and the Town Manager regarding a situation that somebody is trying to get clarified. She said the language of that email was shocking to her—not because it was profane, but because it included serious insinuations about a town employee. It was unnecessarily insulting. She felt like she needed to do something to respond, even if it's only to speak. Our manager is perfectly capable of defending himself, but he and the rest of our staff should know that the Council has their backs. Not that we expect you to do anything knuckleheaded, but assuming you are performing the way you always do and the way you have in a very challenging three months, she thinks it is patently unfair that a citizen of this community should address you in that way and she objects in the strongest possible terms.

Mr. Hochman congratulated the MDI High School Drama department for once again winning at the Regional Drama Festival. It was the first in-person festival since Covid and it was a bit smaller than in the past, five schools and only one day. MDI took first place, Deer Isle-Stonington took second place, and MDI students also won many individual awards in both acting and tech. Director Casey Rush has put together a fantastic program and he cannot say enough good things about this group of students. MDI also won the first-place Golden Wrench award in the Tech Olympics skills competition.

Ms. Peacock said that on March 31 she went to a conference in Augusta on sustainability and sat in on a full day of sessions on waste management. It was at the Mitchell Center for Sustainability Solutions at UMaine, so there were a lot of students, including COA students there presenting posters. It was great to see so many people focused on Maine problems and Maine issues in optimistic ways. We were approached by the Natural Resources Council of Maine and a private business who are writing a grant to NOAA on marine plastics reduction to pilot a reusable takeout food container program in Bar Harbor. There's also a lot of work around food waste reduction happening in the state. People from the Mitchell Center and DEP are interested in working with Bar Harbor to begin to explore the intersection of waste management and tourism. The conference included an update on the Extended Producer Responsibility program, which is in the rulemaking process. Municipalities may be asked to collect more detailed data around waste and recycling. Bar Harbor may be able to provide helpful input on what it would take to get that kind of data, and also what the benefits might be. Mr. Sutherland pointed out that the person who organized the solid waste conference track will be doing an internship with the town

for May and June. Mr. Friedmann suggested that the sustainability coordinator we're talking about hiring could play a role in all this, as could A Climate to Thrive.

Ms. Peacock also said the keynote at that conference was given by Judith East, former director of the Maine Land Use Planning Commission who now serves as the director of the Bureau of Resource Information and Land Use Planning in the Department of Agriculture, Conservation and Forestry. She talked about how to break down polarization and how to take both/and, rather than either/or, approaches to issues. It made her think about the dualities of being on the Council—that we're both part of the problem and part of the solution at the same time, and that all of us have that. She gave an example of a friend who wants provide year-round rentals as a landlord, but may have to have a short-term rental to make her budget work. There's so much complexity—even when we want things to be a certain way, we may be part of the problem too. There's no black and white. Can we both work to reduce cruise ships and work with the industry at the same time? There are a lot of people that don't believe that, but when we just work at the extreme edges we're not getting anywhere, we're breaking down the fabric of our community, and we're really not owning our own roles in all of this.

Mr. Friedmann said he is also really interested in pursuing the tax assistance program; it needs to go hand in hand with the tax increases that we're contemplating. He also said he had the same response to the email Ms. Goldthwait mentioned. He emailed Kevin to say that the Council has his back and is behind him. He thinks the tone and the wording of the email was completely inappropriate and unnecessary, and that kind of antagonism is antithetical to what Ms. Peacock is talking about, about how to bring our town together. He thanked Ms. Goldthwait for raising it.

He continued his Cruise News excerpts from scientific papers about the impact of cruise ships. He said one thing he never thought about was the potential toxic wastes that are emitted by cruise ships. The new generation of cruise ships may produce ash from the incineration of solid waste such as plastic packaging. He said incineration of plastic is a specific problem due to dioxin byproducts and the fact that incineration remains are dumped into the sea. This could be considered hazardous waste and could include the PFAS "forever chemicals" that we're so concerned about in Maine. In the case of tourist vessels, hazardous waste could also contain various chemicals used on a daily basis for cleaning and maintenance and many of these liquids end up in the sea due to intentional or uncontrolled dumping. He said that hazardous waste is also related to issues with the treatment of bilge water, which can contain high proportions of hydrocarbons and other toxic substances. Chronic pollution from bilge water and fuel release in standard ship operations can account for as much as three times more pollution than that from acute spills or collisions. One large passenger ship's bilge water is accumulated in significant quantities, up to eight liters per passenger per day. Complex ecosystems, such as coral reefs, estuaries, saltwater and freshwater marshes (which we have in Frenchman Bay) are highly sensitive to the discharge of petroleum oil and others of these substances that are often dumped into the sea.

Mr. Dobbs said he was very impressed with the Highway Division's spring work cleaning up winter grime from the downtown streets—it happened fast and the town is totally clean. The sidewalk in front of the Village Green is also getting repaired. He also said he had a call from Crystal Canney, who recently presented to the Council. She wanted to know whether the Council is interested in pursuing a local aquaculture moratorium.

XI. ADJOURNMENT— Mr. Hochman, with second by Ms. Cough, moved to adjourn at 8:20 p.m.

Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

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

Elizabeth Graves, Town Clerk