

MINUTES
Bar Harbor Town Council
February 21, 2023

I. CALL TO ORDER – 6:00 p.m. In attendance were Councilors Valerie Peacock, Matthew Hochman, Joe Minutolo, Jill Goldthwait, Erin Cough, and Gary Friedmann; Interim Town Manager Sarah Gilbert, Town Clerk Liz Graves and Deputy Clerk Lynn Kenison Higgins.

A. Excused Absence(s)--Mr. Hochman with second by Ms. Cough, moved to excuse Councilor Jeff Dobbs as provided by Town Charter section C-12.B(1)(d). Roll Call

Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Friedmann Y

Motion passed 6-0.

I. EXECUTIVE SESSION

A. APPLL et al vs. Town of Bar Harbor— Mr. Hochman, with second by Ms. Cough, moved to enter into executive session to consult with the town attorney concerning pending litigation in APPLL et al v. Town of Bar Harbor, as permitted under 1 MRSA §405.6.E. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Friedmann Y

Motion passed 6-0.

Town Attorney Stephen Wagner participated in the executive session via Zoom. Council returned to regular session at 6:28 p.m.

Ms. Peacock gave opening comments. She said that she had been reminded of the REM lyrics “shall we talk about the weather, shall we talk about the government.” And that seems like all that anyone has talked about lately. We’re more than halfway through February and the weather has been a little wild. She said she used to think of winter as a time of reflection but this winter has been the busiest on record for her. This has been a busy time for Town staff too as all hands are on deck preparing and reviewing the budget; with numbers shifting and changing as we gain new information and understanding. The difficult conversations to prioritize resources demonstrate local government at its’ best. Tonight’s agenda presents more information and review, with all this information heading towards the meeting with the Council and the Warrant Committee in order to get a final budget ready for Public Hearing.

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.*—Ken Colburn spoke about the number of personnel changes that have recently happened. He reminded everyone of the letter from the Climate Emergency Task Force and was hopeful the Town would move forward to protect the environment. Jim O’Connell spoke about the environmental impact by cruise ships, (not about litigation) specifically on air quality. He pointed out there are signs that discourage idling cars and asked why that should not apply to cruise ships and tenders. Anna Durand acknowledged the Town Council as part of “my community” and how connected she was to each Member. She said even though she doesn’t agree with every Member, she did feel this was one of the best Councils. Bo Jennings said that there seemed to be a “war” between business owners and residents and reminded everyone how everyone is a resident of Bar Harbor.

IV. APPROVAL OF MINUTES

- A. January 31, 2023 Budget Workshop with Warrant Committee**
- B. January 31, 2023 Special Meeting**
- C. February 2, 2023 Budget Workshop with Warrant Committee**
- D. February 7, 2023 Regular Meeting**

Mr. Hochman with second by Ms. Cough, moved to approve the minutes of the January 31, 2023 Budget Workshop with the Warrant Committee, the January 31, 2023 Special Meeting, the February 2 Budget Workshop with the Warrant Committee, and the February 7, 2023 Regular Meeting as presented. Roll Call Vote:

Minutolo Y
Goldthwait Y
Cough Y
Peacock Y
Hochman Y
Friedmann Y
 Motion passed 6-0.

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
Friedmann Y
 Motion passed 6-0.

VI. FINANCIAL REPORT—Ms. Gilbert presented the financial report. Following discussion, Mr. Hochman with second by Ms. Cough, moved to approve the Financial Report as presented. Roll Call Vote:

Minutolo Y
Goldthwait Y
Cough Y
Peacock Y

Hochman Y

Friedmann Y

Motion passed 6-0.

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 and Abutters Mailing Lists – *Possible motion to sign the certification of the mailing list used for notice of the Town Council’s Public Hearing February 21, 2023 for the proposed LUO Amendments for the June 13, 2023 annual town meeting warrant.*

B. FY2023 CIP Budget Transfer—*Possible motion to transfer \$20,000 in the current budget from 2122-6117, Virtual Desktop CIP, to 2122-6124, VM Host Servers and Storage.*

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

Friedmann Y

Motion passed 6-0.

VIII. PUBLIC HEARINGS

A. Special Amusement Permit Renewals

1. **Atlantic Brewing Midtown, 52 Cottage Street, request for a Class 3a, three or more musicians with amplification as submitted by Alex Maffucci.**—Micala Delapierre offered a public comment. Mr. Hochman, with second by Ms. Cough, moved to approve the special amusement application for Atlantic Brewing Midtown for a Class 3a permit. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Friedmann Y

Motion passed 6-0.

2. **Atlantic Brewing/Mainely Meat BBQ, 15 Knox Road, request for a Class 3a, three or more musicians with amplification as submitted by Alex Maffucci.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the special amusement application for Atlantic Brewing/Mainely Meat BBQ for Class 3a permit. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Friedmann Y

Motion passed 6-0.

B. Land Use Ordinance Amendments—Public comment and possible motions to sign the orders placing the following LUO amendments on the June 13, 2023 Annual Town Meeting warrant.

- 1. **Double Setback Distances**—There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to sign the Double Setback Distances Order and place the amendment on the June 13, 2023 Annual Town Meeting warrant. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Friedmann Y

Motion passed 6-0.

- 2. **Floor Area Ratio**—There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to sign the Floor Area Ratio Order and place the amendment on the June 13, 2023 Annual Town Meeting warrant. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Friedmann Y

Motion passed 6-0.

- 3. **Conversion to Multifamily Use**—There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to sign the Conversion to Multifamily Use Order and place the amendment on the June 13, 2023 Annual Town Meeting warrant. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Friedmann Y

Motion passed 6-0.

- 4. **Underground Utilities**—There being no public comment, Mr. Hochman, with second by Ms. Goldthwait, moved to sign the Underground Utilities Order and place the amendment on the June 13, 2023 Annual Town Meeting warrant. Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough Y

Peacock Y

Hochman Y

Friedmann Y

Motion passed 6-0.

IX. NEW BUSINESS

- A. **Town Manager Search**— David Barrett from MMA discussed the search process and timeline involved, as well as different options for public participation.

B. School Building—Update. Superintendent Michael Zboray, School Committee Chair Lilea Simis, Nancy Thurlow and Conners-Emerson Principal Heather Webster presented adjustments made to the site plans along with Lisa Sawin of Harriman Associates, as well as the decrease in the overall cost of the project. They also answered Council members’ questions.

X. UNFINISHED BUSINESS

A. American Rescue Plan Act—Possible motions to commit funds in FY2023/tentatively assign funds for FY2024.

1. FY2023 Requests

a. Power Screen—Following discussion with Public Works Director Bethany Leavett, Mr. Hochman with second by Ms. Goldthwait, moved to approve \$90,00.00 for FY23. Roll Call Vote:

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

Motion passed 6-0.

b. Police Mental Health Counselor—Following discussion with Captain David Kerns, Mr. Hochman with second by Ms. Goldthwait, moved to approve \$60,00.00 for FY23. Roll Call Vote:

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

Motion passed 6-0.

2. FY2024 Requests

a. Police Vehicle—Following discussion, Mr. Hochman, with second by Ms. Cough, moved to tentatively allocate \$45,000 in ARPA funds for a police vehicle in FY2024. Roll Call Vote:

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

Motion passed 6-0.

b. Jesup Library—Following discussion, Mr. Hochman, with second by Ms. Goldthwait, moved to tentatively allocate \$119,320 in ARPA funds for the Jesup library in FY2024. Roll Call Vote:

Minutolo Y
Goldthwait Y
Cough N
Peacock Y

Hochman Y

Friedmann Y

Motion passed 5-0.

- c. YMCA— Mr. Hochman, with second by Ms. Goldthwait, moved to tentatively allocate \$50,000 in ARPA funds for the YMCA in FY2024.

Roll Call Vote:

Minutolo Y

Goldthwait Y

Cough N

Peacock Y

Hochman Y

Friedmann Y

Motion passed 5-0.

- B. 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

Friedmann Y

Motion passed 6-0.

XI. NEW BUSINESS, continued.

- A. Tax Stabilization Program**—*Update.* Steve Weed presented the information. He said that the town has received 346 applications, representing about \$80,000 in tax revenue, similar to the homestead exemption. If the program is fully funded by the state, the state would pay the difference to make the town whole. There is money in the governor's proposed biennial budget, but it's not clear whether that will be enough or whether it will stay in the budget through the legislature's appropriations process. Mr. Weed estimates it will not be necessary to appropriate additional town funds in the FY2024 budget to cover any shortfall.
- B. FY024 Budget Discussion, Continued**—Council discussed service enhancements, revenues and expenses and continued work on a list of possible motions for future votes. Finance Director Sarah Gilbert, Planning Director Michele Gagnon, Police Captain David Kerns, Fire Chief Matt Bartlett, Town Clerk Liz Graves, Code Enforcement Officer Angela Chamberlain and Public Works Director Bethany Leavitt participated in the discussion.
- C. Legislation**—*Update.* Ms. Goldthwait provided letters to Council Members to thank the Senators and Representatives that voted for LD 166, sponsored by Rep. Lynne Williams. The bill would expand the allowable uses of funds from parking revenue. She said there are a number of bills that have not reached LD status, as well as several bills to monitor their progression and combination.
- D. Comprehensive Plan**—*Update.* Ms. Peacock said there was continued discussion on the housing situation in Bar Harbor and review of a lot of information from the Pubic Forum. She encouraged the public to attend and watch the next meeting, despite the fact that it would be in a “workshop” style so the public participation would not occur until later at future meetings.

XII. TOWN MANAGER’S COMMENTS— Bond Advisor Joseph Cuetara will lead a forum on the Town’s bond position and upcoming bond sales, and this is open to the public. If this

is cancelled due to weather, it will be posted on the Town website. Ms. Gilbert also thanked Ms. Leavitt for submitting an EPA Grant which will provide significant amount of money.

XIII. COUNCIL COMMENTS—

Mr. Minutolo shared how budget time of the year was hard. He said he wished he had a rubber stamp to speed up the process and get it done. He said he appreciated all the work that everyone has done to keep the budget more affordable; staff, Councilors and Department Heads whittling down whatever possible to get through this difficult time.

Ms. Goldthwait inquired about the Atlantic Avenue project status of Ms. Leavitt, who shared that the project was at an impasse and she has been working with the Town Attorney for a path forward. Ms. Goldthwait also verified that information, not involved with litigation, is posted to the Town Website under Latest News. She said again that a definition for “B&B” was needed, and staff plans are underway to bring this forward. Ms. Goldthwait also asked to whom ideas and questions about congressional earmarks should be directed.

Ms. Cough thanked all the staff for their work and thanked everyone who attended the Council meeting.

Mr. Hochman shared the importance of changing passwords to prevent computer hacking. He also said thank you to all staff and to all the Councilors in making necessary cuts. He also thanked Ms. Durand and her positive public comment expressed tonight.

Mr. Friedmann also said thank you to all, and gave a shout out to the School Committee for all their hard work.

XIV. ADJOURNMENT— Mr. Hochman with second by Ms. Cough, moved to adjourn the meeting at 10:55 p.m. Roll Call Vote:

- Minutolo Y
- Goldthwait Y
- Cough Y
- Peacock Y
- Hochman Y
- Friedmann Y
- Motion passed 6-0.

Lynn Kenison Higgins, Deputy Clerk