

Minutes
Bar Harbor Town Council
June 15, 2021

- I. CALL TO ORDER** – 7:00 P.M. — In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Valerie Peacock, Gary Friedmann, Joe Minutolo, Erin Cough, Jill Goldthwait; and Town Manager Cornell Knight.
- A. Excused Absence(s)**—all present.
- II. 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.* — Alf Anderson, executive director of the Bar Harbor Chamber of Commerce, urged entries in the Fourth of July parade and said the Chamber is seeking ideas and volunteers for Village Holidays decorations and events in December.
- III. APPROVAL OF MINUTES**
- A. May 18, 2021 Regular Meeting**
Mr. Hochman, with second by Ms. Cough, moved to accept the minutes of the May 18, 2021 Regular Meeting as presented. Motion passed 7-0.
- B. June 9, 2021 Organizational Meeting**
Mr. Hochman requested a correction without objection: In the Councilor Comments section of the draft minutes, his comments were attributed to Mr. Friedmann. Then Mr. Hochman, with second by Ms. Cough, moved to accept the minutes of the June 9, 2021 Organizational Meeting as amended. Motion passed 7-0.
- IV. ADOPTION OF AGENDA**—Mr. Hochman, with second by Ms. Cough, moved to adopt the agenda as presented. Motion passed 7-0.
- V. FINANCIAL REPORT** - *Review and possible motion to accept the financial report as presented.* — Finance Director Sarah Gilbert gave a summary and answered Council questions. Then Mr. Hochman, with second by Ms. Cough, moved to accept the Financial Report as presented. 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. Vehicles for Hire** – *Police Department approved and proof of insurance provided. Possible motion to approve:*
1. **MDI Tours** request for one van license renewal as submitted by Matt Valarik.
 2. **Wild Iris Farm LLC** request for two carriage-for-hire renewals as submitted by Sandra Read.
 3. **At Your Service** request for five taxi license renewals as submitted by Claire Bingham and Jeff Broad.

- B. Bond Issue Fiber Network**—*Possible motion* to approve the Declaration of Official Intent and authorize the Town Treasurer and Chair of the Town Council to sign the declaration with a maximum principal debt to be issued for \$750,000.
- C. FY22 Wastewater Spending**—*Possible motion* to approve a Continuing Resolution that authorizes staff to continue spending Wastewater Division funds at the current levels until a budget is approved.
- D. FY22 Water Spending**—*Possible motion* to approve a Continuing Resolution that authorizes staff to continue spending Water Division funds at current levels until a budget is approved, except that wages may be increased on July 1 as for other Town Employees.
- E. CIP: Assessor's car**—*Possible motion* to approve electric car lease.

Mr. Friedmann, with second by Mr. Hochman, moved to approve the Consent Agenda with the exception of moving Item VIE: Assessor's car to Item VIIIA under Regular Business. Motion passed 7-0.

VII. PUBLIC HEARINGS - Maximum of 3 minutes per person.

A. New Special Amusement Permit

1. **The Travelin Lobster**, 1569 State Hwy 3, request for new Class 1, single musician without mechanical amplification, as submitted by Kelly Tibbetts-Corson. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit application for The Travelin Lobster for a Class 1 permit. Motion passed 7-0.
2. **Finback Alehouse**, 30 Cottage St, request for new Class 3a, three or more musicians with mechanical amplification, as submitted by Dale Stockburger. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit Application for Finback Alehouse, for a Class 3a, three or more musicians with mechanical amplification, as presented. Motion passed 7-0.

B. Special Amusement Permit Renewal

1. **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 Caren Pratt. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit application for Bar Harbor Club & Spa for a Class 3ad, three or more musicians with mechanical amplification and dancing. Motion passed 7-0.

VIII. REGULAR BUSINESS:

- A. CIP: Assessor's car**—*Possible motion* to approve electric car lease. Rowe Ford Westbrook has earmarked a 2021 Hyundai Kona, VIN # KM8K33AG5MU129133, a small/mid-size SUV, for the Town. The EV will be driven by the Assessors as well as the Technical Services Administrator and it will be parked at the Municipal Building on 93 Cottage Street. Mr. Hochman, with second by Ms. Cough, moved to approve the town entering into a 36-month lease agreement for an electric vehicle, a 2021 Hyundai Kona with Rowe Ford Westbrook. Motion passed 7-0.
- B. Parking Solutions Task Force**

1. **Parklets.** Business owner Valerie Griffith and her landlord, Janey Whitney, participated in the discussion along with Parking Solutions Task Force Chair Eben Salvatore. Mr. Knight suggested amending the parklet checklist, under Size/Footprint restrictions, to read “permitted parklet space shall be the width of the parking space and length of no more than two (2) parking spaces, but may be reduced to one parking space at the discretion of the Council if it affects an abutting property owner.” Then Mr. Friedmann, with second by Mr. Minutolo, moved to add to the policy as Mr. Knight suggested.

After extensive discussion, Mr. Friedmann, with second by Mr. Minutolo, moved the question. Motion passed 5-2 (Nays: Goldthwait, Hochman).

The main motion passed 4-3 (Nays: Cough, Dobbs, Hochman).

Mr. Friedmann, with second by Mr. Minutolo, moved to remove the one parklet spot in front of 200 Main Street by June 22 if the businesses have not made some other accommodation by then, and for the town to compensate Blaze Restaurant for the material costs of that parklet space. Motion passed 5-2 (Nays: Cough, Hochman).

2. **Bus parking on West Street at the Historical Society.** Mr. Hochman, with second by Ms. Cough, moved to amend the Parking Policy to add 2 reserved bus parking spaces on West Street at the Historical Society building, to be used in accordance with the council Cruise Ship Tour Bus and Tour Vehicle Policy. Motion passed 7-0.
3. **Premium pricing.** Mr. Salvatore presented the task force proposal to increase the hourly rate for 223 parking spaces on Main, West, Cottage and Mount Desert Streets from \$2 to \$3 per hour from July 1 through Oct. 11. Following discussion, the council took no action on the recommendation. Instead Mr. Friedmann, with second by Mr. Hochman, moved to ask the town manager to explore with the elementary school parking on their grounds and to explore what it would take to use the ferry terminal for parking. Motion passed 7-0.

- C. **Municipal Review Committee**—*Q and A with Michael Carroll, Executive Director.* Sophie Wilson, treasurer of MRC and town manager of Orono, and MRC technical consultant George Aronson (via Zoom) participated in the discussion. No action was taken.
- D. **American Aqua Farms**—*Possible motion to apply for intervenor status.* Following discussion, Mr. Hochman, with second by Mr. Minutolo, moved that the Town apply to the Department of Marine Resources to intervene in the American Aquafarm’s lease application. Motion passed 7-0.
- E. **Village Green Bandstand**—*Report from Brian Booher, director of the Town Band.* Following discussion, Mr. Hochman, with second by Ms. Cough, moved to authorize the expenditure of up to \$13,735 for architectural design of a new bandstand. Motion passed 7-0.
- F. **Well Water Testing**—*Program outline from Michael Gurtler, Local Health Officer.* Mr. Hochman, with second by Ms. Cough, moved to table this item to the July 20 meeting. Motion passed 7-0.

G. Boards & Committees—Remote video conferencing. Ms. Goldthwait shared the text of a pending bill in the Legislature that would provide for remote participation in public proceedings by individuals who have a specific reason. No action was taken.

H. Annual Review of Council Policies:

1. *Acquired Property*
2. *Alcoholic Beverage*
3. *Appointments*
4. *Banking*
5. *Cable TV Public Access*
6. *Consent Agreement*
7. *Cooperating Agencies*
8. *Council – Staff Interaction*
9. *Cruise Ship Fee*
10. *Cruise Ship Tour Bus*
11. *Curb Cut*
12. *Debt Compliance*
13. *Debt Management*
14. *Fund Balance*
15. *Grants*
16. *Investment*
17. *Land Acquisition*
18. *Liquor Licensing*
19. *Outside Water Discount*
20. *Permit and Paid Parking*
21. *Poverty Abatement*
22. *Purchasing*
23. *Road Acceptance*
24. *Road and Sidewalk Opening*
25. *Road Discontinuance*
26. *Rules of Order*
27. *Safety*

Staff recommends updating a reference to former Finance Director, Stan Harmon, by name. Mr. Friedmann, with second by Mr. Hochman, moved to amend the Safety Policy to remove Mr. Harmon's name in paragraph 3. Motion passed 7-0.
28. *Severance Clause*
29. *Snow Removal*

Staff recommends amending to include a planned new sidewalk that will be part of the JAX housing development. Mr. Friedmann, with second by Mr. Hochman, moved to amend the Snow Removal Policy, Snow Plowing- Sidewalks, Priority One- Primary Routes to include Woodlands Lane from Main Street to the end of the State ROW. Motion passed 7-0.
30. *Speed Limit*
31. *Storm and Sewer Backup*
32. *Street Light*
33. *Surplus Property*

- 34. Tax Payment
- 35. Tobacco Free Recreation
- 36. Utility Location Permits

I. 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. Motion passed 7-0.

IX. TOWN MANAGER'S COMMENTS

Mr. Knight said it's been 452 days since we had a meeting start at 7:00 p.m. He reminded the Council about the workshop with the Harbor Committee Tuesday, June 22, in the Council Chambers at 5 p.m. and a workshop with the school board Tuesday, June 29, at the Emerson school cafeteria at 5 p.m. There is not a regular meeting scheduled for Tuesday, July 6, but pending any Special Amusement Permit applications there may need to be a short, untelevised special meeting on that day.

X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Friedmann suggested we start thinking about the best use of the American Rescue Plan Act (ARPA) funds, half a million dollars that's coming our way. The April edition of Maine Town & City had suggestions from the executive director of the MMA about how towns might approach using those funds. They suggested that leveraging that money could be a good strategy. If it was used for affordable housing, the town probably wouldn't build the housing, but could partner with the county or nonprofit organizations, for example by paying to extend water or sewer. MMA also suggested identifying the town's most urgent economic or infrastructure needs. He asked Mr. Knight whether the funds can be expended before the next budget is passed by the Town Meeting next June. Mr. Knight said they are grant funds so the Council can decide how they are used. He added that the county is getting \$11 million, so there may be some ways to leverage that. Mr. Friedmann also encouraged everyone to check out the "Portrait of MDI" photography and video project currently on display in the windows of the Jesup Library.

Ms. Peacock said the ARPA funds were intended as Covid relief, so she's wondering: Who actually has been affected by Covid in our community? Are there ways that we could make some reparations or help people who have struggled? Housing, food, and mental health issues seem to have intensified during this time of Covid. She'd like to think about using the money in ways that address those things.

Mr. Hochman requested a future agenda item to consider further changes to the Amusements ordinance. We'd have to look at whether we're required by the state to do it this way, but the code requires us to have a meeting within 15 days of receiving a Special Amusement Permit application and there are circumstances like right now when we don't have another meeting until July 20. If we can legally do so, he'd like to amend the ordinance so the requirement is for a hearing as soon as possible after proper advertising has been done. He'd also like to discuss paid parking for board and committee meetings. Mr. Knight said the town is going to issue cards to members of boards and committees to cover parking fees during meetings.

Ms. Goldthwait offered a review of state legislation she has been tracking as the session nears its end. The Act to Fully Fund and Restore State and Municipal Revenue Sharing has

been enacted. The Act to Promote Municipal Climate Action, which talked about the potential for funding from the state for climate action things at the municipal level, was killed. The Act to Support Universal Healthcare, which was related to a Resolve the Council supported, has come out of committee but has not had a vote on the floor. The Act to Remove Barriers to Accessory Dwelling Units is still in flux but it was taken off the consent agenda. A bill about an impact fee on vacant residences that could be used to build more housing was approved for carryover to next year. The Act to Prohibit Municipalities from Prohibiting Short-Term Rentals was killed and the two local option sales tax bills are dead.

Ms. Cough said the Task Force on the Climate Emergency has done a greenhouse gas emission benchmark study that they hope to present to Council at the July 20 meeting, then have that inform a larger presentation of some options for the first August meeting. They are reviewing a draft Climate Action Plan to make recommendations to the Council.

Mr. Dobbs said he is also in favor of using the ARPA funds for something to do with subsidized housing. The National Park is going to be surveying the acreage in Town Hill, probably in July or August. He also has been in touch with Island Housing Trust to see if anybody there has spoken to Versant Power about the Woodbury Road property.

XI. EXECUTIVE SESSION (none)

XII. ADJOURNMENT— Mr. Hochman, with second by Ms. Cough, moved to adjourn at 10:19 p.m. Motion passed 7-0.

Elizabeth Graves, Town Clerk