

Minutes
Bar Harbor Town Council
July 20, 2021

I. CALL TO ORDER – 7:03 P.M.

A. Excused Absence(s)

II. COMMITTEE APPOINTMENTS – Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of the applicable year:

1. Age Friendly Committee: Three-year term

a. Nancy Howland, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Nancy Howland to the Age Friendly Committee. By a vote of 7-0, Nancy Howland was appointed.

2. Appeals Board: Three-year terms

a. Ellen Dohmen, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Ellen Dohmen to the Appeals Board. By a vote of 7-0, Ellen Dohmen was appointed.

b. Heather Peterson, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Heather Peterson to the Appeals Board. By a vote of 7-0, Heather Peterson was appointed.

3. Board of Assessment Review: Three-year term

a. Michael Blythe, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Michael Blythe to the Board of Assessment Review. By a vote of 7-0, Michael Blythe was appointed.

4. Communication and Technologies Committee: Three-year term

a. J. Clark Stivers, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint J. Clark Stivers to the Communication and Technologies Committee. By a vote of 7-0, J. Clark Stivers was appointed.

5. Conservation Commission: Three-year term

a. Jacquie Colburn, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Jacquie Colburn to the Conservation Commission. By a vote of 7-0, Jacquie Colburn was appointed.

6. Cruise Ship Committee:

a. Jennifer Cough, Downtown Business Rep, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Jennifer Cough to the Downtown Business Rep seat on the Cruise Ship Committee By a vote of 7-0, Jennifer Cough was appointed.

b. John Kelly, Acadia National Park Rep, expiring 2022

Appointments Committee recommends and Ms. Peacock moved to appoint John Kelly to the Acadia National Park Rep seat on the Cruise Ship Committee. By a vote of 7-0, John Kelly was appointed.

c. Eben Salvatore, Tender Operations Rep, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Eben Salvatore to the Tender Operations Rep seat on the Cruise Ship Committee. By a vote of 7-0, Eben Salvatore was appointed.

d. Martha Searchfield, Chamber of Commerce Rep, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Martha Searchfield to the Chamber of Commerce Rep seat on the Cruise Ship Committee. By a vote of 7-0, Martha Searchfield was appointed.

e. Ken Smith, Resident at Large, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Ken Smith to the Resident at Large seat on the Cruise Ship Committee. By a vote of 7-0, Ken Smith was appointed.

7. Design Review Board: Three-year term

a. Frances "Pancho" Cole, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Francis "Pancho" Cole to the Design Review Board. By a vote of 7-0, Francis "Pancho" Cole was appointed.

8. Harbor Committee: Three-year term

a. Jon Carter, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Jon Carter to the Harbor Committee. By a vote of 7-0, Jon Carter was appointed.

b. Jeff Miller, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Jeff Miller to the Harbor Committee. By a vote of 7-0, Jeff Miller was appointed.

c. Lawrence Nuesslein III, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Lawrence Nuesslein III to the Harbor Committee. By a vote of 7-0, Lawrence Nuesslein III was appointed.

d. Jaime Weir, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Jaime Weir to the Harbor Committee. By a vote of 7-0, Jaime Weir was appointed.

9. Bar Harbor Housing Authority Board of Commissioners: Five-year term

a. Richard Fox, expiring 2026

Appointments Committee recommends and Ms. Peacock moved to appoint Richard Fox to the Bar Harbor Housing Authority Board of Commissioners. By a vote of 7-0, Richard Fox was appointed.

10. Marine Resources Committee: Three-year term

a. John Avila, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint John Avila to the Marine Resources Committee. By a vote of 7-0, John Avila was appointed.

b. Matt Gerald, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Matt Gerald to the Marine Resources Committee. By a vote of 7-0, Matt Gerald was appointed.

11. Parking Solutions Task Force: Three-year term

a. Mary Booher, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Mary Booher to the Parking Solutions Task Force. By a vote of 7-0, Mary Booher was appointed.

b. Ron Greenberg, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Ron Greenberg to the Parking Solutions Task Force. By a vote of 7-0, Ron Greenberg was appointed.

c. Matthew Hochman (citizen appointment), expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Matthew Hochman to the Parking Solutions Task Force. By a vote of 6-0-1, Mr. Hochman was appointed (Abstention: Hochman).

d. Martha Searchfield, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Martha Searchfield to the Parking Solutions Task Force. By a vote of 7-0, Martha Searchfield was appointed.

12. Parks & Recreation Committee: Three-year term

a. John Kelly, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint John Kelly to the Parks & Recreation Committee. By a vote of 7-0, John Kelly was appointed.

b. Greg Veilleux, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Greg Veilleux to the Parks & Recreation Committee. By a vote of 7-0, Greg Veilleux was appointed.

13. Planning Board: Three-year term

a. Elissa Chesler, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Elissa Chesler to the Planning Board. By a vote of 7-0, Elissa Chesler was appointed.

b. Ruth Eveland, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Ruth Eveland to the Planning Board. By a vote of 7-0, Ruth Eveland was appointed.

14. Task Force on the Climate Emergency: Three-year term

a. Brian Booher, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Brian Booher to the Task Force on the Climate Emergency. By a vote of 7-0, Brian Booher was appointed.

b. Norm Burdzel, expiring 2024

Appointments Committee recommends and Ms. Peacock moved to appoint Norm Burdzel to the Task Force on the Climate Emergency. By a vote of 7-0, Norm Burdzel was appointed.

c. Tobin Peacock, expiring 2024

Appointments Committee recommends and Ms. Goldthwait moved to appoint Tobin Peacock to the Task Force on the Climate Emergency. By a vote of 6-0-1, Tobin Peacock was appointed (Abstention: Peacock).

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*—Brad O’Neil spoke about the proposed new B&B on Cottage Street that has gone before the Design Review Board.

IV. APPROVAL OF MINUTES

A. June 15, 2021 Regular Meeting—Mr. Hochman, with second by Ms. Cough, moved to approve the June 15 Regular Meeting minutes as presented. Motion passed 7-0.

B. July 6, 2021 Special Meeting—Mr. Hochman, with second by Ms. Cough, moved to approve the July 6 Special Meeting minutes as presented. Motion passed 5-0-2 (Abstentions: Goldthwait, Peacock).

V. ADOPTION OF AGENDA—Mr. Hochman, with second by Ms. Cough, moved to approve the agenda as presented. Motion passed 7-0.

VI. FINANCIAL REPORT—*Review and possible adoption of a motion to accept the financial statements as presented*—Finance Director Sarah Gilbert highlighted her report

and answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to thank Ms. Gilbert and approve the report as presented. 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. Tax Acquired Property— *Possible motion* in accordance with the Acquired Property Policy, award the tax acquired properties to the highest bidders for Map 235 Lot 40 to Kirk and Claudine Lurvey and Map 106 Lot 38 to Jacob Weisberg and to authorize the Town Manager to sign the quit claim release deeds accordingly.

B. Quit Claim Deeds - *Possible motion* to authorize the Town Manager to sign a Quit Claim Deed on behalf of the Inhabitants of the Municipality of Bar Harbor for the property of Ellen Hancock, Trustee, located at 386 Main Street, Tax Map 111—014-000 and to sign a quit claim release deed for the property of Aungella and Matthew Hochman, located at 7 Strawberry Hill Road, Tax Map 011-021-000.

Mr. Hochman requested moving item B to Regular Business. Ms. Goldthwait, with a second by Mr. Hochman, moved to approve the Consent Agenda as amended. Motion passed 7-0.

VIII. PUBLIC HEARINGS—*Maximum of 3 minutes per person.*

A. Special Amusement Permit Upgrade

1. **Ivy Manor Inn, 194 Main St., request for renewal and upgrade to Class 2ao Special Amusement Permit, two or more musicians with outdoor mechanical amplification as submitted by Elizabeth Bunker.** John Nix offered public comment. Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for a Class 2ao permit as presented. Motion passed 7-0.

IX. REGULAR BUSINESS:

A. Quit Claim Deeds—Removed from the Consent Agenda

1. *Property of Ellen Hancock, Trustee.* Mr. Hochman, with second by Ms. Cough, moved to authorize the Town Manager to sign a Quit Claim Deed on behalf of the Inhabitants of the Municipality of Bar Harbor for the property of Ellen Hancock, Trustee, located at 386 Main Street, Tax Map 111—014-000. Motion passed 7-0.
2. *Property of Aungella and Matthew Hochman.* Mr. Hochman requested to be recused from this item due to a conflict of interest. Ms. Goldthwait, with second by Ms. Cough, moved to allow Mr. Hochman to be recused. Motion passed 6-0. Then Ms. Goldthwait, with second by Ms. Cough, moved to authorize the Town Manager to sign a Quit Claim Deed on behalf of the Inhabitants of the Municipality of Bar Harbor for the property of Aungella and Matthew Hochman, located at 7 Strawberry Hill Road, Tax Map 011-021-000. Motion passed 6-0.

- B. Well Water Testing**—*Tabled from June 15 meeting*—Mr. Hochman, with second by Ms. Cough, moved to remove this item from the table. Motion passed 7-0. Mike Gurtler, Health Officer and Deputy Code Enforcement Officer, reviewed the planned program. No action was taken.
- C. Cruise Ships**—*Survey review by Pan Atlantic Consulting*—Patrick Murphy and Jason Edes highlighted the survey results and answered Council questions. Following discussion, Mr. Friedmann, with second by Mr. Hochman, moved to schedule a facilitated workshop to determine the number of ships per year, the number of passengers per year, the maximum size of ships, the number of days per week for ships, and the anchorage. Every councilor will submit targets for each category to the facilitator ahead of the meeting. The workshop will report those decisions for action at the next Council meeting. Motion passed 7-0. Mr. Hochman, with second by Mr. Goldthwait, moved to request the harbormaster make any new reservation after today a tentative reservation. Motion passed 7-0.
- D. Vacation Rentals**—*Discussion of vacation rentals in the Downtown Village 1 and Downtown Village 2 districts*—Assistant Planner Steve Fuller and Deputy Code Enforcement Officer Mike Gurtler discussed the proposed land use ordinance amendment and consistency with the Comprehensive Plan in response to a message from Sherry and Ivan Rasmussen about vacation rentals in the business district. Ivan Rasmussen participated in the discussion. No action was taken.
- E. Curb Cut**—*Possible motion to approve the curb cut application submitted by Vicki Hall*—Public Works Director Bethany Leavitt presented the application for 37 Rodick Street and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to approve the curb cut application submitted by Vicki Hall. Motion passed 6-1 (Nay: Cough).
- F. Land Use Ordinance Amendments:** Possible motion to sign the Certifications of Ordinance and scheduling public hearings for August 17, 2021 to place the following on the November 2, 2021 Special Town Meeting Warrant:
- 1. Signage**—Mr. Hochman, with second by Ms. Cough, moved to sign the certification of proposed amendment, to tentatively place the order on the Town Warrant, and to schedule a public hearing on August 17, 2021 for the Draft Warrant Article - Land Use Ordinance Amendment dated June 2, 2021, and entitled “An amendment to create new, and amend existing, regulations regarding signage.” Motion passed 7-0.
 - 2. Short-Term Rentals**—Mr. Hochman, with second by Ms. Cough, moved to sign the certification of proposed amendment, to tentatively place the order on the Town Warrant, and to schedule a public hearing on August 17, 2021 for the Draft Warrant Article - Land Use Ordinance Amendment dated June 2, 2021, and entitled “An amendment to regulate short-term rentals.” Motion passed 7-0.
 - 3. Solar Photovoltaic Systems**—Mr. Hochman, with second by Ms. Cough, moved to sign the certification of proposed amendment, to tentatively place the order on the Town Warrant, and to schedule a public hearing on August 17, 2021 for the Draft Warrant Article - Land Use Ordinance Amendment

- dated June 2, 2021, and entitled “An amendment to allow solar photovoltaic systems as principal use.” Motion passed 7-0.
4. **Bonus Dwelling Units**—Mr. Hochman, with second by Ms. Cough, moved to sign the certification of proposed amendment, to tentatively place the order on the Town Warrant, and to schedule a public hearing on August 17, 2021 for the Draft Warrant Article - Land Use Ordinance Amendment dated June 2, 2021, and entitled “An amendment to allow bonus dwelling units.” Motion passed 7-0.
 5. **Nonconformity**—Mr. Hochman, with second by Ms. Cough, moved to sign the certification of proposed amendment, to tentatively place the order on the Town Warrant, and to schedule a public hearing on August 17, 2021 for the Draft Warrant Article - Land Use Ordinance Amendment dated June 2, 2021, and entitled “An amendment to address an error of omission regarding nonconformity.” Motion passed 7-0.
 6. **Accessory Dwelling Units**—Mr. Hochman, with second by Ms. Cough, moved to sign the certification of proposed amendment, to tentatively place the order on the Town Warrant, and to schedule a public hearing on August 17, 2021 for the Draft Warrant Article - Land Use Ordinance Amendment dated June 2, 2021, and entitled “An amendment to address an error of omission regarding accessory dwelling units.” Motion passed 7-0.
- G. Task Force on the Climate Emergency**—*Greenhouse gas presentation by Ruth Poland*—Ms. Poland, a member of the Task Force on the Climate Emergency, shared results of an audit of greenhouse gas emissions from municipal operations. No action was taken.
- H. Higgins Pit Solar Farm**—*Possible motion to approve scope of work and budget*—Beth Woolfolk from A Climate to Thrive reviewed the proposal, timeline, budget, and answered Council questions. Mr. Friedmann requested to be recused from this item as he is a board member of A Climate to Thrive. Ms. Goldthwait, with second by Mr. Hochman, moved to allow Mr. Friedmann to be recused. Motion passed 6-0. Then Mr. Hochman, with second by Ms. Cough, moved to approve the Scope of Work and budget from ACTT and pay the \$3,500 costs from account #1036-5906. Motion passed 6-0.
- I. Council Policy**—*Possible motion to schedule a public hearing on the remote participation policy*—Following discussion, Mr. Hochman, with second by Mr. Friedmann, moved to schedule a public hearing for Aug. 17, 2021 to hear comments on the proposed Remote Participation Policy. Motion passed 7-0.
- J. Ferry Terminal**—*Possible motion to approve Harbor Committee’s recommendation*—Following discussion, Mr. Hochman, with second by Ms. Cough, moved to approve the Harbor Committee recommendation as noted in Recommendation 1 of the memo dated March 12, that the town proceed with demolition of the existing pier and infrastructure not needed to fulfill the contract with Bay Ferries, Inc. Motion passed 7-0.

K. 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. Motion passed 7-0.

X. TOWN MANAGER’S COMMENTS—None.

XI. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Peacock shared that the Extended Producer Responsibility bill passed and was signed by the governor. She requested a future agenda item to talk about positive, incentivized ways to think about long-term vs. short-term rentals. She said it was a phenomenal experience to talk to so many people during the Appointments Committee interviews, to hear what they’re thinking and learn about the service they’re bringing.

Mr. Hochman echoed that there are a lot of open seats on boards and committees and he encourages anyone who’s interested to apply for them.

Ms. Goldthwait thanked Liz Graves for her work scheduling the Appointments Committee interviews.

Mr. Dobbs updated the Council on two housing lot possibilities, one on Woodbury Road and one in Town Hill owned by the National Park.

XII. EXECUTIVE SESSION—None.

XIII. ADJOURNMENT—Mr. Hochman, with second by Ms. Cough, moved to adjourn at 10:33 p.m. Motion passed 7-0.

Elizabeth Graves, Town Clerk