

Minutes
Bar Harbor Town Council
October 5, 2021

- I. **CALL TO ORDER** – 7:00 p.m.
- A. **Excused Absence(s)**—None.
- II. **PUBLIC COMMENT PERIOD** - *The Town Council allows 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.*
- III. **APPROVAL OF MINUTES – September 21, 2021 Regular Meeting**—Mr. Hochman, with second by Ms. Cough, moved to approve the September 21 Regular Meeting minutes as presented. Motion passed 7-0.
- IV. **ADOPTION OF AGENDA**—Mr. Hochman, with second by Ms. Cough, moved to approve the agenda as presented. Motion passed 7-0.
- V. **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. **General Assistance Ordinance** – *Possible motion* to schedule a public hearing for November 16, 2021 on the annual revision of maximum benefit levels in Chapter 102, General Assistance Appendices A-H, pursuant to 22 MRSA §4305(4).
- B. **Special Town Meeting November 2021** – *Possible motion* to sign the Municipal Officers’ Return acknowledging the posting of the Notice of Public Hearing on September 24, 2021.
- C. **State of Maine Election November 2, 2021** – *Possible motion* to appoint the Town Clerk as Warden for the November 2, 2021 State Election.
- Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as presented. Motion passed 7-0.
- VI. **REGULAR BUSINESS:**
- A. **Diversity, Equity, and Inclusion**—*Possible next steps.* Nina St Germain, Engagement Coordinator, presented her report and answered Council questions.
- Mr. Friedmann, with second by Mr. Hochman, moved that the Bar Harbor Town Council, on behalf of the Town of Bar Harbor, does hereby resolve that all Bar Harbor citizens, municipal employees, visitors and guests shall, regardless of sex, sexual orientation, gender identity, race, color, ethnicity, socioeconomic status, or mental or physical ability, be entitled to be treated with compassion, dedication, and equality in pursuit of a peaceful life; and in the strongest terms possible, that hatred and bigotry, overt and subtle, will not be tolerated by the Town of Bar Harbor or its officers and employees in any form; and that the Town of Bar Harbor ensures that the ideals of fairness and equity are upheld. Furthermore, the Bar Harbor Town Council repudiates

the type of behavior displayed at its September 21, 2021 meeting by Sean Sweeney toward the Town Planner. Motion passed 7-0.

Ms. Goldthwait suggested the Council ask Ms. St. Germain for guidance for the Oct. 19 Council meeting on the steps to creating a strategic plan.

Ms. Cough, with second by Mr. Hochman, moved that the Bar Harbor Town Council intends to address the issues raised tonight, and the first step in that process is development of a strategic plan. Motion passed 7-0.

Mr. Friedmann requested that the Council meet in executive session with the Town Attorney on October 19 to consider options for legal action against those attempting to harass, intimidate, or defame Town employees.

- B. Rental Registration Program**—*Possible motion to prepare action plan.* Angela Chamberlain, Code Enforcement Officer and Matt Bartlett, Fire Chief presented the proposal and answered Council questions. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to request that staff prepare an action plan to develop a Rental Registration Program for the Council’s consideration. Motion passed 7-0.
- C. Amendment to Ch. 31, Boards and Committees, Planning Board**—*Possible motion to schedule a public hearing on November 16, 2021.* Councilors requested changes to the proposed amendment as follows: in Section 31-121, replace “Maine Statutes relating to municipal planning boards” with “Municipal Code,” in Section 31-122, insert (A) and (B) from the draft amendment presented at the Sept. 21 meeting, with the existing (A) and (B) remaining as (C) and (D), and replace Section 31-123 (A) and (B) with Section 31-123 (A) and (B) from the Sept. 21 proposal. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to schedule a public hearing on November 16, 2021 to hear comments on amendments to Chapter 31 IX of the Municipal Code. Motion passed 7-0.
- D. Property Tax Programs**—*Review programs available.* Ms. Goldthwait, with second by Mr. Hochman, moved to investigate creating a municipal property tax assistance program for Bar Harbor. Motion passed 7-0.
- E. MainePERS Enrollment**—*Possible motion to approve agreement.* Sarah Gilbert, Treasurer highlighted her memo and answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to authorize the Town Manager to sign the Amended Agreement between the Town of Bar Harbor and Maine Public Employees Retirement System as outlined in a memo from the Treasurer dated 9/28/21. Motion passed 7-0.
- F. Municipal Review Committee**—*Possible motion to call for special meeting.* Bethany Leavitt, Public Works Director, answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to not request a special meeting as per section 4.5 of the MRC Bylaws. Motion passed 7-0.
- G. Cruise Ship Committee**—*Request of Councilor Goldthwait to clarify Council’s charge to the committee.* Cruise Ship Committee Chair Eben Salvatore participated in the discussion. No action was taken.
- H. Vacation Rentals**—*Council comments in support of referendum question.* Following discussion, Mr. Friedmann, with second by Mr. Hochman, moved to authorize

Councilor Goldthwait to submit an opinion piece in support of Question 4 to the Mount Desert Islander in time for publication. Motion passed 6-1 (Nay: Dobbs). Ms. Goldthwait clarified that Mr. Dobbs' name could be left off the submission.

- 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.

VII. TOWN MANAGER'S COMMENTS

Mr. Knight reminded the Council of their meeting with Don Gerrish, the consultant on the Town Manager search, on October 12 at 5:00 to review applications. He has called for a public meeting at 6:30 p.m. after that Council meeting. The purpose of the meeting is to gather information regarding what the community believes are the major issues and challenges facing Bar Harbor in the next 5 years and to express what the qualities, education, background and experience the new Town Manager should possess to manage the Town and to meet the issues and challenges facing Bar Harbor. There's a notice going in the paper. The public meeting will be right after the Council meeting. You don't need to sit up here; he'll run the whole meeting and you're welcome to attend.

The Comprehensive Plan process is underway. We're waiting for proposals from consultants to do that. The Planning office has started the process for putting a Comprehensive Plan Committee together. It will consist of 15 residents; it's expected that the committee will include eight residents from town boards and committees and seven residents at large. Work will include 15 meetings between December 2021 and February 2023. Meetings will take place from 6-8 p.m. on the third Thursday of the month. Applications and a description of the committee's roles and responsibilities are available on the website or by contacting the Town Clerk's office. Applications must be returned to the Town Clerk's office by Nov. 3. Candidates will be interviewed by the Appointments Committee between Nov. 4 and Nov. 10 for appointment by the Council on Nov. 16. Work will start in December. Elected as well as appointed town officials are welcome to apply.

He asked whether the Council would like to go ahead with the planned November 1 goal-setting meeting, or wait until the new manager begins work. The Council decided to postpone it. They also discussed adding separate workshop time to evaluate and discuss existing work, and put new projects on the table.

VIII. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Friedmann said it's good to be back. It was instructive being in Utah the two weeks before he got back, where there are a number of national parks and to see what's happened to the gateway community of Moab and to those national parks. He said there were warning bells going off for him that if we don't get a handle on visitation, that our town could look like Moab, overrun with tourists and lines stretching for a mile all the way from the entrance to Arches all the way back to the city of Moab. It wasn't a very conducive situation for visitors, or for the resources.

He also said it had come to his attention that MDI Hospital is selling the Main Street motel building that they have been using for temporary housing and some offices. They're doing it by sealed bids; the deadline is Oct. 15. He was somewhat taken aback by this news because he felt that the town-hospital relationship should be more collaborative, where if the

hospital's got an asset that might be valuable to the town for affordable housing, that they might work with the town and Island Housing Trust, for example, or potential developers of affordable housing, that would be able to make that a real win-win situation for us rather than just going to the highest bidder which, who knows? Is it going to be another hotel? That's probably the last thing we need in Bar Harbor right now. He wanted Council to know that that's out there and hopes the hospital might delay disposition of this property. Mr. Knight said that Chrissy Maguire, the president of the hospital, did say that she's planning to come to the Council and talk about their five-year plan, probably in November. Mr. Friedmann said that plan includes disposing of this property, buying up other, currently taxable properties, and building employee housing. He said while we support the hospital fully, and they're an incredible asset to us, he would hope that they would consult with Council before they make some of these major changes rather than just announce to us what their decision is. He plans to meet with Ms. Maguire on Friday along with Marla O'Byrne of Island Housing Trust.

Ms. Peacock said this has been a big meeting with lots of really big topics. She said she appreciates the conversation and the listening, the space to talk and the willingness to take on some of these things and figure them out. She appreciates the Council and all the people that come out and all the people that called and emailed. She has been having amazing conversation with people in town, trying to listen and learn; there are a lot of people that care a lot. She thinks that's kind of cool.

Mr. Hochman welcomed Mr. Friedmann back and thanked everyone for the discussion of diversity and equity. He thinks it's very important to keep working on; we play an important role in keeping Bar Harbor safe for minorities and people who are excluded.

Mr. Minutolo said it looks like it's going to be a busy fall for all of us.

Ms. Cough said the Task Force on the Climate Emergency is currently having their Climate Action Plan reviewed and will hopefully have it to the Council by the November meeting. At a meeting this morning it was brought to her attention that the Cat ferry will be running next year and that they will be disembarking vehicles at noon. She suggested for a future Council agenda having Annette Higgins and the police chief and the fire chief and Bethany come and have a conversation about how we're going to handle hundreds of cars coming off the ferry.

Ms. Goldthwait requested a report from the Cruise Ship Committee at the next meeting and discussion of what they send us in response to our request.

Mr. Dobbs said the Council received an email requesting a dog park at the ball field. He forwarded it to John Kelly, chair of the Parks & Recreation Committee, and told her a little bit of the history of requests for dog parks at the athletic field. He also mentioned that Hadley Point is being discussed and that the Village Improvement Association is discussing a dog park in the woods section at Glen Mary. He also said it does feel uncomfortable not voting with the Council, but he voted last year to postpone weekly rentals for a year to make it more understandable and hopefully in line with the way he was feeling about it, and obviously that did not happen. But affordable housing to him is workforce housing and that is one item that he will be working on genuinely for the rest of his time on the Council.

IX. EXECUTIVE SESSION—None.

- X. ADJOURNMENT**—Mr. Hochman, with second by Ms. Cough, moved to adjourn at 9:40 p.m. Motion passed 7-0.

Elizabeth Graves, Town Clerk