

Minutes, Bar Harbor Charter Commission, Jan. 6, 2020

The meeting was called to order at 8.30 AM by the Chair, Michael Gurtler. All members were present: Joseph Cough, Julie Berberian, Anna Durand, Jill Goldthwait, Michael Gurtler, Peter St. Germain, Patricia Samuel, Martha Searchfield, Christopher Strout.

Announcements: Thank you to the authors of the new language giving triggers for item C-10. Martha S. apologized for her absence from the last meeting, she was very ill but is fine now.

1. P. St. Germain moved, M. Searchfield seconded, to approve the agenda as distributed. Unanimous approval.

2. P. St. Germain moved, M. Searchfield seconded, to accept the minutes of the December 17, 2019 meeting as distributed. Unanimous approval.

3. Public Comment:

- Dessa Dancy: When will the final report be presented to Town Council? Chair's reply: to be presented in March; there may be some changes after the Town Attorney's report. D. Dancy thought that there would not be much time for printing and Warrant Com. review.

As no-one else wished to speak, the Public Comment period was closed.

4. Items for discussion:

4.a. Commission report: Since Dec. 27th there has been some change in the *ballot* questions, but not the language on the *warrant*.

--- Chair: Should there be nine questions or just one? Various opinions and reasons for them were offered. Some (2 or 3) of the questions are controversial.

- How about 3 questions? That would be steering the voters. Some members have heard repeatedly that 9 questions are wanted/needed by voters. More discussion.

- Call for the question: only one ballot question? Two ayes (J. Goldthwait, M. Searchfield), 7 nays (J. Cough, J. Berberian, A. Durand, M. Gurtler, P. St. Germain, P. Samuel, C. Strout); motion failed.

--- Minority report: the authors thanked the chair for his input.

- a member asked why another member votes 'no' on Question 7? Reply: people the member has talked with want 22 Warrant Com. members; colleague is comfortable with 15 members; discussion; member will think about it further; it's difficult

- other members: an example of how we have not done a good job of explaining proposed changes to the Warrant Com.

- would it be help to have transparency on who voted "yes" and who "no"?; another member doesn't think that isolating someone because of their current role is a good idea; different member observes that people often confuse Open Town Meeting with Town Meeting via voting booth, so the "yes and no" on Question 7 fizzles.

- comment re: Public Hearings – input & useful input; another member: there has been some attitude of dismissal of some speakers; much discussion; there have been changes in elected bodies, they now accept public input more so than in the past;

- another member thanked the authors of the new language in C-10 A (Question 3); earlier in our deliberations we sought triggering language, thought it wouldn't be possible, but now we have it; an alternate proposal to have more than two town meetings a year could result in having too many Land Use Ordinance (LUO) sections open for possible change at once, which can lead to errors; another member is concerned that, eventually, all LUO amendments would be considered and voted using the short process; a member thinks there has been change, for the positive; a comment: even small changes can take a very long time to prepare for decision-making, and some changes must be proposed *only after* a related change has been proposed and voted; more discussion; another member: these small changes are not steering the LUO because they are not new topics/ideas, they are "cleaning up" changes, the sections of LUO needing these small changes have *already* been voted on by Town Meeting;

Agenda 4.b.

- Chair asked if members have suggested edits? Please consider people's comments

- a member returns to Question #7, who voted “yes” and “no”: other members could comment on the minority report at the Public Hearing; the Chair: consider editing the minority report, putting the rationale first, then the votes

Agenda 4.c

- examples of small LUO changes provided by Planning Dept. staff are extremely helpful, eye-opening, a plus; Chair: will publish these on the web site before next week’s Public Hearing and will have 50 copies available at the hearing

Agenda 4.d

- format of Public Hearing: presentation of warrant questions and rationale, then the public’s questions

- a member to the Planning Director: are the LUO changes coming up at (a different public hearing) small ones?; response: one is, the Addressing Officer, but not the other one; the member does not understand; Planning Dir. explained that there are five LUO questions on the warrant for June town meeting, it took an amazing amount of time to prepare them, and there are only so many hours available; we need an alternate route for the small (repair) items; the Code Enforcement Officer described the daily work in the Planning Office

- a member described the timing for putting LUO items on the warrant: by approx. Jan. 8 the planning staff must be finished with what is to be voted on at June town meeting, so there is a window for small projects; another member: this is exactly what I was hoping to see happen, when work on the new items is finished, the time could be used for the small repair (to existing LUO sections) items.

Agenda 5.

- Chair, re: date for giving the final report to Town Council – March? Discussion: a member pointed out that February is Budget time, so keep our date in March; general agreement

- date for a meeting in January, following next week’s Public Hearing? Already scheduled for Tuesday, Jan. 21, 8.30 AM

- a member asked if, after the final report has been submitted to Town Council, there can be a meeting to make sure that people know about changes made since the Public Hearing? Response: Final report will be on the town web site, there will

be articles in the paper to explain features of the report, and public information meetings

- another member asked if Town Council should do this, and if we (the commission) can still meet?; response: Chair will get clarification; he asked members to encourage people we know to write letters to the editor.

- another member: state law says that the Commission exists for 30 days after the final report has been submitted; Chair will ask the Town Manager to check, and to ask Town Council to extend the commission's existence until Town Meeting in June.

- Chair commented that Warrant Com. gets its best attendance for budget discussions, not so much for LUO and other items; he asked for more suggestions to engage the public with the proposed Charter revisions

Agenda 7. A motion to adjourn (J. Cough, P. St. Germain) was made. The meeting was adjourned at 9.58 AM.

Respectfully submitted,

Patricia L. Samuel, Secretary