

**TOWN OF BAR HARBOR CHARTER COMMISSION  
AGENDA  
MONDAY, SEPTEMBER 9, 2019 7:00PM  
BAR HARBOR COUNCIL CHAMBERS**

1. Approve Agenda
2. Adopt minutes of August 19
3. Public comment period\*
4. Items for discussion:
  - a. Review working DRAFT of revised Charter, identify all items with consensus agreement
  - b. Identify any language problems with consensus items
  - c. Review rationale language from Commission members
5. Meeting schedule and report timeline  
Next meeting September 23
6. Other business
7. Adjourn

\*Guidelines for Public Comment Period:

Time Limit: 15 minutes total, 3 minutes per person; please respect these guidelines.

Comments: Should be directed to the Chair and should pertain to the published agenda for the meeting.

Charter Commission Notes:

Citizens may also provide input to the Charter Commission through email:  
chartercomm@barharbormaine.gov

The meeting was called to order at 7.00 PM by the Chair, Michael Gurtler. All members were present; Julie Berberian, Joseph Cough, Anna Durand, Jill Goldthwait, Michael Gurtler, Peter St. Germain, Patricia Samuel, Martha Searchfield, Christopher Strout.

1. J. Goldthwait moved, P. St. Germain seconded, to adopt the agenda as published. Motion carried unanimously.

2. P. St. Germain moved, J. Goldthwait seconded, to accept the minutes of the August 5<sup>th</sup>, 2019 minutes as published. Motion carried unanimously.

3. Public Comment Period:

- Robert Garland: he will be happy to answer questions about his proposal concerning all committees, commissions, and boards which vote on items that are subsequently placed on a Warrant voting by Town Meeting; he wants the votes of any such body to be placed on the Warrant, as those of Planning Board, Town Council, and Warrant Com. are under the current Charter. For example, the Harbor Com. voted on an initiative petition concerning piers and docks that was on the Warrant for the June 2019 Town Meeting, but the Harbor Committee's voting results were not listed on the Warrant. He agrees that many voters find value in having the voting results of various pertinent town bodies listed on the Warrant.

- Dessa Dancy: What is the schedule for reports from the Charter Commission? The Chair: Draft Report due to Town Council October 15<sup>th</sup>; Final report, Dec. 15; vote, June, 2020 Town Meeting.

As there were no others wishing to speak, the Chair closed the Public Comment Period .

4. Discussion:

\* A. Durand re: discussion with P. Samuel regarding a compromise concerning some amendments to the Land Use Ordinance (LUO) being voted on and passed by super majorities (4 "yes" votes out of 5 total members for Planning Board, 5 "Yes" votes out of 7 total members for Town Council); under specific conditions a LUO vote would automatically go to vote by Town Meeting after being passed by Planning Board and Town Council super majorities, as described above.

- Comments & questions

- - Is it correct to say there would be 3 exceptions, # 9 and # 10 in state Law ....., and completely new subjects for LUO?

-- to enumerate specific issues means that other ones that come up aren't covered

-- suggestion: "impaction of 2 or 3 zones could be a trigger for Town Meeting vote

-- some things are to be voted on by Town Meeting and others by Planning Board and Town Council super majorities: define which

-- Much discussion followed

-- M. Gurtler: what do all of us think about these ideas? The Planning Director could flesh out the triggers and come up with one or two additional triggers if necessary.

-- All agree to adopt the Planning Director's plan and to ask her to come up with one or two additional triggers if necessary

- -M. Gagnon: think in broad categories, don't regulate for the worst case; we need to move forward in a better way.

-- J. Cough, P. Samuel: we need to look to the future;

-- M. Gurtler: the flow chart is not in the charter but it can inform our thinking. M. Gagnon will lead us.

\* Clickers:

- use just for the budget; we need a demo & test runs

- want to understand what is wrong with clickers

- paper trail

- hacking: cards can't be hacked, but could be miscounted & counting is slow; is the expense of clickers worth it?

- attendance may well go up; Council must make it work;

- more members agree, OK

- discussion: \* Council can decide on the details; terminology would be "Use of Technology"

\* Warrant Com.: value the central premise of the Warrant Com.'s existence

- 15 (or 18) members conveys that it is representative of the entire community

- like to have more views

- question: member doesn't understand the logic of a larger committee when a subcommittee of the Warrant Com. can dictate the decision by the entire Warrant Com.; if there would be no subcommittees then that's not a problem and would be better

- the whole Warrant Com. works together; 15-18 more representative

- Warrant Com. may not allow town staff to speak, has happened in the past

- 9-11 members OK, a bigger com. doesn't work as well

- Warrant Com. should weigh in on LUO items going to vote; could go with 15 members; thought 22 members were needed for the work load, not for representation

- another member supports the previous statement regarding Warrant Com. rules: staff not being allowed to speak, even when a Warrant Com. member was giving out incorrect information that the staff could have corrected
- likes 9 members, not 18, but could live with 15
- how will LUO fit into Warrant Com. review? Wants to hear the Planning Director's opinion on this
- if 9 people can review a budget, then 15 aren't needed (no political appeasement);
- mistakes of Warrant Com. (e.g. refusing to let staff speak) are a failure in leadership; is there a way to see past these problems? maybe 9 would be good in the future, but now we need a better process, need an intermediate step down, e.g. 15
- another member likes 9, could support 12, but no higher
- we've talked this issue to death
- the Chair: size of Warrant Com. will be voted on next meeting

## 5. Report timeline

- \*Legal review of *positive* statements on ballot is needed; the Chair will get this
  - discussion of time for legal review: Town Manager thinks 2 weeks is probably OK, but the entire document must be given to the attorney at once, not in pieces
  - \* we need to be done by the end of the meeting on Sept. 9<sup>th</sup>
  - \* J. Goldthwait volunteered to work with the Planning Director on language related to LUO material
  - \* The Chair: we need text, and we need rationale; should we have sub-groups?
  - one person needs to take control, but no-one here should be writing a Charter
  - Chair envisions 3-4 people doing it, while the rest of us can write the rationale
  - P. Samuel & C. Strout should write the language
  - discussion, concluding that C. Strout, J. Goldthwait, and P. Samuel will write the language; remaining members will write the rationale, with 1 or 2 members volunteering to write a particular item; assignments were agreed
  - \* technical review, for grammar and clarity, will be done later
7. Adjournment: Moved (P. St. Germain, J. Cough) to adjourn the meeting. Meeting adjourned at 8.33 PM

Respectfully submitted,

Patricia L Samuel, Secretary