

**TOWN OF BAR HARBOR CHARTER
COMMISSION AGENDA
MONDAY, October 7, 2019
7:00pm BAR HARBOR COUNCIL
CHAMBERS**

- 1. Approve Agenda**
- 2. Adopt minutes of September 23, 2019**
- 3. Public comment period***
- 4. Items for discussion:**
 - a. Update on attorney review**
 - b. Review rationale language from Commission members**
 - c. Schedule public hearing (Proposed date November 18)**
 - d. Report outline**
 - e. Council Meeting discussion**
- 5. Meeting schedule and report timeline**
- 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

DRAFT DRAFT Minutes, Town of Bar Harbor Charter Commission,
September 23, 2019

The meeting was called to order at 7 PM by Vice-Chair Jill Goldthwait. All members were present: Julie Berberian, Joseph Cough, Anna Durand, Jill Goldthwait, Michael Gurtler (via telephone), Peter St. Germain, Patricia Samuel, Christopher Strout, Julie Berberian, Martha Searchfield.

1. Agenda: The members voted to approve (M. Searchfield, P. St. Germain) the agenda as published.
2. The members voted to accept (M. Searchfield, P. St. Germain) the minutes of the September 9, 2019 meeting as distributed.
3. Public Comment Period: Carol Chappell had two questions:
 - Concerning referenda: do you expect this procedure to happen often? Chair: No
 - How do Warrant Com. by-laws correlate with the proposed new Charter? Chair: The by-laws of any committee cannot conflict with the Charter.

As there were no other questions, the Public Comment Period was closed.

4. Items for discussion – The Charter language, both current and proposed new, was projected side-by-side for ease of viewing by the audience as well as the Commission members:

a. finalize language for Draft Charter –

- question from J. Cough concerning paragraph C-5, C(5): please add voter “integrity”, meaning, is the person really registered? - agreed
- C-5, C. (LUO amendment votes): question (M. Searchfield) about “in the form of” – what does it mean? Response: members wanted to be sure that “recommendation” did not mean, “commentary”, but numbers only
- C-14, C.3. “super majority”: there is a reference to the two places in the Charter where the term is used, Art. IX, C-43 B.4. and Art. III, C-14, C.3.a.
- C-34, Warrant Com. membership, polling:

one member does not agree with 15 members & wants fewer; 8 members agree with the number 15; 2 members have a reservation relating to the current practice of sub-committees of Warrant Com.

Discussion: The proposed version would take away some of Warrant Com's current responsibility and we will have lost that institutional knowledge.

- propose the language "as a body in its entirety"
 - question: are all by-laws the same? Some discussion; other committees, boards, commissions are not in the Charter
 - question re language concerning meetings with staff, "when requested and available to do so..."
 - another member suggested "mutually agreeable";
 - - Discussion: "OK"; likes the proposed language; much more discussion, mostly about the use of e-mail and open meeting law. Consensus to use "mutually agreeable"
 - Paragraph C-36 D.(this is A. in the old version): final language? subcommittees?
– proposing in the first sentence, "...Warrant Com., meeting as a committee of the whole..."
 - poll of members on size of Warrant Com.: 8 members now support 15, one does not
4. b. Chair called for a motion to approve the language as amended tonight. It was moved and seconded (P. St. Germain, J. Cough) to forward the proposed Charter to the attorney for review
- question: please ask the attorney if there is a legal definition of "super majority"
 - question: what about the time gap between Planning Board/Town Council approval of a Land Use Ordinance amendment and a possible referendum petition?
 - a member is not ready to recommend yet; can't agree that the only way to get a Land Use Ordinance to Town Meeting would be via referendum
 - another member: let's vote

- question: could Town Council just put something (LUO) on the Warrant? Reply: then many, if not most, LUO amendments would be questioned by someone wanting Council to send amendments to Town meeting

- member comment: messier for Town, easier for Town Council

- Chair: citizens have the right to say “no” via referendum

- question: when was the last Special Town Meeting, other than the November one, about 20-25 years ago? Reply, Town Mngr: the Water Company vote

- a member called for the question: motion approved, 9 “yea”, 1 “nay”.

- Comment, Town Mngr: need to send the proposed Charter to the attorney in 1-2 days.

4.c. Review rationale language from Commission members:

- P. St. Germain & M. Searchfield: Articles II and IX finished

- J. Berberian: compensation for Town Council, School Com., etc. in the budget

- M. Gurtler: Administrative procedures

J. Cough: joint budget meetings, Council & Warrant Com., and new timeline finished

J. Goldthwait: Warrant Com.: voters object to electing by slate; voting by petition and secret ballot would bring Warrant Com. into parallel with Town Council and School Com.; it allows election of particular candidates by the voters

4.d. Schedule Public Hearing: Nov. 18

- comment: that’s really far out; reply: legal review not finished until at least 2 weeks from Wed., Sept. 25, then Council will review

5. Schedule: our next meeting is October 7th;

a. we will review the report from Charter Comm., written by Chair M. Gurtler

b. we will discuss communicating with the community

Motion to adjourn (J. Cough, P. St. Germain); meeting adjourned 8.26 PM

Respectfully submitted,

Patricia L. Samuel, Secretary