

Minutes, Charter Commission, 6 February 2019

The meeting was called to order by Michael Gurtler, Chair, at 8.30 AM. Members present: Julie Berberian, Joseph Cough, Anna Durand, Jill Goldthwait (via telephone), Michael Gurtler, Patricia Samuel, Peter St. Germain, Christopher Strout

1. Agenda was approved as published: P. St. Germain moved, J. Cough seconded, carried unanimously.

2. Minutes of January 23rd were approved as distributed: P. St. Germain, J. Cough; motion carried unanimously.

3. Public Comment Period: Arthur Greif spoke:

- thanked members of the commission for their service

- stated that while setting a time limit for speakers is in order, restricting topics for public comment is, in his opinion as an attorney, illegal, except in litigation

- points regarding the Charter: critical to preserve Town Meeting form of government;

- Town Meeting & Town Council should have separate powers;

- Warrant Committee should be retained

- predicted that small changes in the Town Charter could be easily approved by Town Meeting, but more wide-ranging ones would be more difficult.

- Since there were no other speakers, it was moved (P. St. Germain, J. Cough) that the Public Comment Period be closed; motion carried unanimously.

4. Discussion of Charter Articles I, IV, V, and possibly II: Peter St. Germain distributed a work sheet outlining motions he planned to propose regarding these articles.

A. Consideration of Article I, Grants of Power to the Town

- Peter St. Germain moved, J. Cough seconded, to retain the current language of Article I. Discussion followed:

- Why are there four sections to this article? Speaker likes this organization;

- another member examined the charters of Camden and Freeport, both tourist towns sharing common features with Bar Harbor; their charters are similar to Bar Harbor's;

- another member: Camden was found to be the most similar town to Bar Harbor during our the previous Comprehensive Plan revision

- Town of Wales emphasized the retention of town Meeting form of government when writing their first charter and included it in Article I (Grants of Power...); in view of expressed public concern in Bar Harbor, should we include such a statement in Article I?

- Chair pointed out that it (Town Meeting) is expressly stated in Article II, section C-5, opening sentence;

- No further discussion, motion carried unanimously.

B. Consideration of Article IV, The Town Manager

Discussion of section C-18:

- why is there language about the Town Manager's place of residence?
- from a member who served on the previous Charter Commission: because of the cost of housing;
- various members: a Manager who is a Town resident can more easily become a member of the community, e.g. participation in activities other than town government; it is a common requirement that the CEO of a company live in the town where the company or organization is located;
- also makes the Town Manager accessible outside the office;
- Question to Town Manager Cornell Knight: were you a resident of the towns you previously managed?
Response: in some cases; most Town Managers do not live in the towns where they serve; gave an example of another official he knows who was frequently asked "in-office" questions by townspeople while shopping for groceries;
- current language does not express a *preference* for Manager to live in town;
- another example: a former Chamber of Commerce CEO lived far from Bar Harbor and generally did not participate in the community;
- another member: just about any town manager would have to drive; favors keeping the language as is;
- we should add "preference"
- keep the language as is, not fair to the Manager to be "on" all the time;
- are we trying to micro-manage?
- after a straw poll, the commission decided to revisit the residency language of C-18 at a future meeting;
- question regarding adding "financial solvency" to the qualifications of Town Manager candidates, discussion followed;
- in the second sentence, is the phrase, "solely on the basis of executive and administrative qualifications," there to prevent discrimination? will leave as is.

Discussion of section C-21: Powers and Duties of the Town Manager

- item J is different from the other items in C-21: "efficient" refers to making operations more effective; it is implied by the other powers and duties of the Town Manager in this paragraph (C-21)
- eliminate item J, it's a normal, expected part of the Town Manager's work; motion to remove (P. St. Germain, A. Durand)
- discussion: perhaps it should be rewritten?
- better to include the content of J-1 in the Manager's job description

-more discussion; motion carried, 7 Yea, 2 Nay

C-21 item L.: motion to correct the grammar and punctuation (P. Samuel, A. Durand)

-a number of members prefer to wait and make all grammatical corrections after the entire Charter has been reviewed; motion failed, 1 Yea, 1 Abstain, 7 Nay.

C. Consideration of Article V: Administrative Organization

Discussion of C-25, Town Attorney: *much* discussion; P. St. Germain moved, J. Cough seconded, to replace “require” in the 3rd sentence with “require/authorize”; more discussion followed;

-suggestion to replace “appoint” in the third sentence with “authorize”; more discussion, after which P. St. Germain rescinded his motion;

-J. Goldthwait suggested changing the title of C-25 to “Legal Counsel”; P. St. Germain moved, J. Goldthwait seconded, a relabeling of this paragraph as “Legal Counsel”; motion carried, 8 Yea, 1 Nay;

-P. St. Germain moved, J. Cough seconded, to recast the third sentence of C-25 to read, “The Town Council may appoint or authorize additional legal counsel as it may deem necessary.” Motion carried, 8 Yea, 1 Nay.

Discussion of C-24, Assessor:

-request to correct punctuation, for clarification of meaning: P. Samuel moved, J. Cough seconded, to insert a comma between the main clause and the participial phrase in the first sentence, so that it would read, “There shall be a single Assessor, appointed by the Town Manager.” Motion passed, 8 Yea, 1 Nay.

Discussion of C-23, Personnel Administration:

-a member observed that some other towns have more detail in the corresponding sections of their charters.

-the Chair asked the member to get more information to bring to the next meeting.

Discussion of C-26, Superintending School Committee:

-Section D., discussion of school committee members’ compensation:

-motion (J. Berberian, J. Cough) to remove the salary figures from section C-26D and add language necessary to approve the salaries of the committee members and the Chair, annually, at Town Meeting.

Motion carried, 8 Yea, 1 Nay

-Section E(1): all agreed that no change is necessary

-Section E(2): motion (P. Samuel, P. St. Germain) to correct this sentence by substituting “on behalf” for “in behalf”; motion carried unanimously.

Section E(3), timing for budget completion and submission to Town Manager: much discussion

-why does the school committee have so much time to complete their budget, compared with other departments?

- is there a liaison from Town Council to the School Committee during the budgeting process?
- yes, two from Town Council and one from Warrant Committee
- Town Manager commented that the school budget was received on time in past years, but not in 2018;
- shouldn't school budget be turned in earlier?
- Manager's reply: School Committee works on their budget, while the Town Manager constructs the main budget; Manager just incorporates the school budget with the other materials for the Warrant booklet; school budget could be late, for example, due to illness or because the school building was closed for some reason;
- P. St. Germain moved, J. Cough seconded, to table this discussion; motion carried unanimously.

5. Next agenda, for meeting on February 20th

- J. Goldthwait will be in the Chair, as M. Gurtler will be out of the country
- Please write down language for proposed changes and send out to Commission members early, if possible
- Please send grammatical changes to the Secretary by e-mail, or mark sections to be checked for grammar
- M. Searchfield will be absent for this meeting, but will try to attend by telephone.
- Motion to adjourn (P. St. Germain, J. Cough); carried unanimously, 10:28 AM

Respectfully submitted,

Patricia L. Samuel, Secretary