

## Minutes, Town of Bar Harbor Charter Commission, 6 March 2019

In the absence of Chair Michael Gurtler, and Vice-Chair Jill Goldthwait, the meeting was called to order at 8.30 AM and chaired by Member Peter St. Germain.

Present: Julie Berberian, Joe Cough, Anna Durand, Patricia Samuel, Martha Searchfield, Peter St. Germain, Christopher Strout; Excused Absences: Jill Goldthwait, Michael Gurtler.

1. Approve Agenda: It was moved and seconded (J. Cough, C. Strout) to approve the agenda as presented. Motion carried unanimously.

2. Adopt minutes, of February 20<sup>th</sup> meeting: It was moved and seconded (C. Strout, M. Searchfield) to adopt the minutes as distributed. Motion carried, 6 Yeas (Berberian, Durand, Samuel, Searchfield, St. Germain, Strout), 1 Abstention (J.Cough).

3. Public Comment Period: Three members of the public were present but no-one wished to speak.

4. Items for Discussion:

### A. Article VIII, Elections and Nominations

\*After considering a recommendation by the Town Clerk, it was moved and seconded (M. Searchfield, J. Cough) to amend Article VIII, par. C-40 B, Filing and acceptance of nomination petitions, by increasing the time before the day of election from 45 days to 60 days. This will provide more time for ballot printing and will bring Bar Harbor's procedures into conformance with those of the State of Maine. The motion carried unanimously.

\*Consideration of par. C-39 A, Conduct of elections: possibly changing the method of electing members of the Warrant Com. from electing all 22 members via a slate, to electing each member individually via secret ballot.

-Some discussion followed

- a member who also sits on the Warrant Com. asked the Commission whether she should step down from discussions of the Warrant Com. for ethical reasons. After some discussion, all Charter Commission members present, which constituted a quorum, agreed that she should continue to participate in all the business of the Commission.

-proposal to strike the phrase, "and the members of the Warrant Committee", from par. C-39A. It was agreed to defer this discussion until consideration of Article VII, Warrant Committee.

-should the day of the week of Open Town meeting be changed? All agreed to defer this discussion to a later time.

\*continued discussion of Warrant Com.

-Why, historically, is Warrant Com. elected by a slate?

-possibly the view of Warrant Com. was different: Warrant C. advised Town Council and Town Meeting; now the tone of public discourse is so much more divisive

-a member who hears a lot about Warrant Com. reported that many residents don't like electing a slate; say that they don't like voting on some items at Open Town Meeting because they want to vote privately, that voting in a booth is more efficient.

-another member supports regular election of Warrant Com., has also been told by many residents that they don't like electing a slate

-finding 22 people each year, including many new ones, is not always possible

\*new topic, possibly electing Planning Board; Planning Board members should be elected because of the prominence of land use as a town topic

-if so, would Warrant Com. continue to review Land Use items?

-more eyes studying warrant articles is good

-Town Council must take action to place proposed Land Use Ordinance changes on the ballot (the Warrant)

-Planning Board & Town Council both hold public hearings; not sure it is necessary to elect the Planning Board because Town Council makes the decision whether a Land Use Ordinance goes forward; electing the Planning Board may lead to greater contention

-Planning Board has a fair amount of influence; there have been problems with Warrant Com. sub-committees weighing in on Land Use amendments, then the entire Warrant Com. following the sub-committees' opinions; relying too much on reports from the sub-committees becomes an easy way out

-it concerns a member greatly that there is no public input allowed by Warrant Com.

-it is good for the Warrant Com. to study Planning Board proposals as they are being formulated, keeping in mind that, in most cases, killing a Land Use proposal at the last minute delays the process for an entire year

-another member agrees that more eyes studying a document is good, but the recommendation by Planning Board is most important, so also is having clean language with no poison pills or inadvertent conflicts in the document

-suggestion to make Warrant Com. smaller in size and convert Warrant Com. to a budget committee; this would streamline the process and get more public input during the process: something to think about

-another member would like to have more of this discussion, but asks to defer it until we study Article VII, so we can finish Articles IX, X, and XI

-another member sees the point of the streamlining proposal above, but would like to have time to digest it

-it's always a problem to have unopposed candidates for office; how would we present this proposed major change to the public?

\* a question for the Town Clerk regarding tie votes: how are they resolved?

\*future topic: term limits?

## B. Article IX, Initiative and Referendum

\* regarding "poison pill" initiatives: it makes no sense to have one warrant article overrule another article on the same warrant; a recent example given

-much discussion followed

-it is town policy that citizen petitions must be printed as submitted, even if confusing or contradictory

-referring to the "poison pill" example above, the articles themselves were not poisoned, they became so because of the "poison pill" from the state Dept. of Transportation

-anything we can do about this in future?

-not in that case, because the "poison pill" was a condition of sale (of the ferry terminal property to the town)

-can we avoid "poison pill" by language?

-the Town Manager explained what happened during the ferry terminal site negotiations with the State Department of Transportation (DOT)

\* a member observed that this sort of thing could happen again

-there can be unintended consequences of not considering language

--there must be a legal review, by state law, but public hearings can explain a situation to the voters

--there can be explanations in the newspaper as well

--State of California publishes and distributes a newspaper-size booklet explaining ballot issues; our Town Council could do this here

-- this is not in our charter

--it is in the charters of other Maine towns

--this could help public awareness

--look at Freeport's charter: will be distributed

\* par.C-48 A is clear as it stands

\* par. C-48 B (1) (a): make the language clearer

-par.C-48 B(1) (a) directs Council to **act**

-much discussion; Secretary will get clarification

\* term limits? In the Charter?

-what if no available candidates?

-what if sudden vacancy on Town Council?

-position would be temporarily by appointment until the next election

-discussion of term limits, appointments, many vacancies simultaneously

- question about continuance; more information required

\* in view of the time, Commission agreed to defer par. C-48 B until next meeting, March 20, 2019

#### 5. Agenda for March 20<sup>th</sup> meeting

-- finish Article IX, then review what we have done; substantial items refer to Articles III (Town Council) and VII (Warrant Com.) and will be taken up when these two articles are considered

--take up items requiring additional information, as it becomes available

-- Article VII, Warrant Committee

#### 6. Adjournment

It was moved and seconded (M. Searchfield, J. Berberian) to adjourn, unanimously passed, 10:38 AM.

Respectfully submitted,

Patricia L. Samuel,

Secretary