

Minutes: Charter Commission Public Hearing, June 24, 2019, 7 PM

The meeting was called to order at 7 PM by the Commission Chair, Michael Gurtler. All the Commission members were present: Julie Berberian, Joseph Cough, Anna Durand, Jill Goldthwait, Michael Gurtler, Peter St. Germain, Patricia Samuel, Martha Searchfield, Christopher Strout. After the other members of the Commission introduced themselves the Chair gave a short slide presentation to bring the audience up to date on the work of the Commission thus far. He encouraged members of the audience to ask questions for clarity about the introductory material, but to save their comments for the Public Hearing section of the meeting.

1) Agenda slide

2)Timeline for the Commission slide:

All meetings are open and the commission is available via e-mail at chartercomm@barharbormaine.gov. There was a Public Hearing in January 2019. Information for the Commission comes from Town Staff, Public Comments at each meeting and other contributions from the public, and descriptions of the governments of other Maine towns.

3) Outcomes Timeline slide:

Continue semi-monthly meetings; continued citizen input; Draft Report due in September; Public Hearing; Review by Town Attorney; Final Report due in December; Public Hearing; June Town Meeting vote.

Question: (Speaker 1) Will the entire Charter be voted on in a single vote, or will it be voted section-by-section? *Reply:* (Mike Gurtler) Believe it must be the entire document in one vote, but will check.

4)Goals slide:

Maintain citizen involvement in town government; Efficiency in processes (time and Staff); Continued review of the Warrant by citizens

5)General Changes slide:

Technical (e.g. use of clickers for hand counts at Open Town Meeting; Article VIII, request of Town Clerk to change the time of submission of nomination papers from 45 days to 60 days, to allow sufficient time for verifying the information, brings our charter into conformity with the other Maine towns; remove specific salary amounts, as Charter only revised every 10 years or so; updated Budget timeline; Public Hearing for initiative petitions and referenda; grammatical review.

6)Changes to Article VII, Warrant Committee (diagram):

Proposed organization of functions: with the assistance of Town Staff, the Land Use, School, Budget functions feed into Town Council, and then to Town Meeting; there are two stages of review for each function. Initiative Petitions and Referenda would be reviewed by Public Hearing, but with no formal recommendations; Warrant Committee as currently construed would refocus its work on the Budget. The language for the Superintending School Committee would be moved to Article VII and Planning/Planning Board would be added to the Charter in Article VII.

Question: (Speaker 2) Why considering a Warrant Com. change first, before Planning Board incorporation; *Reply:* (Mike Gurtler) We have been through the entire Charter once since January and have been discussing this structure (on the slide) about 6 – 8 weeks.

Question: (Speaker 3) What's the problem that needs fixing? Why do this? *Reply:* (Mike Gurtler) citizen involvement balanced with efficiency. We have heard from a number of people that we need more efficiency. Chair asked Charter Comm. members if they had comments: *Reply:* (Julie Berberian) Not everyone on the Commission is in agreement about the proposed structure.

Question: (Speaker 4) Are you hiring someone for each of these functions? *Reply:* (Mike Gurtler) School Com. has 5 elected members, probably no change; Land use, elected and/or appointed? Budget Com.: elected, size not decided. *A further question, same speaker:* Why isn't Warrant Com. there? *Reply:* (Mike Gurtler) Citizen involvement coupled with efficient operation.

Question: (Speaker 2) Why no Warrant Com.?...Citizen participation with efficiency, but why smaller? Is the size of Warrant Com. driving this? Many people comment that 22 members are good. *Reply:* (Mike Gurtler) Size reduction comes from Warrant Com. refocusing on the budget.

Question: (Speaker 5) There are three elected in Town government now, Town Council, School Com., Warrant Com. Where are the checks and balances? *Reply:* Staff generates information, then would give it to the School Com., Planning Board, and Budget Com. (*Further question*): would the Budget Com. be elected? *Reply:* (Mike Gurtler) yes

Question: (Speaker 6) Of the three elected bodies, Warrant Com. is elected by slate now; how many bodies are elected by slate? *Reply:* (Mike Gurtler) Only Warrant Com. Prior to Charter Comm. being called, Warrant Com. made a suggestion for individually-elected members

Question: (Speaker 7) You said you reviewed information from other towns; how many have a Warrant Com., a Budget Com., or both? *Reply* (Jill Goldthwait): I think most towns have neither. We have a modified Town Meeting form of government; a minority of towns have this. We looked at other towns for specific comparisons.

Question: (Speaker 2) Have you looked at Warrant Committee's proposal? Is it not considered? *Reply:* (Mike Gurtler): We studied that, discussed the Warrant Com's proposal. There isn't anything that is done yet.

Question: (Speaker 8) Increase efficiency? How is this done? *Reply:* (Mike Gurtler) Shorten the budget process, but maintain a level of citizen review.

Jill Goldthwait, Vice-Chair: I think we're missing good information because we're not getting the Public Hearing underway, so that questions and comments can be recorded.

Public Hearing opened by the Chair, Michael Gurtler.

[*Mike Handwerk, member Warrant Com.*]: Consider change, voter trust, and diverse community consensus; change should perfect the process; voters trust the Warrant Com., votes of Warrant Com. are a trusted recommendation; example: which would you trust more: a vote of 1, a vote 4-to-3, or a vote of 12-to-10, which has less inherent error?

[*Gary Conrad*]: concerned about the rationale for proposing to eliminate the Warrant Com.; discussion around the opposition of Warrant Com. to Council's recommendations on the initiatives at June Town Meeting...it's *not concern* for efficiency, but concern that opposition to Council's opinion is wrong; a difference of opinion between Town Council and Warrant Com. is OK

[Jake Jagel]: reviewed the infamous business several years ago with “repeal and replace” LUO changes, three times the Warrant Com. found substantive errors after review by Planning Board and Town Council; on the third try the revised LUO passed, incorporating Appendix C with the body of the LUO eventually passed; The newspaper article (he did not say which one) about this was not true; WHY is there no review of LUO by Warrant Com. in the new plan? What’s broken?

[Tom Burton]: Thank You to Charter Comm.. His philosophy on town government: only 20% of town voters pay attention to government, and they are very much for, or very much against, issues. Example: we talked about parking; we need to work on housing; we need more planning. There is a problem with communication among ourselves. I’m afraid you guys are being used as a political tool.

[Tom Crikelair]: He has observed conflict in recent years between Warrant Com. and Town Council; this doesn’t concern him. We shouldn’t change government structure based on the conflict of the moment. His introduction to town government was via Warrant Com.; the process is incredibly wonderful; the budget is the best part: it’s slow, but what’s the hurry? Many Town Councilors started in Warrant Com., it’s what introduces people to town government, and the government gets to know the new members; try term limits, etc.

[Ty Tian sp?]: She supports Warrant Com., it’s the most approachable of committees with which to get involved; it is younger people’s introduction.

[Barbara Fenderson]: I’m reading a message from Noreen Hunter: She has concerns about eliminating Warrant Com., conflicts of interest, and oversight.

[Liz Case]: served on Warrant Com. and Appeals Board; her son, 26, asked her if he should serve on Warrant Com; there are not many young people. We should be more inclusive in town government. Town effort should be placed on other issues, e.g. housing

[Ivan Rasmussen]: has served on several boards and committees; 5 or 7 or 9 members would be a good size for Warrant Com., not 22. There’s nothing magic about 22; Warrant Com. could be drastically reduced in size. We need a smaller, more efficient committee.

[Emily Henry]: served about 9 years on Warrant Com.; started young, with many opinions; Warrant Com. felt more accessible and less intimidating than others, the perfect opportunity to get involved. She could answer neighbors’ questions or refer them to an appropriate person for information. Warrant Com. is a way in. We, the town, have big decisions now, complex and divisive ones full of gray areas; we need as much communication and involvement as possible; complex issues take the time that they take and take community involvement to solve.

[Judie Noonan]: currently a Councilor; does not understand why there is antagonistic conflict between Warrant Com. and Town Council when we are all supposed to be on the same team; maybe we need more joint meetings; we need to try to work together for the good of the town.

[Sherry Rasmussen]: I have served on 3 town committees, a task force, and chaired two of these; I invite young people to serve; you are welcome; there are *many* committees with positions open; there are plenty of jobs open.

[Carol Chappel]: has heard from our meetings that Warrant Com. would morph to a budget com.; who will monitor Planning Board to check Land Use amendments? We would be losing checks and balances on LUO; a body would be reviewing its own work. Warrant Com. serves as a second set of eyes; she is very curious

[Carol Ryan]: Where is concern about efficiency coming from? Who is inconvenienced? It is not the right moment to eliminate Warrant Com.; where is the inefficiency; who is really bothered?

[Abigail Conrad]: newish member of town, no service yet; she likes the recommendations on the ballot, they are helpful to her; will the committee recommendations also appear on the ballot under the new system?

[Diane Vreeland]: Why on earth are you considering eliminating the Warrant Com.? It works extremely well. There would be no checks on Planning Board, which creates the amendments to the LUO ; the new small committee couldn't do all this work, and would make citizens uneasy; why eliminate something good that has worked for many?

[Seth Libby]: current Warrant Com. Chair; the “diatribe” at the last Warrant Com. meeting of 2017 was that he apologized to Warrant Com. for accusations from Town Council, attacks by members Town Council on Warrant Com.. Among other charges, he was accused of gender discrimination & sexual orientation discrimination but the voters decided. Warrant Com. is the most diverse body in this town. The only checks on Town Council are the Warrant Com. and initiative petitions; he will send material to Charter Comm. about what Warrant Com. wants to do to improve efficiency, e.g. joint meetings with Staff & Town Council; applause followed.

[Donna Karlson]: thanked Charter Comm.; Seth Libby often reminds her of how often Warrant Com. agrees with Town Council; the group is focused on their task; it's a dynamic committee; the chart shown here (on slide) is confusing to follow: In this town land is key; need as much review as possible; she wants a larger Planning Board

[Charles Sidman]: has heard all the appreciation for Warrant Com.; Warrant Com. reports directly to Town Meeting; he predicts that the Warrant Com. part of this Charter revision proposal, as currently suggested, will be voted down

[Michelle Gagnon]: Bar Harbor Planning Director & resident: gave information about number and size of, and differences among, Maine towns that use our system; consider changing the process for land use amendments; recommends against electing members of the Planning Board

[Matt Hochman, Town Councilor]: has no opinion on (these) issues one way or the other, but supports Warrant Com's recommendations to Town Council for staggered terms, members individually elected, 3-year terms, etc.

[James Kitler]: Warrant Com., Chair of Public Works & Harbor Sub-Com.; interesting discussion; the fact that the Planning Board didn't understand the Appendix C item is disturbing, but it was a problem to be solved; doesn't mean the Warrant Com. was too big. The School Com. does what it does. He's very impressed with staff. Finally, there are no simple answers

[Wendy Carney]: 40 years in Bar Harbor, proud to live here, proud of the way the town functions – we have enough people for detailed review; she favors keeping it (the present system); if a choice is made between efficiency & democracy, we know who made the trains run on time; don't sacrifice democracy for efficiency

[Dessa Dancy]: Thank you to Charter Comm.; she referred to M. Gurtler saying earlier that the state allows for charter approvals 1) the entire charter voted on as one item or 2) charter modifications as separate items; Mike pointed out that the item-by-item voting was for minor modifications and that

adding the Planning Board to our charter is not considered a minor modification (tiff...apology...continued); [Dessa D.]: Please explain *why* we're doing all this hard work.

***** Members of the Charter Commission responded to questions that were asked during the hearing:

1) Will recommendations of reviewing committees/bodies continue to be published on the Warrant? response (Mike Gurtler): Yes.

2) Efficiency – response (Mike Gurtler): Inefficiency comments came mostly from the initial Public Hearing on January 7th, 2019, from people who have been active in town government; another commission member thinks this concern goes back even farther. The minutes of that public hearing reflect the video recording of the hearing & are published on the town website under “Charter Commission”.

3) Explanation of the organization chart presented on tonight’s slide: response (Mike Gurtler) For checks and balances there are two levels of review. The lines do not represent supervision, but work flow: staff gives information to the 3 bodies, who review; then they pass their work to Town Council, who reviews, and then passes to Town Meeting for decisions.

4) Question, who is being inconvenienced? Response (Jill Goldthwait): *You are*. Bar Harbor is the 3rd-largest town/city in Maine during July and August. Our staff is very well-qualified and their time is so precious; there are many things to which they must respond, sometimes immediately; when staff is occupied with inefficiency in governmental mechanics, they don’t have enough time for working on other needs/situations of the town, e.g. short-term rentals, housing, congestion, ferries, cruise ships, etc. Then you, and all of us, are inconvenienced.

5) The Chair, Mike Gurtler, apologized to Dessa Dancy and explained the state regulations voting of Charter proposed changes. Only minor changes in a charter revision can be voted separately; when there is a major change as part of a charter revision, then the entire charter must be voted on as a single item.

6) Question from Jake Jagel: What is broken? Response (Mike Gurtler): I wouldn’t use the word, “broken”; I have heard a number of really great ideas this evening, which will be taken into consideration.

Additional information (member Patricia Samuel): During the time of the process of “repeal and replace” of the Land Use Ordinance organization that went back and forth, everybody needs to keep in mind that *we did not have a professional Planner*; the Planning Board was doing the best it could, but there was no professional planner to work with them. Now we have a really good one and we’re all looking for great things. When Appendix C was finally incorporated with the body of the Land Use Ordinance we *did* have a professional Planner for that. He helped highlight the necessity in this town, which has so many challenging situations, for professional planning.

Respectfully submitted.

Patricia Samuel,

Secretary