

MINUTES, Bar Harbor Charter Commission, July 15, 2019

1. The meeting was called to order at 7 PM by the Chair, Michael Gurtler. Members present: : Julie Berberian, Joseph Cough, Anna Durand, Jill Goldthwait, Michael Gurtler, Peter St. Germain, Patricia Samuel, Martha Searchfield (a few minutes late), Christopher Strout

2. It was moved (J. Cough, P. St. Germain) to amend the agenda to move Item 5 (proposed addition to section C-7) to follow Item 3 (Public Comment Period). Motion passed unanimously.

2. It was moved and seconded (P. St. Germain, J. Cough) to approve the minutes of July 9, 2019 with the addition of the handout and letter from Planning Director Michele Gagnon. The motion passed with one absence (M. Searchfield, arrived a few minutes later, during the Public Comment period) and two abstentions due to absence from that meeting (J. Goldthwait, P. Samuel).

3. Public Comment Period:

** Ellen Dohmen, Chair, Board of Appeals, Past Chair, Planning Board, working experience with Land Use Ordinance (LUO) since 1999: Having grown up in town government with the LUO, she is troubled by the amount of *dis-information* concerning LUO; often Warrant Com. has inadequate information on the LUO, particularly its *limitations*. Minimum time for a LUO change is 1 – 1.5 years. She is not sure how she feels about Warrant Com. voting recommendations on proposed LUO amendments; If this practice continues then Warrant Com. needs to discuss, with Planning Board, not just the proposed amendment but also the related things in LUO.

** Donna Karlson, Warrant C. member: There is a citizenry in town who understands LUO, and has put time into it. Support continued review by Warrant Com., and citizen vote on LUO amendments. Question re: term limits – for Warrant Com., or all bodies? *Reply by M. Gurtler, Chair: no decisions yet*

** Dessa Dancy: Warrant C. with an inadequate understanding of LUO? *They are not. Some attend Planning Bd. meetings; some have a planning background; review is intense and detailed.*

As there were no other speakers, the Public Comment Period was closed, 7.11 PM.

4. (formerly # 5) Motion (P. Samuel) defeated, 9 Nays, 1 Yea (P. Samuel).

5. (formerly #4) Action Item: Article VII – Warrant Committee (for discussion)

a) Warrant Com. previous proposed changes (see attached) : Move to require (Chris S., Peter St.G.) nomination papers and ballot election.

- at some point we need to decide Warrant Com. or Budget Com.

- Chris S. proposed to amend: any elected board or committee shall be via nomination papers and ballot. Peter St. G. accepted this amendment.

- Martha S. – what ballot, regular one (in voting booth)? Discussion

- Jill G.: voter for a year previously? Vote each candidate separately? The Chair: yes to both
- ** Motion carried, unanimously
- Rotating three-year terms, 1/3 of committee/board members per class: Moved (Chris. S, Patricia S.) Apply this requirement to all elected bodies. ** Motion carried unanimously.
- Term limits: Moved (Chris S., Peter St.G.) to cease discussion of term limits. Discussion followed. ** Motion carried, five in favor, four opposed.
- One-year residency? Moved (Jill G., Peter St.G.) that only persons eligible to vote in Bar Harbor and registered for one year be eligible to run. Discussion: Is this consistent with School Com. practice ? yes; Is this a real issue? ** Call for the question: eight Yea, one Opposed (Mike G.) Motion carried
- Duties: reported that Seth Libby, current Warrant Com. Chair, agrees that Warrant Com. need not review the School Budget.
- Anna D.: She talked with the chair of the Mount Desert Warrant Com. They look at everything, but not with sub-committees. We could recommend this. Mt. Desert WC chair said that, in the past, some sub-committees didn't get their work done; with *no* sub-committees, everyone showed up.
- Julie B.: Is Public Hearing adequate? Trust issue?
- Mike. G.: Do people *only* trust Warrant Com.?
- Julie B.: People trust the Warrant Com. because of its diversity.
- There are five items for possible Warrant Com. review: LUO amendments, School budget, municipal budgets, initiatives & referenda, town charter revisions
- Peter St.G.: Moved (sec. Joe C.) to continue review of LUO amendments by Warrant Com.; he dislikes Warrant Com. not holding Public Hearings; Warrant Com. does not have to allow any public comment; sub-committees can meet with whom they choose; they may, if they choose, not allow other input; this to him is egregious. ** Motion failed, 4 Yea, 5 Nay
- Chris S.: regarding terms and term limits, Town Council and School Com. are prohibited from serving on other bodies;
- Peter St. G.: include LUO, Town Charter, and Budget in Warrant Com. duties
- Martha moved (Joe C. sec.) that there be a Budget Com. in some form, which would review municipal budgets but not the school budget. ** motion passed, 7 Yea, 2 Nay (Chris S., Julie B.)
- Mike G.: if we make a new name for Warrant Com.?
- Jill G.: wants a motion to call the body the Warrant Com.
- Mike G., Chair: called for members' preferences for Warrant Com. duties

- Martha S.: budgets and Town Charter review
- Anna D.: Land Use, budgets (not School)
- Julie B. and Pat S.: all items
- Mike G.: LUO, municipal budget (not School)
- Jill G. and Chris S.: budget only, but maybe LUO
- Peter St. G.: changed his preference to LUO and Budget
- Joe C.: budget only

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- Question from the Chair: Chris S. would like to explore the suggestions from the Planning Director this evening
- Jill G.: nine members want the Warrant Com. to review the municipal budget; can that be voted?
- 6. - Jill G.: let's discuss the Planning Director's suggestions
- much discussion with Joe C., Planning Board member
- Anna D.: the public clearly respects Michele G. (Planning Dir.)
- Joe C.: not happy with Town Council voting on LUO, but would support it **only** if there were a strong majority, such as 5-2, 6-1, 7-0; he thinks Council would punt on a controversial issue and put it on the warrant
- Martha S.: likes the 2/3 majority; there would be review via Public Hearing
- Anna D.: this is **not** two reviews, **not** a second set of eyes
- Peter St.G.: Town Council has responsibility for setting policy, but not sure they should do this; giving Council the authority to vote on LUO may very well torpedo the Charter
- Jill G.: people seem to want recommendations; but there is an inconsistency: why vote if there is a super majority of Council; when town (the voters) gets skeptical, put it on the warrant
- Jill G.: we need to set this up; would be good with a super majority and no town vote
- Chris S.: likes Joe C's suggestion; likes Michele G's (Planning Dir.) concepts; wants shorter review; finds it unpalatable
- Jill G.: our job is to help people; Town Council listens now; a piece of this is public process, lots of it
- Joe C. asked for permission to speak to a member, Julie B.: do you look at language, policy, or both? Julie B.: the com. really studies the language; Anna D.: it could be either; concerned that

Warrant Com. would be looking at Planning Board's work with foreknowledge; Peter St. G.: 60:40 language : policy

- Joe C.: an idea: 5 members on Planning Board; what if Warrant Com. elected to send 3 members to any and all Planning Board meetings, for information and understanding; then have Warrant Com. vote on it

- Mike G.: why not have entire Warrant Com. meet with Planning Board?

- Jill G.: we must be clear about authorizing Town Council to pass, or not, LUO amendments

- Julie B.: as long as people are involved who are not benefitting

Joe C.: constraints include expense, advertising 4 months ahead, can't streamline, Town Council approach may be the way

Jill G.: another big issue is the complexity of LUO; is it reasonable to expect Warrant Com. to learn/know all this?

SUMMARY (re: Warrant Com. duties):

- School budget: No

- Municipal budget: Yes

- any motions?

- Martha S., Joe C.: Move that initiatives and referenda are not reviewed by Warrant Com.; ** two opposed (Anna D., Julie B.), 7 in favor

- Move that Warrant Com. not review the School budget; ** members unanimous in favor;

- Mike G.: LUO motion?

- Jill G.: reviewing proposed LUO process worked up same way: Planning Board and Town Council Workshops, public hearings, then super majority required for both bodies; Planning Board and Town Council must have a super majority of **members**, not just people present.

- Chris S.: about how Warrant Com. can participate?

- Julie B.: three people would be given too much power (Planning Bd.) ?

- Anna: can't see that Planning Board and Town Council are more important than the voters

- Mike G.: motion?

- Jill G.: moves (Peter St. G. sec.) that LUO changes are passed by a supermajority of four (4) members of Planning Board; passed: 7 Yea, 2 Nay (Anna D., Julie B.)

- Jill G.: Moves (Martha S. sec.) to retain Warrant Com., which is authorized to review the town municipal budgets.

- Julie B.: what I heard at the Public Hearing is pretty much the same
- Chris S.: he's *for* Warrant Com. review of LUO but with Planning Board/Town Council votes.
- Jill G.: *Question*: Is that motivating to Warrant Com. members to join?
- Anna D.: thinks more initiative petitions will result if this passes

7. Time Line

- Mike G., Chair: we each spend time talking with citizens, not just our friends, but people who likely think differently than we do, recording answers and numbers
- Next Meetings in August: Monday, August 5th and Monday, August 19th
- On August 19th we will be assembling the pieces for a draft of proposed changes, an important meeting
- We could possibly consider a minority report. Each of us needs to look at the members who voted differently from us.
- The commission asked the Town Manager (Cornell K.) about posting letters on the Town web site; letters are not published on the town web site.
- Martha S. moved to adjourn, 9.38 PM.

Respectfully submitted,

Patricia L. Samuel, Secretary