

Minutes, Bar Harbor Charter Commission, August 5, 2019

The meeting was called to order at 7.01 PM by the Chair, Michael Gurtler. Members present were Joseph Cough, Anna Durand, Jill Goldthwait, Michael Gurtler, Peter St. Germain, Patricia Samuel, Christopher Strout, and (a bit late) Julie Berberian; absent: Martha Searchfield.

1. It was moved (P. St. Germain, C. Strout) to add a presentation by the Planning Director, Michelle Gagnon, on procedures for amending the Land Use Ordinance Item 4 of the agenda. The amended agenda was unanimously accepted.

2. It was moved (P. St. Germain, J. Goldthwait) to adopt the final version of the minutes of the July 15th meeting. Adopted unanimously.

3. Public Comment Period

a) Ivan Rasmussen: Since the last Public Hearing he's been thinking about the Charter Commission possibly altering some language in the Warrant Committee Article, Article 7: Warrant Com. should refrain from discussing or voting on any proposed changes to Article 7 of the Town Charter.

b) Donna Karlson: About Public Hearing and Public Comment Period: how are these two terms defined? She has not heard from the Charter Commission about points brought up at the most recent Public Hearing. Is there a way to incorporate additional time?

As there were no other people wishing to speak, the Public Comment Period was closed.

4. a. Comments from Charter Commission members on their conversations with town residents regarding proposed changes to the Charter, or changes they would like to see:

** A. Durand: comments (30) ranged the gamut from, "all is B.S. to we (Chtr. C) are going in the right direction; interested in the philosophical substance of input, high value, also efficiency. On question of popular vote on LUO, 20 "yes", 10 "no". Some said that Warrant Com. is a little off the rails, going in circles, polarized; Town Council works together better.

** J. Berberian: don't really know much about Warrant Com.: they review stuff; Warrant Com should not do LUO; Warrant Com. could be smaller: budget "yes," LUO, "no;"

** C. Strout: sense from a lot of people that they didn't understand how the Warrant Com is elected; nearly all saw value in the recommendations on the warrant; some surprised at how Warrant Com. wants to change its election process – more representation, more value. No-one wants 22 members, not firm on which smaller size; on Warrant Com. reviewing LUO amendment proposals, 50-50 split; super majority of both Planning Board and Town Council to amend LUO a *good* thing, as the process could go faster, but not sure how to incorporate Warrant Com. for review.

** P. St. Germain: 2 groups, people in lodging and people in construction: Lodging people: all but one said election of Warrant Com. members should be a regular election; all wanted a smaller group (Warrant Com.); none of them valued having comments on the Warrant questions.

Construction people: very strong opinions on the LUO; if LUO amendments are under the purview of the Warrant Com., then the committee should be smaller; Warrant Com. needs to understand the impact of LUO amendments; the people interviewed did not appreciate how long it takes to construct the budget; electronic tallies at Open Town Meeting: all want this, it might bring in more people, voting is more private with clickers.

** P. Samuel: people interviewed were primarily neighbors, fellow church members, and some business owners; some were/had been active in town government, e.g. former Planning Board chair, former Warrant Com. chair, others not; many wanted a faster LUO amendment approval process, some considered the super majority of Planning Board and Town Council an attractive idea, as long as there was plenty of public inclusion in the LUO development process; most favored a smaller Warrant Com.

** M. Gurtler: very few people he interviewed understand how town government works; many used the recommendations on the Warrant; when he asked, "Why vote?", they had no answers. smaller Warrant Com? -yes; "clickers" at Open Town Meeting? -yes; a few said to stop having Open Town Meeting; about half said the Planning Board plus Town Council super majority vote to pass LUO amendments was a good idea; a number of people asked why the LUO process is so contentious?

** J. Goldthwait: 14 people, none attend Open Town Meeting; Warrant Com. recommendations on ballot, Yes; pay attention to newspaper; they started by being against change, then "why do this?"; Jill explained, then people said "OK, it makes sense"; a few (4) wanted no change in anything; Super Majority idea for LUO process makes sense for most people.

** J. Cough: A few people didn't know Charter Comm. is in session; speed up the budget process and, especially, LUO changes; intrigued with the super majority idea; "yes" to electronic clickers at Open Town Meeting, but be able to recapture that vote; some wanted to wait a little longer to make up their minds.

4. b. Proposal and discussion with Michele Gagnon, Planning Director

- A packet containing 1) a memo about the current state of the Land Use Ordinance (LUO) and its value as a useful document for Bar Harbor residents; 2) state law regarding land use planning; 3) a preliminary proposed work flow diagram for reorganizing and amending the LUO; and 4) a chart of the currently required deadlines and schedule for LUO votes to be taken at the June 2020 Town Meeting was distributed to Commission members and members of the public.

- explained how planning works

- we (the town) end up living with things in LUO not working like they should be because tweaking LUO is so difficult

- not enough public participation in the planning process

- Question: is the LUO working, or should it change?
- state law is the minimum
- flow chart (distributed to all present) is a **first** draft
- she wants *meaningful* citizen engagement; truly listen to people, discuss; we're stuck in a process that doesn't work well
- Town Council makes policy; Planning Board makes some policy but Planning Board *reviews* documents for workability
- question re: initiative petitions; – reply: would have to think about it; someone should work closely with the petitioner; adversarial route not necessarily needed; we need to come together somewhere
- We *can* do better!

4.c. Justifications for changes

- likes meaningful citizen engagement opportunities
- get the main issues in front of the town for explanation and discussion: newspaper? other means? educational effort, in chunks, over time
- take rough draft, select significant changes, give reasoning for the proposed changes
- the chair volunteered to send us (members) a list of changes, then we can write justifications; example: recommended size of Warrant Com., could give a range of numbers
- comment: initial vote on Warrant Com. size was 9
- some stuff is in flux, e.g. 9 or 15 members for the Warrant Com.?
- last meeting we were trying to hammer in numbers, e.g. 9 members if budget only but 15 better if additional duties; as another member has said, let's get the ideas and rationale for each written down; speaker could change opinion on some things if a particular item would tank the document; wants something that's going to pass with the voters
- rationales needed that we *all* agree on
- we need to get people **out** to vote
- individually we could give "plus" or "minus" for proposed changes
- some will be easy, others not; now we're beginning to gel, to close in on some of the major items; don't get too specific about numbers now, do not want to confuse people; example: Should the Warrant Com. be smaller, and Why? Another example: How should we amend the LUO?; get changes we're focusing on lined up, later work out the details

- the chair spoke to Liz Graves (editor, MDIslander) about newspaper coverage
 - all of us should start working, need not wait for the chair's list; "efficiency" may not be a helpful word in every context; also, there's no such thing as more or less democracy
 - question: mechanism for minority report?
 - reply, explaining legislative procedure: in legislative committees, a minority report is a separate proposal to the voters; a minority report goes to the voters to decide
 - the chair will get an opinion from the town attorney
5. Our Draft document is due to Council about October 15th
 6. It was moved (P. St. Germain, J. Cough) and voted to adjourn, 8.22 PM