

Minutes, Bar Harbor Charter Commission, 21 Jan. 2020

The meeting was called to order at 8.30 AM by the Chair, Michael Gurtler. All members were present: Joseph Cough, Julie Berberian, Anna Durand, Jill Goldthwait, Michael Gurtler, Peter St. Germain, Patricia Samuel, Martha Searchfield, Christopher Strout.

1. It was moved (M. Searchfield, P. St. Germain) to adopt the agenda as distributed. Motion carried unanimously.

2. It was moved (P. St.Germain, J. Goldthwait) to adopt the minutes of the 6 January 2020 meeting; motion carried unanimously. Announcement : a Bar Harbor resident, Arthur Greif, recently sent a letter directly to the Town Attorney, copied to the Town Manager.

3. Public comment period: none of the attendees wished to speak.

4. Discussion Items

a. Public Hearing: * a member commented that a speaker at the Jan. 13th Public Hearing asked a question that the member wants the Commission to discuss and answer (one question or multiple questions on the warrant?); other than that there was nothing unexpected;

* another member- nothing unexpected;

* a member who was out of town watched the hearing, asked that the commission look at Charter Question #1, C-5 C. (1)(a) and C-5 C.(2)(b) : what is the procedure for Initiatives that are proposed Land Use Ordinance amendments? Also, clarify the rationale for Initiatives; look at Question #7, should it be split, so that the number of Warrant Com. members (22) is a separate question?; also this member was dismayed that we weren't perceived to be clear about minor Land Use Ordinance changes; also we need to make clear that we are not disallowing Warrant Com. sub-committees, but town staff will present budget information to the full bodies of the Warrant Com. and Town Council and answer questions at joint meetings.

* a fourth member observed that attendance was lower at this public hearing than previous ones; gave explanation of the policy of payment to obtain paper copies of large documents beyond a certain number of pages; commented that one of the speakers near the end of the the hearing was particularly thoughtful and respectful; overall the evening was discouraging;

* a fifth member observed that some people seemed to be confused over (1) joint budget meetings of Warrant Com. and Town Council with town staff, and (2)

allowing electronic tally-type voting at Open Town Meeting, should Town Council so choose;

* a fifth member agreed with other members, while a sixth member concurred with some previous observations and wants us to examine the wording of Question #1; another member agrees.

4. (b) a member asked the Town Manager if any resident can communicate directly with the Town Attorney? Can we clarify as to who can do this?

* Format of Warrant Question #1: * add clarifying language re: citizen initiatives; Discussion followed: designate the responsibilities of the Warrant Com.; point out to voters that the origin of the proposed changes was a proposal to Town Council from the Warrant Com.;

* a member proposed moving the language about the number of Warrant Com members to Question #1 – many members supported this suggestion; a member pointed out that the idea to change the manner of election of Warrant Com. members and their number came from the Warrant Com. itself; should the number of Warrant Com. members be moved to Question #!/? general agreement.

* another member asked about proposed Land Use Ordinance amendments that are also citizen initiatives - Warrant Com. would not review these, since they are citizen initiatives, and as such come directly from citizens to Town Meeting for voting; discussion: this language needs to be changed to clarify;

* final language concerning Initiatives & Referenda having to do with the Land Use Ordinance will be presented and voted later, concepts voted now: Initiatives & Referenda that have to do with the Land use Ordinance would not be reviewed & recommended by the Warrant Com., but there would be a moderated Public Hearing; motion to adopt (P. St. Germain, M. Searchfield) passed unanimously.

* discussion of language to be used in order to move the material on the number of Warrant Com. members to Question #1; a member, recognizing that many people get their information before voting directly from the statement on the ballot itself, supported including the information on the number of Warrant com. members in the Question, on the ballot; wording:, “set” or “change” the number of members? straw poll, 7 Yeas for “set”, 2 Nays; more discussion around language; a member pointed out that Planning Board and Town Council should not be recommending on Initiatives and Referenda either;

* more discussion about language; P. St. Germain summarized the points under discussion:

1) clarify the recording of recommendations on town warrants and ballots,

- 2) set number of Warrant Com. members to 15, from 22,
- 3) responsibility of Warrant Com. to review Municipal Budget and Land Use Ordinance amendments
- 4) remove review/recommendation of Initiatives and Petitions

Straw poll: 7 Yeas, 2 Nays.

* New topic: a member pointed out that there are no preambles in Question #1 for C-5 C.(1) and C-5 C.(2), to differentiate items on the warrant from items on the ballot; It was moved (P. St. Germain, M. Searchfield) to clarify the difference between C-5 C.(1) and (2) and that Planning Board does not recommend on school budget and initiatives or referenda; Passed unanimously.

Question #3: The Town Council, C-10, general Powers & Duties: the Chair asked for comment on the use of the word, “minor”, objection to which was raised at the Public Hearing on Jan. 13; he pointed out that the word “minor” is used in legal documents by towns, states, and the federal government; a member stated that “minor” is fine; another member suggested removing “minor” from C-10 A.(9)(d) in the first phrase but leaving it in C-10 A.(9)(d)i , where its use with reference to the Land Use Ordinance is defined, with examples provided; another member supports “minor” as the appropriate word, definition is provided, its intent is clear; a third member supplied a revised version in order to avoid using “minor” in either place; a fourth member spoke; straw poll called, regarding the proposal to completely remove “minor”: proposal failed; moved and seconded (J. Goldthwait, P. St. Germain) to leave the word “minor” in following the word, “procedural” and remove the word “minor” from the phrase, C-10 A.(9)(d), “Adopt minor land use amendments...”; discussion: a member asked about adding “grammatical errors ,” as a specific type of error to the list of descriptors; another member stated that grammatical errors are errors and do not need to be identified separately; question was called, passed unanimously.

* new topic: Question #6, C-31: concerning the budget time-line: two members favored a 4th week for budget review; a third member advised letting the Town Manager tell us when the budget should be ready for review; a fourth member was more comfortable scheduling another (short) Charter Comm. meeting; Town Manager said the last Tuesday in January would work; moved and seconded (P. St. Germain, J. Cough) to change the date for submission of the budget to Town Council and Warrant Com. from the first Tuesday in February to the last Tuesday in January, section C-31 C.; some discussion – “last” Tuesday or “fourth” Tuesday? “fourth Tuesday” agreed; the motion was passed unanimously; a member asked a question regarding a possible power outage or something similar

interfering with the budget timeline; a member responded that the Town Council has emergency powers.

* The Chair: anything else to change in the Warrant Questions?

* a member: since the number of Warrant Com. members is being moved from Question #7 to Question #1, then C-34 A. Composition, should be removed from Question #7; all agreed;

* another member, regarding language concerning initiatives, referenda, and the school budget should be cast in the “exception” form, e.g. “except elections, school budget, initiatives and referenda”

4.d. Votes: the Chair: Time? Someone needs to leave in five minutes; the body agreed to table Question #1 and vote on the other questions:

Q. #2, Mv., sec. (J. Goldthwait, P. St. Germain) unanimous Yea, passed;

Q. #3, Mv., sec. (J. Goldthwait, P. St. Germain) 7 Yea, 2 Nay, passed;

Q. #4, Mv., sec. (J. Goldthwait, J. Cough) unanimous (9) Yea, passed;

Q. #5, Mv., sec. (J. Goldthwait, J. Cough) unanimous Yea, passed;

Q.#6, Mv., sec., adding one week to work (J. Goldthwait, P. St. Germain) unanimous Yea, passed;

Q. #7, Mv., sec., eliminating “and reduce the number...” (J. Goldthwait, P. St. Germain) unanimous Yea, passed;

Q. #8, Mv., sec. (J. Goldthwait, P. St. Germain) unanimous Yea, passed;

Q. #9, Mv., sec. (J. Goldthwait, P. St. Germain) unanimous Yeas, passed.

5. Meeting schedule: the Chair recommended meeting next week, Monday, 27 January, 2020, 8.30 AM, Council Chambers.

6. Adjournment, 10.33 AM (Mv., sec. M. Gurtler, J. Cough)

Respectfully submitted,

Patricia L. Samuel, Secretary