

Minutes, Bar Harbor Charter Commission, 1 May 2019

The meeting was called to order by the Chair, Michael Gurtler, at 8.34 AM.

Present: Julie Berberian, Joseph Cough, Anna Durand (via conference call), Jill Goldthwait, Michael Gurtler, Peter St. Germain, Patricia Samuel, Martha Searchfield, Christopher Strout

1. It was moved and seconded (M. Searchfield, P. St. Germain) to approve the agenda, as presented. Motion passed unanimously.

2. It was moved and seconded (P. St. Germain, C. Strout) to approve the minutes of the 17 April 2019 meeting, as distributed. Motion passed unanimously.

3. Public Comment period opened by the Chair.

- Dessa Dancy: Please include the reasoning for the proposed new organizational chart.

- Eben Salvatore: Thank you (to the Charter Commission), you're heading in the right direction.

As there were no other people wishing to speak, the Chair closed the Public Comment period.

4. Referring to the 17 April meeting, the Chair called for the members' responses to the proposed organizational chart and the related questions.

* this chart reflects a much-improved methodology; Town Council 7 members, elected (no change); School Com. 5 members, elected (no change), Budget/Finance Com. & Planning Board 5 members each, 3 elected, 2 appointed; compensation \$750. annually for each Chair, \$500. annually for each member.

* considering elected vs. appointed members: the Warrant Com. of 22 members changing to a budget committee of 5 members, with 3 elected and 2 appointed, won't go down well; the Planning Board has two functions, question of how to unbind the Planning Board? Needs a new dynamic; the Town Planner directs the Planning Board

*Planning Bd. member: an applicant gets a review first with Planning Dept. staff, then goes to Planning Board; this member supports 2 elected members of Planning Board & 3 appointed ones

*another member added to the discussion of the work of the Planning Board

*another member likes combination of elected & appointed members of a Budget Com.; School Com. is fine the way it is now; supports compensation for all three groups; Town Council should speak with the Planning Director; Planning Board should review new LUO amendments, not create them; has not decided whether Planning Board members should be elected, appointed, or a mix

*a different member spoke with a resident who advised that both elected and appointed candidates take out papers to collect signatures supporting the candidate for membership

*a member pointed out that we're in the weeds: Planning Board is not now in the Charter, although we could put it in if we want; School Com. sounds, from the discussion so far, like it will be intact at the close of our work; concerning the Budget/Finance Com., its review function has been identified in our discussion; 5 is a reasonable number

* another member: interaction between Planning Board & Town Council?

* current Planning Bd. member: if Town Council wants Planning Bd. to do something that is too narrow, for instance, then Planning Bd. will expand or refocus the question; likes the Budget Review Com. idea with 5 members, and then a budget member should not serve on Planning Board;

* another member: School Com is working well; considering Planning Bd. & Warrant Com.: 5 members with combination of elected & appointed positions, 3+2 or 2+3; what about unopposed elected positions? Compensation: yes; Does the new structure cover what people like about Warrant Com? – no, people like the Warrant Com. recommendations on the warrant articles; we won't get back-up at Town Meeting if we don't incorporate this with a new structure; for Planning Board, permitting function shouldn't be decided by elected members, although LUO amending function could be.

* a different member: Planning Board should be in the Charter; previous member agrees

* member who serves on Planning Bd.: anything in the Charter needs to be brief so as to maintain flexibility

* another member: perhaps separate the Planning Bd. functions into two bodies

* current P.B. member explained the work is involved with each of the functions and the relative amounts of time required for each; it's all spelled out in the LUO

* another member, as devil's advocate: why not just have staff do the permitting?

* current P.B. member's reply: that would put lots of pressure on our Planning Staff, especially with some applicants; the current Planning Dir. and Planning Bd. are working now to streamline the process

* this plan is not just transforming the Warrant Com.: what is our level of comfort with no direct influence of Town Council on the three proposed boards/committees? This member likes the proposed plan. The Town Manager can act as a buffer

* discussion followed

* another member: perhaps Planning Bd. should be a LUO Review Com.

* general discussion of the Planning Board's functions and restructuring ideas

* current PB member: staff does much of the work and Planning Board studies, there is much back and forth, also the Town Attorney is involved; the current Planning Board spends most of its time on LUO development and a miniscule amount of time on permitting

- * another member: how do we take the Warrant Com. and roll it into this proposed new structure? agrees with the Planning Board continuing its dual roles
- * another member: especially with our P.B. member's explanation; if we want to put the Warrant Com. into the new structure, then list P.B.'s advice on the warrant, the new Budget Com.'s advice on the warrant, and School Com.'s advice on the warrant
- * a different member: there have been instances of Warrant Com. finding errors on the proposed warrant; disagrees with the idea that the entire Warrant Com. is unfamiliar with the LUO in general, a number of members are quite familiar
- *another member: agrees, some people now on Warrant Com. who have extensive knowledge of LUO but couldn't get appointments
- *a different member: town residents like the idea of peer review and input; supports a budget com. and a LUO com.; wants to get rid of Town Meeting
- * some comments
- * another member: we need to be mindful of the timeline; there are other functions of Warrant Com. that we're not addressing – what do we do?
- * response: most of the Warrant Com. sub-committees review the budget (current W.C. member agrees) ; to clarify the restructuring proposal, Budget Com.'s recommendation would be listed on the warrant
- * a different member: would be a mistake to put Planning Bd. details in the Charter; also, could we consider a dual review of the budget by the Budget (or Warrant) Com. and Town Council, in order to have just one set of meetings with staff
- * a member: but the budget com. would review
- * another member: there may be a statutory consideration
- * new item: who would review citizen petitions?
- * response (2 members): no-one does it
- * a member's research shows that in some towns, Council listens to budget com. meetings, while in others the Council can ask questions at budget com. meetings
- * The Chair clarified the difference in operations between a Select Board and a Council
- * another member: if we want to make structural change we need to have some discussion of a timeline for development, review, etc.; likes the proposed new structure; agrees with the member on Planning Bd.
- * The Chair briefly reviewed what we've said thus far about the new structure proposal
- * another member: outline the specific role of each of the three bodies, put the recommendations of each of the three bodies on the warrant

- * The Chair: clarified that there has been discussion of splitting the Planning Bd in two, by function
- * some discussion followed
- * response: current procedure is that the Planning Board and Staff develop proposed LUO articles; the discussion now is to take that function away from Planning Board
- * another member: separating the two current functions of Planning Bd. would require 2 bodies with LUO knowledge
- * a different member: sounds like permitting is a cut-&-dried process; don't have both bodies put recommendations on the warrant
- * more discussion
- * The Chair: a member suggests that Planning Board have a different function: LUO articles & other things
- * another member: what about the conceptual part of the Planning Board's work, the LUO revision?
- * much discussion
- * The Chair: very hard to get people on Planning Board now, but would be nearly impossible if there were two bodies
- * discussion of two bodies, including desirability of more review
- * member who is on Planning Board: there have been some mistakes on proposed LUO language that Warrant Com. caught; there is a way to fix things, but the editing function could be fast.
- * out of time; next meeting Monday, May 6, 2019, 7 PM
- * poll on concept underlying the proposed new organizational structure: 6 "yes", 1 "no"
- * Motion to adjourn (P. St. Germain, J. Cough); meeting adjourned at 10.32 AM

Respectfully submitted,

Patricia Samuel, Secretary