

Bar Harbor, Maine, Charter Commission, Minutes of May 6, 2019, Meeting

The meeting was called to order at 7 PM by the Chair, Michael Gurtler.

Present were Julie Berberian, Joseph Cough, Jill Goldthwait, Michael Gurtler, Peter St. Germain, Patricia Samuel, Martha Searchfield, Christopher Strout; Anna Durand was absent.

1. It was moved and seconded (J. Cough, P. St. Germain) to approve the agenda as distributed. Motion passed unanimously.

2. It was moved and seconded (P. S. Germain, J. Cough) to approve the minutes as presented to the body.

3. Public Comment Period: Question (Jake Jagel): Is the Warrant Committee going away? Responses by M. Gurtler (Chair) and several Commission Members, with explanation and discussion

* Question (Dessa Dancy): Why do this?

-The proposal is to restructure the Warrant Committee and to streamline the budgeting process. Having a smaller committee, the proposed Budget Review Com., which would review the municipal budgets directly, would free up talented and experienced citizens to serve on the various boards and committees that have vacant positions and need help, around 30 of these.

- The Commission thinks that two reviews of the various budgets and Land Use articles are sufficient. The first reviews would be as follows: school budget by School Com., municipal budgets by Budget Com., and Land Use articles by Planning Board. The second review of all of these would be by Town Council.

- The proposal is designed to, at a minimum, maintain, and in some cases increase, public involvement in our town government. All of us are trying to maintain/increase public involvement (examples offered).

- We are trying to make the review process more efficient without losing public involvement. All the tasks now done by the Warrant Com. would still exist and be carried out by citizens under the new proposal.

- Moreover, the current review by Warrant Com. is post-Council review, while in the proposed structure the first Budget and Land Use reviews would take place before the Council reviews.

- *Question (Jake Jagel) What about initiative petitions?

- discussion followed; see Article X of the current Charter, where the petition process is described in detail

- *Question (Dessa Dancy): But what is the real problem?

- a member responded: For me, these reasons: Warrant Com. is very large, requires many, many meetings with staff to review the budgets; Warrant Com. members are also reviewing the Land Use Ordinance, which is very complex; it is hard enough to recruit Planning Board members,

people willing to spend the time to learn; with such a large Warrant Com. it is hard to get 22 people to serve and to have good attendance at the meetings

- As there were no other questions, the Chair closed the Public Comment Period.

4. Chair:

A) look at Article V (Administrative Organization), wants to discuss adding the Planning Director at some point; question to the Town Manager: does shoreland zoning and the existence of the Land Use Ordinance imply the requirement for a Planning Board?

- response: the state requires a planning commission if there is a growth management plan; municipal officers may designate a member of the Planning Board to the planning commission.

- discussion followed: a member pointed out that other towns' charters specify a Planning Board

- the Town Manger was asked to send out state requirements to the Charter Comm.

B) Consider the proposed Budget Review Committee: how many members?

- most members suggested 7, one suggested a much larger member, three members suggested 5, and one is undecided now, waiting to see what the demands would be; one member chose 5, with the idea that committees should always be smaller than the Town Council (7 members)

- question from a different member about rationale of Budget Com. having fewer members than T. Council; all 7 Town Council members are elected; the three proposed bodies at 5 each would be 15 members total (elected); the other member's experience is that large committees tend to have some less dedicated members

- responses from other members: 7 members of Budget Com. needed, it's a tremendous amount of work; supports 7 members, it's a big task and 5 members would reduce the opportunity for citizen participation; another member switched preference from 5 members to 7, based on the amount of work required of the committee;

- another member: if we have decided to propose this structure then a motion is in order; moved and seconded (J. Goldthwait, P. St. Germain) that the proposed Budget Review Committee have 7 members and be charged to review the town budgets and any other warrant items excepting the school budget and Land Use Ordinance changes. Discussion followed:

- how often does the School Com. meet? Response from Town Mngr: a lot, throughout the year; should the proposed Budget Com. meet all year?

- another member: probably would not meet year-round, unless the committee wants to, or there are citizen initiatives to consider; the committee would meet to elect officers immediately after the Town Meeting in which its members are elected;

- another member supports the idea of meeting when needed.

- Call for the question: Yeas: J. Cough, J. Goldthwait, M. Gurtler, P. St. Germain, P. Samuel, M. Searchfield, C. Strout; Nay: J. Berberian; motion passed, 7 to 1 (1 member, A. Durand, absent)

- J. Goldthwait volunteered to compose the language for the proposed Budget Review Committee.

C. Language for Planning Board section

- J. Berberian volunteered to research how Planning Boards are described in other towns' charters

- another member suggested considering referring to Chapter 31 of the Town Ordinance

- discussion followed

- the Chair reminded all that sharing documents on line was fine, but not discussion of them

- question to the Town Manager: can all three entities – Budget Com., School Com., and Planning Bd. - be located in Article VII?

* another question: what is the School Com.'s superintending role, see Article V, C-26?

- a member who is quite familiar with the School Com. replied that it is the only committee/board that negotiates contracts

* another member: is the question for Planning Board as to elected and/or appointed members settled?

- Chair's reply: No; What are opinions on this question?

- another member: there is a Manual for Local Planning Boards from the Maine Municipal Association, in three different versions; the member will e-mail us the link to these

- should the Planning Bd. be elected or appointed? Most, but not all, favor elected members only, with staggered terms and no more than two elected at a time

- more thoughts on the proposed structure as to where we are?

- a member: we're at a point where it can be written up

*Chair: what about adding the position of Planning Director to the Charter?

- a member: Island-wide in the future?

- another member: Town Council would (and has) approve appointment of an Acting Planner

- another member favors having the Planning Director in the Charter, another member agrees

- discussion followed

- a member pointed out that if the position of Planner is in the Charter that doesn't necessarily require a licensed one

- a member is concerned about language, "a Planner shall be appointed"

- another member was asked to check other towns' charters for the position of Planner

- the Town Manager will contact the MMA

-another member: the Charter has to be a little vague about this position, as some towns have Planners or Planning Directors, others have a position that is a mix of Planning & Economic Development Director

- question of electing or appointing the Planner: if appointed, then the candidates have to read the enabling ordinance; if elected, then this is not required and the candidates may not understand the requirements of the position; also, if the position is an elected one, we may lose quality applicants

5. Next meeting: Monday May 20th, 7 PM; J. Goldthwait will be in the Chair; Agenda will include Budget Com., clarity from the Town Manager as to Planning Board requirements, and what makes a Superintending School Committee

6. Meeting adjourned 9 PM

Respectfully submitted,

Patricia Samuel, Secretary