

CHARTER COMMISSION MEETING
TUESDAY, DECEMBER 28, 2010 – 7 P.M.

Chair Gombar opened the regular meeting at 7:00 p.m., in Town Hall, Council Chambers. The following members were in attendance:

Jerome Begert
John Bird
Jayne Flaherty
William Gombar
Tianna Higgins
Ronald Regis
Michael Vallante
Paul Ladakakos [excused absence]

The members of the Charter Commission stood for a Pledge to the Flag.

Motion made by Commissioner Vallante, seconded by Vice-Chair Bird to accept the minutes of December 14, 2010.

VOTE: Unanimous.

Chair Gombar recommended the Charter Commission meet on Saturday, January 8, 2011 from 9 a.m. to 3 p.m. as an additional meeting date.

Motion made by Commissioner Higgins, seconded by Commissioner Flaherty, to set the date of January 8, 2011 from 9 a.m. to 3 p.m. for an additional Charter Commission meeting.

VOTE: Unanimous.

Commissioner Vallante motioned, seconded by Vice-Chair Bird to remove Section 409.5 from the table.

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Vallante, to accept Section 409.5 as currently written in the Charter.

VOTE: Unanimous.

Commissioner Vallante motioned to remove Section 409.6 from the table.

Commissioner Begert inquired for the viewing audience what that means.

Chair Gombar stated that it means that it is being brought back for discussion.

Commissioner Higgins read Section 409.6:

“Sec. 409.6. Inquire into the conduct of any office, department or agency of the Town and make investigation as to municipal affairs;”

Vice-Chair Bird stated he would like to amend Section 409.6 as follows:

“Sec. 409.6. Inquire, as individual members or as a whole, into the management ~~conduct~~ of any office, department or agency of the Town and make investigation as to municipal affairs. All department heads shall be responsible to the Town Council as a whole, but not to individual members;”

Commissioner Flaherty stated said that it should go through the Town Manager for his opinion.

Chair Gombar stated at the last meeting Commissioner Vallante added additional language.

Commissioner Vallante motioned, seconded by Commissioner Begert, to amend Section 409.6, as follows:

“Sec. 409.6. Inquire, through the Town Manager or other appropriate supervisor, into the conduct of any office, department or agency of the Town and make investigation as to municipal affairs.”

Commissioner Begert said that back in February, he had a concern about the word “conduct” being used in Section 409.6. He believes Vice-Chair Bird has taken care of that issue by replacing the word “conduct” with “management”. Commissioner Begert felt the word “conduct” implied that a Town Councilor could investigate an employee’s conduct, and by changing the word, it would still allow a Town Councilor to inquire for informational purposes, but not for personnel.

Commissioner Vallante said that by changing the word “conduct” to “management”, it is changing the intent of the Section. Conduct refers to a problem with an individual’s “conduct”. By changing the word to “management”, it now becomes a much broader field, and stated he doesn’t believe the Charter should become any broader than it already is.

Commissioner Begert inquired if there should be another section added that would address this issue, so Town Councilors should still be able to make inquiries.

Commissioner Higgins stated the Charter shouldn’t regulate information.

Chair Gombar stated the original verbiage in the Charter was very clear, and didn’t need to be changed.

Commissioner Higgins stated that she would second Commissioner Vallante’s motion.

Commissioner Flaherty commented that in all the years she was a teacher, the superintendent may have come into her classroom, but a school board member never came into her classroom to make inquiries, that they went through the superintendent. She thought that was a very effective form of management.

Vice-Chair Bird inquired of Commissioner Vallante what he meant by “other appropriate supervisor”.

Commissioner Vallante stated that he assumes they will always go through the Town Manager, but that may not always be the case, so this wording allows for another supervisor if the need arises.

Vice-Chair Bird was concerned about the word “appropriate” and who would determine what is and is not appropriate.

Chair Gombar stated that Town Councilors should have the ability to conduct an inquiry and should not be restricted to going through the Town Manager if it is not related to an employee’s conduct.

Commissioner Higgins stated she would like to amend Commissioner Vallante’s motion to read, seconded by Commissioner Vallante:

“Sec. 409.6. Inquire, through the Town Manager, into the conduct of any office, department or agency of the Town and make investigation as to municipal affairs.”

VOTE: Commissioners Higgins, Flaherty, Regis, Vallante, Begert and Chair Gombar, yes; Vice-Chair Bird opposed. Motion carries 6-1.

[Main motion, as amended, was not voted upon].

Commissioners Vallante and Begert will work on creating a section that would deal with just inquiries to present to the Charter Commission at a later date.

Commissioner Higgins read Section 409.7.

“Sec. 409.7. Adopt and modify the official maps of the Town;”

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to accept Section 409.7 as currently written in the Charter.

VOTE: Unanimous.

Commissioner Higgins read Section 409.8.

“Sec. 409.8. Regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of population and the location and use of land, buildings, and other structures for trade, industry, business, residence and other purposes;”

Commissioner Vallante stated the word “restrict” was negative and unnecessary, and motioned to have the words “and restrict” removed from the Section.

Commissioner Higgins stated that it deals with the Zoning Ordinance. She's not sure why this section is needed since ordinances are already addressed in another section. She said it's repetitive, and whether it's removed or not, it won't change the meaning.

There wasn't a second to Commissioner Vallante's motion.

Vice-Chair Bird motioned, seconded by Commissioner Flaherty, to accept Section 409.8 as currently written in the Charter.

VOTE: Unanimous.

Commissioner Higgins read Section 409.9.

“Sec. 409.9. Provide for safe and sanitary housing accommodations for families of low income;”

Vice-Chair Bird motioned to amend Section 409.9 as follows:

“Sec. 409.9. Provide for shelters in case of emergencies. ~~safe and sanitary housing accommodations for families of low income;~~”

Vice-Chair Bird stated that the original language allows the Town to enter into the rental business, which it should not be doing.

Commissioner Higgins stated that Section 409.9 is standard language.

Chair Gombar stated that it allows the Town to set up low income housing if necessary.

Commissioner Higgins read Attorney Chris Vaniotis's response to this question March 1, 2010:

“Question 4. As the discussion continued to sections 409.8 through 409.12, they inquired as to why those sections were needed in the Charter. Are they state mandates?”

Answer:

Sections 409.8 through 409.12 describe some of the basic functions of municipal government. Section 409.8, for example, is the power to enact zoning, land use and building code regulations. Section 409.9 allows the Town to create public housing. Section 409.10 allows the creation of a housing authority. Sections 409.11 and 409.12 deal with urban renewal and economic development, again basic functions of municipal government. None of these is required by state law, and most of the can be exercised by the Town under state law without having them enumerated in the Charter. But a primary reason for having a charter is for the Town to control its own destiny, and this listing in the Charter makes it clear that the voters of the Town are giving town government these powers, rather than relying on state law. I also have some concern that deleting any of these after they have been in the Charter for so many years could lead to arguments in the future that the intent of the voters was to remove these powers from the Town.

Under various state statutes, most of the powers listed in section 409.8 through 409.12 require actions of the municipality's "legislative body." If the Charter Commission does decide to shorten section 409, I would recommend that generic language be added to section 408, so that it would now read:

The members of the Town Council shall be and constitute the municipal officers and the legislative body of the Town of Old Orchard Beach for all purposes required by statute, and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers and the municipal legislative body under the laws of this State.

In fact, I recommend inserting that language into section 408 even if section 409 is not amended."

Commissioner Vallante stated it changes the meaning completely and establishes something new. He recommended not changing the section.

Commissioner Higgins stated that FEMA regulates emergency shelters. There isn't a need to amend this section.

Chair Gombar said if it isn't broken, why fix it. He recommended against changing this section.

Commissioner Begert withdrew his second, and Vice-Chair Bird removed his motion.

Vice-Chair Bird motioned, seconded by Commissioner Begert to delete Section 409.9 in its entirety.

VOTE: Commissioners Regis, Vice-Chair Bird, Commissioner Begert, yes; Commissioners Vallante, Higgins, Flaherty and Chair Gombar, no. Motion fails 3-4.

Commissioner Flaherty motioned, seconded by Commissioner Vallante to accept Section 409.9 as currently written in the Charter.

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Chair Gombar, yes; Vice-Chair Bird, Commissioner Begert, no. Motion carries 5-2.

Commissioner Higgins read Section 409.10.

"Sec. 409.10. Create a housing authority;"

Commissioner Higgins motioned, seconded by Commissioner Vallante to accept Section 409.10 as currently written in the Charter.

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Chair Gombar, yes; Vice-Chair Bird, Commissioner Begert, no. Motion carries 5-2.

Commissioner Higgins read Section 409.11.

"Sec. 409.11. Adopt, modify and carry out plans proposed by the Planning Board for the clearance of slum districts and rehabilitation of blighted areas;"

Vice-Chair Bird stated the Planning Board does not do this process any longer.

Commissioner Higgins stated the Planning Department does this.

Chair Gombar stated that it may not be occurring now, but he believes this Section is in the Charter because there is a potential that it could happen.

Vice-Chair Bird stated that under the Community Development Block Grant Committee, they are required to designate a blighted area for funding.

Chair Gombar recommended just leaving out the department that is proposing it.

Vice-Chair Bird motioned to delete Section 409.11 in its entirety.

Commissioner Vallante said that he believes it's important to keep. He is on the Community Crime Watch in his neighborhood, and they are always discussing how blight is related to crime. He does not want this section removed.

Chair Gombar stated this gives the Town Council the ability to rehabilitate blighted areas. He asked for a motion to amend Section 409.11 as follows:

“Section 409.11. Adopt, modify and carry out plans ~~proposed by the Planning Board for the clearance of slum districts and~~ for the rehabilitation of blighted areas;”

Commissioner Flaherty made the motion, seconded by Commissioner Vallante.

Vice-Chair Bird was concerned about what the term “rehabilitate” meant.

Commissioner Flaherty concurred with Commissioner Vallante's statements regarding how blighted areas contribute to crime.

Commissioner Regis said that it is important to keep this section, but just remove “Planning Board”.

Commissioner Begert inquired from Vice-Chair Bird if he was concerned that this is giving the Town Council too much power over eminent domain.

Commissioner Vallante was concerned about removing the word “clearance”, and any legal ramifications that may have.

Commissioner Higgins said she wouldn't be concerned about it because there are many laws that take care of that issue [example, condemnation laws].

VOTE: Unanimous.

Commissioner Higgins read the current Section 409.12:

“Sec. 409.12. Adopt, modify and carry out plans proposed by the Planning Board for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;”

Vice-Chair Bird motioned, seconded by Commissioner Regis, to strike Section 409.12 in its entirety.

Commissioner Begert concurred, stating it is regulated elsewhere giving the authority to the Town Council to reconstruct an area if destroyed by disaster.

Chair Gombar inquired what section Commissioner Begert was referring to, and was concerned about placing redevelopment in the hands of the Town Council.

Commissioner Vallante said it’s in the Charter for a reason.

Commissioner Higgins thought the Comprehensive Plan would kick in if it occurs.

Commissioner Regis felt Section 409 would take care of it.

Vice-Chair Bird stated it was placed in the Charter so the Town Council could apply for grants.

Commissioner Vallante was concerned about deleting Sections without compelling reasons, and not checking with the Town Attorney. He would like a legal opinion, because he feels the Charter may be restricting legal powers if this Section is removed.

Commissioner Begert states that Section 410.1 deals with this issue, so this section is not needed.

Commissioner Flaherty stated this is another change the voters will have to approve, and the Charter Commission will need to explain. Why change for the sake of change? It’s one less change.

VOTE: Vice-Chair Bird, Commissioners Begert and Regis, yes; Chair Gombar, Commissioners Vallante, Flaherty, and Higgins, no. Motion to strike fails 4-3.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to table Section 409.12 to the next meeting pending research or the possibility of a prior Charter Commission member coming forward with information.

VOTE: Unanimous.

Commissioner Higgins read Section 409.13:

“Sec. 409.13. Authorize and issue general obligation bonds and notes of the Town and enter into lease and lease purchase agreements in compliance with state law and Article VII of this Charter;”

Commissioner Regis motioned, seconded by Commissioner Higgins, to keep Section 409.13 as is currently written.

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to amend the motion by adding the underscored language

“Sec. 409.13. Authorize and issue general obligation bonds and notes of the Town subject to Article III of this Charter and enter into lease and lease purchase agreements in compliance with state law and Article VII of this Charter;”

VOTE: Unanimous.

Chair Gombar declared original motion moot.

Commissioner Higgins read Section 409.14:

“Sec. 409.14. Act as the general legislative body of the Town with all the powers of a Town meeting. The Town Council may not delegate any of the legislative powers conferred by this Charter or by law to any official of the Town or to any statutory or advisory board, commission or committee.”

Commissioner Regis motioned, seconded by Commissioner Flaherty to leave Section 409.14 as currently written in the Charter.

Commissioner Higgins mentioned they had discussed amending this section at a previous meeting, and motioned, seconded by Commissioner Regis, to amend the motion on Section 409.14 to include the underlined word and delete the strikethrough word.

“Sec. 409.14. Act as the general legislative body of the Town with all the powers of a Town meeting. The Town Council may not delegate any of the legislative powers conferred by this Charter or by law to any official of the Town or to any statutory or advisory board, commission, ~~or~~ committee or person.”

VOTE: Unanimous.

VOTE ON ORIGINAL MOTION AS AMENDED: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to insert a new Section into the Charter:

“Set the policies under which the Town Manager and the Department Heads shall operate and conduct the affairs of the Town.”

Vice-Chair Bird explained that this refers to the Town Council being the policy maker for the Town. They set the policy for how the Town will run. They’re giving direction to the Town Manager.

Commissioner Vallante was concerned about policies regulating conduct.

Commissioner Higgins felt the words “department heads” should be removed because the Town Council doesn’t regulate the department heads. She also stated that it is regulated at the

beginning of 409 [added from a previous meeting] and is not needed a second time. Chair Gombar concurred, stating it was redundant.

Commissioner Begert stated that the Town Council sets the policies that the Town Manager and the department heads must follow. It is blatantly simple and should be in the document.

Vice-Chair Bird stated that although he is not satisfied, he will withdraw his motion, and the Charter Commission can revisit this issue at a later date. Commissioner Begert withdrew his second.

Commissioner Regis stated that if it is not in the Charter, the Commission can add it later.

Commissioner Higgins read Section 409.15:

“Sec. 409.15. Dispose of real and personal property acquired through nonpayment of taxes, when deemed in the best interest of the Town, by sealed competitive bids, except that the Council, in its discretion, may sell the property to the former owner for a sum not less than the total of all back taxes, interest, and costs;”

Commissioner Vallante stated that in the next round he would like to correct the punctuation for 409.14, placing a semi-colon at the end.

Commissioner Regis motioned, seconded by Vice-Chair Bird, to leave Section 409.15 as currently written in the Charter.

MOTION: Unanimous.

Commissioner Higgins read Section 409.16:

“Sec. 409.16. Sell, or offer to sell, by sealed competitive bids, surplus property of the Town provided that no real property acquired in any manner other than through nonpayment of taxes may be offered for sale, leased for more than three years, or otherwise disposed of without a referendum vote. Invitations for bid shall be published at least thirty (30) days prior to the date for the opening of bids. The Council may, in its discretion, accept or reject any or all bids.”

Vice-Chair Bird motioned, seconded by Commissioner Regis, to amend Section 409.16 by adding the underlined words below:

“Sec. 409.16. Sell, or offer to sell, by sealed competitive bids, surplus property of the Town provided that no real property acquired in any manner other than through nonpayment of taxes may be offered for sale, leased for more than three years, or otherwise disposed of without a referendum vote or, in the case of condemnations, sold to any other than the original owner without first offering it to the original owner for the price paid minus any expenses incurred by the original owner because of the condemnation. Invitations for bid shall be published at least thirty (30) days prior to the date for the opening of bids. The Council may, in its discretion, accept or reject any or all bids.”

Chair Gombar stated it is relevant to a Connecticut case in which the municipality took the property and sold it to another owner for profit.

VOTE: Unanimous.

Chair Gombar requested a new paragraph be added to Section 409.16 that would authorize the Town Council to sell items without going out to bid if they were small, i.e. a laptop that isn't worth \$100. They should be able to dispose it by going out to E-Bay or some other mechanism. He has worked with other communities that dispose of equipment because of the difficulty going through a cumbersome process for something small.

Commissioner Regis stated maybe they should add that anything under \$250 doesn't need to go to surplus bid.

Commissioner Higgins was concerned about how the value would be determined.

Chair Gombar will work on a new section dealing with surplus for a later meeting.

Commissioner Higgins read Section 410:

“Sec. 410. Public Hearing on Ordinances.

A proposed ordinance may be introduced in writing by any Councilor to the agenda of any regular or special meeting of the Council. Upon introduction of an ordinance, the Town Clerk shall distribute a copy to each Councilor and to the Town Manager, shall file a reasonable number of copies in the office of the Town Clerk, shall post a copy of the proposed ordinance on the bulletin board in the Town Hall, and shall cause to be published in a newspaper of general circulation in the Town the wording of the proposed ordinance or a title descriptive of its contents and purpose, together with notice of the time and place of public hearing thereon. The public hearing shall follow the publication in the newspaper by at least seven (7) days, may be held separately or in connection with a regular or special meeting of the Council and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. An ordinance shall become effective upon its adoption by the Council or at such other time as it may specify. After the public hearing the Council may adopt the ordinance with or without amendment or reject it, but in no case shall the ordinance be adopted or rejected in less than fourteen (14) days after the public hearing. If an ordinance is amended so as to change substantially its meaning, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedure hereinbefore required for a newly introduced ordinance. The above procedure may be waived only as provided in Section 410.1 dealing with emergency ordinances. The Council may enact rules controlling reintroduction of defeated ordinances, provided that no defeated ordinance may be reintroduced for a period of one hundred eighty (180) days from the date of the meeting at which it was considered.”

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 410 to include the underlined language below:

Sec. 410. Public Hearing on Ordinances.

A proposed ordinance may be introduced in writing by any Councilor to the agenda of any regular or special meeting of the Council.

Upon introduction of an ordinance, the Town Clerk shall distribute a copy to each Councilor and to the Town Manager, shall file a reasonable number of copies in the office of the Town Clerk, shall post a copy of the proposed ordinance on the bulletin board in the Town Hall, and the Town internet web site, and shall cause to be published in a newspaper of general circulation in the Town the wording of the proposed ordinance or a title descriptive of its contents and purpose, together with notice of the time and place of public hearing thereon and reference to the Town internet web site for the full wording of the proposed ordinance if abbreviated in the notice.

The public hearing shall follow the publication in the newspaper by at least seven (7) days, may be held separately or in connection with a regular or special meeting of the Council and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard.

An ordinance shall become effective upon its adoption by the Council or at such other time as it may specify. After the public hearing the Council may adopt the ordinance with or without amendment or reject it, but in no case shall the ordinance be adopted or rejected in less than fourteen (14) days after the public hearing.

If an ordinance is amended so as to change substantially its meaning or effect, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedure hereinbefore required for a newly introduced ordinance.

The above procedure may be waived only as provided in Section 410.1 dealing with emergency ordinances.

The Council may enact rules controlling reintroduction of defeated ordinances, provided that no defeated ordinance may be reintroduced for a period of one hundred eighty (180) days from the date of the meeting at which it was considered.”

Commissioner Higgins mentioned that maybe there should be language to include other ways to advertise other than the newspapers.

Commissioner Flaherty stated that it’s important to keep the newspapers because there are some people that don’t have computers.

VOTE: Unanimous.

Commissioner Higgins read 410.1:

“Sec. 410.1. Notwithstanding any other provision of this Charter, to meet a public emergency affecting life or health or property or the public peace, the Council may adopt one or more emergency ordinances, with the statement of the emergency being a part of the preamble to the ordinance. The declaration of such emergency by the Council shall be conclusive. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four

(4) Councilors shall be required for adoption. After adoption, the ordinance shall be posted on the bulletin board in the Town Hall and such other places as the Council may designate. It shall be effective as of its adoption or as of such other time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency bonds or notes shall stand repealed as of the 61st day following the date of its adoption, but this shall not prevent the reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.”

Chair Gombar stated that they need to change the number of councilors to a neutral number because the Charter may have seven Town Councilors, if approved by the voters.

Vice-Chair Bird stated that it is his understanding the writers of this Charter meant for a super majority to enact an emergency ordinance.

Commissioner Higgins stated that by not using a number, it would negate the need for the Charter to be changed if the vote for the seven Town Councilors is not approved.

Vice-Chair Bird motioned, seconded by Commissioner Regis to amend Section 410.1 by adding the underscored language and deleting the strikethrough language below:

“Sec. 410.1. Notwithstanding any other provision of this Charter, to meet a public emergency affecting life or health or property or the public peace, the Council may adopt one or more emergency ordinances, with the statement of the emergency being a part of the preamble to the ordinance. The declaration of such emergency by the Council shall be conclusive.

An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority plus one of the seated ~~five (5)~~ Councilors shall be required for adoption.

After adoption, the ordinance shall be posted on the bulletin board in the Town Hall, the Town internet web site, and such other places as the Council may designate. It shall be effective as of its adoption or as of such other time as it may specify.

Every emergency ordinance except one authorizing the issuance of emergency bonds or notes shall stand repealed as of the 61st day following the date of its adoption, but this shall not prevent the reenactment of the ordinance in the manner specified in this section if the emergency still exists.

An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.”

VOTE: Unanimous.

Commissioner Higgins read Section 411:

“Sec. 411. Council Not to Interfere in Appointments or Removals.

Neither the Town Council nor any of its members shall direct or request the appointment of any person to office, nor the removal of any person from office, by the Manager or by any of the Manager's subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative functions of the town solely through the Town Manager, and neither the council nor any member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.”

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to amend the title of Section 411 to include the word “Town” in the beginning before Council.

VOTE: Unanimous.

Vice-Chair Bird motioned to amend Section 411, first sentence, as follows:

“Sec. 411. Town Council Not to Interfere in Appointments or Removals.

Neither the Town Council nor any of its members shall direct or request the appointment of any person to any Town office, position or employment, nor the removal of any person from office or Town employment, by the Manager or by any of the Manager's subordinates, except for cause.

Chair Gombar stated that the Town Council should be able to ask the Town Manager to remove an employee for an egregious cause.

Commissioner Vallante was concerned that these three words, “except for cause”, drastically changes this section. The intent was not to allow the Town Council to fire anyone. This should be checked through the Town Attorney before changing.

Commissioner Flaherty stated that in the title, the Charter says that the Town Council is not to interfere in appointments or removals, and now the Charter Commission is trying to add those three words, “except for cause”, and changing the title and meaning of the sentence.

Commissioner Begert stated this sentence has to do with cronyism. It’s supposed to regulate the Town Council so they don’t hire their friends.

Commissioner Vallante was concerned about who would determine what “just cause” is. “Just cause” may mean that a hearing took place or would be taking place. The question boils down to shall the Charter give the Town Council permission to fire someone, or should it be the Town Manager that fires employees.

Commissioner Regis felt those three words should not be included in this sentence.

Commissioner Higgins motioned to amend Vice-Chair Bird’s motion, seconded by Commissioner Flaherty, for the first sentence in Section 411 to read as follows:

“Neither the Town Council nor any of its members shall direct or request the appointment of any person to any Town office, or position or employment. The Town Council may

request the removal of any person from office or Town employment, by the Town Manager or by any of the Town Manager's subordinates, only for cause.”

VOTE ON THE AMENDMENT: Unanimous.

VOTE ON AMENDED MOTION: Unanimous.

Meeting adjourned at 9 p.m.

Respectfully Submitted.

Kim McLaughlin
Town Clerk

I, Kim McLaughlin, Town Clerk of Old Orchard Beach, do hereby certify that the foregoing document consisting of fourteen (14) pages is a true copy of the original Minutes of the Charter Commission Meeting held December 28, 2010.

Kim M. McLaughlin