

**CHARTER COMMISSION MEETING
TUESDAY, FEBRUARY 9, 2010 – 7 P.M.**

Chair Ladakakos opened the regular meeting at 7:00 p.m., in the High School Cafeteria. The following members were in attendance:

**John Bird
William Gombar
Tianna Higgins
Paul Ladakakos
Ronald Regis
Michael Vallante**

**Kenneth Blow, [resignation accepted by Town Council February 2, 2010]
Laura Bolduc, excused absence [attending Town Council Workshop]
Jayne Flaherty, excused absence**

The members of the Charter Commission and members of the audience stood with a Pledge to the Flag.

Chair Ladakakos asked for a motion to accept the minutes of the January 26, 2010 meeting. Chair Ladakakos also stated that he asked Vice-Chair Bird to review the minutes because he is thorough, before they are given to the Charter Commission for adoption.

Vice Chair Bird states, “I have to admit an error in here, well, it’s just a conflict. Actually it’s not an error because it’s correctly reported, but on page 4, Vice Chair Bird passed out recommendations, down at the bottom it says second paragraph, and then in the next paragraph Commissioner Bolduc refers to the same paragraph, but she says it’s the third paragraph, and looking at it, yeah if you want to count it right, it’s the third paragraph, and it’s quoted there, so change my second to the third paragraph please”.

Commissioner Gombar motioned to accept as amended, seconded by Commissioner Higgins to accept the minutes of January 26, 2010.

VOTE: Unanimous, with exception of Commissioner Vallante, who abstained due to absence at the last meeting.

Chair Ladakakos asked for a motion to place an item on this agenda to discuss Charter Commission dates and locations.

Commissioner Higgins commented that it is regarding television.

Vice Chair Bird motioned, seconded by Commissioner Vallante to place on the agenda an item to discuss the dates, times and locations of the Charter Commission meetings.

VOTE: Unanimous.

Commissioner Regis stated that he was at the last Town Council meeting, and Vice-Chair Bird was there as well. The Council said the Charter Commission could have the Council

Chambers for meetings on the second and fourth Tuesdays because they're not filming every meeting.

Chair Ladakakos advised that when he ran for the Charter Commission he wanted people to know he was available 24/7. He stated he didn't want to be televised. He said some people are more aware of it and nervous, but there are many residents that are handicapped, working or afraid to come out to meetings at night for fear of getting mugged. Out of due respect to those people, he can't say no to televising the meetings. He said he'll respect any vote, but the Charter is very important. He believes the Charter needs priority on scheduling over the Planning Board and the Zoning Board of Appeals.

Commissioner Higgins stated there was no way to re-arrange the dates for the ZBA or Planning Board, advising they're scheduled months before submissions are due. She felt if they changed their meeting locations, there would be a lot of applicants that would fail to show at the correct location. She said the Charter Commission Public Hearings should be televised, and that the towns people need to get involved, but they can read the minutes or they can come to the meetings. She is against televising all the workshops because no one would be able to follow what the Charter Commission does. People would need to speak one at a time, not over one another. She is not in favor of moving the meetings to Wednesdays to be able to televise the meetings.

Commissioner Vallante stated he read in the charter that all meetings must be "recorded". He was advised that is a term for handwriting or typing minutes of the meeting. He inquired of the Town Clerk how many requests she had received to televise the meetings.

Town Clerk Kim McLaughlin responded that the requests came to her through the Town Manager's Office and the Council Chair, but that she didn't know the amount of the requests.

Vice-Chair Bird advised that at least one Town Councilor did. He said that he didn't care if they were televised or not, that he would be himself. He said there was a problem with the location, because the Council Chambers is only available on Wednesdays. He further stated that the Charter Commission is an independent group, and can choose when to go to Town Hall for public hearings. The Charter Commission also needs to schedule the meetings around their lives, too.

Commissioner Gombar told the other members that if the meetings were moved to Wednesdays, that he would have to withdraw from the Charter Commission, due to work constraints.

Commissioner Vallante said that if one member has a problem, that is a problem for all, and they need to stick together as a group, advising the Charter Commission should not change their meeting times if Commissioner Gombar can't.

Commissioner Gombar stated the town has gotten by for 125 years without videotaping the Charter Commission meetings.

Chair Ladakakos said he normally votes with the majority of the Commission, however on this one, he doesn't want rumors started that Chair Ladakakos will vote not to be televised.

Commissioner Vallante stated that all members will vote their conscience.

Commissioner Regis stated that they already voted to hold their meetings on the 2nd and 4th Tuesdays of the month.

Vice-Chair Bird stated, “that since we have a hard conflict, that we respectfully decline to move to Wednesdays, because of internal conflicts, and we can be open to other things”.

Commissioner Vallante told the members he was all in favor of televising, but it is not possible based on their schedule. It makes it look like it’s the Charter Commission’s problem, and that they don’t want to be televised. He doesn’t want the residents of the Town to think that he, personally, does not want to televise their meetings. That’s not the case.

Commissioner Gombar made a motion to keep the current schedule [2nd and 4th Tuesdays of the month], seconded by Commissioner Higgins.

Vice-Chair Bird stated, he would like to suggest the Commission do a communication back to the Chair of the Council, who did work some to get Wednesdays open, and say that, “Due to internal conflicts we cannot manage Wednesdays, and our regularly scheduled meetings are the 2nd and 4th Tuesdays”. For himself, he would be willing to look at any other times, but that’s his own opinion, but thinks they should get back to the Chairman of the Council and say thank you very much, but we can’t accommodate it.

VOTE: Unanimous.

Commissioner Regis made a motion that, “for the viewing of the public, since a lot of them cannot be here, and a lot of them are elderly, that we do view our Charter Commission meetings on TV”. Seconded by Commissioner Vallante.

Chair Ladakakos interpreted the motion as, “do we want television, or do we not want to be televised?”

Commissioner Regis said he made a motion to have them televise.

Commissioner Vallante said he seconded that motion.

Vice-Chair Bird stated, there are arguments for both sides, but there is a definite need for transparency. “This is an inconvenient location and what not. Also, there’s a lot of stuff that’s just going to be a lot of blather to discuss and we’re going to be back and forth, and back and forth, and we’re not making any decisions right now. We’re just discussing things, so I don’t know whether that’s of great usefulness for people”.

Commissioner Higgins was concerned that people watching the workshops will not understand the process, not understanding that they’re not making decisions, and the fact they have 25 months for the process. She’s concerned people will complain they’re not doing things, but they won’t know they’re not doing things, whether they’re moving forward or not.

Resident Jerome Begert, “I guess there’s three points. As far as misperception on the part of the public, at what might seem chaos in discussion, you’re allowed to look at the camera and say an introduction that this is a workshop meeting and it will seem less formal than next week’s meeting which will be formalized voting. The other thing is you don’t have to see me kvetching at every meeting because I’m making myself available to be a volunteer media room operator, cameraman, whatever you call it, to help you through this at no cost, in case that is, for a minute a problem, that “oh it’s going to cost money”. The third thing is, with all due respect you’re an elected body, a decision making body, and I could bring great contention that it’s not your decision to make as whether or not you’re televised. stated the residents may see it as chaos, but the Charter Commissioner can advise them at the beginning of the meeting that these are workshops, and they’re less formal. He also said he will make himself available at no cost. He also advised the Charter Commission that they are an elected body, and he could bring great contention as to the fact that it’s not their decision as to whether or not they’re televised”.

Commissioner Regis then stated they had voted to hold their meetings on the 2nd and 4th Tuesdays of the month in Town Hall, but they got moved to the High School.

Commissioner Vallante stated it’s demeaning. The school is not a suitable place to conduct official Town business, and he can’t believe that someone can’t find them better accommodations than the High School cafeteria.

Commissioner Higgins responded that the Police Sub Station isn’t any better.

Commissioner Vallante concurred, stating that there isn’t any parking, and there’s always ice on the stairs. He’s used that facility in the past, and it’s not adequate.

Vice-Chair Bird stated he is in favor of televising public hearings, but not workshops because they’re messy and unstructured. Commissioners Higgins and Regis agreed.

Commissioner Regis made the recommendation that they televise once a month.

Commissioner Vallante then stated that he is not getting the distinction between why members felt the hearings should be televised, but not the workshops, wondering why the residents can’t see them working through the process.

Commissioner Higgins stated there aren’t any other Towns that televise their workshops, only their regular meetings and public hearings, where one person is at the podium at a time, speaking, and facing the camera. She said they will not have those types of meetings.

Chair Ladakakos said being televised will allow the residents more input, stating the Charter Commission needs their support from the people, not just the attorney. Television is important. He stated may not want it, but they can gain a lot of support by it. He doesn’t want being televised voted down. He is concerned about the residents voting it down because they weren’t included in the process.

Vice Chair Bird thought watching the meetings and workshops probably isn't too beneficial currently, but maybe they could consider it at a later date. Maybe they should have a public hearing next Tuesday and request input, and televise that one.

Resident Jerome Begert said that he understands the public perception of workshops and formal meetings, noting most will be workshops. He stated to the Commission that they are doing the thinking for the Town. "You are cognitively Rubik's cubing".

Commissioner Vallante stated he read the minutes of the last meeting and saw there were a lot of suggestions, and asked if anything was formalized. He also said they will need input before they make any decisions, and those meetings should be televised. In order for the residents to give input, they need to be privy to the discussions. Maybe we should have a workshop on an article, and then televise a public hearing after, to gain input.

Commissioner Higgins said nothing was formalized. Also, they don't have a [formalizing] procedure in place, nor any guidelines, advising you can't do one paragraph, and it's done. You need to go back and forth throughout the Charter. Maybe we need to do a press release to let the residents know how this works.

Vice-Chair Bird wanted "at this time" inserted at the end in the motion, seconded by Commissioner Higgins.

IN FAVOR: Commissioner Higgins, Vice-Chair Bird.

OPPOSED: Commissioner Gombar, Commissioner Regis, Commissioner Vallante, Chair Ladakakos.

Motion on the amendment fails.

The vote was then taken on the motion made by Regis seconded by Commissioner Vallante to televise the Charter Commission meetings.

IN FAVOR: Commissioner Vallante, Commissioner Regis, Commissioner Gombar, Chair Ladakakos.

OPPOSED: Vice-Chair Bird, "no at this time", Commissioner Higgins.

Motion Passes.

Chair Ladakakos then stated that is it up to the Town Council to figure out the logistics. He was also disappointed that more residents don't attend the meetings.

Resident Jerome Begert stated that he understood and agreed with half of it. He stated this is a socio-pathological drag from the past, over the last 50 years. When residents speak, they would be blown off. They don't think anything will come of their presence.

Chair Ladakakos stated this is 2010, not 1995. People have to get used to coming to meetings, advising he will definitely give the residents the right to speak. He also said the Town Council is doing a fantastic job, and wanted to commend Chair Sharri MacDonald. He then started the workshop.

Commissioner Higgins stated they all received Commissioner Bolduc's e-mail reference skipping Town Council sections of Article IV because she could not be in attendance this evening. Commissioner Higgins stated that Commissioner Bolduc is also a Charter Commission member, and does not feel the need to hold off on doing Article IV.

The Commission started with Article IV, section 401.

Commissioner Regis commented that there is a conflict in the section referring to the Town Council members not being able to serve in any other position appointed by the Town Council.

Resident Jerome Begert stated that was only for positions under the direct control of the Town Council.

Vice-Chair Bird stated that 409.3 "B" is under the Charter, but State law allows for no more than one of the three appointed people by the Town Council to be a municipal officer. He stated the Commission has already accepted the membership.

Chair Ladakakos stated they should leave it alone for now. He did state that he didn't want to wait until the end of the Charter, though, before they started approving sections.

Commissioner Vallante believes they should go section by section, and then make decisions.

Vice-Chair Bird stated they should give a little warning to everyone as to where they're going.

Chair Ladakakos stated they need to look at the whole Charter, and then start, again, with a second look. Then the third time through they'll be done. Also, they should have a discussion on the time line.

Vice-Chair Bird stated that when they discussed the possibility of amending the Charter to enlarge the Council to six or seven Town Councilors, it was just a consensus.

Commissioner Vallante said they should talk to the Town Council at that point.

Vice-Chair Bird stated they're always invited to the meetings.

Commissioner Higgins said they take the committees in priority format, and invite them to a meeting to discuss their sections with the Charter Commission, i.e. Town Council, Conservation, etc.

Vice-Chair Bird gave a list of the committees and departments he downloaded from the Old Orchard Beach website, and advised that when it comes time to discuss their section, they should be notified to send a representative.

Resident Jerome Begert inquired when they would start asking these committees to attend the meetings? The second time?

Vice-Chair Bird said they should be invited at the beginning.

Commissioner Vallante doesn't believe inviting the members to a meeting is the most effective way to go. He believes in the personal touch. He went into the Town Clerk's Office and obtained information about her office, and believes a visit and interview are better one-on-one.

Vice-Chair Bird said they have authority under state law, to talk to anyone during business hours.

Commissioner Higgins advised that she works during the day and cannot do a one-on-one visit, advising they should attend the meetings. She also did not have an issue with other members approaching people.

Chair Ladakakos used the Code Enforcement Officer as an example, stating he doesn't want him to ask, "Why wasn't I informed?" The Commission needs to invite them when their section comes up.

Vice-Chair Bird stated that Jason Webber, the Recreation Director, asked to be notified when his section was being discussed.

Commissioner Regis, referring to section 401, stated that when it comes to a Town Councilor being a registered voter, that the Commission may wish to make a definition on residency. He was concerned that if a Councilor had to sell their home in the summer, and couldn't find a new one right away, they would lose their position. He felt they should be given 90 days.

Chair Ladakakos, referring to one Town Councilor that was allegedly residing in Saco part time and Old Orchard Beach part time, stated the Charter needs to spell out how long a Councilor must be a resident in Old Orchard Beach.

Vice Chair Bird felt it was up to the Town Council.

Commissioner Gombar stated the Town Council judges their own qualifications in section 403. If the Town Council refuses to investigate, he inquired if a petition should be allowed to force the investigation.

Commissioner Higgins questioned how much stronger they could get.

Commissioner Regis stated they should take out "place of residence".

Commissioner Vallante thought they should define residence.

Vice-Chair Bird stated that under state law residence is defined as the place they intend to return to.

Vice-Chair Bird stated that he once lived in Hawaii for a number of years, but owned property in Old Orchard Beach, and was registered to vote here.

Commissioner Higgins then read sentence two of section 401.

Commissioner Regis thought there was a conflict in that sentence.

Vice-Chair Bird suggested to strike the words, “under direct control of the Town Council”, and add, “Vote on any contract while employed by contractor or subcontractor”, and add “with exception of Charter Commission in accordance with State statutes”.

Commissioner Gombar thought the voting part is in an inappropriate place. He said that’s an action. Their behavior should come later.

Commissioners Higgins and Vallante thought that part should be moved to section 408.

Resident Jerome Begert thought there should be an anti-corruption clause.

Commissioner Higgins felt the entire second sentence in 401 needs to be moved to section 408.

Town Clerk Kim McLaughlin also stated there were references to that section in section 1003, as well.

Commissioner Higgins read the last sentence in section 401.

Commissioner Vallante thought the word “possess” is inappropriate and should be “meet”, and the term of office of that Town Councilor shall immediately end.

Commissioner Higgins stated it’s the seat that immediately ends, not the office. She inquired if the Council should be judging the qualifications of themselves [Sec. 403].

Vice-Chair Bird stated if challenged, Superior Court could review it.

Commissioner Higgins read section 404.

Vice-Chair Bird stated they should strike “ordinance or”, and just be a resolution.

Commissioner Higgins inquired if they should be required to hold all Town Council meetings in Council Chambers.

Commissioner Gombar thought that might be too constrictive, and gave an example of construction being done at Town Hall, that may force the move of the meeting.

Commissioner Vallante stated they should define “recorded”.

Commissioner Higgins read 404.1.

Vice-Chair Bird made a suggestion for clarification, stating they should add, “any councilor may place a subject for discussion and/or action on the Council meeting agenda, but...” to the beginning of the sentence.

Commissioner Gombar inquired if this was the correct placement in the Charter.

Commissioner Higgins asked why the Charter should dictate.

Commissioner Gombar stated that Councilors would insert items later on in the meeting.

Commissioner Vallante said they should define the word “emergency”.

Commissioner Higgins then read 405, subsection 1.

Vice-Chair Bird thought they should add, “No other extraordinary powers shall be bestowed upon the position of the Chair”.

Chair Ladakakos inquired what other powers the Chair may have.

Vice-Chair Bird said they should only be allowed to preside and vote.

Chair Ladakakos said it was important that they’re able to maintain order.

Vice-Chair Bird stated that it was just to prevent the Chair from becoming a Mayor.

Commissioner Regis objected, stating if it’s going to be seven Town Councilors, one should be in charge, advising the Town Manager can’t hear it all.

Commissioner Higgins read 405, subsection 2, and there weren’t any comments.

Commissioner Higgins read 406.

Vice-Chair Bird felt that if there wasn’t a quorum, the meeting should be put off until another time.

Resident Jerome Begert felt that “may” sounds like permission.

Commissioner Gombar said they may not want to vote on an issue, or are opposed to an item.

Commissioner Vallante inquired how you would “compel” members.

Vice-Chair Bird said it may be an empty threat.

Commissioner Vallante stated they need to clarify how the Council would compel members to attend a meeting. They shouldn’t leave it ambiguous—either clarify it or remove it.

Chair Ladakakos felt it definitely needed to be changed.

Vice-Chair Bird said one of the questions for the Town Attorney should be: how to compel people to attend meetings—suggest ways.

The meeting ended at section 406. Section 407 will start the next workshop.

The meeting was adjourned at 9:05 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 ten (10) pages is a true copy of the original Minutes of the Charter Commission Meeting held February 9, 2010.

Kim M. McLaughlin