

**CHARTER COMMISSION MEETING
TUESDAY, MARCH 23, 2010 – 7 P.M.**

Chair Ladakakos opened the regular meeting at 7:04 p.m., in Town Hall, Council Chambers. The following members were in attendance:

**John Bird
William Gombar
Paul Ladakakos
Jerome Begert
Tianna Higgins
Jayne Flaherty, excused absence
Ronald Regis, excused absence
Laura Bolduc, excused absence
Michael Vallante, excused absence**

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

Chair Ladakakos explained to the audience that he had had an operation and was requesting Vice-Chair Bird to Chair this evening's meeting.

Vice-Chair Bird asked for a motion to accept the minutes of the March 9, 2010 meeting.

Chair Ladakakos made a motion to approve the minutes, seconded by Commissioner Gombar.

VOTE: Unanimous, with one abstention by Commissioner Higgins because she was not present at the last meeting.

Vice-Chair Bird stated the Town Manager, Jack Turcotte, the interim Public Works Director, Bill Robertson, and the Treasurer, Jill Eastman were present at this meeting.

It was decided to discuss the position of Treasurer/Department of Finance first.

Commissioner Gombar was chosen to read the sections of the Charter at tonight's meeting. He then read section 507.

Vice-Chair Bird then inquired of Jill Eastman if she had any suggestions.

Ms. Eastman stated she had read Vice-Chair Bird's suggestions and believed they were laid out well. She explained that as head of the Department of Finance, she had many other jobs; however, they're not related to the Treasurer's position. She is in charge of risk management, worker's comp, insurances and she's the Human Resources person. She advised that the Office of Finance has a lot of responsibility.

Vice-chair Bird inquired if the extra jobs she handles should be part of the Finance Department in the Charter.

Ms. Eastman responded that a lot of Towns have responsibilities that fall under the Treasurer.

Chair Ladakakos stated they should have introduced the three employees present to the Board and the audience, and have them explain the powers and duties of their position, further stating the Charter Commission is there to make this a better Town. They want to cut monies in the Charter where possible. He then asked Ms. Eastman to explain how she receives a voucher and what it is, asking what her responsibility entails.

Ms. Eastman explained that a department head requests a purchase order from the Finance Department through e-mail. E-mail is the current system, whereby the request is e-mailed to the Finance Department directly. The Finance Department creates a purchase order and it is electronically signed by the Town Manager. It is then issued to the Department Head.

Chair Ladakakos stated he is trying to understand the system, inquiring what is listed on a purchase order.

Ms. Eastman responded that it is part of the Purchasing Policy. That policy is, however, very old and is in the process of being re-written.

Chair Ladakakos then asked how many vendors are listed on a purchase order request, three or one.

Ms. Eastman responded that it depends on the amount of the purchase. If it is under \$1,000, then only one quote is needed. If the cost is between \$1,000-\$5,000, then three quotes are required and the approval is through the Town Manager. If it is over \$5,000, there are still three quotes required, but the Town Council approves the request.

Chair Ladakakos then inquired if the vendor is new, how are they set up.

Ms. Eastman responded that new vendors fill out a credit application, for the Town, in her office.

Chair Ladakakos asked that if the purchase order is for, example, \$7,000, and needs Town Council approval, is the voucher paid before the Council approves the amount?

Ms. Eastman responded that the item shouldn't be ordered until the Town Council approves the amount.

Chair Ladakakos then stated he was very satisfied with Ms. Eastman's responses.

Commissioner Begert then asked what would happen if services and products are purchased together, and the bundle exceeds the \$5,000 threshold for Council approval, but separately, they would not require Council approval. He perceived that because the aggregate is over \$5,000, then Council approval should be mandated. Ms. Eastman agreed.

Chair Ladakakos asked the Town Clerk to obtain the job description for the Treasurer under State law.

Town Manager Jack Turcotte wanted to expound on the other, additional duties of the current Treasurer, stating she has other primary responsibilities other than records, payroll, etc. She is the number one advisor to the Town Manager's Office. He stated that every decision he makes has a financial impact, and he seeks her input on all those questions. She's also a resource to all departments.

Vice-Chair Bird made suggestions for an explanatory sentence at the beginning of Section 507.

Department of Finance

This Town Department shall be responsible for the financial affairs of the Town including receipt, recording and disbursement of funds according to policies set forth by State Law, this Charter, the Town Council, and good and accepted accounting practices.

He also suggested amending the following by adding the underscored language, and deleting the strikethrough language as shown below.

The Town Treasurer shall be nominated ~~appointed~~ by the Town Manager, subject to confirmation by the Town Council. The Treasurer may be given a contract will be for a two (2) year term subject to removal for cause during such term by the Town Council, after notice and hearing, in accordance with the ~~current~~ contract.

The Department of Finance shall also include and be responsible for the following functions: Department of General Assistance, Tax Collection.

Vice-Chair Bird suggested the above sentence because the Department of Finance reconciles the books for General Assistance and Tax Collection.

Town Manager Jack Turcotte stated Ms. Eastman is the department head for those two offices.

Vice-Chair Bird mentioned that each office has separate state laws to follow.

Commissioner Higgins wondered if maybe the Department of General Assistance should be in another section.

Vice-Chair Bird thought it should be moved into the Finance Department, as well as Tax Collection. He stated General Assistance was currently all by itself.

Vice-Chair Bird then stated that at the last meeting Commissioner Begert brought up an interesting system for transparency that he thought should be shared with the Town Manager and Treasurer.

Commissioner Begert explained the system, suggesting expenditures should be placed on the website for the purpose of transparency. A memo could indicate what product is being purchased and why, stating it doesn't have to be posted every week, but once a month, with Ms. Eastman concurring.

Ms. Eastman was concerned that some weeks she formulates over 150 checks, not including payroll, and was concerned about the amount of time needed.

Vice-Chair Bird inquired how many employees are on the Town payroll.

Ms. Eastman responded that there are approximately 100 employees in the winter, swelling up to about 225 in the summer. She then explained that she could post the warrant on the website, and Mr. Turcotte concurred, stating she could place a list of expenditures on the website. Ms. Eastman stated that if it were just the warrant, she would have the capability to do that today.

Commissioner Gombar questioned if there was a reason not to post the information on the website.

Mr. Turcotte explained the warrant is a public document. He further explained that the complication in time and explaining each item would be the most intense part.

Chair Ladakakos then stated the explanation could be very simple. He thought this would be a good idea for the future, so people can see where the money goes, and would like something similar to this added to the Charter in the future.

Vice-Chair Bird commented that maybe instead of an intense description, they could put “see Town Manager for further details”.

The Commission was done reviewing the Treasurer’s section at 7:37 p.m., and Ms. Eastman excused herself from the meeting.

Commissioner Gombar read section 504.

Vice-Chair Bird suggested the following statement be added to the beginning of Section 504:

This Town Department shall be responsible for the maintenance of the Town Public Infrastructure, Solid Waste Disposal and such other public works and operations as directed by the Town Council and the Town Manager and not otherwise contracted for, delegated or provided for by the Town Council and this Charter.

Vice-Chair Bird then asked Mr. Robertson to explain his position.

William Robertson explained that he is interim public works director, and has been here for approximately three months. His department is in charge of maintaining many areas, including all streets, sidewalks, parking lots, parks, beaches and stormwater drains (except the Waste Water Treatment Plant). Mr. Robertson continued explaining the areas that fall under his department, including the fleets of vehicles at public works and Town Hall, some school vehicles, the transfer station, salt shed, public works facility, recycling, solid waste, and construction projects. He advised there are a lot of projects public works will be doing instead of going out to bid, in an effort to save money.

Chair Ladakakos inquired what his qualifications were to apply for the position, stating qualifications for the position may be placed in the Charter.

Mr. Robertson responded that his resume is quite extensive, explaining his college education, being certified in three states as a civil engineer, as well as the past jobs he has held.

Chair Ladakakos inquired if Mr. Robertson was non-union, to which Mr. Robertson responded that is correct.

Chair Ladakakos then asked if the foreman was union, to which Mr. Robertson responded that the position is union.

Mr. Robertson said there were eleven individuals that were union, and the only people who were not were the office manager and himself.

Mr. Begert stated that in past conversations with the Town Council, they have discussed promotions and raises, and suggested Mr. Robertson make a list of the areas he has taken on to save money for the Town, and congratulated him on his efforts.

Vice-Chair Bird then suggested the following sentence in Section 504:

The Director of Public Works shall, annually, prepare a projected plan of work for the department for the next fiscal year and provide it in conjunction with its annual budget to the Town Manager and Town Council.

Chair Ladakakos talked about increasing public works responsibility in the Charter, giving them more powers to check construction sites.

Mr. Robertson stated that for any jobs contracted out, the Public Works Director has the right to inspect. The Town also has road opening permits. He also reviews all plans going to the Planning Board.

Vice-Chair Bird inquired of Chair Ladakakos if he was suggesting that the title, “Clerk of the Works” be added in the Charter, and Chair Ladakakos agreed.

Chair Ladakakos also stated that if the Charter states that all department heads/supervisors are under the Town Manager, then foremen should not be unionized. He stated that foremen are management.

Mr. Turcotte stated they would need to grandfather existing employees if that were to be placed in the Charter. The changes would be made for new employees.

Vice-Chair Bird stated it could be placed in the Charter, or it may be something to be placed in a Personnel Policy. They will discuss this further.

The Charter Commission was finished discussing Public Works at 8:13 p.m., and Mr. Robertson excused himself from the meeting.

Vice-Chair Bird informed the audience that the Charter Commission would be speaking with Town Manager, Jack Turcotte, next.

Commissioner Gombar read section 501.

Vice-Chair Bird introduced the following underline and strikethrough suggestions for this section:

ARTICLE V. TOWN ~~MANAGER~~ ADMINISTRATION

This Article deals with the departments and offices involved with the daily administration of the affairs of the Town Government.

Sec. 501. Town Manager, Qualifications.

The Town Manager shall be chosen by the Town Council on the basis of what is in the best interest of the town of Old Orchard Beach and must hold a Bachelor's or advanced degree in government, law, accounting, political science, public administration, public finance, business administration, economics or another similar ~~academic~~ discipline or must have significant experience serving as the chief administrative/executive officer or as an assistant or deputy to the chief administrative/executive officer of a state, municipality or other political subdivision, or of a state or federal government agency. At the time of appointment, the Town Manager need not be a resident of the Town or State.

At the time of appointment, the Town Manager need not be a resident of the Town or State, but shall become one before entering into a contract with the Town.

Mr. Turcotte stated he didn't agree with the section regarding the Town Manager being a resident of the Town. He believes each case needs to be looked at separately. He understands the concept of the Town Manager being fully engaged in the Town, and he should live near the Town. He felt this requirement could cause the Town to lose good applicants. The Town should be encouraging a close relationship, but the Town could have a Town Manager that lives in Town, and is still not be connected to the community—no guarantee just because the Town Manager is required to reside within the community.

Vice-Chair Bird felt the Town Manager might be able to supply language to better describe the qualifications for a Town Manager and asked him to do so if he liked. He said that it was the feeling of some in Town that if the Town Manager resides within the community, he's more engaged. He also stated there were suggestions for a Mayor or even an elected Town Manager.

Mr. Turcotte responded that because it's a small community, there is a political disadvantage. An elected Town Manager may be too politically connected, and it can take away objectivity. He believes that if the Town Manager isn't meeting the expectations of the Town Council, then it is a performance issue.

Commissioner Begert inquired how many employees are under the Town Manager's purview, and Mr. Turcotte responded about 90.

Commissioner Higgins suggested that it should be re-phrased to read "resident of the State" instead of "resident of the Town".

Chair Ladakakos agreed with Commissioner Higgins, and felt that after the Town Manager has served his six month probation, the Town Council should assist him in finding a residence in Old Orchard Beach if he wishes to move into the community.

Commissioner Gombar believes the language needs to be cleaned up, with Commissioner Higgins concurring that it's too wordy.

Vice-Chair Bird stated they will work on that.

Chair Ladakakos needed to excuse himself from the meeting at 8:30 p.m. The Commission no longer had a quorum to continue the meeting.

The Commission agreed to adjourn the formal meeting, but to continue discussion with the cameras continuing to film the interaction.

Commissioner Gombar made a motion to adjourn, seconded by Vice-Chair Bird.

The meeting was adjourned at 8:31 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 seven (7) pages is a true copy of the original Minutes of the Charter Commission Meeting held March 23, 2010.

Kim M. McLaughlin