

CHARTER COMMISSION MEETING
TUESDAY, OCTOBER 26, 2010 – 7 P.M.

Chair Ladakakos opened the regular meeting at 7:03 p.m., in Town Hall, Council Chambers.
The following members were in attendance:

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

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

Motion made by Vice-Chair Bird, seconded by Commissioner Vallante, to accept the minutes of October 12, 2010.

VOTE: Unanimous.

Chair Ladakakos discussed Roberts Rules with the Charter Commission. He stated they voted unanimously to adopt Roberts Rules at a previous meeting, and that meetings should be informal. He wants to suggest a format for the Charter Commission to follow at each meeting. First, would be to set a 30 minute time limit to debate an issue. Second, would be that each member would have an opportunity to debate the issue without interruption. Third, rebuttal will then start. Four, all discussion will cease. Five, there will be a motion to approve, deny, or table an item. Six, a motion on each item is mandatory.

Commissioner Begert suggested that if this passes, all members need a copy of Roberts Rules for Dummies, paid for out of the Charter Commission budget.

Commissioner Higgins stated they probably do not need Roberts Rules to follow. She was fine with the 30 minute time limit; however, some items may take five minutes and others may take days. She is concerned about tabling an item to the next meeting. In doing that, the Charter Commission would then, essentially, be starting to discuss the item all over, again.

Chair Ladakakos said that in tabling an item to the next meeting, it allows time for other items to be passed that may not require as much time.

Commissioner Gombar stated there isn't a need for a 30 minutes time limit. He cautions that members could lose continuity of thought by tabling an item to the next meeting if it exceeds the time limit.

Vice-Chair Bird stated he could see both sides. There are times when a long discussion is really needed, and hopefully it's on point, but he sees the procedure of tabling the item gives people time to sort their mind out, and come up with better ideas of what they're talking about; however, you do lose train of thought. If an item can't be resolved in 30 minutes, is it too long, anyway? At 30 minutes, would you want to extend it? If the discussion is valuable, waive the

rule. If the Commission is not getting anywhere, close the discussion, and wait until the next session.

Commissioner Vallante said he's reluctant to impose externally developed rules and regulations that restrict behavior. If the Commission gets stuck, the Chair can table or call a question, but no more than 30 minutes puts a restriction on that, and it won't serve the Commission well. The Commission came together to discuss the items. Thirty minutes is arbitrary and not needed.

Commissioner Flaherty stated that what bothers her is that some of the hottest items they discuss, they find out from the experts, that the Commission is in areas outside their territory. Citizens are asking her why everything in the Charter needs to change. The Commission doesn't have a mandate to slash and burn. The Town Attorney should be at a meeting to tell the Commission what they can and cannot do.

Chair Ladakakos replied that it would cost too much money to have the Attorney present at their meeting.

Vice-Chair Bird responded that when they have questions, they put them together in an e-mail to the Attorney.

Commissioner Higgins advised that when the Commission gets to a point of needing to ask questions to the Attorney, they should move on from that item until they get their answers. Vice-Chair Bird concurred.

Chair Ladakakos made a motion, seconded by Commissioner Higgins to set a time limit of one hour to discuss a section, debate the section and have rebuttal. All discussion will cease before the time frame. If more time is needed on an item, any member of the Commission can request more time. Then there will be a motion to approved, reject or table the item. A motion is mandatory on each section. Each member will have an opportunity to speak on an item without interruption.

Commissioner Begert stated he liked everything Chair Ladakakos stated, but the Commission isn't there to zip through from one section to another. The Commission is also trying to educate the citizens of Old Orchard Beach on all the topics. He is concerned that if the Commission consistently tables items, they're fragmenting the exposure of that topic to the viewers.

Commissioner Vallante stated he agrees with the one hour, but there are sections that are large. If the Commission can't agree in an hour, they need to go away and come back at a later date. On the issue of commission members all speaking at once, the Chairman needs to be freer to call for order and ensure one person speaks at a time.

Vice-Chair Bird stated that he questions the word "rebuttal"; he would prefer the word "discussion". He said they basically should try to resolve each item within an hour, including allowing each member to speak at least once, one at a time. In an hour, the item should be called for a motion to approve, disapprove or table it, or extend the time.

Commissioner Begert just wanted to confirm that this motion does not prohibit citizens from coming to meetings and interrupting the Commission with their questions.

Chair Ladakakos confirmed that it would not prohibit citizens from coming to meetings and interrupting the Commission with their questions.

Commissioner Gombar commented that someone should state the time they start each section.

VOTE: Unanimous.

Vice-Chair Bird stated he wanted to comment on an article in the Journal Tribune, an opinion piece, that referenced the Old Orchard Beach Charter Commission. He thought there was confusion on the part of the person who wrote it, so he wanted to clarify the issues.

[October 4th, 2010, Thumbnails, Journal Tribune: “Thumbs down to the Old Orchard Beach Charter Commission’s proposal to have one, one-year town council term and to increase the council to seven members, up from five. As anyone who has served on a board will tell you, one year is not long enough to learn the inner workings of town government and become an effective representative. The first year is generally a learning experience—of working within the rules and with fellow councilors, town staff and constituents—and it would not serve residents well to have a “councilor in training” every single year. Increasing the number of councilors is a mistake as well. The larger the group, the more opportunity for personalities to clash and bickering to take precedence over town business.”]

Vice-Chair Bird stated the person who wrote the article appeared to have thought that the one-year person is always limited to that one-year term. That is not the case. They could later (or next) run for one of the two three-year terms that would also be available annually. Also, there wouldn’t be people in training every year. There may be some new people, but not a new Town Council. By having both a one-year term and three-year term available, it allows for a variance in commitment time. Also, with seven members, it gives the Town Council more diversity and can bring more to the table. As Commissioner Vallante has stated, a seven member group works better without cliques and people trying to take over.

The Charter Commission then discussed the answers to their October 12th questions by Attorney Chris Vaniotis.

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October 20, 2010

Kim McLaughlin, Town Clerk
Town of Old Orchard Beach
1 Portland Avenue
Old Orchard Beach, Maine 04064-2245

Re: Charter Commission Questions

Dear Kim:

I am responding to the questions from the Charter Commission posed in your October 15th e-mail.

1. The Charter Commission was discussing ARTICLE III, Initiative and Referendum.

- A) What would be the implications by removing the following words from sections 301.3 and 301.4?**
B) Would it affect the budget, and if so, how?

~~“301.3. Orders or resolves authorizing the issuance of general obligation bonds or notes of \$250,000 or more for capital improvements or capital equipment.~~

~~301.4. Orders or resolves appropriating \$250,000 or more from the Capital Improvement Fund.”~~

The proposed change to section 301.3 would make all general obligation bond issues subject to overrule by referendum, whether they were for capital improvements/equipment or any other purpose. The proposed change would probably not have a drastic impact, because the issuance of general obligation bonds for purposes other than capital improvements/equipment is quite unusual at the municipal level. If the Commission is going to propose this change, I would, however, make it clear that section 301.3, as amended, would not apply to short-term borrowing, as follows:

301.3. Orders or resolves authorizing the issuance of general obligation bonds or notes of \$250,000 or more, ~~for capital improvements or capital equipment other than tax anticipation notes, bond anticipation notes and grant anticipation notes.~~

With respect to section 301.4, making all orders or resolves appropriating \$250,000 or more subject to overrule would, I think, make the budget process extremely difficult. Arguably, the entire budget is an order or resolve appropriating \$250,000 or more, and I assume there are many line items within the budget that exceed that amount. The primary reason why many charters include this kind of language concerning capital improvements and capital equipment is a policy that voters should get a say on “big ticket” items, which are different from the day-to-day operations of the municipal government, which are left to the elected public officials.

2. What would be the implications, including budget implications, of removing the following words from sections 303 (i) and 303 (ii)?

~~“(i) any order or resolve appropriating \$500,000 or more for a single capital improvement or for a single item of equipment;~~

~~“(ii) any order, resolve or ordinance authorizing general obligation bond issues of \$500,000 or more for capital improvements or equipment.”~~

My comments regarding section 303 are essentially identical to those concerning section 301 above. The proposed change to clause (i) would presumably make the entire budget subject to voter approval. If the proposed changes are made to clause (ii), the exception should be made for TANs, BANs and GANs.

3. The Charter Commission is considering sending multiple questions to the voters to adopt the Charter. Their concern is that if the voters do not approve of one section, the entire Charter will fail at referendum. They would also like to know which sections of the Charter voters do or do not approve of, so if it had to go back through the process, they would know what to amend.

A) Is it possible to send multiple questions to the voters?

Concerning multiple questions, the statute does allow multiple questions but only in very limited circumstances. 30-A M.R.S.A. § 2105(1)(A) provides as follows:

A. If the charter commission, in its final report under section 2103, subsection 5, recommends that the present charter continue in force with only minor modifications, those modifications may be submitted to the voters in as many separate questions as the commission finds practicable. The determination to submit the charter revision in separate questions under

this paragraph and the number and content of these questions must be made by a majority of the charter commission.

(1) If a charter commission decides to submit the charter revision in separate questions under this paragraph, each question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter modification recommended by the charter commission and reprinted (summarized) below?"

Unfortunately, the statute does not define the term "minor modifications," and I am not aware of any judicial decisions providing any guidance on the question. I think the Commission may have to wait until it is closer to the end of its work, and then make the judgment call as to whether what it has produced is a revised charter versus a series of "minor modifications."

B) If so, how many questions?

The statute quoted above indicates that there can be "as many separate questions as the commission finds practicable." That leaves the decision of how many questions to the discretion of the Commission. The practicable analysis involves considerations of what is understandable for the voters and how many questions the voters can realistically be expected to digest and vote upon.

C) Also, can there be provisional questions?

In the context of the "minor modifications" discussed in 30-A M.R.S.A. § 2105(1)(A), the statute does not speak one way or another to the question of provisional questions. I assume that by "provisional" the Commission is talking about a situation where one question would take effect only if another question were approved.

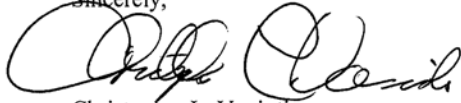
I note that in the case of charter "amendments," which are a totally different process not involving a charter commission, the statute does require that each amendment be limited to a single subject and prohibits alternative statements of a single amendment. 30-A M.R.S.A. § 2104. While those provisions suggest a policy which might be applicable to provisional questions as well, the section 2104 provisions do not apply directly to "minor modifications" proposed by a charter commission.

The potential difficulty with provisional questions is voter confusion. It is very difficult to create ballot questions which clearly define the relationship between the contingent questions such that voters can understand how their vote on one question will affect their vote on another question. That is not to say that it cannot be done, but it is a fairly complicated task.

Kim McLaughlin, Town Clerk
October 20, 2010
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As always, let me know if you need anything further.

Sincerely,



Christopher L. Vaniotis

CLV/lc

Town Clerk, Kim McLaughlin, read question one and Attorney Vaniotis's response.

Commissioner Higgins stated she agrees with Attorney Vaniotis's answer to question 301.4, and has no opinion on 301.3.

Commissioners Flaherty and Gombar agree with Attorney Vaniotis on section 301.4, as well.

Vice-Chair Bird stated he could see the point of the suggested language in 301.3. He stated that he may make a motion to accept 301.3 as written by the attorney. Section 301.4 would only happen if 10% of the registered voters want the question to go to referendum. That's not unreasonable. The RSU puts their whole budget before the voters every year. He is not suggesting that occur, but his recommendations for the changes to this section are feasible.

Commissioner Vallante commented that there isn't a reason to change the wording in the Charter. If there are changes, there should be compelling reasons to do so. He believes these changes would complicate things in the budget process.

Commissioner Begert said there are towns that put each department's budget out to referendum. This request is not bizarre or out of the ordinary.

Vice-Chair Bird motioned, seconded by Commissioner Higgins to accept the attorney's wording for section 301.3, "Orders or resolves authorizing the issuance of general obligation bonds or notes of \$250,000 or more, for capital improvements or capital equipment other than tax anticipation notes, bond anticipation notes and grant anticipation notes."

VOTE: 5-1-1 (Commissioner Begert abstained and Commissioner Vallante voted against)

Commissioner Gombar motioned, seconded by Commissioner Vallante to keep the current language for section 301.4 as is currently in the Town Charter.

VOTE: 6-1 (Commissioner Begert voted against)

Town Clerk, Kim McLaughlin, read question two and Attorney Vaniotis's response.

Commissioner Gombar recommended the section be left as is currently in the Charter.

Vice-Chair Bird stated this is different than section 301. This is about a referendum. He doesn't feel that the interpretation by Attorney Vaniotis that the entire budget is subject to referendum is accurate, but he feels the town's people should be able to vote on that.

Commissioner Vallante stated that, once again, he doesn't see a reason to change this language. It can get very complicated with TANs, BANs and GANs.

Vice-Chair motioned, seconded by Commissioner Higgins, to amend section 303 (ii) by crossing out and inserting the underlined sections as follows: "any order, resolve or ordinance authorizing general obligation bond issues of \$500,000 or more for capital improvements or equipment except for tax anticipation notes, bond anticipation notes and grant anticipation notes."

VOTE: Unanimous.

Commissioner Gombar motioned, seconded by Commissioner Vallante to keep the current language for section 303 (i) as is currently in the Town Charter.

VOTE: Unanimous.

Commissioner Gombar motioned, seconded by Chair Ladakakos, to accept Section 303 as a whole, with the above changes.

“Sec. 303. Referendum on Certain Expenditures.

The Town Council shall submit the following actions to the voters at a regular or special election following one or more public hearings:

- (i) any order or resolve appropriating \$500,000 or more for a single capital improvement or for a single item of equipment;
- (ii) any order, resolve or ordinance authorizing general obligation bond issues of \$500,000 or more ~~for capital improvements or equipment~~ except for tax anticipation notes, bond anticipation notes and grant anticipation notes.”

eThese provisions shall apply whether or not payment for the capital improvements or single item of equipment is to be made in more than one fiscal year.

The questions shall be submitted to the voters at the next regular municipal election held not less than thirty-five (35) days after the order, resolve or ordinance is passed; or the Town Council may order that the question be submitted to the voters at a special election to be held not less than thirty (30) days from the date of the order, resolve or ordinance.”

VOTE: Unanimous.

Town Clerk, Kim McLaughlin, read question three and Attorney Vaniotis’s response.

Commissioner Begert stated that both Scarborough and Portland will be submitting their recommended Charter revisions in separate questions.

Commissioner Higgins said the questions on the ballot could be done on an Article basis, but not a section basis. That’s as small as they should go, without being too confusing to the voters.

Commissioner Flaherty agreed, stating during the third round, they may get more of a feel from the community.

Chair Ladakakos stated the Commission should table this action until the third reading.

Commissioner Vallante concurred, further stating that the Commission needs to bring this up later on. This is another reason to not change items in the document unless it’s needed. The Commission should be concentrating on the bigger items. The Commission needs to sit down in a workshop setting and develop a format strategy for further discussions of the Charter.

Commissioner Vallante motioned, seconded by Vice-Chair Bird, to hold a non-televised format workshop open to the public at their next meeting.

VOTE: Unanimous.

Vice-Chair Bird thanked them for their comments and suggested attaching the comments from the Town Manager, Jack Turcotte, and the Finance Director, Jill Eastman, reference the budget questions, as they weren't discussed in the meeting.

Chair Ladakakos read Article IV, Town Council, with Vice-Chair Bird's recommended addition:

“ARTICLE IV. TOWN COUNCIL

The Town Council is the Legislative and Policy Setting Branch of the Town Government.”

Vice-Chair Bird, motioned, seconded by Commissioner Gombar, to insert the above sentence as a preliminary introduction to Article IV, Town Council.

VOTE: Unanimous.

Chair Ladakakos read section 401 with recommendations.

“Sec. 401. Qualifications.

Councilors shall be registered voters of the Town and shall have their principal place of residence in the Town during their terms of office. No member of the Town Council shall hold any other compensated Town office, be employed in any Town department ~~under the direct control of the Town Council~~, vote on any contract while employed by the contractor or sub-contractor, nor serve in any position appointed by the Town Council under Section 409.3 of this Charter, during the term for which that member was elected to the Town Council with the exception of Inter-Governmental Groups and Charter Commissions in accordance with the State Statutes. If a Town Councilor shall cease to possess any of these qualifications or shall be convicted of a crime which is punishable by imprisonment for more than six months, the *office seat* of that Town Councilor shall immediately become vacant.”

Commissioner Higgins stated the Commission had previously discussed changing the word “possess” to “meet” in the last sentence of section 401.

Commissioner Flaherty questioned why Vice-Chair Bird recommended removing the words “under the direct control of the Town Council”.

Vice-Chair Bird replied that it would still be a conflict of interest if an employee of the Town is also on the Town Council.

Commissioner Flaherty was concerned that it could eliminate the possibility of teachers working in another Town department, e.g. E. Emerson Cummings was a teacher and on the Town Council.

Vice-Chair Bird responded that the RSU is not a Town department now, so it wouldn't affect the teachers anymore.

Commissioner Gombar stated that suggestion that the underlined words in the following sentence, “vote on any contract while employed by the contractor or sub-contractor”, should not be in this section.

“No member of the Town Council shall hold any other compensated Town office, be employed in any Town department ~~under the direct control of the Town Council~~, vote on any contract while employed by the contractor or sub-contractor, nor serve in any position appointed by the Town Council under Section 409.3 of this Charter, during the term for which that member was elected to the Town Council with the exception of Inter-Governmental Groups and Charter Commissions in accordance with the State Statutes.”

He stated that it should be in another section entitled, “Conflicts of Interest” and Vice-Chair Bird concurred.

Commissioner Vallante commented that he thought the Commission had decided that in the last sentence of section 401, that a Town Councilor’s term “shall immediately end” instead of the currently terminology “shall immediately become vacant”.

“If a Town Councilor shall cease to possess any of these qualifications or shall be convicted of a crime which is punishable by imprisonment for more than six months, the office of that Town Councilor shall immediately become vacant.”

Vice-Chair Bird stated that they don’t want the term to end, just the person in that office to go away. He’s concerned about changing the wording.

Commissioner Vallante countered that by using the term “Town Councilor”, it means that person’s term ends, not the term itself.

Commissioner Higgins was concerned that they need to fill the existing term, and not start with a new term.

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to amend Section 401 as follows:

“Sec. 401. Qualifications.

Councilors shall be registered voters of the Town and shall have their principal place of residence in the Town during their terms of office. No member of the Town Council shall hold any other compensated Town office, be employed in any Town department ~~under the direct control of the Town Council~~, nor serve in any position appointed by the Town Council under Section 409.3 of this Charter, during the term for which that member was elected to the Town Council with the exception of Inter-Governmental Groups and Charter Commissions in accordance with the State Statutes. If a Town Councilor shall cease to possess any of these qualifications or shall be convicted of a crime which is punishable by imprisonment for more than six months, the ~~office seat~~ of that Town Councilor shall immediately become vacant.”

VOTE: Unanimous.

Chair Ladakakos read section 402.

Commissioner Vallante stated that the original document has a lower case “p.m.” and Vice-Chair Bird corrected it on his document to “P.M.”. The Commissioner needs to discuss at their format meeting how they’re going to accept all the grammatical corrections.

Commissioner Flaherty said it would be helpful if all the votes that were taken in the first/second rounds would be in a neat package for the third round.

Commissioner Gombar motioned, seconded by Commissioner Vallante to keep the current language for section 402 as is currently in the Town Charter.

VOTE: Unanimous.

Chair Ladakakos read section 403.

Commissioner Gombar stated he was comfortable with the wording because there is the availability of appealing to the Maine Superior Court.

Vice-Chair Bird stated that judging the qualifications of its members is an administrative function of the Town Council. It’s the human element. They are the legislative body.

Commissioner Vallante motioned, seconded by Commissioner Begert to keep the current language for section 403 as is currently in the Town Charter.

VOTE: Unanimous.

Chair Ladakakos read section 404.

Commissioner Higgins suggested the term “recorded” be further defined.

Commissioner Flaherty stated she was fine with it the way it is. She assumes the word “recorded” can mean televised.

Commissioner Gombar stated he was fine with the way it is worded with or without the words “ordinance or” in the section.

Vice-Chair Bird stated the reason “ordinance or” was struck is because an “ordinance” is a formal action. It isn’t necessary. The Town Council can establish their meeting dates, locations and times by resolution. An ordinance is unwarranted. He did, however, suggest that “recorded” be defined more specifically.

Chair Ladakakos stated he would like to see the term “televised” in that section, as well.

Commissioner Vallante concurred that the word “recorded” needs to be defined. He is also concerned that if “televised” is added, and the equipment breaks down, or something else happens, and a meeting cannot be televised, would that mean the meeting would have to be cancelled?

Vice-Chair Bird stated that section 407, using the word “record” is similar to the section they’re discussing now.

“Sec. 407. Rules of Procedure, Journal.

The Council shall determine its own rules and order of business which shall not supersede the Town Charter. It shall keep a record of its proceedings and the record shall be open to public inspection.”

Commissioner Gombar stated he thought the wording of section 404 is fine the way it is. He said the term “recording” is general enough.

Commissioner Higgins motioned, seconded by Commissioner Vallante, to amend section 404 by deleting the words “ordinance or”:

“Sec. 404. Meetings.

The Town Council shall, at its first meeting or as soon thereafter as possible, establish by ~~ordinance or~~ resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings and workshop meetings. Public notice shall be given for all meetings of the Town Council in accordance with Section 1004 of this Charter and in accordance with state law. Meetings of the Town Council shall be open to the public in accordance with 1 M.R.S.A. § 401 et seq. as amended and shall be recorded.”

VOTE: Unanimous.

Chair Ladakakos read section 404.1, with Vice-Chair Bird’s recommendations:

“Sec. 404.1. Any Councilor may place a subject for discussion and/or action on the Council Meeting Agenda prior to publication, but oOnce a Town Council meeting has commenced, any additions to or deletions from the agenda, including emergency items, must be made immediately after roll call, at the beginning of the meeting.”

Commissioner Gombar inquired as to why the Charter Commission needs to micro-manage the Town Council. He thought it would clutter their rules.

Vice-Chair Bird said the change was a request to make sure things aren’t stopped from being addressed. Any Town Councilor should have the authority to place an item on the agenda.

Commissioner Vallante stated he strongly concurs with Vice-Chair Bird.

Commissioner Begert said that Town Councilors play a very important role in mirroring and being an echo chamber of the people. He agrees with this wording, as it is important to be able to bring forward citizens’ concerns.

Chair Ladakakos thought a citizen should be allowed to place an item on the agenda. He’s concerned that, “If a citizen cannot get an item on the agenda, how will they be heard?”

Commissioner Begert stated there is an initiative/referendum process if a group of people is being ignored. An example was the Community Animal Watch. They did petitions, and brought those petitions to Good and Welfare, and eventually the item made it on an agenda.

Commissioner Higgins stated that's what Good and Welfare is for. There may be a good reason why an item is not placed on an agenda. It would defunct the whole system if anyone is allowed to put something on. The meeting could take several hours to complete.

Commissioner Vallante stated this is another reason to have seven councilors. A citizen should be able to convince at least one Town Councilor out of seven if it's a worthwhile item.

Commissioner Vallante motioned, seconded by Commissioner Higgins to amend section 404.1, as is underline below:

“Sec. 404.1. Any Councilor may place a subject for discussion and/or action on the Council Meeting Agenda prior to publication, but oOnce a Town Council meeting has commenced, any additions to or deletions from the agenda, including emergency items, must be made immediately after roll call, at the beginning of the meeting.”

VOTE: 6-1 (Commissioner Gombar voted against).

The meeting was adjourned at 9:08 p.m.

[On the next two pages are the responses to the Charter Commission's questions from the Finance Director and the Town Manager as attachments].

Respectfully Submitted.

Kim McLaughlin
Town Clerk

I, Kim McLaughlin, Town Clerk of Old Orchard Beach, do hereby certify that the foregoing document consisting of 14 (fourteen) pages is a true copy of the original Minutes of the Charter Commission Meeting held October 26, 2010.

Kim M. McLaughlin

October 21, 2010

Kim McLaughlin

In response to your Charter Commission question regarding Article 111, 303.3 and 301.4 and Section 303(i) and 303 (ii), I offer the following:

My first response was why. General Obligation Bonds are usually issued for Capital Projects or capital equipment and I see no reason to change that wording.

I agree with both Chris Vaniotis and Jack Turcotte that this could drastically impact the budget process, which is already hard enough. Putting together a municipal budget requires knowledge of the operations of the entire town and it's departments and few citizens have this, therefore, having the citizens vote on the budget as a whole could be a disaster. The citizens have opportunities throughout the budget process to voice their concerns, but also to listen to the reasoning behind each budget, if they choose to.

I really feel that the current wording is fine and should not be changed.

Jill M. Eastman
Finance Director

To: Kim McLaughlin
From: Jack Turcotte
Date: October 25, 2010
Re: Charter Commission

In response to your Charter Commission question regarding Article 111, 303.3 and 301.4 and Section 303(i) and 303 (ii), I offer the following:

This is my personal opinion and only reflects my philosophical thoughts.

First I always ask the question – Why?

Why would we want to consider a change? What would be the rational and the identified merit of the change?

I am always leery of invitations or movements that would reduce the authority of an elected body which ultimately extends and complicates the level of decision making. Outsiders do not have all the answers as very few have the in-depth knowledge to address important issues.

In my past life as a Superintendent of Schools I never supported the State mandate requiring school budgets to be voted on by the citizens as it seemed unjust to place the hard work of School Boards in the hands of uninformed voters. I was always of the belief that the School Board was elected by the voters and they were assigned the check and balance authority to provide the final direction to the school administration.

The current budget and Town decision-making procedures are complicated and difficult and subjecting the process to an even greater political process would make the management of the Town unbearable.

Let's look at this example: Last week the Old Orchard Beach Town Council made a decision to support the purchase of a very expensive piece of equipment for the Public Works Department. Now we know that many people have had positive and negative experiences with Public Works. Do we want folks agreeing on the need to purchase a piece of equipment based on the fact they do or do not like the Public Works Department or should the decision to purchase an item be based on the knowledge of a Council members who understand the day-to-day needs of a Department?

On occasion there are certain Town decisions that should indeed be directed to the citizens. A good example was the recent infrastructure Bond package presented to the voters of Old Orchard Beach; however one needs to be careful on extending to the public the authority to make decisions which could be detrimental by political intent rather than factual data.