

CHARTER COMMISSION MEETING
TUESDAY, NOVEMBER 09, 2010 – 7 P.M.

Chair Ladakakos opened the 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
Paul Ladakakos
Ronald Regis
Michael Vallante

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

Chair Ladakakos made a motion, seconded by Commissioner Flaherty, to amend the minutes of October 26, 2010 to spell out “TANs, BANs and GANs” to read “tax anticipation notes, bond anticipation notes and grant anticipation notes” in the motions on pages eight and nine.

VOTE: Unanimous.

Vice-Chair Bird stated that the following sentence in Section 401. Qualifications, should be considered for amendment at a future date, “If a Town Councilor shall cease to ~~possess~~ meet 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.”

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

VOTE: Unanimous.

The Commission started discussion regarding the format for future meetings, and the timeline for completing the Charter.

Commissioner Higgins stated the Commission had received Attorney Vaniotis’s timeline for completion of the Charter to place the Referendum question(s) on the November, 2011 ballot. She suggested the Commission start with the dates and work back to the present for deadlines.

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November 5, 2010

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

Re: Charter Commission Timeline

Dear Kim:

Following up on our recent telephone conversation, here are some dates for the Charter Commission to consider if it wishes to complete its work in time for the November 8, 2011 municipal election.

- Friday, July 15, 2011. Submit latest draft of Charter to legal counsel for review. This would allow time for complete review, including analysis of effects of changes, language clarification if needed, and checking for both internal consistency and compatibility with existing Town ordinances and state law. The Commission would then have ample time to consider any changes suggested by legal counsel.
- Monday, August 15, 2011. Submit proposed Charter to legal counsel in order to obtain the written opinion required by 30-A M.R.S.A. § 2103(5)(D)(4) that the proposed Charter “does not contain any provision prohibited by the United States Constitution, the Constitution of Maine or the general laws.”
- Monday, September 12, 2011. File the Commission’s final report with the Town Clerk and Town Manager’s office for submission to the Town Council, so that staff can prepare a proposed Town Council order for the election.
- Thursday, September 15, 2011, noon. Order for the election is placed on the Town Council agenda for the Council’s September 20th meeting.
- Tuesday, September 20, 2011. Town Council adopts order to place the Charter question on the November 8th municipal ballot, which must be filed in the Town Clerk’s office no later than Friday, September 23rd.


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- Tuesday, October 11, 2011. Post notice of Town Council public hearing on Charter question.
- Tuesday October 18, 2011. Town Council conducts public hearing on Charter question.

The foregoing timeline assumes business in the normal course, according to the Town's regular meeting schedule as it exists today, without any special meetings or changes to existing rules or law. This would be an orderly way to get the Charter question on the ballot on November 8, 2011.

Note that I have not included any timeline for the Commission's preliminary report. In the normal course, the preliminary report is due nine months after election of the Charter Commission, with the final report due twelve months after the election of the Commission. The statute does not specify timing for the preliminary report when the Town has extended the overall deadline, as the Council has done here. Nevertheless, the statute does appear to contemplate that there will be both a preliminary and a final report. The statute obligates the Charter Commission to have the preliminary report printed and circulated throughout the municipality. Therefore, I recommend that the Commission set a deadline for itself to complete the preliminary report, allowing itself enough time to make changes which might result from public comment before it issues its final report.

As always, let me know if you have any questions. I hope this proves helpful to the Commission as it plans its work over the next year.

Sincerely,

Christopher L. Vaniotis

CLV/lc

Commissioner Begert suggested the Commission may want to eliminate discussion on sections that don't need to be amended, and Commissioner Flaherty agreed.

Commissioner Higgins said during the first round of comments, there were plenty of sections that did not need changes.

Commissioner Vallante stated the Commission should present a position paper and ask someone who opposes the Charter to include their opinion with the Charter Commission's opinion. Voters will vote on the changes, and it is incumbent upon the Commission to inform the voters as to why the Commission is recommending these changes.

Commissioner Gombar questioned why the Charter Commission should present an opposing view.

Commissioner Vallante stated he would like something mailed to the residents.

Vice-Chair Bird stated the problem with presenting the opposing opinion is that there could be a variety of opposing opinions.

Commissioner Higgins stated the Charter Commission should only present its opinion.

Commissioner Begert said the Charter Commission has been on television every meeting, so it's like having a public hearing every time.

Commissioner Higgins stated they need to have a draft to Attorney Vaniotis by the end of June [June 28th].

Commissioner Flaherty apologized ahead of time that she will be in Florida February and March of 2011.

Vice-Chair Bird asked the Commission if they wanted to move the November 23rd meeting to November 30th due to the 23rd being in the week of Thanksgiving.

The Commission unanimously agreed.

Commissioner Higgins stated they have two meetings in December [14th and 28th] and two in January and two in February.

The Commission agreed that in future meetings, the Town Clerk will read the sections the Charter Commission will be discussing, not including any recommendations made to the sections.

Commissioner Vallante suggested the Charter Commission run a laptop at the meetings with the Charter running on it, as an aid to show the voters what the commission is talking about and to show the voters the Charter Commission is doing an honest job at presenting the issues. He said he's a teacher at heart, and the Commission needs to stimulate the voting public's senses. People need to understand the Charter.

Commissioner Flaherty said they need to promote professional recommendations.

Commissioner Vallante stated people will vote by emotion. They need to understand the Charter.

Chair Ladakakos requested Commissioner Vallante look into the cost of a laptop and to talk to John Glass in reference to the camera's ability to view it.

Commissioner Higgins stated the Commission should complete its preliminary draft by February 22, 2011.

Vice-Chair Bird said they also have to have their position paper completed.

Commissioner Higgins said the summary should be done by March 8, 2011 and given to the public on the 14th. The Public Hearing could be on March 22nd in which they present the summary and the recommended Charter.

Vice-Chair Bird recommended an insert in the Courier, which is distributed on Thursdays.

Commissioner Gombar stated the deadline for inserts in the Courier are Mondays at 5 p.m.

Commissioner Higgins stated they could put it in the paper on March 17th, and have the public hearing on March 29th instead of March 22nd. Then they would have April, May and June to finish. That leaves six meetings for round three.

The Commission requested the Town Clerk to check with Virtual Town Hall to see the capabilities of placing a blog or comment page on the website along with the recommended Charter revisions.

Commissioner Higgins recommended sending one question to the voters.

Commissioner Begert recommended four questions: term limits; number of Town Councilors; substantial changes; grammatical changes.

Commissioner Vallante recommended no more than two questions be posed to the voters.

Commissioner Higgins said there should be three questions at most: term limits; number of Town Councilors; remainder of Charter. Commissioner Begert concurred.

Commissioner Higgins stated the grammatical section should not be a lone question.

Commissioner Regis recommended one question.

Commissioner Gombar agreed with Commissioner Higgins's recommendation of three questions.

Vice-Chair Bird stated that as a matter of fairness, there should be as much opportunity as possible to vote on separate matters.

Commissioner Higgins stated that after the public hearing, with better feedback, maybe they will only have to post one question.

Vice-Chair Bird then agreed on the possibility of three questions: number of Town Councilors; term limits; remainder of Charter.

Commissioner Gombar was concerned that if term limits pass, but the question regarding the number of Town Councilors doesn't, the term limits need to affect the five Town Councilors.

The Charter Commission decided on a working timeline as agreed upon:

February 22, 2011—Complete Preliminary Charter

March 8, 2011—Complete the summary

March 17, 2011—Place Charter as insert in Courier

March 22, 2011—Possibly cancel the Charter Commission Meeting

March 29, 2011—Hold Public Hearing for recommended Charter

June 28, 2011—Completed Charter version given to Attorney Vaniotis for review

August 15, 2011—Attorney Vaniotis is given the last version for a legalities sign off

There were no further questions.

The meeting was adjourned at 8:30 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 six (6) pages is a true copy of the original Minutes of the Charter Commission Meeting held November 09, 2010.

Kim M. McLaughlin