

CHARTER COMMISSION MEETING

WEDNESDAY, JUNE 15, 2011 – 7:00 P.M.

Chair Gombar opened the regular meeting at 7:12 p.m., in Town Hall, Council Chambers. The following members were in attendance:

Jerome Begert
John Bird
William Gombar
Tianna Higgins
Ronald Regis [arrived at 7:18 p.m.]
Jayne Flaherty [excused absence]
Michael Vallante [excused absence]

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

Chair Gombar added an emergency agenda item. Commissioner Vallante had submitted his resignation to the Charter Commission due to his moving out of State.

Commissioner Higgins motioned, seconded by Commissioner Begert, to accept Commissioner Vallante's resignation with regret and appreciation.

VOTE: Unanimous.

Commissioner Begert motioned to table the minutes of April 12, 2011 because Vice-Chair Bird hadn't had a chance to review them yet. Vice-Chair Bird seconded the motion.

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert to accept the minutes of May 10, 2011 with the deletion of the last sentence in the first page, "There wasn't a second to his motion".

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Higgins to accept the minutes of the June 1, 2011 public hearing.

Commissioner Begert stated he would vote in the affirmative if he is given a DVD of the June 1st public hearing.

VOTE: Unanimous.

Commissioner Begert wanted to express his appreciation to those people that attended the public hearing and offered input. He also wanted to thank those that watched the meetings and were

comfortable with the decisions the Charter Commission has made, and so chose not to attend the meeting.

Commissioner Begert then suggested the Charter Commission discuss the recommendations from Robin Dayton, who attended the public hearing and offered suggestions.

Commissioner Regis arrived at the meeting at 7:18 p.m.

Vice-Chair Bird asked the Charter Commission if the summary was going to be used; again. If so, he believes question four should have some further clarity, as Ms. Dayton had recommended. He then suggested that question four read as follows, in the summary:

“4. To approve all other recommended changes to the Charter, including more stringent financial and conflict of interest management practices.”

Commissioner Begert agreed with Vice-Chair Bird’s recommended changes to the summary, as long as that would not be included in the question on the ballot. He feels it would complicate the question if the additional language were included. If the question is too complicated, people may vote against it, and he doesn’t want to take that chance.

Vice-Chair Bird stated the attorney, when reviewing the Charter to give his final sign off, may still need to finesse the questions for the ballot.

Vice-Chair Bird also recommended another change to the summary for clarity. He would like the words, “elected under this Charter”, added to the sentence in the sixth paragraph of the summary:

“No member of the Town Council elected under this Charter, shall be eligible to serve for more than seven years consecutively.”

Commissioner Higgins stated the summary questions will be amended once they hear back from the attorney.

Commissioner Begert motioned, seconded by Vice-Chair Bird, to amend Section 706 as follows, addressing the recommended changes by Ms. Dayton at the public hearing:

“Sec. 706. Expenditures and Departmental Revenue.

The Budget for all departments shall include all proposed expenditures; and carryovers. The Town Council shall make a gross appropriation for each department, to be managed at the line-item level, for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of the Council and subject to the provisions of Section 708.”

Vice-Chair Bird suggested that instead of adding, “to be managed at the line-item level”, take out the word “gross” and put in “line item”.

Commissioner Higgins and Chair Gombar felt this change would make the budget process very difficult and hard to manage.

Vice-Chair Bird stated the Town Council already goes line-by-line in the budget process and think that that is what they are approving.

Commissioner Higgins stated she would never approve of this change until she talked with the Finance Director.

Commissioner Begert concurred with Commissioner Higgins, stating the extra change Vice-Chair Bird was recommending could confuse the department heads.

Chair Gombar felt this change would cause a major uprising by the department heads.

Commissioner Regis stated it would be micro-managing.

Commissioner Begert stated this change would be micro-managing by the department heads themselves, not the Town Council.

Commissioner Higgins stated this is a ten-year document, and she doesn't feel comfortable making the recommended change regarding the line-item budgeting without discussing this further with the Finance Director; however, she does agree with the "carryovers" being added to Section 706, although she wishes it could be a different term.

Vice-Chair Bird recommended the words, "dedicated funds".

Commissioner Regis agreed with adding the words "and carryovers".

VOTE [on both recommended changes—"and carryovers" and "to be managed at the line-item level"]: Vice-Chair Bird, yes; Commissioners Higgins, Regis, Begert, and Chair Gombar, no. Motion fails, 4-1.

Commissioner Begert motioned, seconded by Commissioner Higgins, to add the words, "and carryover dedicated accounts", to Section 706, as follows:

"Sec. 706. Expenditures and Departmental Revenue.

The Budget for all departments shall include all proposed expenditures; and carryover dedicated accounts. The Town Council shall make a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of the Council and subject to the provisions of Section 708."

VOTE: Unanimous.

Vice-Chair Bird suggested that sections 703 and 706 be combined; however, the Commission chose not to take that item up at this time.

Commissioner Begert suggested a change in Section 707, as suggested by Ms. Dayton at the public hearing, that the work program be given to the Town Council prior to the Budget process.

Vice-Chair Bird stated, as he had stated at the public hearing, that Section 707 needs to be amended by changing the word “year” to “process” in the first sentence. He feels the original intent was for the work program to be provided, if requested by the Town Manager, before the budget process begins, and not just before the budget year:

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend the first sentence in Section 707 as follows:

“Sec. 707. Work Program, Allotments.

Before the beginning of the budget ~~year~~ process, the head of each office, department or agency, when requested by the Town Manager, shall submit to the Town Council for informational purposes, and to the Town Manager a work program for the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, and the purposes to which they are to be put, for the entire next budget year.”

VOTE: Commissioners Begert, Regis, Vice-Chair Bird and Chair Gombar, yes; Commissioner Higgins, abstained. Motion passes 4-1.

Chair Gombar brought up Ms. Dayton’s concern about the wording, “when requested by the Town Manager”, stating her concern was that he doesn’t request it.

Commissioner Begert stated it is a true and legitimate concern, and now, by watching the Charter Commission meetings, the Town Council should be aware that they can formally request this information from the Town Manager.

Vice-Chair Bird suggested they remove the wording, “when requested by the Town Manager”.

Commissioner Begert read the June 1st minutes, page 5, 8th paragraph, as follows:

“Ms. Dayton said the public has to decide this question. She then began discussion on Section 502.6, stating the Charter Commission should add the words “and policies”. It would strengthen the financial internal policies”.

Commissioner Begert would like to amend this section to clarify it.

Commissioner Begert motioned, seconded by Commissioner Higgins, to amend Section 502.6 as follows:

“Sec. 502.6 See that all laws, ~~ordinances, and~~ Charter provisions, ordinances, and Council ordered policies governing the Town are faithfully executed.”

Vice-Chair Bird said he would like to see the end of the sentence read, “...faithfully followed and executed”.

Vice-Chair Bird didn’t understand why the words “governing the Town” were being removed.

Commissioner Begert amended his motion, seconded by Commissioner Higgins, to add the words “governing the Town” back into the sentence. The motion would then read as follows:

“Sec. 502.6 See that all laws, ~~ordinances, and~~ Charter provisions, ordinances, and Council ordered policies governing the Town are faithfully executed.”

VOTE: Commissioners Begert, Higgins, Vice-Chair Bird, Chair Gombar, yes; Commissioner Regis, no. Motion passes 4-1.

Vice-Chair Bird stated the Charter Commission had to return to Section 707, as they had not resolved the issue yet. The work program is very important, and it should be received by the Town Council.

Chair Gombar felt the timeline needed to be flexible.

Commissioner Begert stated a majority of the Town Council can order the Town Manager to obtain the work program. He then read a written statement he had prepared, which is attached to these minutes.

Commissioner Begert motioned, seconded by Commissioner Higgins, to amend Section 408 by adding another sentence to the end of the section:

“Sec. 408. Powers and Duties.

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

VOTE: Commissioners Begert, Higgins, Vice-Chair Bird, Chair Gombar, yes; Commissioner Regis, no. Motion passes 4-1.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 707 by removing the words, “when requested by the Town Manager”:

“Sec. 707. Work Program, Allotments.

Before the beginning of the budget ~~year process~~, the head of each office, department or agency, ~~when requested by the Town Manager~~, shall submit to the Town Council for informational purposes, and to the Town Manager a work program for the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, and the purposes to which they are to be put, for the entire next budget year.”

VOTE: Commissioners Begert, Higgins, Vice-Chair Bird, yes; Commissioner Regis and Chair Gombar, no. Motion passes 3-2.

Commissioner Begert motioned, seconded by Commissioner Higgins, to change the title in the Table of Contents, Article VIII, from “Municipal Development” to “Adjudicative and Advisory”.

VOTE: Commissioners Begert, Higgins, Vice-Chair Bird, Chair Gombar, yes; Commissioner Regis, no. Motion passes 4-1.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Sections 206 and 207 to capitalize the word “Clerk” where it appears in these sections.

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 301 by adding three commas in the last sentence, as follows:

“An ordinance, order, or resolve defeated at a referendum, shall not be reintroduced for a period of three hundred and sixty five (365) days from the date of the referendum”.

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 302 for clarity, as follows:

“Sec. 302. Petition for Enactment of Ordinances.

~~On the written petition of a A number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election,~~ may at any time petition for the enactment of any proposed lawful ordinance by filing a written petition, including the complete text of the ordinance, with the Town Clerk. The Town Clerk shall then forward the proposed ordinance to the Town attorney, who shall review the proposed ordinance before a public hearing is held. The Town Attorney is authorized to correct the form of the proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but shall not materially change its meaning and effect.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert to amend Section 302, by changing the words “Town Attorney” to “legal counsel”:

“Sec. 302. Petition for Enactment of Ordinances.

~~On the written petition of a A number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election,~~ may at any time petition for the enactment of any proposed lawful ordinance by filing a written petition, including the complete text of the ordinance, with the Town Clerk. The Town Clerk shall then forward the proposed ordinance to ~~the Town attorney~~ legal counsel, who shall review the proposed ordinance before a public hearing is held. ~~The Town Attorney~~ Legal counsel is authorized to correct the form of the proposed ordinance for the purpose of avoiding

repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but shall not materially change its meaning and effect.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 305 by capitalizing “Recall Committee” anywhere it is mentioned in that section.

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 305.1 as follows:

“Sec. 305.1. The Recall Committee shall have thirty (30) days from the date of issuance of appropriate petition blanks to submit them with the required number of signatures to the Town Clerk. ~~cause~~ The written petition of a number of voters equal to at least 20% of the number of votes cast in the town at the last gubernatorial election shall be the required number of signatures for recall. The petition shall be signed in the presence of the Town Clerk or of a qualified, registered voter of the Town who shall certify to the authenticity of the signatures collected. Within ten (10) days after the circulation period ends the Town Clerk shall certify to the Town Council as to whether the written petition of a number of voters equal to at least 20% of the number of votes cast in the town at the last gubernatorial election has been signed. Should less than the required number of voters sign the petition, the petition shall have no further effect, and no new petition asking for recall of the same person can be initiated until one hundred eighty (180) days from the end of the previous filing period.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to further amend Section 305.1 by deleting “at least 20% of the number of votes cast in the town at the last gubernatorial election” and replacing it with “or greater than the required number of signatures for recall” as follows:

“Sec. 305.1. The Recall Committee shall have thirty (30) days from the date of issuance of appropriate petition blanks to submit them with the required number of signatures to the Town Clerk. ~~cause~~ The written petition of a number of voters equal to at least 20% of the number of votes cast in the town at the last gubernatorial election shall be the required number of signatures for recall. The petition shall be signed in the presence of the Town Clerk or of a qualified, registered voter of the Town who shall certify to the authenticity of the signatures collected. Within ten (10) days after the circulation period ends the Town Clerk shall certify to the Town Council as to whether the written petition of a number of voters equal to ~~at least 20% of~~ or greater than ~~the number of votes cast in the town at the last gubernatorial election~~ the required number of signatures for recall has been signed. Should less than the required number of voters sign the petition, the petition shall have no further effect, and no new petition asking for recall of the same person can be initiated until one hundred eighty (180) days from the end of the previous filing period.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 305.2 as follows:

“Sec. 305.2. Upon receipt of certification by the Town Clerk that a recall petition has been signed by at least or greater than the required a number of voters ~~equal to at least 20% of the number of votes cast in the town at the last gubernatorial election of the Town,~~ the Town Council shall within thirty (30) days submit to the voters the question of recall. The Councilor, Town Clerk or other elected official shall be recalled when a majority of those voting thereon have voted in the affirmative. Any elected official against whom recall proceedings have been initiated may continue to hold office until recalled.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 305.4 as follows:

“Sec. 305.4. If, of the total number of votes cast for and against the recall of the particular official, the majority cast are in favor of recalling, such official, ~~he~~ shall thereby be removed, and the candidate chosen ~~to succeed him~~ shall hold office for the balance of the unexpired term.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 305.6 by adding an additional sentence at the end as follows:

“This person need not be a resident of the Town”.

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 409.1, first sentence, as follows:

“Sec. 409.1. Appoint the Town Manager. The Town Council shall appoint an ~~officer~~ administrator of the Town who shall have the title of Town Manager and shall have the powers and perform the duties described in this charter.”

Commissioner Begert did voice concern about the definition of “officer” in State law.

Commissioner Regis was feeling ill and left the meeting at 9:05 p.m.

VOTE: Commissioner Begert, Vice-Chair Bird and Chair Gombar, yes; Commissioner Higgins, no. Motion passes 3-1.

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to amend Sections 409.9 and 409.10 by combining them into one sub-section. This would delete Section 409.10:

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

Sec. 409.10. Create a housing authority;”

Sec. 409.9. would then read:

“Sec. 409.9. Create a housing authority to provide for safe and sanitary housing accommodations for families of low income;”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to move Section 410.2 higher in in Section 410, making it the third paragraph, and removing the subsection designation:

“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.

~~Sec. 410.2. Public Hearing on Ordinances. A failure or malfunction in the Town internet website shall not require the postponement of any hearing or action by the Council or invalidate an ordinance otherwise enacted in compliance with the procedures of this section.”~~

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.

Sec. 410.1. Emergency Ordinance. 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 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.

~~Sec. 410.2. Public Hearing on Ordinances. A failure or malfunction in the Town internet website shall not require the postponement of any hearing or action by the Council or invalidate an ordinance otherwise enacted in compliance with the procedures of this section."~~

VOTE: Unanimous.

Motion by Vice-Chair Bird, seconded by Commissioner Higgins, to move the first sentence of the now fifth paragraph of Section 410 to the end of the paragraph as follows:

~~"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. An ordinance shall become effective upon its adoption by the Council or at such other time as it may specify."~~

VOTE: Unanimous.

Vice-Chair Bird recommended moving Section 414.1 to Article IX.

Commissioner Begert commented that it was important to leave Section 414.1 where it currently is because that is a section the Town Council votes on.

Vice-Chair Bird motioned to remove the first comma in Section 414.3 and the second comma in Section 414.4.

There was no second.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 502.8 as follows:

“Sec. 502.8. Prepare a Personnel, Purchasing and Financial Policyies to be submitted annually to the Town Council and be responsible for ~~its~~ their administration after adoption with or without changes by the Town Council;”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert to change the word “Town” to “Department”, as follows:

“Sec. 504. Department of Public Works.

The Director of Public Works shall be nominated by the Town Manager, subject to confirmation by the Town Council, and then appointed by the Town Manager, and shall exercise all of the powers and perform all of the duties of the ~~Town~~ Department conferred or imposed by law, including the powers and duties of road commissioners under state statute.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Higgins to give a sub-section number to “Town Clerk, Powers and Duties” in Section 505 and add “and this Charter” at the end of the sentence, as follows:

“Sec. 505.1. Town Clerk, Powers and Duties.

The powers and duties of the Town Clerk shall be the same as are provided for Town Clerks under the general laws of the State of Maine and this Charter.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to amend Section 506.3 by adding “as an additional duty and responsibility to their existing position”, as follows:

“The Emergency Management Director may be chosen from existing Town department heads, as an additional duty and responsibility to their existing position”.

Chair Gombar thought the wording was fine the way it was.

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 513 by capitalizing titles and adding “and Video Operator as an additional duty and responsibility to their existing position”, as follows:

“Section 513. Dual appointments.

The following positions may be held by other existing department heads: ~~p~~Plumbing inspector, ~~e~~Electrical ~~i~~Inspector, ~~e~~Emergency ~~m~~Management ~~d~~Director, ~~and p~~and Parks ~~d~~Director and Video Operator as an additional duty and responsibility to their existing position.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 709 by changing “shall” to “may”, as follows:

“Sec. 709. Appropriations Lapse at End of Fiscal Year.

Except as otherwise provided by law, this Charter, or order of the Town Council, all appropriations shall lapse at the end of the fiscal year, and all surpluses ~~shall~~ may be appropriated by the Town Council during the ensuing fiscal year.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to move Sections 915 and 916 after Section 709, thereby re-numbering 915 as 710; 916 as 711 and 710 as 712, as follows [Section 917 to become Section 915]:

“Sec. 709. Appropriations Lapse at End of Fiscal Year.

Except as otherwise provided by law, this Charter, or order of the Town Council, all appropriations shall lapse at the end of the fiscal year, and all surpluses ~~shall~~ may be appropriated by the Town Council during the ensuing fiscal year.

~~Sec. 915~~ Sec. 710. Capital Improvement Program (CIP).

There shall be established a Capital Improvement Program (CIP) and a Designated Capital Improvement Fund Account for the Town.

The Finance Committee shall serve as the CIP Review Committee for the community. It shall review the capital improvement program list and, in consultation with the Town Manager and the various department heads, develop, annually, an Advisory Capital Spending Priority List for the next five (5) years for submission to the Town Council for its approval, with or without amendment.

Funds once appropriated to the Capital Improvement Fund Account shall only be spent for those purposes according to such approved priority list, unless the Town Council declares that an Emergency exists and passes an Emergency Ordinance according to Article IV , Sec. 410.1., authorizing the Emergency Expenditures.”

~~Sec. 916~~ Sec. 711. Dedicated Expense Accounts.

The Town Council, by ordinance, may create certain accounts dedicated to specific expenses.

These accounts may be funded by Impact fees, gifts, grants, bond receipts, undesignated fund monies, and other municipal revenues, but once appropriated to these accounts, these funds must be segregated from the Town's general revenues and may only be spent solely for the purposes for which the account was created, unless the Town Council declares that an Emergency exists and passes an Emergency Ordinance according to Article IV , Sec. 410.1., authorizing the Emergency Expenditures.

~~Sec. 710~~ Sec. 712. Borrowing in Anticipation of other Revenues.

In any fiscal year, in anticipation of the collection or receipt of taxation and of other revenues of that fiscal year, the Council may, by resolution, authorize the borrowing of money by the issuance of negotiable notes of the Town, each of which shall be designated "Special Revenue Note for the Year" Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year in which the original note was issued."

VOTE: Unanimous.

Vice-Chair Bird suggested that Section 912 is redundant with Sections 901 and 1008.

Commissioner Begert felt it was not a problem, and it should remain as is.

Vice-Chair Bird recommended adding "Town Councilor" to section 914 of the Charter after "Any elected or appointed-municipal official, Town Councilor..."

Commissioner Begert said this was a concern of Ms. Dayton at the public hearing.

The Commission thought the term "Officer" was better terminology.

Commissioner Higgins motioned, seconded by Commissioner Begert, to add the words "or officer" in Section 914 as follows:

"Sec. 914. Violations of the Charter.

Any elected or appointed municipal official, or officer, employee or member of a Town board, commission or committee who knowingly violates a provision of this Charter is subject to sanctions, as follows:

Upon receipt of a verified written complaint filed by 5 voters of the Town, the Town Council shall, within 30 days, conduct a hearing to determine whether a violation has occurred. The municipal official, or officer, employee or member of a Town board, commission or committee accused of the violation must be given notice and the opportunity to be heard.

In the event that more than one municipal official, or officer, employee or member of a Town board, commission or committee is named in the complaint, the Council shall hear and decide the complaint against each official, or officer, employee or member of a Town board, commission or committee separately. If the complaint alleges a violation by a member of the Town Council, such Councilor shall be recused from the matter.

If the Council finds that the official, or officer, employee or member of a Town board, commission or committee has knowingly acted contrary to the provisions of this Charter, the Council may impose such sanctions as it deems appropriate, including such monetary penalties for the violation of this section as the Council may have previously established by ordinance.

Sanctions imposed by the Council may also include removal from office, position or employment, provided all applicable provisions of this Charter, ordinances and state law governing removals of municipal officials, or officers, employees or members of a Town board, commission or committee are observed.

Failure to pay monetary penalties imposed by the Town Council under this section is a civil violation punishable and enforceable in court in the same manner as violations of municipal ordinances.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 917 [now Section 915] by removing the number “1018”, as follows:

“C. For transfer to an individual or a for-profit business entity.

Utilities exception. This Section ~~1018~~ does not limit the exercise of eminent domain by or for the benefit of public utilities or other entities engaged in the generation, transmission or distribution of telephone, gas, electric, water, sewer or other utility products or services.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend Section 412 by adding an “s” at the end of “domestic partner relationship” in the last paragraph, as follows:

“As used in this section, the term "relative" means related by blood, marriage, or law, including spouses, children, grandchildren, great-grandchildren, parents, brothers, sisters, nephews, nieces, grandparents, uncles, aunts, great-grandchildren, first cousins or domestic partner relationships.”

VOTE: Unanimous.

The Commission set their next meeting for July 26th at 7 p.m.

Meeting adjourned at 9:52 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 June 15, 2011.

Kim M. McLaughlin