

**TOWN OF OLD ORCHARD BEACH  
SPECIAL TOWN COUNCIL MEETING  
Tuesday, September 10, 2013  
TOWN HALL CHAMBER  
6:30 p.m.**

**A Special Town Council Meeting was held on Tuesday, September 10, 2013. Chair Shawn O'Neill opened the Meeting at 6:30 p.m.**

**The following were in attendance:**

**Chair Shawn O'Neill  
Vice Chair Bob Quinn  
Councilor Roxanne Frenette  
Councilor Jay Kelley  
Councilor Malorie Pastor  
Councilor Joseph Thornton  
Interim Town Manager Robert Peabody, Jr.  
Assistant Town Manager V. Louise Reid  
Town Clerk Kim McLaughlin**

**ABSENT: Councilor Kenneth Blow**

**The Town Council Chair called an Emergency Special Town Council Meeting, per Charter Section 904, for the following reasons and to set a Public Hearing:**

*Discussion with possible action to follow, advanced under emergency dispensation of the normal notification requirements under Division 2 of the Town Council Rules of Procedure, Section 2-52, the meeting to consider the advancing of proposed Charter Amendments modifying the number of Councilors from seven to five members.*

*The meeting is necessitated due to the consensus of Councilors that the original idea of a non-binding referendum on the question should be advanced in the November 5, 2013 election as a formal proposed amendment of the Town Charter. At a later time the Council decided to make it a binding referendum. The statutory schedules governing Charter amendments require the Council to hold the emergency meeting at this time in order to meet other election scheduling requirements and deadlines related to Charter amendments.*

*Discussion with possible action to follow regarding proposed amendments to the Town Charter changing the number of Councilors from the current seven Councilors to five Councilors, removing term limits for Councilors, changing the terms of office to two-year terms, and the Charter transitional provisions and scheduling related thereto; and the setting of a Public Hearing for September 17, 2013 and directions to the Town Clerk to issue the statutory notices for the Public Hearing.*

**Reversing its earlier decision to put a non-binding referendum question on the local ballot this November regarding the size of the Town's governing board, the Old Orchard Beach Town Council decided after long discussion to put a formal charter amendment before voters. If the referendum is approved it would return the Council to a five-member body from seven, make**

the Council terms two years in length instead of three and one year terms now, and remove the term limits on the number of consecutive years someone can serve as a Councilor. To do this a Public Hearing on this measure would occur on Tuesday, September 17, 2013. In November 2011, residents narrowly approved a charter amendment that increased the number of Councilors by two, and it's been a bone of contention to some in Town since then. The Council this evening debated the question of returning to a five-member Council and eventually decided to put a binding referendum question on the ballot to take the pulse of the community. One of the reasons that the Council settled on a binding referendum was because it was concerned that there was not enough time to create a plan for returning the governing body to five members and making the other changes in time for the ballot to be printed for the election. Now, however, it appeared the Council felt it could create a document outlining the transitional provisions for making the change and still meet the required deadlines.

There were those in attendance who brought forth their expression of opinion such as members of the Charter Revision Committee, John Bird and Jerome Begart. Also in attendance not supporting the change was Doris Harris who indicated that she had voted in the last election and should not have to vote again on the same issue which had the majority vote of the citizens. Paula Pouravelis indicated that she first wanted to express to the present Council her appreciation for their performance and governance since being elected and she supported their right to their opinions. She expressed, however, that she felt things were going well with the seated Council and there had been a change in the manner of leadership from those recalled, and felt that perhaps time should be given to see how it progresses. Fred Dolgan and Arlene Dolgan expressed their opinion that the citizens have the right to make their vote directing the Council to move this forward. Jerome Begart said he appreciated and respected the right of the citizenry to speak and vote but did not feel that this meeting met the legal requirements of an emergency.

State law allows the Town Council to instruct the Town Clerk to include a summary of a proposed Charter amendment to be on the ballot "when the municipal officers determine that it is not practical to print the proposed amendment on the ballot and that a summary would not misrepresent the subject matter of the proposed amendment." This is found in 30-A M.R.S., Section 2105(3)(C). The form of the question itself is also required by State law to be "Shall the Municipality approve the Charter amendment represented. The Town Clerk explained that the Council had to decide this evening (1) whether or not to order the proposed Charter amendments on the November ballot; and (2) whether to reprint the proposed amendments on the ballot or to include a summary if reprinting the proposed amendments on the ballot is not practical and if a summary would not misrepresent the subject matter of the proposed amendment. If the Town decides to place the amendments on the November ballot in two questions but that reprinting the proposed amendments on the ballot is not practical and a summary would not misrepresent the subject matter of the proposed amendments, proposed questions and summaries for the Council's consideration would need to be voted on.

**MOTION:** Councilor Thornton motioned and Councilor Pastor seconded to move forward with proposed amendments to the Town Charter changing the number of Councilors from the current seven Councilors to five Councilors, removing term limits for Councilors, changing the terms of office to two-year terms, and the Charter transitional provisions and scheduling related thereto; and the setting of a Public Hearing for September 17, 2013 and directions to the Town Clerk to issue the statutory notices for the Public Hearing.

**VOTE: Yea: Councilors Pastor, Thornton, Frenette, Vice Chair Quinn, Chair O'Neill  
Nea: Councilor Kelley**

**MOTION: Councilor Thornton motioned and Vice Chair Quinn motioned to move forward the following to the September 17, 2013 agenda:**

**Question 1: Shall the Town of Old Orchard Beach approve the Charter amendments summarized below?**

**Amend the Charter to reduce the number of Town Council members from seven (7) to five (5) with all Council members serving two (2) year terms and with a single Council member being elected for a two-year term in November, 2014. The text of the proposed Charter amendments is available from the Town Clerk.**

**Question 2: Shall the Town of Old Orchard Beach approve the Charter amendments summarized below?**

**Amend the Charter to eliminate term limits for Town Council members. The text of the proposed Charter amendments is available from the Town Clerk.**

**VOTE: Yea: Councilors Thornton, Pastor, Frenette, Vice Chair Quinn, Chair O'Neill  
Nea: Councilor Kelley**

**ADJOURNMENT:**

**MOTION: Councilor Pastor motioned and Councilor Kelley seconded to adjourn the Special Town Council Meeting at 7:42 p.m.**

**VOTE: Unanimous.**

**Respectfully Submitted,**

**V. Louise Reid  
Town Council Secretary**

**I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of three (3) pages is a copy of the original Minutes of the Town Council Special Meeting of September 10, 2013.**

**V. Louise Reid**