

**TOWN OF OLD ORCHARD BEACH
ORDINANCE REVISION COMMITTEE MEETING MINUTES October 15, 2009**

Call to Order at 6:59 pm	Call to Order
<p>Roll Call: Present: Mr. George Kerr, Mr. Steve Bryant, Mr. Robert Scoville, Mrs. Linda Mailhot, Mr. William Daley. Staff: Mike Nugent, Code Enforcement Officer. Gary Lamb, Town Planner. Tori Geaumont, Secretary.</p>	ROLL CALL
<p>Mr. Lamb suggested everyone introduce themselves. He stated he was the town planner and has been in OOB for several years. Mrs. Geaumont stated she worked for Mr. Nugent and Mr. Lamb and was happy to help out. Mr. Nugent explained he has worked in OOB for many years during the 1990's, as well as now. He stated he was excited about the revisions. Linda Mailhot stated she is the owner of Seacoast RV Resort in OOB and also Seacoast RV Sales in Saco. She lives on the Ross Road. George Kerr explained he was a life-long resident and has served on many boards and committees including working in Augusta as a State Representative. He stated he has a burning desire to change things and is excited and anxious to get started. Steve Bryant explained he is a third generation resident and both his father and grandfather had worked for the town. He felt it was time for him to contribute to the town. William Daley stated he has been here for four years and lived in the Lewiston/Auburn area before. He has worked in real estate and the restaurant business. Robert Scoville stated he has been a resident for six years and wanted to help. He also stated he was friends with Sharri MacDonald who urged him to be on the committee.</p>	
<p>Mr. Nugent urged the committee to elect a chair and vice chair for the committee. Mrs. Mailhot stated she was not interested in being chair, as she was on several other committees and felt she did not have the time. Mr. Daley recommended George to the chair position. Mr. Kerr stated he was fine with that if there was no one else who wanted to do it. He also stated he was excited to work with Linda because he feels she is very detail orientated. Mrs. Mailhot nominated George Kerr as chairman of the committee. Mr. Bryant seconded. VOTE WAS UNANIMOUS. Mr. Scoville nominated Linda as Vice Chairman of the Committee. Mr. Bryant seconded. VOTE WAS UNANIMOUS.</p>	ELECTION OF CHAIR/VICE CHAIR
<p>CHAPTER 1. GENERAL PROVISIONS Mr. Kerr then expressed he does not want the committee to do anything related to the council. He feels that the committee should not tell them what to do, and that they need to do it themselves. Mr. Nugent stated in conversing with the Chair, she directed the committee to go through every part of the ordinances. There are some things that we cannot touch. Mr. Kerr stated he did not want to go outside the prevue. Mr. Nugent addresses the statement that Councilor Bolduc had made concerning personnel. She felt any job descriptions, etc. or any references to specific positions should be removed from the ordinance. Mr. Kerr stated he felt the council is asking the committee to do their dirty work. Mr. Nugent stated that after every week we will meet with the council. Mr. Kerr stated that we should just go page by page. Mr. Nugent stated they will pull out ordinances that are not state laws. He stated he has been put in situations where he sited someone for violations and when they went back the statute had been repealed. This is still appropriate. Mr. Kerr stated Chapter 1 is good.</p>	CHAPTER 1- GENERAL PROVISIONS

<p>Mr. Nugent agreed. Mr. Kerr suggested to move to Chapter II.</p>	
<p>ARTICLE II-TOWN COUNCIL Mr. Nugent stated the first part is rules that the council operates under. If the board wants to they do not need to do anything. Mr. Kerr explained the first thing is to adopt rules. It is not the issue if the council will not follow them. Mrs. Mailhot stated that under Article II, Sec. II-51, regular meetings. It references times and locations. My suggestion is to use the web site. Mr. Nugent questioned to replace publish to posted on town website. Mr. Kerr inquired if most people have computers and internet access. If they do not think so could we possibly post on Channel 3. Mr. Lamb interjected that if it is required it could be a problem, as it may not be usable all the time. Mr. Nugent stated that Saco does post on the website and they post on the front door. We need to check the specific language of Saco. Mr. Bryant suggested we use the Fire Department sign as well. Mr. Kerr stated that when a canvas election does ballots they need to be posted on eight difference places. We basically need to show an effort and could we provide something else. Mr. Lamb stated that taking away legal notices is a good idea. There are not a lot of people who use that. Mr. Mailhot believed that for those who did not have computer access seeing it at Town Hall is good. Mr. Lamb inquired if it was the wish of the committee to use the website and get Saco's language, and also posting at Town Hall. We need to be precise in language, and it will apply to every board. We will provide the fiscal note for this in the report to town council. Mr. Nugent stated it will save the town quite a bit of money. Mr. Lamb stated we will ask Jill Eastman what was spent last year and the potential savings for 2010. Mrs. Mailhot commented that on a similar note in Sec. 2-52 Special Meetings, where it states notification we could add something such as by electronic communication. Mr. Kerr stated we would want that on the website. That would be easy. M. Lamb stated we need to decide how may days before the meeting it needs to be posted. Mr. Nugent stated he thought it would be great if we had some sort of notification process. Mr. Daley suggested an automatic notification like the Police Dept uses for Parking Bans. Mr. Lamb commented that is something that you sign up for on the Police Department website, but we could look into if that is something we could do. Mr. Daley asked if the Town Hall could set up something like that. Mr Kerr asked if this could be done at least for special meetings. Mrs. Mailhot stated that we could do this unless it costs a lot of money. Mr. Daley stated and if we have the capability. Mr. Scoville commented that if the Police Department has the capability then Town Hall should have the capability. Mr. Nugent stated we would do a search for public meetings. Mrs. Mailhot moved on to Section 2-54, Filings of Items. She felt that if the having it be approved by the Chairperson there could be an instance with an uncooperative chairperson. Could we make it an either/or majority. Mr. Nugent stated that the chair has final control. Mr. Kerr reminded the committee that the language has to be the same as Augusta. He stated that if a council member wants something on the agenda and if the chair does not want it on,</p>	<p>ARTICLE II- TOWN COUNCIL</p>

currently it cannot go on the agenda.

Mr. Lamb stated that if the committee is going to get around it needs to be done in the beginning of that.

Mr. Nugent stated that the council is looking for input.

Mr. Kerr stated the council should be following Roberts Rules of Order, but the chair has the ultimate control. It makes it difficult

Mr. Lamb reiterated the councils directive is how to allow the majority council vote to post things as an agenda item.

Mr. Kerr concurred.

Mr. Nugent wanted clarification from the Town Clerk why there were multiple changes made on 12-02-08 to the ordinances.

Mr. Kerr asked if a quorum was 3 members and if all boards were the same.

Mr. Lamb stated that there are only 5 voting members on each board. He then referred to section 2-65; written notice to be deleted.

Mrs. Mailhot asked if it was even necessary.

Mr. Scoville stated it makes good sense.

Mr. Kerr asked if that would make the chair decide?

Mr. Lamb affirmed.

Mrs. Mailhot stated she thinks it is unnecessary, but will concur with the majority.

Mr. Kerr asked if there has ever been a problem.

Mr. Nugent stated once again it seems to have been modified in 12-08.

Mr. Kerr stated he felt it was childish to be concerned with seating.

Mr. Lamb mentioned that he felt the gap in the seating between the council and the Town Manager is symbolist and does not think it helps for the two to work together.

Mr. Kerr stated he has never seen the two sit together. Nonpartisan staff always are separate from the governing board.

Mr. Lamb stated that communication between the council and staff needs to improve and feels this would help.

Mrs. Mailhot felt that it is a very odd arrangement, and in the audience, it is very difficult to hear with the angle of the seats.

Mr. Nugent stated that in Portland they are connected, but are on separate levels.

Mr. Lamb said the seating can be picked up and moved.

Mr. Kerr asked if staff is going to look into the seating.

Mr. Nugent stated yes, and we will get all the changes from December of 2008.

Mr. Lamb read section 2-67 and stated that Town Council does not read the motion as specified in this section.

Mr. Kerr stated that prior to the vote the motion is read.

Mr. Lamb stated that sometimes they call for it, but mostly it is not done.

Mr. Kerr felt this was critical to read again according to procedure. He has not seen it done since he left the council many years ago.

Mrs. Mailhot commented that being a person in the audience it is sometimes confusing as to what the council is actually voting on, but she stated she did understand Mr. Lamb's view.

Mr. Lamb asked if they should do it.

Mr. Kerr answered when someone makes a motion, call for the vote.

Mr. Lamb stated it is never called to be reread.

Mr. Nugent asked if it is never done then why is it here in the ordinance.

Mr. Kerr stated if it is in the ordinance then they should follow it, but we cannot make them do it.

Mr. Lamb asked then you don't need to read it before the debate? That makes it even odder.

Mr. Kerr answered that after the debate the item should be reread.

Mrs. Mailhot concurred with that.

Mr. Lamb clarified that it should be read by the secretary before the vote.

Mr. Kerr stated that the public should have the ability to speak on it first. The chair then comes first and the council can debate. He asked if the committee thought it was fair. Would the committee mind if we work hand in hand with staff and get back to them next week. It can then be sent to council. When the new council sits this could be done.

Mr. Lamb felt that not everything would be done.

Mr. Kerr felt this section would be.

Mr. Lamb stated it needs to go through the public process.

Mr. Kerr asked for clarification of section 2-69.

Mr. Lamb answered they would need to check the definition.

Mr. Kerr felt the proper way is "as amended".

Mr. Lamb stated that this may be the what it is saying.

Mr. Kerr stated they should also have the secretary read the question as amended so when there is a vote it is as amended.

Mr. Lamb asked for clarification; the board wishes for the secretary to read the as amended version.

Mr. Kerr felt the secretary should be required to read it as amended before the vote. He feels this can e simplified. He then stated he has a question about the last sentence of section 2-70.

Mr. Lamb stated staff needs to check this too.

Mr. Daley stated staff will need to check on the 12-08 amendments, and this will probably be cleared up then.

Mr. Lamb stated this looks identical.

Mr. Kerr referred to Section 2-73; if you are not on the prevailing side you cannot vote to reconsider. Is this correct?

Mr. Lamb stated we could simplify it in plain English.

Mrs. Mailhot went on to Section 2-73 and stated that she has never seen someone from the audience raise their hand to speak. She also wondered about the time limit of 5 minutes.

Mr. Kerr would like to have no time limit. He felt the citizens should be allowed to speak, and if the amount of time or the climate of the talk was inappropriate, it was up to the Chair to stop them. During a debate the public needs to speak. The chair has the power to stop at any time.

Mr. Lamb asked if leaving out the five minute time limit would be good.

All agreed.

Mr. Bryant inquired if there are police at the meetings?

Mr. Lamb answered only if they are asked by the council to be there.

Mr. Bryant questioned why they are not at the meetings.

Mr. Kerr stated he thought it must be due to cost. He felt this was an unnecessary cost. Even in the worst of times the council had rarely needed police presence at the meetings.

Mr. Lamb questioned what the difference from 12-08 was in Section 2-80. He thought possibly a typo.

Mrs. Mailhot then stated that she had crossed out everything in Section 2-79. She questioned why the council would want to dispense with rules of the town council.

Mr. Kerr stated that sometimes the council needs to do that to have more flexibility.

Mr. Lamb stated this happened recently with a liquor license, as it needed to be passed by the Town Council quickly.

Mr. Kerr stated the council cannot do anything major. It is only for emergency or for input from citizens.

Mr. Lamb asked about Section 2-82 regarding voting and the seating arrangement.

Mr. Kerr stated they could put in yes or no instead of the yea or nea, as they are rarely used. He then questioned referring to Section 2-94 the use of the town attorney. He asked if currently anyone two needed to speak to the town lawyer needed to go through the chair. Is that what the currently council is following?

<p>Mr. Lamb stated he believed so. Mr. Kerr asked if someone was upset on the Town Council when would they not be allowed to call the town attorney. Mr. Nugent answered that there are instances when money is tight in the budget, and the council would need to check with the Town Manager before going straight to the attorney. Mr. Nugent went on to Section 2-95 and stated this was new and was created for hard variances. The Town Council needs to do that. Mr. Kerr questioned if someone builds on the town right of way is that what this is used for. Mr. Nugent stated no this is just in reference to the property owner and their own property.</p>	
<p>Mr. Lamb stated that Section 2-126 will be removed completely. Mr. Kerr asked why. Mr. Nugent stated that Councilor Bolduc did not like having this in the ordinances, as it was personnel and was not appropriate to be in the ordinance. Mr. Lamb stated it is basically obsolete. He stated Division 2 will actually be Division 1 then. We will delete School board and School Board Chairperson from the definitions, as there is no longer a school board. We also will delete numbers 3 and 4 under Sec. 2-153. Mrs. Mailhot asked what about if the election repeals the consolidation. Mr. Lamb stated there will be a lot of state problems if that occurs, and we would go from there. Mr. Nugent stated we would also need to verify the current salaries of the council members and chairperson. Mr. Kerr asked for confirmation of whether we will get rid of all reference to school board? Mr. Nugent stated yes we would. Mr. Kerr stated the council cannot vote on their own salary. Mr. Lamb pointed out it was by term not by year.</p>	<p>ARTICLE III OFFICERS AND EMPLOYEES</p>
<p>Mr. Lamb stated on Section 2-231 there is no specific reference to subcommittees. This should be added . He went on to Section 2-232 and asked to change dissolved to disbanded. Mr. Nugent stated the wording could be “shall be disbanded by a majority of the council”. Mr. Lamb pointed out that in Section 2-234 there is a typo; it should say “sworn in by the town clerk” not “sworn by the town clerk”. We will change that. Also in part (e) the time frame states within 30 days. We should think about changing that to within 60 or even 30 days AFTER the minutes are approved. Mr. Nugent brought up the fact that in the Charter there is verbiage that states a department head cannot be part of a committee, but he felt there should be something specific about employees being able to be on a committee if they are residents. There have been instances of staff being interested in doing that, and they have been forbid, but this would deal with the Charter. Mr. Lamb brought up Section 2-235, #3 and asked if anyone had any concerns. He questioned this due to issues concerning Ballpark and communication on some issues. Mr. Kerr asked why these committees are under the same provision. Mr. Lamb explained because a subcommittee, such as the Ballpark Group is formed by the Conservation Commission and not technically appointed by the Town Council. They are totally volunteers and do not need minutes and have no list of members. Mr. Kerr questioned why this was. Mr. Lamb stated he wanted to express that they do great stuff, etc, but there is a question of who is held accountable with this procedure. Mr. Kerr asked if they report to the Conservation Commission and do they have their own minutes. Mr. Lamb stated they have their own minutes and have decision making authority. Mr. Kerr wanted confirmation that this is formed by the Conservation Commission. Mr. Lamb commented that there have been a great amount of concern by the citizens regarding</p>	<p>ARTICLE IV BOARDS, COMMITTEES, AND COMMISSIONS</p>

<p>this. The Charter Commission will be a part of this as well. He also stated that the Ballpark was a huge economic prospect.</p> <p>Mr. Kerr asked if they raise money or have money donated to them where does it go?</p> <p>Mr. Lamb stated in the Ballpark Enterprise Fund.</p> <p>Mr. Kerr asked if the money goes through the Town Finance Director.</p> <p>Mr. Lamb verified yes it does.</p> <p>Mr. Kerr expressed surprise that the Conservation Commission has that amount of power. He is concerned that the Town Council gave that power to the Commission.</p> <p>Mr. Nugent interjected that this will also be part of the Charter Commission.</p> <p>Mr. Lamb went on to Division 5, Finance Committee. He questioned how the appointments are staggered and if they are. He stated staff will ask the Town Clerk.</p> <p>Mrs. Mailhot felt that Sec. 2-322 and 2-324 were a duplication.</p> <p>Mr. Lamb stated that under Sec. 2-326 in section (a) we need to add “their recommendations” before “shall”. He felt that they need to know they are advisory only.</p> <p>Mr. Kerr stated he did not know why a finance committee was necessary.</p> <p>Mr. Lamb stated they can definitely help.</p> <p>Mr. Nugent felt there was talent on the board that can really help the town.</p> <p>Mr. Lamb asked if under CIP (c) anyone had any problems. He felt some of the wording was contradictory.</p> <p>Mr. Kerr stated he felt they should keep it consistent.</p> <p>Mr. Lamb asked if the committee was okay with changing “formal” to “advisory”.</p> <p>All agreed.</p> <p>Mr. Kerr then referred to section (d) Budget Preparation Role: should do the same thing. Change to “and shall be advisory only” and the same under section (f).</p> <p>Mr. Lamb asked about changing “temporary assignments” to “temporary finance related assignments.”</p> <p>All agreed.</p> <p>Mr. Nugent inquired who is on that board.</p> <p>Staff did not know.</p> <p>Mr. Nugent pointed out we need to change all references of school board to RSU.</p> <p>Mr. Lamb stated in 2-357 there should be a change from “school board” to “town council”.</p> <p>Mrs. Mailhot commented that this was a good idea.</p>	
<p>Mr. Lamb stated there was a typo under Division 2; Purchasing agent should be \$502.7 , not 302.7.</p> <p>Mrs. Mailhot felt that under Sec. 2-444, (b) the amount of \$1,000 to require three quotations, the \$1,000 was too small a number. She suggested \$5,000.</p> <p>Mr. Lamb commented that he felt this was a great idea, but his feeling was that the council would resist this.</p> <p>Mrs. Mailhot stated that the big thing is the written quotes. Nothing else would need to change.</p> <p>Mr. Lamb stated he felt that all of Sec. 2-445 should be deleted.</p> <p>Mr. Nugent concurred.</p> <p>Mr. Kerr directed staff to omit all of Sec. 2-445.</p> <p>Mrs. Mailhot stated in Sec. 2-471 there needs to be a period added.</p> <p>Mr. Nugent commented that he felt it was odd that the code enforcement officer would be a department head.</p> <p>Mr. Lamb felt it may be due to past issues.</p> <p>Mr. Kerr asked if this was okay with Mr. Nugent to keep.</p> <p>Mr. Nugent stated yes.</p> <p>Mr. Lamb suggested in Sec. 2-472 changing the words “town treasurer” to “finance director”.</p>	<p>ARTICLE V FINANCE</p>

<p>Mr. Kerr asks if the board understands the next step.</p> <p>Mr. Nugent stated we will make the codified changes and give them back to the Committee to review.</p> <p>Mr. Kerr asked if the committee will meet in 2 weeks. We will have these back by next Wednesday and then have a week to check them over.</p> <p>Mrs. Mailhot stated she has another meeting on that date.</p> <p>Mr. Kerr stated that after the committee looks at them they would then be forwarded to the Town Council.</p> <p>Mr. Lamb stated the next meeting we will go over the changes and also go over the next three, small sections. There is a large business section after those three, and we will tackle these in the subsequent meeting.</p> <p>Mr. Kerr stated he felt that the Chamber of Commerce is a good location in the event we need another meeting place.</p> <p>Mr. Lamb stated we would shoot for the Council Chambers, but keep that in mind.</p> <p>Mr. Nugent stated we will meet here on 10/28/09 at 7:00 p.m.</p>	
<p>Mr. Daley moved to adjourn.</p> <p>Mr. Scoville seconded.</p>	
<p>MEETING ADJOURNED AT 8:58 P.M.</p>	

I, Tori Geaumont, Secretary to the Ordinance Revision Committee of the Town 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 Ordinance Revision Committee Meeting on October 15, 2009