

CHARTER COMMISSION MEETING
SATURDAY, JANUARY 8, 2011 – 9 A.M.

Chair Gombar opened the regular meeting at 9 a.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 Gombar read the second sentence of Section 411:

“Except for the purpose of inquiry, the council and its members shall deal with the administrative functions of the town solely through the Town Manager, and neither the council nor any member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.”

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend the second sentence of Section 411 as follows:

“Except for the purpose of general inquiry for information, the council and its members shall deal with the administrative functions of the town solely through the Town Manager and the Town Department Heads, and neither the council nor any member thereof shall give orders to any subordinates of the Town Manager and the Town Department Heads, either publicly or privately except in case of emergency.”

VOTE: Vice-Chair Bird and Commissioner Begert, yes; Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos and Chair Gombar, no. Motion fails 6-2.

Commissioner Regis motioned, seconded by Commissioner Higgins, to amend the second sentence of Section 411 as follows:

“Except for the purpose of general inquiry for information, the council and its members shall deal with the administrative functions of the town solely through the Town Manager, and neither the council nor any member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately except in case of emergency.”

VOTE: Unanimous.

Commissioner Vallante motioned, seconded by Commissioner Flaherty, to accept Section 411 with all amendments.

VOTE: Unanimous.

Commissioner Higgins read Section 412:

“Sec. 412. Conflict of Interest.

No relative of a Town Councilor shall be appointed to any compensated Town office or any position appointed by the Town Council or shall be hired for a position in any Town department under the direct control of the Town Council so long as that Councilor continues to serve on the Town Council. If the relative was serving in any such position at the time of that Councilor's election, the relative shall not receive any increase in salary which is approved during that Councilor's term of office. As used in this section, the term "relative" means a parent, spouse, brother, sister, child, stepchild, stepparent, adopted child, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law.”

Commissioner Begert motioned, seconded by Commissioner Higgins, to amend Section 412 as follows:

“Sec. 412. Conflicts of Interest.

No relative of a Town Councilor shall be appointed to any compensated Town office or any position appointed by the Town Council or shall be hired for a position in any Town department under the direct control of the Town Council so long as that Councilor continues to serve on the Town Council. If the relative was serving in any such position at the time of that Councilor's election, the relative shall not receive any increase in salary which is approved during that Councilor's term of office. As used in this section, the term "relative" means by blood, marriage, or law “to the second degree” or domestic partner relationship. ~~a parent, spouse, brother, sister, child, stepchild, stepparent, adopted child, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law.”~~

VOTE: Unanimous.

The question was raised regarding similar conflicts of interest of the Town Manager. Held over to the next article.

Commissioner Higgins read Section 413:

Sec. 413. Independent Annual Audit.

Prior to the end of each fiscal year, the Town Council shall designate either the State Department of Audit or a private certified Public Accountant, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit a report to the Town Council, the Town Manager and the Town Treasurer. Such accountant shall not be otherwise employed by the Town in any capacity and shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by the Department of Finance and any separate or subordinate accounts kept by any other office, department, or agency of the Town government.”

Commissioner Regis motioned, seconded by Commissioner Ladakakos, to accept Section 413 as currently written.

VOTE: Unanimous.

Commissioner Higgins read Section 414:

“Sec. 414. Compensation.

The Town Council by ordinance shall determine the compensation of Councilors and members of the School Board. No increase in compensation shall take effect until the next Town fiscal year. The Town Council, by specific order, shall set the compensation of its appointees. Salaries of the appointees of the Town Manager shall be set by the Town Manager, subject to approval of the Town Council, by specific order.”

Commissioner Flaherty motioned, seconded by Commissioner Vallante, to delete “and members from the School Board” from the first sentence:

“Sec. 414. Compensation.

The Town Council by ordinance shall determine the compensation of Councilors ~~and members of the School Board~~. No increase in compensation shall take effect until the next Town fiscal year. The Town Council, by specific order, shall set the compensation of its appointees. Salaries of the appointees of the Town Manager shall be set by the Town Manager, subject to approval of the Town Council, by specific order.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Chair Gombar, to amend the remainder of Section 414 as follows:

“No increase in their compensation shall take effect until after the next regular municipal election. ~~the next Town fiscal year~~. The Town Council, by specific order, shall set the compensation of its appointees. Salaries of the appointees of the Town Manager shall be set by the Town Manager, subject to approval of the Town Council, by specific order.”

VOTE: Unanimous.

Commissioner Begert motioned, seconded by Commissioner Flaherty, to re-number the current Section 414 as 414.1.

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to accept Section 414.1 in its entirety with all amendments.

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to add a new Section 414.2 to the Charter as follows:

“414.2 Compensation of the Town Clerk shall be set at the compensation equal to the average of that of the top eight (8) Department Heads.”

Commissioner Vallante motioned, seconded by Commissioner Regis to amend the motion as follows:

“414.2 Compensation of the Town Clerk shall be set at the compensation not less than equal to the average of that of the top eight (8) Department Heads, as of the adoption of the fiscal year budget.”

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos and Chair Gombar, yes; Vice-Chair Bird and Commissioner Begert, no. Motion passes 6-2.

Commissioner Vallante motioned, seconded by Commissioner Regis, to accept 414.2 as amended.

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos and Chair Gombar, yes; Vice-Chair Bird and Commissioner Begert, no. Motion passes 6-2.

Commissioner Higgins read the next sentence in Section 414:

“The Town Council, by specific order, shall set the compensation of its appointees.”

Commissioner Higgins motioned, seconded by Vice-Chair Bird to accept this sentence as written, but to number the sentence, 414.3.

VOTE: Unanimous.

Commissioner Higgins motioned, seconded by Commissioner Regis, to accept 414.3 as written.

VOTE: Unanimous.

Commissioner Higgins read the next sentence in Section 414:

“Salaries of the appointees of the Town Manager shall be set by the Town Manager, subject to approval of the Town Council, by specific order.”

Commissioner Higgins motioned, seconded by Commissioner Begert, to number this sentence 414.4 and accept as written.

VOTE: Unanimous.

Commissioner Higgins read Section 415.

“Sec. 415. Vacancies in Council.

Any member of the Town Council who misses three (3) consecutive regular meetings of the Council without excuse may be removed from office after notice and hearing by a resolution duly adopted by the majority of the remaining members of the Council. The office of Councilor shall also become vacant upon resignation, death, recall, failure to qualify for the office within ten (10) days after written demand by the Council, forfeiture of office, or failure of the municipality to elect a person to the office. If a vacancy occurs

for any reason other than recall during the first six months after a Town Councilor has been elected, such vacancy shall be filled for the unexpired term by that person who was a candidate for Council at the same election at which the Councilor whose office has become vacant was elected and who received the greatest number of votes among the unsuccessful candidates; and in the event that such person is unwilling or unable to serve, then the vacancy shall be filled by a special election held within 90 days from the date the vacancy occurred. Otherwise, if a seat on the Council becomes vacant more than six (6) months prior to the next regular municipal election, the vacancy shall be filled for the unexpired term within ninety (90) days from the date that the vacancy occurred by a special election. If a seat on the Council becomes vacant less than six (6) months prior to the next regular municipal election, the vacancy shall be filled for the unexpired term, if any, at the next regular municipal election.”

Vice-Chair Bird motioned, seconded by Commissioner Higgins, to amend Section 415 as follows:

“Sec. 415. Vacancies in Council.

Any member of the Town Council who misses three (3) consecutive regular meetings of the Council without excuse may be removed from office after notice and hearing by a resolution duly adopted by the majority of the remaining members of the Council.

The office of Councilor shall also become vacant upon resignation, death, recall, failure to qualify for the office within ten (10) days after written demand by the Council, forfeiture of office, or failure of the municipality to elect a person to the office.

If a vacancy occurs for any reason other than recall during the first six months after a Town Councilor has been elected, such vacancy shall be filled for the unexpired term by that person who was a candidate for Council at the same election at which the Councilor whose office has become vacant was elected and who received the greatest number of votes among the unsuccessful candidates; and in the event that such person is unwilling or unable to serve or there is no such person, then the vacancy shall be filled by a special election held within 90 days from the date the vacancy occurred.

Otherwise, if a seat on the Council becomes vacant more than six (6) months prior to the next regular municipal election and more than six (6) months prior to the expiration of its term, the vacancy shall be filled for the unexpired term within ninety (90) days from the date that the vacancy occurred, by a special election.

If a seat on the Council becomes vacant less than six (6) months prior to the next regular municipal election, the vacancy shall be filled for the unexpired term, if any, at the next regular municipal election.”

VOTE: Vice-Chair Bird, Commissioners Vallante, Begert, Flaherty, Higgins, Ladakakos and Chair Gombar, yes; Commissioner Regis, no. Motion passes 7-1.

Vice-Chair Bird motioned, seconded by Commissioner Begert, to amend the following section of 415:

“The office of Councilor shall also become vacant upon resignation, death, recall, failure to qualify, or continue to qualify, for the office within ten (10) days after written demand by the Council, forfeiture of office, or failure of the municipality to elect a person to the office.”

VOTE: Vice-Chair Bird, Commissioner Begert, yes; Commissioners Vallante, Flaherty, Higgins, Ladakakos, Regis, and Chair Gombar, no. Motion fails 6-2.

Vice-Chair Bird, motioned, seconded by Commissioner Ladakakos, to add the following Section 416:

“Sec. 416. Personnel Policy. The Town Council, with advice from the Town Manager, shall adopt an overall Personnel Policy for the Town employees.”

VOTE: Vice-Chair Bird, Commissioners Begert and Ladakakos, yes; Commissioners Vallante, Flaherty, Higgins, Regis and Chair Gombar, no. Motion fails 5-3.

Vice-Chair Bird read a new Section 417 he wanted to add:

“Sec. 417. Purchasing Policy. The Town Council, with advice from the Town Manager, shall adopt an overall Purchasing Policy for the Town.”

Commissioner Vallante felt the Town Manager should run the day to day operations of the Town, not the Town Council.

Vice-Chair Bird stated that the Town Council is the authority and sets policy.

Commissioner Vallante responded that the Town has a Town Manager form of government. The Town Council approves everything, but the Town Manager runs it.

Commissioner Flaherty read Section 502, stating the Town Manager is responsible to the Town Council.

Vice-Chair Bird stated the Charter Commission doesn't apparently favor a Town Council form of government. He then motioned, seconded by Commissioner Begert to abolish the Town Council form of government and return to a Town Meeting form of government.

VOTE: Vice-Chair Bird, Commissioner Begert, yes; Commissioners Vallante, Flaherty, Higgins, Regis, Ladakakos and Chair Gombar, no. Motion fails 6-2.

ARTICLE V

Vice-Chair Bird motioned, seconded by Commissioner Ladakakos, to add a prefatory statement to the beginning of Article V to describe what the article is referring to:

“This Article deals with the departments and offices involved with the daily administration of the affairs of the Town Government.”

VOTE: Unanimous.

Commissioner Higgins read Section 501:

“Sec. 501. Town Manager, Qualifications.

The Town Manager shall be chosen by the Town Council on the basis of what is in the best interest of the town of Old Orchard Beach and must hold a Bachelor's or advanced degree in government, law, accounting, political science, public administration, public finance, business administration, economics or another similar academic discipline or must have significant experience serving as the chief administrative/executive officer or as an assistant or deputy to the chief administrative/executive officer of a state, municipality or other political subdivision, or of a state or federal government agency. At the time of appointment, the Town Manager need not be a resident of the Town or State.”

Commissioner Ladakakos motioned, seconded by Vice-Chair Bird, to strike the word “academic”.

VOTE: Commissioners Ladakakos, Begert and Vice-Chair Bird, yes; Commissioners Regis, Vallante, Flaherty, Higgins and Chair Gombar, no. Motion fails 5-3.

Vice-Chair Bird motioned, seconded by Commissioner Higgins to amend the following sentence in Section 501:

“At the time of appointment, the Town Manager need not be a resident of the ~~Town or State~~, but shall become one before entering into a contract with the Town.”

VOTE: Unanimous.

Commissioner Higgins read Section 502:

“Sec. 502. Town Manager, Powers and Duties.

The Town manager shall be the chief administrative officer and the head of the administrative branch of Town government, and shall be responsible to the Council for the proper administration of the affairs of the Town. The manager shall have the power and shall be required to:”

Commissioner Flaherty motioned, seconded by Commissioner Begert, to amend Section 502 as follows:

“The Town Manager shall be the chief administrative officer and the head of the administrative branch of the Town government, and shall be responsible to the Council for the proper administration of the day-to-day affairs of the Town. The manager shall have the power and shall be required to:”

VOTE: Unanimous.

Commissioner Higgins read Section 502.1:

“Sec. 502.1. Appoint department heads, subject to confirmation by the Town Council. The Town Manager shall establish performance criteria for each position of the Town.

The Town Manager shall be responsible for the appointment and/or removal of all officers and employees of the Town except as otherwise provided in this Charter. The Town Manager may authorize the head of a department or office to appoint and/or remove subordinates. All removals shall be in accordance with the Personnel Policy.”

Commissioner Begert motioned, seconded by Commissioner Flaherty, to amend the title sentence in Section 502.1 as follows:

“Sec. 502.1. Nominate ~~Appoint~~ department heads, subject to confirmation by the Town Council.”

VOTE: Unanimous.

Commissioner Begert motioned, seconded by Commissioner Higgins, to amend the first sentence in Section 502.1 as follows:

“The Town Manager shall establish performance criteria for each subordinate position ~~of~~ in the Town Government.”

VOTE: Unanimous.

Commissioner Begert motioned, seconded by Commissioner Flaherty, to amend the second sentence in Section 502.1 as follows:

“The Town Manager shall be responsible for the appointment and/or removal of all ~~officers and~~ employees of the Town except as otherwise provided in this Charter.”

VOTE: Unanimous.

Commissioner Higgins motioned, seconded by Commissioner Flaherty, to amend the third sentence in Section 502.1 as follows:

“The Town Manager may authorize the head of a department or office to appoint and/or remove subordinates. All removals shall be made in accordance with the Personnel Policy.”

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos, and Chair Gombar, yes; Vice-Chair Bird, Commissioner Begert, no. Motion passes 6-2.

The Charter Commission went to a working lunch workshop at this time. Vice-Chair Bird had to leave the building due to prior commitments during the lunch hour.

Commissioner Higgins read Section 502.2:

“Sec. 502.2. Prepare a proposed budget annually, submit it to the Town Council at least ninety (90) days prior to the commencement of each fiscal year, and be responsible for administration of the budget after adoption;”

Commissioner Regis motioned, seconded by Commissioner Ladakakos to keep this section as currently written in the Charter.

VOTE: Unanimous [Vice-Chair Bird absent]

Commissioner Higgins read Section 502.3:

“Sec. 502.3. Prepare and submit to the Town Council as of the end of the fiscal year a complete report on the finances and administrative activities of the Town for the preceding year, and cause such annual Town report to be published and made available to the public within ninety (90) days after the close of the fiscal year;”

Commissioner Higgins motioned, seconded by Commissioner Begert, to amend Section 502.3 as follows:

“Sec. 502.3. Prepare and submit to the Town Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the Town for the preceding year, and cause such annual Town report to be published and made available to the public within ~~ninety (90)~~ thirty (30) days after the close of the fiscal year and receipt of the annual Town Audit Report;”

VOTE: Unanimous. [Vice-Chair Bird, absent]

Commissioner Higgins read Section 502.4:

“Sec. 502.4. Prepare and submit to the Town Council on a monthly basis a cumulative monthly report of the condition of all appropriation accounts showing appropriations, income and anticipated income to each account, expenditures to date, balance remaining and anticipated expenditures for the remainder of the year.”

Commissioner Flaherty motioned, seconded by Commissioner Regis, to keep Section 502.4 as currently written in the Charter.

VOTE: Unanimous. [Vice-Chair Bird absent]

Commissioner Higgins read Section 502.5:

“Sec. 502.5. Attend the meetings of the Town Council, except when the Manager's removal is being considered, and keep the Town Council advised of the financial condition and future needs of the Town and make such recommendations as may seem desirable after consultation with respective department heads;”

Commissioner Regis motioned, seconded by Commissioner Flaherty to keep Section 502.5 as currently written in the Charter.

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos and Chair Gombar, yes; Commissioner Begert, no. Motion passes 5-1 [Vice-Chair Bird absent].

Commissioner Higgins read Section 502.6:

“Sec. 502.6. See that all laws and ordinances governing the Town are faithfully executed;”

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

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

VOTE: Unanimous. [Vice-Chair Bird absent]

Commissioner Higgins read Section 502.7:

“Sec. 502.7. Act as purchasing agent for all departments of the Town, except the Department of Education;”

Commissioner Regis motioned, seconded by Commissioner Higgins, to amend Section 502.7 as follows:

“Sec. 502.7. Act as purchasing agent for all departments of the Town, ~~except the Department of Education;~~”

VOTE: Unanimous. [Vice-Chair Bird absent]

Commissioner Higgins read Section 502.8:

“Sec. 502.8. Prepare a Personnel Policy to be submitted annually to the Town Council and be responsible for its administration after adoption;”

Commissioner Higgins motioned, seconded by Commissioner Regis, to keep Section 502.8 as currently written in the Charter.

VOTE: Unanimous. [Vice-Chair Bird absent]

Commissioner Higgins read Section 502.9:

“Sec. 502.9. Perform such other duties as may be prescribed by this Charter or required by the Council, not inconsistent with this Charter.”

Commissioner Regis motioned, seconded by Commissioner Ladakakos, to amend Section 502.9 as follows:

“Sec. 502.9. Perform such other duties as may be prescribed by this Charter or required by the Council not inconsistent with this Charter.”

VOTE: Unanimous. [Vice-Chair Bird absent]

Commissioner Higgins read Section 503:

“Sec. 503. Absence of Town Manager.

The Manager may, with the consent of the Council, designate by letter filed with the Town Clerk, a qualified administrative officer of the Town to perform the Manager's duties during a period of temporary absence or disability. In the event or failure of the Manager to make such designation, the Council may by resolution appoint any administrative officer of the Town to perform the duties of the Manager until the Manager shall return or the disability shall cease.”

Commissioner Regis motioned, seconded by Commissioner Flaherty, to amend Section 503 as follows:

“Sec. 503. Absence of Town Manager.

In the event of the Town Manager’s temporary absence or disability, the Assistant Town Manager shall perform the duties of the Manager until the Manager shall return or the disability shall cease. If there is not an Assistant Town Manager, The Manager may, with the consent of the Council, designate by letter filed with the Town Clerk, a qualified administrative officer of the Town to perform the Manager's duties during a period of temporary absence or disability. In the event or failure of the Manager to make such designation, the Council may by resolution appoint any administrative officer of the Town to perform the duties of the Manager until the Manager shall return or the disability shall cease.”

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos and Chair Gombar, yes; Commissioner Begert, no. Motion passes 5-1 [Vice-Chair Bird absent]

Commissioner Higgins read Section 504:

“Sec. 504. Department of Public Works.

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

Commissioner Regis motioned, seconded by Commissioner Vallante, to amend Section 504 as follows:

“Sec. 504. Department of Public Works.

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

VOTE: Unanimous. [Vice-Chair Bird absent]

Commissioner Higgins motioned, seconded by Commissioner Begert, to revisit Section 502.1

VOTE: Unanimous.

Commissioner Begert motioned, seconded by Commissioner Higgins, to amend Section 502.1 to add the following:

“Any disciplinary action, including removal, demotion or suspension, taken by the Town Manager, shall be appealable to the Town Council, provided such appeal is made in writing within ten days of the Town Manager's decision. The decision of the Town Council, after notice and hearing, may be appealed to the Superior Court in accordance with M. R. Civ. P. 80B.”

VOTE: Unanimous. [Vice-Chair Bird absent]

Commissioner Higgins read Section 505:

“Sec. 505. Department of General Assistance.
The Director of General Assistance shall be appointed by the Town Manager, subject to confirmation by the Town Council, and shall exercise all of the powers and perform all of the duties conferred or imposed by law on overseers.”

Commissioner Higgins motioned, seconded by Commissioner Flaherty, to change the word “appointed” to “nominated” and accept as currently written in the Charter.

VOTE: Unanimous. [Vice-Chair Bird absent]

Commissioner Higgins read Section 506:

“Sec. 506. Department of Public Safety.
The Director of Public Safety shall be appointed by the Town Manager, subject to confirmation by the Town Council. The Director of Public Safety shall report to the Town Manager. Any disciplinary action, including removal, demotion or suspension, taken by the Town Manager, against the Director of Public Safety shall be appealable to the Town Council, provided such appeal is made in writing within ten days of the Town Manager's decision. The decision of the Town Council, after notice and hearing, may be appealed to the Superior Court in accordance with M. R. Civ. P. 80B.”

Commissioner Higgins motioned, seconded by Commissioner Flaherty, to amend Section 506 as follows:

“Sec. 506. Departments of Public Safety.

The Chief of Police shall be nominated by the Town Manager, subject to confirmation by the Town Council, and shall exercise all of the powers and perform all of the duties conferred or imposed by State law on Heads of Municipal Police Departments.

~~The Director of Public Safety shall be appointed by the Town Manager, subject to confirmation by the Town Council. The Director of Public Safety shall report to the Town Manager. Any disciplinary action, including removal, demotion or suspension, taken by the Town Manager, against the Director of Public Safety shall be appealable to the Town Council, provided such appeal is made in writing within ten days of the Town Manager's decision. The decision of the Town Council, after notice and hearing, may be appealed to the Superior Court in accordance with M. R. Civ. P. 80B.”~~

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos and Chair Gombar, yes; Commissioner Begert, no. Motion passes 6-1 [Vice-Chair Bird absent].

Commissioner Regis motioned, seconded by Commissioner Vallante, to create and name headings “Section 506.1 Police Department” and “Section 506.2 Fire Department”.

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos and Chair Gombar, yes; Commissioner Begert, no. Motion passes 6-1 [Vice-Chair Bird absent].

Commissioner Higgins motioned, seconded by Commissioner Vallante, that the new Section 506.2 “Fire Department”, will have the following prefatory statement:

“The Fire Chief shall be nominated by the Town Manager, subject to confirmation by the Town Council, and shall exercise all of the powers and perform all of the duties conferred or imposed by State law on Heads of Municipal Fire Departments.”

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos and Chair Gombar, yes; Commissioner Begert, no. Motion passes 6-1 [Vice-Chair Bird absent].

Commissioner Higgins read Section 507:

“Sec. 507. Town Treasurer, Powers and Duties.

The Town Treasurer shall be appointed by the Town Manager subject to confirmation by the Town Council. The contract will be for a two (2) year term subject to removal for cause during such term by the Town Council, after notice and hearing, in accordance with the current contract. The powers and duties of the Town Treasurer shall be the same as provided for Town Treasurers under the general laws of the State of Maine and the ordinances duly adopted by the Council. The Town Manager shall not serve as the Town Treasurer.”

Commissioner Higgins motioned, seconded by Commissioner Ladakakos, to amend Section 507 as follows:

Sec. 507. ~~Town Treasurer, Powers and Duties.~~ Department of Finance

This Town Department shall be responsible for the financial affairs of the Town including receipt, recording and disbursement of funds according to policies set forth by State Law, this Charter, the Town Council, and good and accepted accounting practices.

507.1 The Town Treasurer shall be the Director of Finance.

~~The Town Treasurer shall be nominated appointed by the Town Manager, subject to confirmation by the Town Council. The Treasurer may be given a contract will be for a two (2) year term subject to removal for cause during such term by the Town Council, after notice and hearing, in accordance with the current contract.~~

The Town Treasurer shall be nominated by the Town Manager, subject to confirmation by the Town Council, for a six (6) month probationary period during which the Town

Treasurer may be removed by the Town Council with or without cause. After the probationary period, and subject to confirmation by the Council, the Town Treasurer may be given a contract of not more than two (2) years duration, subject to removal for cause by the Town Council during the term of the contract, after notice and hearing. The Town Treasurer shall be given at least 60 days notice of a nonrenewal of a contract.

507.2 Department of General Assistance. [Wording approved in prior vote. This vote moved Dept of General Assistance from Section 505 to a newly created Section 507.2]

The Director of General Assistance shall be ~~appointed~~ nominated by the Town Manager, subject to confirmation by the Town Council, and shall exercise all of the powers and perform all of the duties conferred or imposed by law on overseers.

507.3 Tax Collection”

VOTE: Unanimous. [Vice-Chair Bird returned]

Commissioner Higgins read Section 508:

“Sec. 508. Recreation Department.

The Recreation Director shall be appointed by the Town Manager subject to confirmation by the Town Council.”

Commissioner Higgins motioned, seconded by Commissioner Flaherty, to change the word “appointed” to “nominated” and accept as currently written in the Charter.

VOTE: Commissioners Regis, Vallante, Flaherty, Higgins, Ladakakos and Chair Gombar, yes; Commissioner Begert, no; Vice-Chair Bird, abstained. Motion passes 6-1-1.

Commissioner Higgins read Sections 509 and 901.1:

“Sec. 509. Planning Department.

The Town Planner and the Code Enforcement Officer shall be appointed by the Town Manager subject to confirmation by the Town Council.”

“Sec. 901.1. Subject to confirmation by the Council, the Town Manager shall appoint a Town Planner and a Code Enforcement Officer for a six (6) month probationary period during which they may be removed by the Manager with or without cause. After the probationary period, and subject to confirmation by the Council, the Town Planner and the Code Enforcement Officer shall be given two (2) year contracts subject to removal for cause by the Town Manager during the term of the contract, after notice and hearing. The Town Planner and the Code Enforcement Officer shall be given at least 60 days notice of nonrenewal of contract. The Town Planner and Code Enforcement Officer shall attend all meetings of the Planning Board and the Zoning Board of Appeals, or send a designee or request the Town Attorney to advise and assist these Boards, when they are unavailable.”

Commissioner Higgins motioned, seconded by Commissioner Flaherty, to amend 502.1 by adding the following of Section 901.1 prior to the section on disciplinary action:

~~“Sec. 901-1. Subject to confirmation by the Council, the Town Manager shall nominate appoint a Town Planner and a Code Enforcement Officer for a six (6) month probationary period during which they may be removed by the Manager with or without cause. After the probationary period, and subject to confirmation by the Council, the Town Planner and the Code Enforcement Officer may shall be given two (2) year contracts subject to removal for cause by the Town Manager Council during the term of the contract, after notice and hearing. The Town Planner and the Code Enforcement Officer shall be given at least 60 days notice of nonrenewal of a contract. A Code Enforcement Officer They, or their successors, shall be appointed or reappointed annually by July 1st of each year.”~~

VOTE: Unanimous.

Commissioner Higgins motioned, seconded by Commissioner Vallante, to rename Section 509 Town Planner and add the following prefatory statement:

“The Town Planner shall be nominated by the Town Manager subject to confirmation by the Town Council.”

VOTE: Unanimous

Commissioner Higgins motioned, seconded by Commissioner Vallante, to rename Section 510 “Code Enforcement Officer” and add the following prefatory statement:

“The Code Enforcement Officer shall be nominated by the Town Manager subject to confirmation by the Town Council.”

VOTE: Unanimous.

Commissioner Higgins motioned, seconded by Commissioner Vallante, to change the titles of Sections 509 and 510—“Section 509. Planning Department” and Section 510. Code Enforcement Department”.

VOTE: Unanimous

Commissioner Higgins read Section 510:

“Sec. 510. Waste Water Treatment Plant.
The Waste Water Treatment Plant Superintendent shall be appointed by the Town Manager subject to confirmation by the Town Council.”

Commissioner Higgins motioned, seconded by Commissioner Vallante, to change Section 510 to 511 and for it to read: “Section 511. Waste Water Department. The Waste Water Department Superintendent shall be appointed by the Town Manager, subject to confirmation by the Town Council.”

VOTE: Unanimous.

Vice-Chair Bird motioned, seconded by Commissioner Begert to add the following to Section 511:

“The Waste Water Treatment Plant Superintendent ~~shall be nominated appointed by the Town Manager subject to confirmation by the Town Council and~~ shall be responsible for the management of the department so as to meet all federal and state regulations, submitting an annual budget that includes operational, maintenance and capital costs, and assist the Planning Board and Town Planner in the long term planning process; including identifying growth areas, economic opportunities, recommending fee structures and infrastructure improvements.”

VOTE: Unanimous.

Meeting adjourned at 3:13 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 sixteen (16) pages is a true copy of the original Minutes of the Charter Commission Meeting held January 8, 2011.

Kim M. McLaughlin