

MEETING OF THE CHARTER COMMISSION

TUESDAY, AUGUST 23, 2016

1.0 WORKSHOP

2.0 CALL TO ORDER

The workshop was called to order at 2:00pm

Elected and appointed members in attendance:

Paul Breen
Cindy Douglass
Lesley Mathews
Chris Murphy, Town Clerk
Michele Tourangeau

2.1 Minutes of Meeting – July 1, 2016

Minutes were accepted as written

3.0 APPOINTMENTS

4.0 ADMINISTRATIVE ITEMS - OLD BUSINESS

4.1 Review full charter

The Commission discussed the proposed revision to Section 503.6.1 which deals with the budget review committee recommendations being on the ballot along with the Select Board when the two differ. Chris suggested that the commission not make the proposed revision as previous agreed to. The Commission voted 5-0 to put this section back to the original wording.

5.0 ADMINISTRATIVE ITEMS - NEW BUSINESS

5.1 Review recommendations of legal review

The Charter Commission discussed the following recommendations and voted 5-0 to accept the proposed legal changes:

- Section 102.11 - Establish, maintain, ~~conduct~~, **approve, permit and/or finance recreational facilities;** and ~~finance recreational facilities;~~ and may charge for the use thereof.
- Section 206 - Article(s) for the Warrant of any Town Meeting may be requested of the Select Board. **The article(s) may be inserted in the Warrant of an Annual or Special Town Meeting upon receipt of the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the town at the last**

gubernatorial election but in no case less than ten (10). If a petitioned article calls for an illegal act, the Select Board may refuse to put it on the warrant since it would not be effective if adopted. If the Select Board “unreasonably refuses” to place a petitioned article on the warrant petitioners may seek relief from a notary public in accordance with 30-A MRSA §2521(4). ~~If the Select Board declines, the article(s) shall be inserted in the Warrant of an Annual or Special Town Meeting upon the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town at the last gubernatorial election.~~

- Section ~~308.1.3C.~~ Each Select Board member in attendance shall vote on all issues and questions presented for a vote except when a valid conflict of interest or the appearance of a conflict of interest clearly exists, in which case, the member must disclose the interest and abstain. ~~Otherwise, members in attendance will vote in one of the following responses, in favor, against or present. A member voting present will be considered part of the quorum. The record will show votes in favor, against and present~~ abstention.
- Section ~~308.1.4D.~~ A member with a conflict of interest or the appearance of a conflict of interest shall ~~recuse~~ disclose the interest and recuse him or herself and shall ~~leave the room~~ move to the public section area until such time as the matter involving the conflict of interest is closed and the Select Board is ready to move to the next item on the agenda. In no case shall an abstaining Select Board member participate in an official capacity in discussion or deliberations regarding the matter as to which the member has abstained; however, such member may speak as a member of the public during that portion of the meeting when the public is being heard.
- Section 310.2 Appoint, remove or provide for the election of such officials and members of boards, commissions and committees as ordinances and statutes may require. All appointments shall be in writing and signed by the Select Board. The Select Board shall have the power to remove for cause after notice and hearing those appointees over whom they have jurisdiction, to the extent required by state law and/or this Charter. Forfeiture of office of an appointment to a board, commission or committee shall be governed by the provisions of Section 803 of this Charter. ~~Appointments may be removed by the Board under the provisions of Section 804 of this Charter.~~
- Section 310.12 Enter into and execute contracts on behalf of the Town concerning matters authorized by Town Charter, Town Meetings or State statutes. Designate the Town Manager to sign and execute contracts, in accordance with the Town’s purchasing policies, with the exception of union contracts, on behalf of the Town by a vote of the Select Board.

The designation may be for an indefinite term contiguous with the Town Manager’s term of office.

A written record of all action taken shall be signed by the Select Board and maintained by the Town Clerk.

The Select Board may by majority vote suspend or rescind the designation of the Town Manager to sign and execute contracts.

- Section The Select Board shall issue a **Results of Annual Town Meeting Information packet** ~~written Mid-Year Report~~ each ~~February~~ **January** updating the citizens of the Town on the Articles passed at the last Annual Town Meeting and any subsequent Special Town Meetings. ~~This report shall also summarize the important activities and issues currently before the Select Board. The Mid-Year Report shall cover the first six (6) months of the current Fiscal Year.~~ **This Report shall be the Information Packet mailed out prior to Annual Town Meeting and/or Special Town Meeting, if applicable, with the results and status of each article voted on at the Annual Town Meeting and any subsequent Special Town Meeting**

~~Notice of this report shall be given seven (7) calendar days prior to its issuance. Notice shall be posted in three (3) conspicuous places and on the community public access channel (WOGT). This "Town of Ogunquit Mid-Year Report" shall be posted on the town website (townofogunquit.org) and copies shall be available in Town Hall. The first item on the agenda at the Select Board's meeting following the "Mid-Year Report" shall be a public forum for questions and comments.~~

- Section 504 ~~Amounts may be transferred by the Select Board within a department as long as the approved total departmental budget amount is not exceeded. Transfers between departments (Warrant Articles) shall be allowed only as a final adjustment at the end of the fiscal year following a public hearing at a Select Board Meeting. This transfer is limited to an amount not to exceed Twenty-Five Thousand Dollars (\$25,000) for any one department and not to exceed 1% (One Percent) of the total municipal operating budget for the departments overall. Amounts above these limits require approval at a Special Town Meeting. (STM 11/05/13)~~

504.1 The Select Board shall have the authority to transfer appropriations between departments without exceeding the Town Meeting approved total budget. Such authority maybe exercised during the fiscal year or at the end of the fiscal year, subject to a public hearing before taking such a vote. This authority is limited to an aggregate of a \$25,000 transfer to any one department and total transfers between departments shall not exceed 1% of the total municipal operating budget for the departments overall.

504.2 The Select Board shall have the authority to determine that a Capital Improvement Project is completed or abandoned, and to transfer up to \$25,000 in excess funds to another approved Capital Improvement Project.

The transfer may be completed during the year or at year end. Transfer(s) to be capped at \$25,000 annually. Transfer(s) are subject to any restrictions on the use of the funds by the funding source and to a public hearing prior to completing the transfer.

- Section 801 The Select Board shall appoint a Board of Assessment Review, Planning Board, Zoning Board of Appeals and any other Boards as required by State Statutes. All boards shall conduct their business in accordance with the rules set forth in this Charter. ~~Members of these boards shall be registered voters of the Town of Ogunquit.~~ **Members of boards required by law shall be registered voters of the Town of Ogunquit. No eligible member may serve on more than one required committee or board simultaneously. Members of appointed Boards, Committees and Commissions, not required by law, shall be registered voters, property owners or full time residents of the Town of Ogunquit. Registered voters and property owners from adjacent municipalities may also be considered for the Select Board's approval of an appointment to an appointed Board, Committee or Commission, provided that the Ogunquit residents, property owners who comprise the respective Board, Committee or Commission are in a majority.** The Select Board may also create and appoint members to other Town committees as needed.
- Section 909 Any official or employee who has any financial interest, direct or indirect, in any contract with the Town or in the sale of any land, material, supplies or services to the Town or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as an official or employee in making of such sale or in the making or performance of such contract. Any official or employee who willfully conceals such a financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Board. **The member with a conflict of interest shall recuse him/herself and shall move to the public section area until such time as the matter involving the conflict of interest is closed and the Select Board is ready to move to the next item on the agenda.**

Section 910 Even if no personal financial conflict of interest exists, a board, commission, or committee member should avoid the appearance of a conflict by disclosing **the facts underlying the potential conflict and, where appropriate, abstaining from** ~~the reason for abstaining from a discussion and voting~~ **on the matter** in order to maintain the public's confidence in the board's, commission's, or committee's work. An appearance of a conflict exists when a reasonable person could conclude from the circumstances that participation would be perceived as inappropriate. As with the conflict of interest described in Section 909, ~~the member should excuse him/herself from the room during the discussion and vote.~~ **a member who abstains from voting due to the appearance of a conflict of interest shall leave the room, move to the public section area until such time as the matter involving the interest is closed and the Select Board is ready to move to the next item on the agenda. In no case shall an abstaining Select Board member participate in an official capacity in discussion or deliberations regarding the matter as to which the member has abstained; however, such member may speak as a member of the public during that portion of the meeting when the public is being heard.**

6.0 MISCELLANEOUS BUSINESS - ORAL & WRITTEN COMMUNICATIONS - FOLLOW-UP

7.0 ADJOURNMENT

Having no further business, the meeting adjourned at 3:15pm by a vote of 5-0

Respectfully submitted,

Cindy Douglass

Secretary