

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on August 16, 2016 at 6:30 p.m. to consider the following:

To consider the following proposed amendments to Sections 201 and 1002.2 related to Town Council term limits; Section 409 related to disposing of real and personal property; Section 412 related to Conflicts of Interest; and Section 904 related to the Public Bulletin Board and Advertising of agendas, by adding the underscored text and deleting the strikethrough text, as shown below:

Sec. 201. - Town Council, Town Clerk.

Sec. 201.1. Town Council. The Town Council shall be composed of five (5) members, with two-year terms, each of whom shall be elected by the registered voters of the entire Town, and each of whom shall serve until a successor is elected and qualified. The two-year terms of the Town Council shall be staggered, and expire at two year intervals. All terms shall expire on the third Monday in November of the term year. No Town Councilor is eligible to serve more than seven years consecutively.

Sec. 409. - Enumeration of Powers.

Sec. 409.14. Dispose of real and personal property acquired through nonpayment of taxes, when deemed in the best interest of the Town, by sealed competitive bids, by competitive bid, including, but not limited to auction or use of a brokerage firm. ~~except that the~~ The Council, in its discretion, may sell the property to the former owner for a sum not less than the total of all back taxes, interest, and costs;

Sec. 409.15. Sell, or offer to sell, by sealed competitive bids, competitive bid, including, but not limited to auction or use of a brokerage firm, surplus property of the Town provided that no real property acquired in any manner other than through nonpayment of taxes may be offered for sale, leased for more than three years, or otherwise disposed of without a referendum vote or, in the case of condemnations, sold to any other than the original owner without first offering it to the original owner for the price paid minus any expenses incurred by the original owner because of the condemnation. Invitations for bid shall be published at least thirty (30) days prior to the date for the opening of bids. ~~The Town shall give public notice of the process at least 30 days before the deadline for disposition.~~ The Council may, in its discretion, accept or reject any or all bids.

Sec. 412. - Conflicts of Interest.

No relative of a Town Councilor or the Town Manager 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 Councilor shall recuse him/herself from voting on any increase in that relative's salary or compensation. relative shall not receive any increase in salary or compensation which is approved during that Councilor's term of office~~ except for salary or compensation increases which are commensurate and proportional to salary or compensation increases received by non-union Town employees or Town employees covered under a collective bargaining agreement. ~~A Councilor with a relative serving in a compensated Town office or position shall recuse him or herself from consideration or acting on matters directly related to the compensation or salary of their relative.~~

No Town Councilor may vote on any contract while employed by the contractor or subcontractor or in which the member or a relative has a financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue must be decided by a majority vote of those members present and voting, excluding the member being challenged.

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, first cousins or domestic partner relationships.

(Ref. of 11-4-2014, eff. 11-18-2014)

Editor's note— The amendment to [section 412](#) was approved by the voters at the November 4, 2014 Election, and the council voted on November 18, 2014 for it to take effect on November 18, 2014.

Sec. 904. - Public Bulletin Board.

There shall be an official public bulletin board located outside the Town Clerk's Office in the Town Hall. The agenda of each meeting of the Town Council, and all other boards, committees, and commissions shall be posted, or cause to be posted, on this bulletin board and on the town internet web site by the Town Clerk, at least three (3) working days prior to the meeting. ~~and a copy of the agenda shall be printed as a legal advertisement in a newspaper of general circulation in the Town at least twenty-four (24) hours prior to the meeting.~~

No action shall be taken on agenda items which have not been posted ~~and published~~ in accordance with this section, unless the Council, commission, committee or board determines that an emergency exists. The declaration of emergency by the Council, commission, committee or board shall be conclusive. Dates, times, and meeting places of all regular and special meetings,

public hearings and workshops shall also be posted on the bulletin board in accordance with this section.

A failure or malfunction in the town internet website shall not require the postponement of any hearing or action by the Town Council or any other board, committee or commission provided the agenda was posted on the official public bulletin board as required by this section.

Sec. 904.1. Public Access to Meetings. All regularly scheduled meetings and budget workshops of the Town Council shall be video recorded and broadcast on a local cable access channel pursuant to Federal laws governing local access. Additionally, in the event an issue arises causing significant public interest or significant community changes which will be discussed at a meeting other than a regularly scheduled meeting, all reasonable attempts will be made by the Town Council Members to have the meeting video recorded and shown as soon as possible on a local public cable channel. Two copies of all meetings so videorecorded, shall be given to the Town Clerk, to be maintained as an archival record of said meetings and available to the public for review.

Sec. 1002.2. - Term Limits.

~~Term limits shall go into effect with the 2012 election. Council seats elected prior to November, 2012 shall not calculate into the term limit formula.~~

Per Order of the Municipal Officers this 19th day of July, 2016.

A True Copy

Attest:

S/Kim M. McLaughlin

Kim M. McLaughlin, Town Clerk