

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 5, 2008
TOWN HALL CHAMBERS**

A scheduled meeting of the Old Orchard Beach Town Council was held on Tuesday, February 5, 2008 at the Town Hall Chamber. The Chairman opened the meeting at 7 p.m.

Pledge of Allegiance and Roll Call: Present were:

**Chairman James Long
Vice Chair Shawn O'Neill
Councilor Roxanne Frenette
Councilor Robin Dayton
Councilor Sharri MacDonald
Acting Town Manager V. Louise Reid
Town Council Secretary Gary Lamb**

ACKNOWLEDGEMENTS:

Gary Curtis provided an oral update on the 125th Anniversary activities to date. The first major event will be Wednesday February 20, 2008 at Dunegrass Country Club for 6 pm social hour and 7 pm dinner, program and entertainment. Tickets are available now in town hall. Town Historian and Anniversary Committee member Dan Blaney then passed out 125th commemorative pins to all Councilors.

Fire Chief John Glass made a presentation to Ambulance Billing Clerk, Terry Turcotte, who in her position has excelled in the administration of the Ambulance Billing procedures. In the past three years her efforts have increased the income from Ambulance Billing 167% over 2003. In 2003 the revenue was \$150,000; in 2007 the revenue was \$405,000, an increase of 167%. I am pleased to present this plaque to her – “In Appreciation to Terry Turcotte for improving profitability and sound fiscal management in administering the Town’s rescue billing operation.

CHAIRMAN Long: I will request a motion to move Item Number 3080 to follow the presentation by Representative George Hogan.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to move Item Number 3080 to immediately after Rep. Hogans presentation

VOTE: Motion passed with 5-0 vote

PRESENTATIONS:

PRESENTATION: REPRESENTATIVE GEORGE HOGAN: Representative George Hogan discussed his Bill – LD # 2188 An Act to Establish a New Boundary Line Between the City of Saco and Old Orchard Beach, shifting the current boundary from just beyond the Pier to three miles off shore. He stated it has been 100 years since Old Orchard Beach split from Saco. He explained that Saco’s ownership of the waters and land of Saco Bay is hindering Old Orchard Beach’s ability for local control of the waters. He indicated he has proposed this bill that would revise the border between Saco and Old Orchard Beach, shifting the current boundary from just beyond the Pier to

three miles offshore. He indicated that he felt this was “righting a wrong from 1883.” When the Town of Old Orchard Beach separated from the City of Saco in the late 1800’s and became its own municipality, the boundaries of the Town were largely determined by the boundaries of the school district. At that time Saco’s decision to keep the rights to the bay was based largely on retaining the rights to islands and not the water. The issue of boundaries came into play in the early 1980’s when the boundary line was shifted 1,000 feet to accommodate the Pier. The issue of ownership of Saco Bay came to the forefront this past summer when Bill Danton, Old Orchard Beach developer, signed a lease option agreement with Saco for a proposed offshore marina. Representative Hogan indicated that this is a response to recent developments where Saco has established a precedent of allowing commercialism in Old Orchard Beach. He indicated he does not have a personal agenda but that he did not feel it was proper that a community four miles away has the ability to impose its will on Old Orchard Beach. The issue at stake is community or local control. People who have invested in beachfront residential or commercial property should have the right to make decisions for their waterfront. He stated he has the support of the Old Orchard Beach Chamber of Commerce. Representative Hogan’s proposed change would give Old Orchard Beach control over the ocean three miles out to international waters and over any commercial development in that section of Saco Bay. He said he feels strongly that the bill is a way to protect Old Orchard Beach from further development in the bay. Old Orchard Beach is the only community directly impacted by the present development plans. It is not right for a community that is four miles away be able to decide what happens off Old Orchard Beach. Saco is a great community but the Spartan Bay project is considered an infringement by many Old Orchard Beach residents.

Mr. Hogan stated he wished Senator Barry Hobbins would step back from his lack of support for LD 2188. Interested citizens may call the Maine House of Representatives 287-1400 to leave a message for their State Representative and 287-1500 to leave a message for their State Senator.

CHAIRMAN LONG: It should be noted that Gary Lamb, Planner; Acting Town Manager Louise Reid and myself met with Saco Mayor Ron Michaud, Saco City Administrator Rick Michaud, Senator Barry Hobbins and Representative George Hogan in Saco to discuss this situation and with the exception of Representative Hobbins, we agreed that we would continue our discussion but not move forward at that time. I recognize that Mr. Danton’s project will need the approval from seventeen different agencies including the Army Corps of Engineers, and the Department of Environmental Protection. The health of the bay is a complicated issue and it needs to be protected. If you look at this on a State level it is easier to develop a policy because you have experts available. I know that all the parties do not want anything to negatively impact the relationship between our communities.

REPRESENTATIVE GEORGE HOGAN: I would request that the Old Orchard Beach Town Council consider a resolution supporting the bill that I have proposed.

A motion was made by Councilor Frenette to draft a resolution in support of Mr. Hogan’s efforts. The motion was not seconded. Councilors thanked Mr. Hogan for his presentation and further discussion on LD 2188 will undoubtedly occur in the future. The resolution may be presented for discussion at the next Council meeting.

#3080 - Discussion with action regarding ordinance change prohibiting amphibious vehicles.

CHAIRMAN LONG: Unlike the situation in many towns on the Maine coast, the beach in Old Orchard is Town-owned property, having been acquired by the Town in 1935, and the Town is very protective of what is clearly its most valuable asset. For that reason, the Town does not allow any motorized vehicles on the beach. Section 42-201 of the Town Code states: “no motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of

public safety vehicles and the town's public works vehicles, designated for public safety or beach cleaning purposes." That ordinance has been in effect since 1961. That ordinance, representing the policy of the Town for nearly 50 years, precludes the operation of amphibious vehicles over the Town beach. Consideration of any changes to this ordinance is important to the protection of our beach.

AMENDMENT TO CHAPTER 42, ARTICLE IV, DIVISION 2 OF THE OLD ORCHARD BEACH
CODE PROHIBITING THE USE OF AMPHIBIOUS VEHICLES ON THE TOWN BEACH AND IN
ADJACENT TIDEWATERS

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 42, Article IV, Division 2 of the Old Orchard Beach Code is amended as follows:

The definition of "water toy" in Section 42-141 is amended by adding the underscored language shown below:

Water toy means any motorized craft, vehicle, conveyance or device for carrying or transporting persons in or on the water, including but not limited to jet skis, powerboats, amphibious vehicles and rafts or other flotation devices pushed by, pulled behind or towed by a motorized boat.

Section 42-144, paragraph (h) is amended by adding the underscored language shown below:

This section shall not apply to a marina; a passenger transportation service, such as excursion boats, charter boats, water taxis or water shuttles; or a waterborne amusement ride, which is: (i) operated at, to, from or adjacent to the pier; (ii) operated pursuant to an annual license issued by the town council under article II of chapter 18; and (iii) operated only in areas approved by the town council and marked off by buoys, ropes, floats or other devices designed to keep swimmers and bathers from entering the operations area. The town council may approve such an operation only upon finding that it will not create a hazard to the public health, safety or welfare by endangering swimmers, distracting lifeguards from the performance of their duties, contributing to noise or water pollution or otherwise interfering with the public's use and enjoyment of the town beach and adjacent tidewaters, and the town council may impose conditions to ensure compliance with such findings. This paragraph (h) does not permit, and the Town Council may not approve under this paragraph, the use of the town beach or adjacent tidewaters by amphibious vehicles.

Notwithstanding the provisions of Title 1, section 302 of the Maine Revised Statutes, this amendment shall affect proceedings pending at the time of its passage.

NOTICE OF PUBLIC HEARING

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 February 19, 2008 at 7:00 p.m. to consider the following:

AMENDMENT TO CHAPTER 42, ARTICLE IV, DIVISION 2 OF THE OLD ORCHARD BEACH CODE PROHIBITING THE USE OF AMPHIBIOUS VEHICLES ON THE TOWN BEACH AND IN ADJACENT TIDEWATERS

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Notwithstanding the provisions of Title 1, section 302 of the Maine Revised Statutes, this amendment shall affect proceedings pending at the time of its passage.

MOTION: Councilor Frenette motioned and Councilor O’Neill seconded to set a public hearing date of February 19, 2008 to amend the Code of Ordinances, Chapter 42, Article IV, Town Beach, regulating motorized vehicles on the beach.

VOTE: Motion passed with a 5-0 vote

PRESENTATION: School Board Chairperson Kate Dutton thanked the Council for the opportunity to speak this evening and then turned the podium over to Superintendent Rick Matthews. Supt. Matthews passed out a school consolidation and budget handout update and led a

short discussion on recent consolidation efforts and budget projections. He thanked the Council for their cooperation and open lines of communication.

CHIEF DANA KELLEY: The reinstatement of the K-9 program is a positive and proactive tool that will benefit the community and the department. The program will consist of a highly trained police dog and a patrol officer making up a "Team ". The Team will undergo an extensive training course with a certification at the conclusion of the course. A patrol K-9 can be used for many situations to include building searches, tracking of criminals, lost children, locating evidence and property and identification of suspects. A dual purpose K-9 will also be trained in the detection of narcotics. One need only to watch the local news and realize that drug use is on the rise. A properly trained K-9 can search a house in 1/10th the time it takes several officers to accomplish the same task. The dog has three hundred olfactory nerve endings in his nose, this compares to seven in the human nose. The dog will be trained in the detection of Marijuana, Cocaine, Heroin, and Money that has been contaminated by drugs and several other narcotics.

The K-9 is also an excellent tool for department public relations. Police K-9's can be used at public demonstrations such as neighborhood community meetings, church groups, schools, scouting events, as well as other social clubs in the community. The handler can demonstrate the dog's abilities with an actual demonstration, slide show and or video presentation. This allows the public to get to know their police department with better knowledge and understanding. An additional and very effective tool in public relations is the K-9 vehicle itself. The K-9 vehicle has markings distinguishing itself as a different patrol vehicle. It is a proven fact that the mere presence of a highly trained dog and a well marked police unit is a strong crime deterrent. A person is less likely to break into a residence or building knowing that the police have a dog that can follow his seemingly invisible trail of escape.

It is our hope and intention to provide the citizens of Old Orchard Beach with a highly trained K-9 team. The Team will be available anytime the department needs the assistance of the K-9. With the influx of tourists into the community it is important for the Police Department to keep up with the times and offer the best protection possible. With a proactive team there is the potential that the team will pay for itself over the history of the program with seizures of drugs, cash and vehicles.

Old Orchard Beach Police Department K-9 Equipment List

1: Correction Collar: This is a thin nylon collar that will be used to correct the dog when he does something wrong. The dog will need to be sized before one is ordered. The other styles are pinch collars and fur savers. A nylon collar is highly recommended for starters.

Vendor: Ray Allen # N99 cost \$11.95

2: Agitation Collar: This collar is usually thick leather used for bite work. This collar does not offer a correction like the correction collar does. It is used for bite work and can be used to track from.

Vendor: Ray Allen # 57 2H24 cost \$52.95

3: Tracking Harness: This gives the dog free movement when he is tracking. It is not connected to the neck and will not restrict his breathing. The harness comes padded and unpadded.

Vendor: Ray Allen # TH-1 cost \$61.95

4:Leash: A leash that is six feet long and a half inch to one inch wide. For maximum effectiveness on corrections it is recommended that a nylon leash be used. Nylon will not stretch like leather and

will give a better correction. Nylon will also fair better in wet weather. Two of these items are highly desirable.

Vendor: Ray Allen # 72 in Police lead 7/8 width cost \$ 38.95 each

5:Tracking lead or line: A tracking lead will be required. They come in 15, 25, 30, or longer. With the benefit of a take home cruiser one will be needed.

Vendor: Ray Allen: #57-76-25 Long Lead 25 cost \$20.95

6:Toys: Something the dog enjoys to play with. Tennis balls, Kong toys, ball and rope etc. Dogs love to play tug of war and will need rewards.

Vendor: Misc: Cost \$ 40.00

7:Bite Sleeve: A sleeve will be required but is to be used only with a trainer. It is not recommended that the sleeve is put on anyone from the department until the handler has had considerable experience on handling the K-9.

Vendor: Ray Allen #153 cost \$ cost 189.95

8:Muzzle: A regular muzzle should be purchased . It will come in use when the K-9 has to visit the vet especially if the K-9 does not enjoy going there.

Vendor: Ray Allen: Already Purchased est savings 50.00

9:Agitation Muzzle: This is a muzzle used for protection work. This is a more rugged muzzle and has a metal or plastic nose brace. It is used to do protection work where the decoy will eventually wear next to nothing. This will help train the K-9 to fight the decoy hard and to bite anywhere.

Vendor: Ray Allen # RAM-9 cost 119.95

10: K-9 Cruiser Cage: This is a special insert fitted to the rear of the police unit. It designed to protect the K-9 as well as offering the K-9 room to move while on patrol. The unit is made of metal and has a rubber flooring for the K-9 to have sure footing and to aid in cleaning the unit.

Vendor: Ray Allen Already Purchased est savings 3500.00

11:Door Popper: This is a remote door opener that will enable the handler to open the rear door while being away from the police unit. The handler will wear the remote on his belt in a case to protect it from the elements.

Vendor: Ray Allen Already Purchased est savings 300.00

12: K-9 Ballistic Vest: This is a nylon covered ballistic vest specially designed for a K-9. The vest is adjustable and will protect the dog from a gunshot to the body. The vest has special marking and readily identified the dog as a Police K-9.

Vendor Second Chance: Already Purchased est savings 500.00

13: Food: Once the dog is selected the breeder will advise what food is best and recommend a brand for the dog.

Vendor: TBA est cost 550.00 annually

14: Medical Bills: Through the year he dog will need to be vaccinated and have routine check ups. In the case where the K-9 is injured at night and needing immediate medical attention there is a 24 Hour Emergency Veterinary Hospital in Westbrook.

In the past the Department has used Temm Veterinary Hospital in Old Orchard Beach. Dr Temm still owns the practice but does not work out of the Old Orchard office any longer.

Vendor: Temm Veterinary Hospital cost 400 annually

South Portland Veterinary Hospital has also offered its services. South Portland Veterinary Hospital is a relatively new practice with Dr's Jennifer and Christopher Allen. They currently treat all three of South Portland Police Department's K-9's. The program with SPPD is basically no charge for office visits , annual exams, immunizations and heartworm testing. They do pay regular price for products such as heartworm medication, flea/tick products. Dr Allen is willing to work out a program similar to the SPPD program. Their practice is located on Main Street in South Portland.

Vendor: South Portland Veterinary Hospital cost 250-300 annually

The K-9 will be purchased from Connecticut Canine Services in Beacon Falls Connecticut. The owners Merideth Vallilo and Gary D'Hue are the full time owners and bring over forty years of professional and competitive experience to the canine field. Their dogs come with a guarantee for health, performance and socialization. Their dogs are bred for Police Work. There are certain dogs that come with basic to moderate training. They have an excellent reputation in the field and have worked with the Scarborough Police Department, Windham Police Department, and Gorham Police Department. The cost of the dog will range from \$4,500-5,500 depending on training and age.

Training Period: The training will take 1 day a week for 4 to 6 months until certification is achieved. Training will then be reduced to 2 days a month to maintain proficiency. The handler will be compensated a half hour a day for the handling and care of the dog. This will result in the officer working a seven hour shift instead of an eight hour shift. The agreement will eliminate the cost of overtime with exceptions.

Totals:

Purchase of the K-9	\$ 4500-5500
New Equipment	\$ 1125.60
Equipment Savings	\$ 4350.00

Summary: The Old Orchard Beach Police Department K-9 will be there to provide outstanding results for the community and the department. Specific questions can be answered upon request.

Councilors thanked Chief Kelley for his comprehensive K-9 presentation.

ACCEPTANCE OF MINUTES:

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to approve both meeting and workshop minutes of January 15, 2008. The motion passed 4-0-1 with Councilor Frenette abstaining. Councilor Dayton motioned and Councilor O'Neill seconded to approve the executive session minutes of January 16, 2008 and Council workshop minutes of January 22, 2008.

VOTE: The motion passed on a 5-0 vote.

BUSINESS LICENSES: Gloria F. Moline (206-28-10), 47-53 Summit Street, six year Round rentals; John Martinez & Gina Presterone dba/J.A.M. Enterprises (314-13-1), 6 Somerset Avenue,

one year round rental; Ted & Gail Domin (308-2-7), 86 Atlantic Avenue, one year round rental; and Mark Blier dba/BIG Properties, Inc. (205-13-1), 2 Burdette Street, one year round rental.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to approve the Business Licenses as read.

VOTE: Motion passed on a 5-0 vote

PUBLIC HEARINGS: James Albert dba/Dimitri, Inc. – Jimmy the Greek’s Brick Oven
LIQUOR LICENSE: Restaurant – (211-9-1), 215 Saco Avenue, s-m-v in a Restaurant/Lounge.

MOTION: Councilor Frenette motioned and Councilor O’Neill seconded to approve the Liquor License as read.

VOTE: Motion passed on a 5-0 vote

NEW BUSINESS:

3074 Discussion with Action: Approve the Purchase of a Dell Server for the Public Safety Building in the amount of \$10,504.25 and an HP Pro/Server switch in the amount of \$2,932.43 for a total of \$13,436.68 from Account Number 10013-30100 - Undesignated Fund - with a balance of \$4,831,354.

BILL BOTTING: The need for a replacement of the Public Safety file and application server “SERVER02” is reaching critical status. That server is at least five years old already and for that reason alone should be replaced. It is running seriously low on disk space. It presently has less than 1.5 GB remaining in free space, out of 36 GB total, on the drive volume that hosts IMC and Sweet Ambulance Billing application data, as well as the file shares of all of the Public Safety computer users. At this low level of available space, the performance of this server will be severely reduced and critical public safety computer applications may fail at any time.

The Public Safety network consists of a 24 port Cisco switch and a legacy CentreCom hub. This equipment should be replaced by a gigabit capable switch with redundant power supplies. A 44 port HP ProCurve Switch would last for years as the heart of the Public Safety network, and includes a free lifetime warranty.

Attached is the quote for the Dell Server for Public Safety. I have opted for a tower configuration because that rack you have is not really meant for servers and we might have to squeeze this in on the floor somehow. It could always be mounted sideways or standing up on a rack shelf if we decide to do so. The top of the rack would have to be attached to the wall in that case so it does not flip over! This server will get you by for the next 5 years, no problem. In fact, I have included 5 years of 7x24 hour support from Dell, with a 4 hour response time. I have included a LTO tape drive and 20 tapes.

LTO has more capacity and from my experience, more reliability than the DAT tapes used in the current server. I have included Symantec Backup Exec backup software, since you will need to keep your old copy of Backup Exec around on your old server if you are ever

required to read old tapes.

Since this is the first “non-Storage” version of Windows 2003 Server in the Town, I have also included 50 Windows 2003 Client Access Licenses (5 come with the OS plus 45 more). My original estimate for all this was \$9500...it was the need to add these Client Access Licenses that made the quote come in at \$10,504.25.

MOTION: Councilor O’Neill motioned and Councilor Frenette seconded to Approve the Purchase of a Dell Server for the Public Safety Building in the amount of \$10,504.25 and an HP Pro/Server switch in the amount of \$2,932.43 for a total of \$13,436.68 from Account Number 10013-30100 - Undesignated Fund - with a balance of \$4,831,354.

VOTE: Motion passed on a 5-0 vote.

3075 Discussion with Action: Approve the Special Event Permit Application for the Chamber of Commerce to hold the 25th Annual Beach Olympics in the Square and the beach area in front of Palace Playland on August 15 through August 17, 2008; request to place a banner Square and to waive the fee.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to Approve the Special Event Permit Application for the Chamber of Commerce as read.

VOTE: Motion passed on a 5-0 vote

3076 Discussion with Action: Approve the Special Event Permit Application for the Chamber of Commerce to hold the 15th Annual Car Show on Old Orchard Street, First Street and Memorial Park on September 12 and 13, 2008; to include a Parade on Friday, September 12; request to place a banner in the Square and to waive the fee.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to Approve the Special Event Permit Application for the Chamber of Commerce as read.

VOTE: Motion passed on a 5-0 vote.

3077 Discussion with Action: Approve the Special Event Permit Application for the Chamber of Commerce to hold the 16th Annual Celebrate the Season by the Sea on December 7, 2008 in the Square, to include a Parade on Old Orchard Street; request for a bonfire on the beach, a banner in the square, and waive the fee.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to Approve the Special Event Permit Application for the Chamber of Commerce as read.

VOTE: Motion passed on a 5-0 vote.

3078 Discussion with Action: Authorize the placement of a street light on Pole #42 on Cascade Road by the driveway of 78 Cascade Road.

CHAIRMAN LONG: Deputy Chief Babin brought it to our attention that John Regan who resides at 78 Cascade Road has asked that a street light be installed in the vicinity of his residence. Currently there are no street lights in the direct vicinity of his resident and in the past several years two homes have been built there. For security of that area we are requesting the above street light.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Authorize the placement of a street light on Pole #42 on Cascade Road by the driveway of 78 Cascade Road.

VOTE: Motion passed on a 5-0 vote.

3079 Discussion with Action: Appoint Tianna Higgins and Ivan Most as Regular Members of the Planning Board, terms to expire 12/31/09.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to Appoint Tianna Higgins and Ivan Most as Regular Members of the Planning Board, terms to expire 12/31/09.

VOTE: Motion passed on a 5-0 vote.

GOOD AND WELFARE

Councilor Frenette mentioned the upcoming Junior Achievement day here in town hall on Feb 8th. She also stated that Louise Reid attended the recent fire and rescue awards ceremony. Councilor Dayton reminded residents of upcoming budget workshops and encouraged citizens to attend Feb 27th. She also stated that 125th Anniversary pins are for sale now for \$3.00 each. Councilor O'Neill profusely thanked Louise Reid for her work beyond the call of duty lately and mentioned town manager interviews will be held this week. Councilor Frenette strongly suggested concerned citizens call Senator Barry Hobbins at home or work and express their opinions re: Rep. Hogans LD 2188 legislation. Councilor MacDonald mentioned the OOB Alumni Association basketball game is coming up soon. She also asked for public input as to what residents want to see in the next town manager.

Bud Harmon stated the Chamber of Commerce has met with George Hogan and hopes to soon meet with Senator Barry Hobbins to discuss LD 2188. Councilors told Mr. Harmon that public comments will be allowed on the LD 2188 Town Council resolution of support. Mr. Harmon then spoke of conflicts between entertainment events in and around the square during summer months. Some mechanism needs to be implemented to avoid incompatible events.

ADJOURNMENT;

MOTION: Councilor Frenette and seconded by Councilor Dayton to adjourn meeting at 8:08 pm.

VOTE: Unanimous.

Respectfully Submitted,

Gary Lamb
Interim Town Council Secretary

I, Gary Lamb, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of eleven pages (11) pages is a true copy of the original Minutes of the Town Council Meeting of February 5, 2008.