

**TOWN OF OLD ORCHARD BEACH  
REGULAR TOWN COUNCIL MEETING  
TUESDAY, MAY 6, 2008 – 7:00 P.M.  
TOWN HALL CHAMBERS**

**A Regular Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, May 6, 2008 in the Town Hall Chamber. The Chairman opened the meeting at 7:03 p.m.**

**Pledge of Allegiance  
Roll Call:**

**Present were:**

**Chairman James Long  
Councilor Roxanne Frenette  
Councilor Robin Dayton  
Councilor Sharri MacDonald  
Town Manager Stephen Gunty  
Assistant Town Manager V. Louise Reid**

**Absent:**

**Vice Chairman Shawn O'Neill**

**ACKNOWLEDGEMENTS:**

**CHIEF JOHN GLASS:** He thanked the community for the successful Fire Call Tag Sale which brought in over \$4,000 and to all the volunteers and contributors as well as those who purchased the material expressions of thanks were extended.

**COUNCILOR DAYTON:** I recently attended the Earth Day at the Jameson School and wish to personally thank Malorie Pease, daughter of Chief John Glass, for her impressive work in putting this special day together. Malorie will graduate this Saturday from the University of Southern Maine with a Bachelor's degree in Media Arts with a minor in Environmental Science. The day was filled with education, inspiration and opportunities to enhance our environment. Thanks also to Principal Pulsifer and the students of Jameson for promoting such an enormously successful event.

**PRESENTATION:** Presentation to Chief Dana Kelley by Representative George Hogan and Senator Barry Hobbins for 35 years of dedicated Police service to Old Orchard Beach, Maine and by Assistant Town Manager, V. Louise Reid, and Deputy Chief Keith Babin on behalf of the Town Council. A certificate of appreciation from the State Senate was presented to Chief Kelley who thanked Representative Hogan and Senator Hobbins for coming and for taking the time to make the presentation. In addition a plaque was presented by Deputy Chief Babin.

**Presentation by Town Council Chair to Brayden Charette, born February 21, 2008, in celebration of the 125<sup>th</sup> Anniversary of the Town of Old Orchard Beach.**

**ACCEPTANCE OF MINUTES:** Special Town Council Meeting Minutes of April 8, 2008; Town Council Minutes of April 15, 2008; Town Council Hearing of April 22, 2008; Town Council Workshop of April 22, 2008; Executive Session of April 23, 2008; and Town Council Workshop of April 23, 2008.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to approve the Minutes of April 8, 2008; Town Council Minutes of April 15, 2008; Town Council Hearing of April 22, 2008; Town Council Workshop of April 22, 2008; Executive Session of April 23, 2008; and Town Council Workshop of April 23, 2008.

**VOTE:** Unanimous.

**BUSINESS LICENSES:** William & Sharon Saunders dba/Oceanside Snack Shack (307-1-3), 27 West Grand Avenue, Victualers; Jim & Joyce Bilancieri (105A-1-600-4A), 52 Wild Dunes Way, Unit 4A one year round rental; The Ocean House CJ, Inc., dba/The Ocean House Motel (310-2-3), 67 West Grand Avenue, six seasonal rentals; The Ocean House CJ, Inc, dba/The Ocean House Hotel & Inn (310-1-1), 71 West Grand Avenue, 68 seasonal rentals, one year round rental, one vending machine; Rob & Shari Langlois dba/Big Licks Ice Cream Take-Out (307-3-1), 8 West Grand Avenue, Ice Cream Parlor/Stand; Michael Dickinson dba/Dolce Crema Café (306-1-2-C), 1 East Grand Avenue, Unit C, Victualers, Ice Cream Parlor, Candy Store; Guy Blais dba/Beach Dawgs, Corp. (305-6-3), 40 East Grand Avenue, victualers; Joseph & Joanne Curley (301-7-1), 180 East Grand Avenue, two seasonal rentals; Sheri Nielsen dba/Oasis Body Shoppe, LLC (205-3-4-C), 50C Old Orchard Street, Body Piercing, Novelty Store.

**MOTION:** Councilor Dayton motioned and Councilor Frenette seconded to approve the business licenses as read.

**VOTE:** Unanimous.

**PUBLIC HEARING LIQUOR LICENSE:** Sharron & William Saunders dba/Oceanside Snack Shack (307-1-3), 27 West Grand Avenue, m-v in a Restaurant.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to approve the Liquor License as read.

**VOTE:** Unanimous.

**SPECIAL AMUSEMENT PERMITS:** Jason Salamacha dba/J.G. Cutter, LLC dba/Barefoot Boy (305-4-5), 45 East Grand Avenue, Entertaining & Dancing; Brentlandbeth, Inc. dba/Bell Buoy Restaurant (205-4-5-B), 24 Old Orchard St, Entertaining & Dancing; William P. Marshall dba/The Whaler (206-31-17), 20 Staples Street, Entertaining & Dancing.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to approve the Special Amusement permits as read.

**VOTE: Unanimous.**

**TABLED ITEM: # 4040 Discussion with Action: Approve the purchase from Perm Lines in the amount of ~~\$6,026~~ \$6,727 for signs for all streets coming out onto Saco Avenue for the E-911 Program to be completed by 2011 from Account Number – 20203-50506 – PW Capital Road Maintenance with a balance of \$579,887.29.**

**MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the purchase from Perm Lines and amend the amount of \$6,026 to \$6,727 for signs for all streets coming out onto Saco Avenue for the E-911 Program to be completed by 2011 from Account Number 20203-50506 – PW Capital Road Maintenance with a balance of \$579,887.29.**

**VOTE: Unanimous.**

**COUNCILOR FRENETTE: I would like to thank the Public Works Director for getting the price for the update signs and I love the tree and these will look good on our streets.**

**NEW BUSINESS:**

**# 4047 Discussion with Action: Approve the Special Event Permit application for the 5<sup>th</sup> Annual Captain Christopher S. Cash Memorial 5K Race on June 20, 2009; request for a banner in the Square from June 5 to June 20, 2009; and a request to waive the fee.**

**MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the Special Event Permit application as read.**

**VOTE: Unanimous.**

**# 4048 Discussion with Action: Approve the Liquor License Renewals for Jason Salamacha dba/J.G. Cutter, LLC, dba/Barefoot Boy (305-4-5), 45 East Grand Avenue, s-m in a Restaurant; Brentlandbeth, Inc dba/Bell Buoy Restaurant (205-4-5-B), 24 Old Orchard Street, s-m-v in a Restaurant; William P. Marshall dba/The Whaler (206-31-17), 20 Staples Street, s-m-v in a Class A Lounge.**

**MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve the Liquor License Renewals as read.**

**VOTE: Unanimous.**

**# 4049 Discussion with Action: Accept, with regret, the resignation of Mark Koenigs from the Design Review Committee.**

**MOTION: Councilor Frenette motioned and Councilor Dayton seconded to accept, with Regret, the resignation of Mark Koenigs from the Design Review Committee.**

**VOTE: Unanimous.**

**COUNCILOR DAYTON: I want to thank Mark for his dedicated and competent service to the Design Review Committee.**

**# 4050 Discussion with Action: Appoint Marc Bourassa as the Alternate Business Member to the [Business License] Administrative Board, term to expire 12/31/2009; Appoint Jayne Flaherty as an Alternate to the Conservation Commission, term to expire 12/31/2008; Appoint Kerri-Lynn Hodgkins as a Regular Member of the Board of Assessment Review, term to expire 12/31/2010; and Appoint Mark Koenigs as an Alternate to the Conservation Commission, term to expire 12/31/2010.**

**MOTION: Councilor Dayton motioned and Councilor Frenette second to approve the Appointments as read.**

**VOTE: Unanimous.**

**COUNCILOR FRENETTE: I want to express my thanks to all who are willing to give service to our various committees. The community is very fortunate.**

**# 4051 Discussion with Action: Approve the bid for the Downtown & Beach Cleaning Contract for Maintenance and Cleaning Services for the Downtown and Beachfront area and Comfort Station for a budget period of FY2009, 2010 and 2011 as Stipulated in the Contract from Account Number 20151-5031-Public Works Service Contract Expense, with a balance of \$38,984.**

**CHAIRMAN LONG: BACKGROUND: Public Works has been working with Extreme Clean Power Washing staff for the last three years to administer this contract. DPW has been very happy with this contractor and has found Adam Copeland, the owner, to be very responsive and pro-active in his response to the changing expectations and needs for the tasks within this contract. The contract was put out to bid for another three year period on April 22<sup>nd</sup> with a bid opening date set for May 2<sup>nd</sup>. Three contractors had requested a copy of this proposal package and they were mailed to them directly; otherwise, the Town advertised in the three local papers. Two bids were received:**

|   |               |                  |
|---|---------------|------------------|
| <b>Extreme Clean</b>                      | <b>2008 -</b> | <b>\$117,600</b> |
|   | <b>2009 -</b> | <b>117,600</b>   |
|   | <b>2010 -</b> | <b>118,600</b>   |
| <b>New England<br/>Environmental Tech</b> | <b>2008</b>   | <b>\$65,000</b>  |
|   | <b>2009</b>   | <b>70,000</b>    |
|   | <b>2010</b>   | <b>75,000</b>    |

**TOWN OF OLD ORCHARD BEACH, MAINE**  
1 Portland Avenue  
Old Orchard Beach, ME 04064

**CONTRACT FOR CLEANING AND MAINTENANCE  
SERVICES FOR MUNICIPAL RESTROOMS AND BEACHFRONT AREA**

The Town of Old Orchard Beach is accepting bids for a qualified custodial and property management firm to provide maintenance services for the (3) Municipal Restrooms, Power Washing Downtown areas, and Trash Can Maintenance for the Beach/Parks/Downtown from May to October beginning May 2008 and ending October 2011.

A copy of the Request for Proposal (RFP) can be obtained from the Public Works Department, 103 Smithwheel Road, Monday through Friday from 7:30 a.m. to 3:00 p.m. Questions can be referred to Mary Ann Conroy, Director of Public Works, at 207-934-2250 or via e-mail: [maconroy@oobmaine.com](mailto:maconroy@oobmaine.com).

Sealed bids will be accepted at DPW until Friday, May 2, 2008 at 1:00pm. A bid opening will occur at DPW, 103 Smithwheel Rd, on May 2<sup>nd</sup>, 2008 at 1:05pm.

Proposals can be mailed to:

Mary Ann Conroy  
Public Works Department  
1 Portland Avenue  
Old Orchard Beach, Maine 04064

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to approve the bid from Extreme Clean, Inc. for the Downtown & Beach Cleaning Contract for Maintenance and Cleaning Services for the Downtown and Beachfront area And Comfort Station for a budget period of 2008 to 2009 - \$117,600; 2009 to 2010 - \$117,600; 2010 to 2011 - \$118,600, as stipulated in the contract from Account Number 20151-50310 – Public Works Service contract expense, leaving a balance of 0.”

**VOTE:** Unanimous.

# 4052 Discussion with Action: Approve the bid to Leavitt Construction for Temple Avenue Stormwater Replacement Work for a total of \$82,135 from Account Number 20203- 50506 – PW Road Maintenance Improvements, with a balance of \$570,736.

**CHAIRMAN LONG:** Public Works solicited bids for installation of (11) 4’ catch basins, (5) 24” x 24” field inlets, and (1805) linear feet of 15” storm drain pipe at various locations along the upper end of Temple Avenue (from the railroad to the rotary). FEMA funding has already paid for several of the repairs that were completed last fall; however, these structures did not physically cave in to be covered by the FEMA requirements. The existing structures are in very poor shape and constructed with individual blocks; the existing storm drain lines are corrugated metal pipe which have eroded along the center and ends. The new construction materials are poured concrete structures and plastic HDPE pipe expected to have a life of 50 years. They have divided this work into three phases to allow for more than one contractor to be working at one time, as we need all work completed by the end of May. The paving work is scheduled for the first two weeks of June. They received bids from seven contractors.

**MOTION:** Councilor Dayton motioned and Councilor Frenette seconded to Approve the bid to Leavitt Construction for Temple Avenue Stormwater Replacement Work

for a total of \$82,135 from Account Number 20203- 50506 – PW Road Maintenance Improvements, with a balance of \$570,736.

**VOTE: Unanimous.**

**# 4053 Discussion with Action: Approve a PACTS Grant for Traffic Signal Upgrade for the Intersection of E. Emerson Cummings Boulevard and Saco Avenue Grant Application Authorization for a total of \$52,500 from Account Number 20203-50506 – PW Road Maintenance Improvement, with a balance of \$570,736.**

**MARY ANN CONROY: Public Works has been working with the Maine Department of Transportation for three years to improve the traffic signal at the intersection of E. Emerson Cummings Blvd, Union Avenue and Saco Avenue (State Route 5). This roadway and the traffic signal fall under the control of the Maine Department of Transportation. This intersection was slated for an improvement with safety funds prior to Old Orchard Beach becoming a member of the PACTS organization. Over the past three years, the project has fallen, (1), lower on the list of priorities for MDOT, and (2), completely off the MDOT Safety Fund Project list as we are now a member of PACTS. I have been strongly advocating for this project to stay funded through the Safety Fund alternative as competition is high for signal work in the PACTS organization. It is only fair to the residents of Old Orchard Beach that this intersection be a top priority for MDOT since the signal hardware is one of the oldest in the state. I was directed by MDOT to wait for the next funding year and not submit it through PACTS until this year. I have met with MDOT/PACTS on several occasions and we have agreed to do both (1) leave it on the Safety Fund list for MDOT and (2) Attempt to see where it would score for approval for PACTS funding in 2010-2011. The brief grant application was completed by the Assistant State Traffic Engineer and was accompanied by the plan drawing from our 2007 Traffic Improvement Plan (previously included in the Saco Ave Sidewalk Grant). Once the scoring process is completed by PACTS, the project will come back to the Council for approval of a City/State Agreement if it ranks high enough to be funded in the next biennium. The match monies will need to be authorized in the FY10 CIP request from Public Works.**

**MOTION: Councilor Frenette motioned and Councilor Dayton seconded to Approve a PACTS Grant for Traffic Signal Upgrade for the Intersection of E. Emerson Cummings Boulevard and Saco Avenue Grant Application Authorization for a total of \$52,500 from Account Number 20203-50506 – PW Road Maintenance Improvement, with a balance of \$570,736.**

**VOTE: Unanimous.**

**# 4054 Discussion with Action: Approve the purchase of a used 2006 14-Yard Dump Truck from Weirs Motor Sales in the amount of \$59,500 with \$35,947.57 from Account Number 20203-50835 – PWD Vehicles Capital Expense, leaving a zero balance and the remaining \$23,552.43 from Account Number 10013/30100 – Undesignated Fund, with a balance of \$4,783,247.**

**MOTION: Councilor Frenette motioned and Councilor Dayton seconded to remove Item Number 4054 without prejudice.**

**VOTE: Unanimous.**

# 4055 Discussion with Action: Accept the bid of from Natural Lawns of America in the amount of \$5,500.50 less \$965 for the initial pre-emergent crab grass control treatment for a total of \$4,535.50 for Landscape Fertilization and Pesticide Application for Veterans Memorial Park, First Street, Old Orchard Beach, Maine from Account Number 10013-30100 – Undesignated Fund, with a balance of \$4,783,247.

**CHAIRMAN LONG:** The Town of Old Orchard Beach went out for Invitation to Bid for Landscape Fertilization and Pesticide Application for Veterans Memorial Park, First Street, Old Orchard Beach, Maine. A site walk was held on April 1, 2008 and written proposals were received on April 15, 2008 with interviews conducted on Thursday, April 17<sup>th</sup>. The committee interviewed 3 companies for fertilization and pest control. We chose Natural Lawns of America to recommend to the council for this contract. We told all the companies that we interviewed that the contract would be awarded for three years. Natural Lawns of America is a national organic based lawn care program which is independently owned and operated by Ben Goodall of Goodall Landscaping Inc. of Topsham, Me. The company boasts that they are able to maintain a healthy public park lawn for us while being 85% organic in their approach. They are the low bidder, very knowledgeable and wanted very much to work with us. They service other accounts in the area so they would be able to check on the lawn between treatments. Their program seemed to best meet our request for proposal of wanting to be as earth friendly and organic as possible while being realistic about recognizing the requirements of treating a public park. We wanted to give local preference, however no one from Old Orchard Beach bid this project.

Bids were as follows:

Natural Lawns of America 85% organic 5,500.50

6 applications

Mainly grass 100% organic 7,635.00

5 applications no pre-emergent crabgrass

Atlantic Turf (3 options)

Bridge program 50% organic 6,540.50

This was the one they suggested for the park 3 applications

100% natural 8,721.00

3 applications

Conventional synthetic 6,421.50

3 applications

**MOTION:** Councilor Dayton motioned and Councilor MacDonald seconded to Accept the bid of from Natural Lawns of America in the amount of \$5,500.50 less \$965 for the initial pre-emergent crab grass control treatment for a total of \$4,535.50 for Landscape Fertilization and Pesticide Application for Veterans Memorial Park, First Street, Old Orchard Beach, Maine from Account Number 10013-30100 – Undesignated Fund, with a balance of \$4,783,247.

**VOTE:** Unanimous.

**# 4056 Discussion with Action:** Accept the bid from Glorious Greenery in the amount of \$24,300 from Account Number 10013-30100 – Undesignated Fund, with a balance of \$4,783,247 for Landscape Maintenance Services for Veterans Memorial Park, First Street, Old Orchard Beach, Maine.

**CHAIRMAN LONG:** The Town of Old Orchard Beach went out for Invitation to Bid for Landscape Maintenance Services for Veterans Memorial Park, First Street, Old Orchard Beach, Maine. A site walk was held on April 1, 2008 and written proposals were received on April 15, 2008 with interviews conducted on Thursday, April 17<sup>th</sup>. While several companies picked up the request for proposal, four attended the site walk. During the site walk applicants were told we would be awarding this contract for three years. Only two companies bid on the project. They are “Glorious Greenery”, principal owner Gloria Nilsen and “Defining Lines”, principal owner Joe Lydon. The Veterans Memorial Park sub-committee voted, [8 to 1, with 1 undecided], to ask the conservation commission to recommend to the council that Glorious Greenery be awarded the landscape maintenance contract. Gloria’s education in horticulture studies at Southern Maine Community College, as well as being a licensed arborist in the state of Maine make her the most qualified applicant to care for the overall maintenance needs in the park beyond just the mowing responsibilities. It was stated also in the RFP that preference would be given to local companies. Gloria owns the equipment needed to handle this project. For special jobs what she doesn’t have will be rented. Her past work experience includes managing the grounds for Barber Foods, which is a comparably sized property. She didn’t renew her contract this year to focus her attention in her local area. We checked with the Waves Motel here in town for a reference. She has been maintaining the Waves for several years and they had only positive comments about her work ethic and design abilities. The difference in price between the two contracts should be noted. During the interviews we asked Gloria what was included in each of her line items. She based her mowing price on 26 mows not on just 22. Into her garden tending and planting, she has included weeding and mulching. We asked her if we could take out the \$5,800 dollars for daily litter removal because we are prepared to hire a town teenager to provide this service to keep this maintenance down. Joe Lydon of Defining Lines Landscaping was going to charge this at an additional hourly rate based on two men each being paid \$35.00 an hour. This was not figured into his Job Total. Public works doesn’t have the manpower to continue the task of daily litter removal. We asked both applicants to remove the pruning charge from their contracts. We are continuing to work with John Waters, who’s worked with us in the past pruning the park trees. We asked both applicants to submit a letter to the town managers office in agreement with these subtractions. Should these services need to be provided they would be assessed at an hourly rate.

**MOTION:** Councilor Dayton motioned and Councilor MacDonald seconded to Accept the bid from Glorious Greenery in the amount of \$24,300 from Account Number

**10013-30100 – Undesignated Fund, with a balance of \$4,783,247 for Landscape Maintenance Services for Veterans Memorial Park, First Street, Old Orchard Beach, Maine.**

**VOTE: Unanimous.**

**# 4057 Discussion with Action: Approve the Maintenance Budget for Memorial Park from May 1, 2008 to June 30, 2008 in the amount of \$24,759 from Account Number 10013-30100 – Undesignated Fund, with a balance of \$4,783,247.**

**CHAIRMAN LONG: The following was presented in commentary to the Council:**

**Fix Flagpole – The flag is no longer being maintained by the VFW. The last time it was vandalized they took not only the flag but the cable as well. I checked with Mike at public works before getting this quote to be sure the cable hadn't been stored there. Bailey Sign Company in Westbrook will come out and replace the cable. Instead of raising the cleat on the pole that will require a ladder to raise and lower it, they will install a box over the cleat that will require a key for access. The box over the cleat is about 4 feet up the pole. They will also put a protective wire cord on the last 10 feet coming up the pole out of the box to keep the kids from cutting the line. They are also bringing us a replacement flag. For a pole our size that gets a lot of wind they have recommended that we use a 5x8 flag and nothing larger. We have been unable to get this fixed during the winter months because this requires a truck. We are waiting for the lawns to dry out. They have promised me this will be completed in the next few weeks prior to our Memorial Day celebrations.**

**Fix children's playground equipment - We already have a signed contract with Kompan's playground installer. They are coming in May to inspect and install any missing or broken parts.**

**Tree and stump removal - The remainder of this work is scheduled for Friday April 25<sup>th</sup> to be done by Leon Jackson of Jackson's tree service. He has already removed a dead tree from the side of the library. He is returning to grind the large stumps and remove the debris from in front of the library.**

**Irrigation - We are charged 200.00 to open the system. After my meeting with the public works director and the town manager it was suggest that I increase this estimate because of the uncertainty of broken pipes.**

**Lawn Furniture - We got a quote in March from conversion products for 3 benches and 2 Adirondack chairs. These look like wood but aren't. We choose this material for the dog park because we wanted to put something there, but not the wood bench we are using in the park proper. We would like to put one bench in the dog park area. The two Adirondack chairs also made to look like wood are for the children's play area. We desperately need more seating here. These can be anchored in the ground. The public works director would like to put additional benches at the drop off and pick up area for the camp grounds to keep people off the wall. We would rather not have the nice wood benches out on First Street. We could put the other two benches here. Eventually when we can get an additional two benches, for a total of four out on First Street. We'd like to move the nice wood bench that is out there now, back into the park proper. Please consider increasing the amount of this quote to include 2 additional benches for this location. The benches are \$455 each. We are including this item here instead of 2008-2009, as they take several weeks to get because they aren't built ahead of time and the company needs verification that they will be paid for before construction. If you want to move this item to the 2008-2009 budget we'd be glad to see if the company can work to have them ready July 1<sup>st</sup>. However it may be harder for public works to install them at that time of year. Let us know what you want to do.**

**Tools - We are asking volunteers to help more and more in the park. The storage room at the comfort station in the park is shared with the company that cleans the bathrooms. This needs a caged tool area for the storage of rakes, brooms, wheelbarrows, tarps, and other suggested tools necessary for volunteers. The public works director would like this area to be where all tools for public use are stored in general. This will eliminate the problems faced at public works when tools are borrowed from DPW. Three people will be given keys. Andrea Berlin for park volunteers, Tina Morrison for dog park volunteers, and Jason Webber for recreation volunteers, (skate park clean-up).**

**Resetting leaning trees - trees were planted over the past two years. For various reasons some of the trees weren't staked and now need to be lifted and straightened. This must be done before the trees leaf out.**

**Fertilization - You have received the memo from the town manager on this item to apply the pre-emergent crab grass application.**

**Replacing dead trees - A few of the trees have been neglected in the past and their level of stress may finally be evident this season requiring replacement. This will be one of the responsibilities of the newly hired parks maintenance person to see that the trees are watered properly. Another of the trees was vandalized early this spring and will need to be replaced.**

Removing asphalt from the walkways – The pavement that was installed doesn't follow the master plan for the park and in removing it we will preserve this greens place as originally planned. This price was a quote from one of the companies we asked for quotes. The quote also covers the cost of restoring the gravel walk underneath.

Grounds Person. This estimate is about a third of the total bid for the landscaper. The majority of the work will need to be done in the spring before July 1<sup>st</sup>. We want 2 additional small gardens created early in May for the community to donate plants from their homes to. This was how we managed to stock the large gardens around the playground. We have logged many hours of community service in cleaning up the park and removing mulch and winter debris. Volunteers from Milestone have offered to donate their time on the weekends. I have asked that they clean up the back area all along the fence from the IGA to the library. In addition I've asked them to collect liter in the morning on the weekends. We are a very rich community of volunteers

Contingency- I have included the contingency in case any of these estimates ends up being over the prices I was quoted. Or should we find something has been overlooked in getting the park ready for the summer season.

**Budget for the remainder of the 2007-2008**

|  |              |
|--|--------------|
| <b><u>Fix flagpole</u></b>                                   | <b>650</b>   |
| <b><u>Fix children's playground equipment</u></b>            | <b>1,144</b> |
| <b><u>Tree and stump removal from library area</u></b>       | <b>500</b>   |
| <b><u>Irrigation</u></b><br>To open provided no broken pipes | <b>500</b>   |
| <b>Lawn Furniture 3 benches, 2 chairs</b>                    | <b>2,200</b> |
| <b><u>Tools, and caged area for storage</u></b>              | <b>800</b>   |
| <b><u>Resetting leaning trees</u></b>                        | <b>500</b>   |
| <b><u>Fertilization</u></b>                                  | <b>965</b>   |
| <b><u>Replacing dead trees</u></b>                           | <b>3,500</b> |
| <b><u>Removing asphalt from walkways</u></b>                 | <b>4,800</b> |

|   |               |
|---|---------------|
| <b><u>Grounds person</u></b>  | <b>7,200</b>  |
| Mowing 10+_ times, cleanup, repairing winter damaged lawn and pathways, making 2 gardens for community donation of plants |               |
| <b>Contingency</b>  | <b>2,000</b>  |
| <b>Total Request</b>  | <b>24,759</b> |

**MOTION: Councilor Frenette motioned and Councilor Dayton seconded to Approve the Maintenance Budget for Memorial Park from May 1, 2008 to June 30, 2008 in the amount of \$24,759 from Account Number 10013-30100 – Undesignated Fund, with a balance of \$4,783,247.**

**VOTE: Unanimous.**

**# 4058 Discussion with Action: Accept the bid from Gary MacDonald of Mechanical Solutions for a Hydromatic Submersible Pump in the amount of \$5,697 from Account Number 20204-50846 – WWTP Capital Account with a balance of \$157,235.**

**CHRIS WHITE: BACKGROUND: During power outages the department relies on a 1986 50 KW portable EG to power up to six pump stations. While this EG has proven reliable, it is my recommendation that another unit be purchased as the primary EG. The older unit would be retained by the department and used when multiple power outages occur. Considering that the department puts very few hours on these EG’s over the course of a year, it would be my recommendation that the department purchase a used unit that is coming off rental. New units this size are priced between \$35-40,000, while used units can be purchased for \$20-25,000. These units are fleet maintained, typically have less than 2,000 hours and are 2-4 years old. Due to demand, there not many used units on the market and it may not be possible to have a unit “held” for town council purchase approval. It would be my preference to get pre-approval for this purchase with a “not to exceed” price of \$25,000. As a comparison, I have included a price list for new units and outlined the range that we are looking for. Sources and supply are limited for used units, so it is not possible to put out specs when purchasing a used unit. I have contacted Milton Cat and South Shore Generator Service and asked for prices on these units as they become available.**

**MOTION: Councilor Frenette motioned and Councilor Dayton seconded to Accept the bid from Gary MacDonald of Mechanical Solutions for a Hydromatic Submersible Pump in the amount of \$5,697 from Account Number 20204-50846 – WWTP Capital Account with a balance of \$157,235.**

**VOTE: Unanimous.**

**# 4059 Discussion with Action: Provide pre-approval for the purchase of a used Portable Emergency Generator (EG), not to exceed \$30,000, for use by the Old Orchard Beach Wastewater Facility from Account Number \$20204-**

50846 – WWTP Capital Account, with a balance of \$157,235.

**CHRIS WHITE:** This pumps station contains two pumps, both of which were originally installed in 1996. As part of our regular equipment replacement program I would like to replace one of these pumps. After we have removed the older pump, we will investigate the cost effectiveness of rebuilding it. I have included two (2) quotes as part of the packet. My recommendation would be to purchase the pump from Mechanical Solutions at a price of \$5,918.00.

Mechanical Solutions: \$5,918.00

George Roberts: \$9,560.00

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to Provide pre-approval for the purchase of a used Portable Emergency Generator (EG), not to exceed \$30,000, for use by the Old Orchard Beach Wastewater Facility from Account Number \$20204-50846 – WWTP Capital Account, with a balance of \$157,235.

**VOTE:** Unanimous.

**# 4060 Discussion with Action:** Establish an Account in the amount of \$1,100,000 and Designated as “Infrastructure Stabilization Account Number 21001-50890” from Account Number 10013-30100 – Undesignated Fund with a balance of \$4,783,247.

**CHAIRMAN LONG:** This is an item that I have encouraged be addressed. In the past six years the undesignated fund was the infrastructure repair fund - seven budget cycles – 9 million dollars transferred out for the repairs. It is important that we pull 12% in the fund for a reserve – money available for emergencies – \$2.8 million dollars. It also will ensure that we have a good bond rating. I believe a stabilization fund is in order – emergency items and fluctuations in the bond fees so that we have a stable impact on the mill rate. The discussion of designated infrastructure funds being moved into an new established account named “Infrastructure Stabilization Account Number 21001-50890” from Account Number 10013-30100 – Undesignated Fund will give a more accurate picture of accounting.

**COUNCILOR FRENETTE:** I agree with the Chairman but I am concerned that in the absence of Councilor O’Neill I would like to remove this without prejudice and reconsider it when we have a full Council.

**MOTION:** Councilor Frenette motioned and Councilor MacDonald seconded to remove Item Number 4060 without prejudice.

**VOTE:** Yea: Councilors MacDonald, Frenette and Chairman Long  
Nea: Councilor Dayton

**# 4061 Discussion with Action:** Set a Public Hearing date of May 20, 2008 to Amend Chapter 78, Article VI, Division 9, Section 78-833, Conditional Uses, of the Old Orchard Beach Code of Ordinances by adding the following language:  
(5) Home Occupations.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to Set a Public Hearing date of May 20, 2008 to Amend Chapter 78, Article VI, Division 9, Section 78-833, Conditional Uses, of the Old Orchard Beach Code of Ordinances by adding the following language: (5) Home Occupations.

**MIKE TOUSIGNANT:** I would appreciate it being defined just what this includes and which areas are involved.

**GARY LAMB:**

---

---

On May 8, 2008 the Planning Board will hold a public hearing and take a vote to recommend an ordinance revision to the Town Council. The proposed change in the ordinance would allow Home Occupations as Conditional Uses in the GB2 District.

In the past four months, there have been two separate requests to establish service based Home Occupations in the GB2 district on Saco Ave. In both cases, the applications have been denied because the ordinance does not allow Home Occupations or Personal Services in the GB2 district.

Sec. 78-831(b) states the purpose of the GB2 district is: “With the density of the settlement pattern of this area, the GB-2 district is primarily designed to encourage conversion of existing residential structures to small office and retail operations that generate relatively lighter trip generation and parking demand”. The purpose of this district seems to encourage home occupations.

As a Conditional Use, all requests for Home Occupations will be required to go before Planning Board and meet the Ordinance regulations for Home Occupations (Sec. 78-1240 & 78-1267).

This chart shows which Districts currently allow Home Occupations, and which Districts allow Personal Services. Notice that the GB2 District does not allow either use:

| Zone  | Home Occupation | Personal Services |
|-------|-----------------|-------------------|
| R1-R5 | Conditional Use |                   |
| DD1   |                 | Permitted Use     |
| DD2   |                 | Permitted Use     |
| GB1   |                 | Permitted Use     |

|          |                 |  |
|----------|-----------------|--|
| NCD      | Conditional Use |  |
| ID       |                 |  |
| RD       | Conditional Use |  |
| BRD      | Conditional Use |  |
| RBD      | Conditional Use |  |
| PMU<br>D |                 |  |

**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 May 20, 2008, at 7:00 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend Chapter 78, Article VI, Division 9, Section 78-833, Conditional Uses, of the Old Orchard Beach Code of Ordinances by adding the following language:

**(5) Home Occupations**

**VOTE: Unanimous.**

**# 4062 Discussion with Action: Authorize the Town Manager to follow the procedures to dispose of tax acquired property for the two tax-acquired parcels on Maplewood Avenue identified in Map 311, Block 9, Lot 10X and Map 311, Block 9, Lot 13X.**

**CHAIRMAN LONG: The following was provided to the Council.**

It should be noted that the Town Clerk, the Assessor and the Code Enforcement Departments have participated in the preparation of this material and have agreed to its format as has our legal counsel. The Zoning Standards for the R-2 Zone are extremely severe on very small parcels, i.e., 20 foot front and rear yard setbacks and fifteen foot each side yard setbacks leave both lots in question with no build able land. Even with maximum relief from these standards by the Zoning Board of Appeals, the land would be minimal size. The suggested minimal bid would be \$5,000 per lot.

The latest liens placed of record for the two parcels of tax-acquired property on Maplewood Avenue were filed on May 19, 1977 in the York County Registry of Deeds. The line instrument for Parcel #311-9-10 is recorded in book 2194, page 68. The lien instrument Parcel #311-9-13 is recorded in book 2194, page 69. If the Town Council wishes to sell these tax-acquired properties, the following information should be placed on the Town Council Agenda and considered:

**Discussion with Action:** To discuss and authorize the Town Manager to follow the procedures to dispose of tax acquired property for the two tax-acquired parcels on Maplewood Avenue identified as Map 311, Block 9, Lot 10X and Map 311, Block 9, Lot 13X.

The schedule and timeline for a sale that conforms with the Town's procedures governing disposition of tax-acquired properties is as follows:

**May 6, 2008:** Place the action item on the Town Council agenda.

**May 11, 2008 (Sunday):** The Maine Sunday Telegram will run a legal ad referencing the sale and the sealed bid procedures to sell the two tax-acquired Maplewood Avenue parcels.

**May 12, 2008 (Monday):** Bid packets will be made available to interested bidders at the Town Clerk's Office.

**June 13, 2008 (Friday):** To be considered, sealed bids must be received back at the Town Clerk's Office by 4 p.m.

**June 16, 2008 (Monday):** The sealed bids will be opened and read at noon time in Council Chambers.

On June 17, 2008 (Tuesday), the Town Council will be given copies of the sealed bids (delivered to your homes by the Police). Between June 17, 2008 and the regular Town Council meeting of July 1<sup>st</sup>, the Town Council should hold an executive session to discuss the sealed bids and disposition of the properties in accordance with the best interests of the Town. Atty. Vaniotis advises that an executive session is allowed under the open meeting law and is the preferred procedure because the Town Council should not disclose the bid values or value of the property, etc. in open session, because you may reject all bids. The wording for the Special Town Council meeting would be: Discussion with action: Discussion of disposition of publicly held property on Maplewood Avenue. (Note: this item discusses issues appropriate for executive session under Title 1 M.R.S.A. Section 405(6)(C) as "Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.")

For the Agenda for the regular meeting of July 1, 2008, assuming the Town Council has chosen a successful bidder, the following Order can be used:

**ORDERED:**

1. The bid of \_\_\_\_\_, dated \_\_\_\_\_, to purchase the property on Maplewood Avenue, Map 311, Block 9, Lot 10X and Map 311, Block 9, Lot 13X is accepted.
2. The Town Manager is authorized to enter into a Purchase and Sale Agreement with \_\_\_\_\_, pursuant to the terms and conditions of the Bid Specifications and the accepted bid.

The Town Manager is authorized to execute and deliver the property deed and all other documents necessary to complete the sale.

Town of Old Orchard Beach, Maine  
Notice of Public Sale of Tax Acquired Property  
OFFICIAL NOTICE

Please take notice that the Town of Old Orchard Beach will conduct a public sale of the following property in Old Orchard Beach, subject to the following procedures and conditions of sale:

|                  |                          |
|------------------|--------------------------|
| Maplewood Avenue | Map 311, Block 9, Lot 10 |
| Maplewood Avenue | Map 311, Block 9, Lot 13 |

These properties were acquired by the Town through the foreclosure of tax liens filed under 36 M.R.S.A. sections 942 and 943. The sale will be conducted through a sealed bid process according to the following terms and schedule:

1. The Town reserves the right to set minimum bids for the property in an amount approximately the amount of outstanding taxes, municipal charges, fees, expenses and interest as may be due or as may have been incurred by the Town in connection with its administration of the properties and this sale. The minimum acceptable bid for property subject of this sale is as follows:

|                  |                          |            |
|------------------|--------------------------|------------|
| Maplewood Avenue | Map 311, Block 9, Lot 10 | \$5,000.00 |
| Maplewood Avenue | Map 311, Block 9, Lot 13 | \$5,000.00 |

2. All bids must be submitted on the attached Notice of Bid form and submitted to the Town of Old Orchard Beach in a sealed envelope addressed to “The Town of Old Orchard Beach, Tax Acquired Property Sale, c/o Town Clerk’s Office”.

3. To qualify, all bids must be stamped and signed as received by the Town of Old Orchard Beach at One Portland Ave., Old Orchard Beach, ME 04064 on or before 3:00 PM on \_\_\_\_\_, and a deposit in the amount of 10% of the total bid amount must accompany all bids. The deposit must be in the form of certified funds or a cashier’s check made out to “The Town of Old Orchard Beach”. Personal checks will not be accepted. Bid deposits submitted by the successful bidder shall be applied to the total purchase price paid at closing.

4. The Town of Old Orchard Beach, in its sole discretion and right, reserves the right to accept or reject any bid and the right to make or not make any award of any bid that the Town, in its sole discretion, determines will be or will not be in the best interests of the Town. Bids will be opened publicly and read by the Town Clerk’s Office in Council Chambers at the Town Hall at 3:00 PM on \_\_\_\_\_.

5. Successful bidders must execute a Purchase and Sale Agreement substantially in the form of the attached Purchase and Sale Agreement within 15 days of the Town’s acceptance of a successful bidder’s bid. If a successful bidder does not timely execute the Purchase and Sale Agreement within 15 days of being awarded the bid the Town shall retain the successful bidder’s deposit check.

6. Upon the identification of the successful bidders, other bidders may then elect to withdraw their bids by providing written notice of the withdrawal to the Town. Bidders may use the attached Notice of Bid Withdrawal Form. Unsuccessful bidders who elect to withdraw and not continue their bids after the successful bidders are identified shall receive back their deposits. Bids that are not withdrawn according to this procedure shall continue as viable bids that the Town may accept in the event that successful bidders do not timely execute the required Purchase and Sale Agreement within 15 days of the acceptance of their bids.

7. If a successful bidder fails to timely execute the required Purchase and Sale Agreement, the Town may in its discretion award bids to other qualified bidders who have not withdrawn their

**bids according to the requirements of Paragraph 7. In the event that the Town accepts the bids of other qualified bidders, the remaining unsuccessful bidders may then withdraw or continue their bids according to the terms and requirements of Paragraph 7. New successful bidders shall be required to execute the required Purchase and Sale Agreement within 15 days of the date of being awarded the bid or the Town will retain their deposit check.**

**8. Upon completion of the transfer of the properties, the Town will return all remaining bid deposits of unsuccessful bidders by mail to unsuccessful bidders at the address they include on the bid form.**

**9. Conveyance of the property shall be by a Maine statutory Municipal Short Form Quitclaim Deed. The transfers shall be subject to any and all encumbrances and other liens of record and tenancies and occupancies of the property as of the date of the conveyance.**

**10. Bidders are strongly encouraged to seek legal assistance concerning matters related to the properties, including but not limited to: title, encumbrances, permitted activities or uses, occupancy or tenants. All properties are offered and sold by the Town on an "as is" basis with no express or implied warranties as to title, condition, acreage or boundaries, encumbrances, environmental matters, suitability or fitness for any purpose.**

**11. Bid packages may be obtained from the Town Clerk's Office, Town of Old Orchard Beach, One Portland Ave., Old Orchard Beach, ME 04064. Telephone (207) 934-4042.**

**Town of Old Orchard Beach, Maine  
Public Sale of Tax Acquired Property  
Bid Response Form**

**In order to bid in the Town of Old Orchard Beach, Maine Public Sale of Tax Acquired Property to take place on \_\_\_\_\_, all bidders must timely complete and return this form and conform to all other conditions of the sale.**

**Please note that the Town will rely on the information you supply on this form in administering the bid and sale process and awarding the bid. Bid Response forms and deposits must be stamped and signed as received by the Town of Old Orchard Beach on or before 3:00 PM on \_\_\_\_\_. Late bids or bids submitted without required deposits will not be accepted.**

**1. Parcel or property to be bid on: Maplewood Avenue, Map 311, Block 9, Lot 10**

**2. Name of Bidder: \_\_\_\_\_  
(Please print your name. If a business name, please also provide the name of contact Person(s).)**

**3. Bidder's Address: \_\_\_\_\_  
(Please provide your postal address. Note: The Town will use this address for all correspondence related to the bidding, bid process and sale of the property).**

**4. Daytime Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
(Telephone number(s). Note the town will use these numbers for communications related to the bidding, bid process and sale of the property).**

5. Bid Amount: \$\_\_\_\_\_.\_\_\_\_\_, \_\_\_\_\_ U.S. Dollars  
(Bid Amount. Please include here numerically and written out the full amount of your bid for the property. All bids must be in United States Dollars).

6. Bid Deposit: \$\_\_\_\_\_.\_\_\_\_\_, \_\_\_\_\_ U.S. Dollars  
(To qualify as a bid in the sale, you must return with this form a bid deposit in the amount of 10% of your bid price or \$200, whichever is greater, the funds to be either a bank check or certified funds payable to "The Town of Old Orchard beach").

7. Bidder's signature and date: \_\_\_\_\_  
(All bids must be signed and dated by the Bidder or his or her designated agent).

This form is a legal document and may bind the signer to certain obligations and consequences if accepted by the Town. The Town recommends that all bidders consult with their attorneys to review title, encumbrances, occupancy and other conditions related to the property and the sale which is the subject of this bid before executing and submitted this form. The Town of Old Orchard Beach reserves the right to reject or accept any bid and the right to make or not make any award of any bid that the Town, in its sole discretion, determines will be or will not be in the best interests of the Town. Successful bidders will forfeit their deposit in the event that they fail to timely complete the terms of the sale.

Town of Old Orchard Beach, Maine  
Public Sale of Tax Acquired Property  
Bid Response Form

In order to bid in the Town of Old Orchard Beach, Maine Public Sale of Tax Acquired Property to take place on \_\_\_\_\_, all bidders must timely complete and return this form and conform to all other conditions of the sale.

Please note that the Town will rely on the information you supply on this form in administering the bid and sale process and awarding the bid.

Bid Response forms and deposits must be stamped and signed as received by the Town of Old Orchard Beach on or before 3:00 PM on \_\_\_\_\_. Late bids or bids submitted without required deposits will not be accepted.

1. Parcel or property to be bid on: Maplewood Avenue, Map 311, Block 9, Lot 13

2. Name of Bidder: \_\_\_\_\_  
(Please print your name. If a business name, please also provide the name of contact Person(s).

3. Bidder's Address: \_\_\_\_\_  
(Please provide your postal address. Note: The Town will use this address for all correspondence related to the bidding, bid process and sale of the property).

4. Daytime Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
(Telephone number(s). Note the town will use these numbers for communications related to the bidding, bid process and sale of the property).

5. Bid Amount: \$\_\_\_\_\_.\_\_\_\_\_, \_\_\_\_\_ U.S. Dollars

**(Bid Amount. Please include here numerically and written out the full amount of your bid for the property. All bids must be in United States Dollars).**

**6. Bid Deposit: \$\_\_\_\_\_.\_\_\_\_\_, \_\_\_\_\_ U.S. Dollars  
(To qualify as a bid in the sale, you must return with this form a bid deposit in the amount of 10% of your bid price or \$200, whichever is greater, the funds to be either a bank check or certified funds payable to “The Town of Old Orchard beach”).**

**7. Bidder’s signature and date: \_\_\_\_\_  
(All bids must be signed and dated by the Bidder or his or her designated agent).**

**This form is a legal document and may bind the signer to certain obligations and consequences if accepted by the Town. The Town recommends that all bidders consult with their attorneys to review title, encumbrances, occupancy and other conditions related to the property and the sale which is the subject of this bid before executing and submitted this form. The Town of Old Orchard Beach reserves the right to reject or accept any bid and the right to make or not make any award of any bid that the Town, in its sole discretion, determines will be or will not be in the best interests of the Town. Successful bidders will forfeit their deposit in the event that they fail to timely complete the terms of the sale.**

**Town of Old Orchard Beach, Maine  
Public Sale of Tax Acquired Property  
Notice of Bid Withdrawal Form**

**This form may be used to withdraw a bid in the Town of Old Orchard Beach, Maine Public Sale of Tax Acquired Property that took place on \_\_\_\_\_. For the withdrawal of bids to be effective, this form or other written notice must be received by the Town either before the bids are opened or after the identification of the successful bidders. Unsuccessful bidders who elect to withdraw and not continue their bids after successful bidders are identified shall receive back their deposits. Bids that are not withdrawn accordingly shall continue as viable bids that the town may accept in the event that successful bidders do not timely execute the required Purchase and Sale Agreement within 15 days of the acceptance of their bids.**

**To the Treasurer of the Town of Old Orchard Beach:**

**Please take notice that the following bid made in the Town of Old Orchard Beach, Maine Public Sale of Tax Acquired Property of \_\_\_\_\_, 2008, is hereby withdrawn.**

**1. Parcel or property bid on: Maplewood Avenue, Map 311, Block 9, Lot 10**

**2. Name of Bidder: \_\_\_\_\_  
(Please print your name. If a business name, please also provide the name of the contact person(s)).**

**3. Bid Amount: \$\_\_\_\_\_.\_\_\_\_\_, \_\_\_\_\_ U.S. Dollars  
(Bid Amount. Please include here numerically and written out the full amount of your bid for the property. All bids must be in United States Dollars).**

**4. Bidder’s signature and date: \_\_\_\_\_**

(To be effective, this notice must be signed and dated by the Bidder or his or her designated agent).

**Town of Old Orchard Beach, Maine  
Public Sale of Tax Acquired Property  
Notice of Bid Withdrawal Form**

This form may be used to withdraw a bid in the Town of Old Orchard Beach, Maine Public Sale of Tax Acquired Property that took place on \_\_\_\_\_. For the withdrawal of bids to be effective, this form or other written notice must be received by the Town either before the bids are opened or after the identification of the successful bidders. Unsuccessful bidders who elect to withdraw and not continue their bids after successful bidders are identified shall receive back their deposits. Bids that are not withdrawn accordingly shall continue as viable bids that the town may accept in the event that successful bidders do not timely execute the required Purchase and Sale Agreement within 15 days of the acceptance of their bids.

To the Treasurer of the Town of Old Orchard Beach:

Please take notice that the following bid made in the Town of Old Orchard Beach, Maine Public Sale of Tax Acquired Property of \_\_\_\_\_, 2008, is hereby withdrawn.

1. Parcel or property bid on: Maplewood Avenue, Map 311, Block 9, Lot 13

2. Name of Bidder: \_\_\_\_\_  
(Please print your name. If a business name, please also provide the name of the contact person(s)).

3. Bid Amount: \$\_\_\_\_\_.\_\_\_\_\_, \_\_\_\_\_ U.S. Dollars  
(Bid Amount. Please include here numerically and written out the full amount of your bid for the property. All bids must be in United States Dollars).

4. Bidder's signature and date: \_\_\_\_\_  
(To be effective, this notice must be signed and dated by the Bidder or his or her designated agent).

Note: This agreement is supplied with the bid package for form only.

**AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE**

AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by and between \_\_\_\_\_ ("Buyer") and the Town of Old Orchard Beach, Maine ("Seller").

**WITNESS AS FOLLOWS:**

1. **PURCHASE AND SALE.** Seller agrees to sell and Buyer agrees to buy, on the terms and conditions hereinafter set forth, the land and any improvements presently thereon located on \_\_\_\_\_, Old Orchard Beach, Maine (the "Premises"), as shown on the Official Tax Maps for the Town of Old Orchard Beach as Map \_\_\_\_\_, Block \_\_\_\_\_, Lot \_\_\_\_\_.

2. **PURCHASE PRICE.** Subject to any adjustments and pro-rations hereinafter described, Buyer agrees to pay for the Premises \_\_\_\_\_ dollars (\$ \_\_\_\_\_), this sum to be comprised of the following:

(a) The sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) as a deposit (the "Deposit"), the receipt whereof is hereby acknowledged by Seller, which Deposit shall be credited towards the purchase price.

(b) The sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) shall be paid to Seller at the closing by certified funds or bank cashier's check payable to the Town of Old Orchard Beach.

3. **TITLE.** Seller makes no representations as to title in the property and shall convey the Premises to Buyer at the closing by statutory short form municipal quitclaim deed.

4. **CLOSING AND FURTHER OBLIGATIONS OF THE PARTIES.** The closing shall take place at the Old Orchard Beach Town Hall on \_\_\_\_\_. Seller further agrees to execute and deliver to Buyer at the closing such other Affidavits and Certificates as may be reasonably necessary for Buyer's acquisition of the Premises and as are consistent with the statutory short form municipal quitclaim deed.

5. **RISK OF LOSS, DAMAGE AND INSURANCE.** All risk of loss to the Premises before closing shall be borne by Seller.

6. **INSPECTION.** Buyer may make arrangements to enter the Premises times before the closing in order to inspect the Premises. Seller makes no representations as to condition of the Premises and Buyer takes Premises as is and where is.

7. **POSSESSION OF THE PREMISES.** In the event that the Premises are vacant and not occupied, the Buyer may take possession of the Premises immediately after closing. In the event that the Premises are occupied, Buyer takes the Premises subject to such occupancy and shall be solely responsible for evicting any and all occupants and removing any and all personal property in conformance with all applicable laws.

8. **DEFAULT AND REMEDIES.** In the event that Seller fails to close hereunder for a reason other than the default of Buyer, Buyer's remedies shall be limited to return of Buyer's deposit. In the event that Buyer fails to close hereunder for a reason other than the default of Seller, Seller shall have all remedies available at law and equity and shall also keep Buyer's deposit.

9. **BROKERAGE.** Seller and Buyer represent and warrant to each other that neither party has engaged the services of any real estate broker with respect to this transaction.

10. **ADJUSTMENTS, PRORATIONS AND CLOSING COSTS.**

(a) The recording of the deed of conveyance and the fee associated therewith is the sole responsibility of the Buyer.

(b) Maine real estate transfer tax as applicable shall be paid by Seller and Buyer in accordance with 36 M.R.S.A. § 4641-A.

11. **GENERAL PROVISIONS.** This Agreement may be executed in duplicate originals and is to be construed under the laws of Maine. Time is of the essence of this Agreement. This Agreement is binding upon and inures to the benefit of the parties hereto, their respective heirs, successors and assigns, and may be cancelled, modified, or amended only by a writing executed by the parties hereto or their legal representatives. All notices, demands and other communications hereunder shall be in writing and shall be deemed as duly given on the date of service if served personally or on the date of mailing if mailed. If mailed, all notices are to be sent by first class mail, postage prepaid, certified, return receipt requested, addressed as follows:

TO SELLER:

Jill Eastman  
Treasurer  
Town of Old Orchard Beach Town Hall

One Portland Avenue  
Old Orchard Beach, ME 04064

**TO BUYER:** \_\_\_\_\_

If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity and enforcement of the remaining provisions hereof. The signatories hereto represent and warrant that they are duly authorized to enter this Agreement on behalf of their respective interests and that their signatures below bind the parties to the terms hereunder.

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement as of the date above written:

WITNESS: \_\_\_\_\_

BUYER: \_\_\_\_\_

WITNESS: \_\_\_\_\_

BUYER: \_\_\_\_\_

WITNESS: \_\_\_\_\_

SELLER: TOWN OF OLD ORCHARD BEACH

By: \_\_\_\_\_  
Jill Eastman, Treasurer

Note: This document is supplied with the bid package for form only

**Municipal Quitclaim Deed**

The Town of Old Orchard Beach, Maine, a body corporate and politic located at Old Orchard Beach, York County, State of Maine, for consideration paid, releases to

\_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ County, \_\_\_\_\_, whose mailing address is \_\_\_\_\_, \_\_\_\_\_ a certain parcel of land with buildings thereon, if any, located in Old Orchard Beach, York County, Maine, and identified as follows:

Map \_\_\_\_\_, Block \_\_\_\_\_, Lot \_\_\_\_\_ as shown on the current Assessor's Maps of the Town of Old Orchard Beach, Maine on file in the Assessor's Office at the Town Office, One Portland Avenue, Old Orchard Beach, Maine.

The Town of Old Orchard Beach, Maine has caused this instrument to be signed in its corporate name by Jill Eastman, its Treasurer duly authorized, as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

TOWN OF OLD ORCHARD

BEACH

By: \_\_\_\_\_

**ACKNOWLEDGEMENT**

State of Maine  
York County, ss.

Then personally appeared before me the above-named Jill Eastman, Treasurer of the Town of Old Orchard beach, Maine and acknowledged the foregoing to be her free act and deed in her said capacity and the free act and deed of the Town of Old Orchard Beach, Maine.

Dated: \_\_\_\_\_, 20\_\_\_\_\_.

Before me,

---

Notary Public

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to Authorize the Town Manager to follow the procedures to dispose of tax acquired property for the two tax-acquired parcels on Maplewood Avenue identified in Map 311, Block 9, Lot 10X and Map 311, Block 9, Lot 13X.

**VOTE:** Unanimous.

**# 4063 Discussion with Action:** Set Public Hearing Date of May 20, 2008 to Repeal the Memorial Park Advisory Committee Ordinance, adopted March 4, 2003.

**CHAIRMAN LONG:** Currently the Memorial Park Advisory Committee, per ordinance, is an advisory committee to the Town Council. It is the purpose of the Conservation Commission that once up and running the Memorial Park Advisory Committee would be a sub-committee of the Conservation Commission. The Conservation Commission, per charter, is in charge of the Parks. The Conservation Commission now has a full complement of members and is ready to take on that responsibility.

#### **DIVISION 4. MEMORIAL PARK ADVISORY COMMITTEE\***

---

\*Cross references: Parks and recreation, ch. 42.

---

##### **Sec. 2-291. Purpose.**

The purpose of this division shall be to establish a committee whose principle function is to advise the town council as to the design, programming, use, operation, and maintenance of Memorial Park. The Memorial Park Advisory Committee shall know the desires and needs of the citizens of the community with regard to Memorial Park; and shall advise the town council how to plan and promote the use of Memorial Park for the good of the community.

(Ord. of 3-4-2003)

##### **Sec. 2-292. Number and terms of members.**

(a) The Memorial Park Advisory Committee shall be comprised of seven regular members and four alternate members appointed by the town council. In an effort to represent the interests of the various demographic and user groups in the community, membership preference shall be granted to two veterans of the United States armed services, one citizen 55 years of age or older, and one representative from the school department or recreation committee. The terms shall be staggered and shall expire on December 31 of the appropriate year. Each member and alternate shall be appointed for a three-year term except for initial appointment to the committee, which shall be as follows:

- (1) One member and one alternate for a one-year term to expire December 31, 2003;
- (2) Two members and one alternate for a two-year term to expire December 31, 2004;
- (3) Four members and two alternates for a three-year term to expire December 31, 2005.

(b) Any vacancy on the committee shall be filled for the remainder of the term vacated.

(Ord. of 3-4-2003, § 2)

##### **Sec. 2-293. Responsibilities.**

(a) The Memorial Park Advisory Committee shall be responsible for the development and periodic amendment of a master plan for the rehabilitation and/or redevelopment of Memorial Park as a passive and active recreational resource for the community. Such amended plans shall be submitted to the town council for consideration and implementation.

(b) In addition to capital improvement planning, the committee shall also advise the town council on the programming of events, uses, concessions and user fees, parking, and all other activities occurring in or related to the operation of Memorial Park.

(c) The committee shall from time to time, no less than twice a year, report to the town council and keep the town council appraised as to what is being considered for the park and monument.

(d) The committee shall have the authority to solicit volunteer, corporate, and/or governmental assistance either as in-kind services, grants, or cash donations for development and/or maintenance of the park. All monetary donations and grants must be approved by the town council, and funds shall be administered through the town administration.

(Ord. of 3-4-2003, § 4)

Sec. 2-294. Meetings and procedures.

The Memorial Park Advisory Committee shall conduct public meetings on a regular basis and shall conduct such meetings in compliance with the provisions of the town of ordinance governing advisory boards and committees and the town Charter.

(Ord. of 3-4-2003, § 5)

Sec. 2-295. Expenditures.

All expenditures of the Memorial Park Advisory Committee shall be approved through the budget process by the town council and the committee shall not expend nor approve any contracts unless approved by the town council.

(Ord. of 3-4-2003, § 6)

**MOTION:** Councilor Dayton motioned and Councilor Frenette seconded to Set Public Hearing Date of May 20, 2008 to Repeal the Memorial Park Advisory Committee Ordinance, adopted March 4, 2003.

**VOTE:** Unanimous.

**GOOD AND WELFARE:**

**COUNCILOR FRENETTE:** I am reminding all citizens about the Run for Cash Race scheduled for June 21<sup>st</sup> and there is a reduced cost for signing up soon rather than late. I am planning on signing up my entire family. I hope everyone will come and there will be a tremendous crowd.

**COUNCILOR DAYTON:** As a result Earth Date – several promises to myself and others – recycling – the next Recycling – summer schedule – public works – Recycling – May 19<sup>th</sup> – single source recycling, papers, etc.

## RECYCLING SCHEDULE

April 07, 2008

July 14, 2008

Hazardous Waste Day is at Biddeford Public

April 21, 2008

July 28, 2008

Works and is scheduled for July 19<sup>th</sup>. They

May 05, 2008            August 11, 2008        are located at 371 Hill Street in Biddeford.  
May 19, 2008            August 25, 2008  
June 02, 2008           September 8, 2008  
June 16, 2008           September 22, 2008  
June 30, 2008           October 6, 2008  
                                 October 20, 2008

**WILLIAM DANTON:** He introduced his project of the Spartan Bay Marina by saying that it was the intention for this to be a multi-use marina facility that will have the ability to berth large transient vessels that will bring day tourists to Old Orchard Beach and to berth seasonal recreational craft for local private boat owners and transient (visiting) overnight craft. In addition, Spartan Bay Marina would serve as a facility to support sightseeing and eco-tourism cruise attractions for the general public, and all berth commercial fishing. Spartan Bay's intention is to support marine animal rescue or environmental resource protection vessels at its facility. In order for the Old Orchard Beach/Saco region to grow as a competitive seaside tourist attraction in New England, a multi-use marina is needed. Besides enhancing the image of the area with an impressive waterfront attraction, the marina will support marine and tourism industry job growth. The growth of domestic cruise ship visits could serve as an opportunity to attract visitors to Old Orchard Beach as has been seen elsewhere on the Eastern Seaboard. Daytime visitors spend money and big ships draw crowds of interested onlookers. The offshore side of the marina has existing and sufficient depths to support larger vessels. With the growth of recreational boat ownership, many boat owners find limited berthing opportunities in Southern Maine area. The marina could spark a growth of local boat ownership and associated support industries. Rather than sightsee out of Portland or whale watch in locations farther away, Spartan Bay would support the growth of the small passenger vessel industry in the Saco Bay area. Local commercial fishing and natural resource protection operations would be able to operate from Saco Bay. These concepts were the vision of the founders of Old Orchard Beach: Yates, Staples, Hildrith. Their plan was to lengthen the summer season into the shoulder seasons and, ultimately, into a year round business community. The name of the project as shown in material provided to the Council was "The Grand Ocean Highway Project" and would cost \$9 million to build. This was the first time that Danton had met with the Old Orchard Town council since he introduced the project last summer in Saco. He indicated that he has submitted no formal application or plans to Old Orchard Beach regarding the project. He indicated that the same investors backing the marina are the same people who financed the Grand Victorian, the 67 unit condominium project finished in 2007.

**PHILIP DENNISON:** I am a resident of Ocean Park. I know there is a long list of organizations and people who are against anything like this. I know a lot of people who are ready to testify against this and appear before the Council with the expectation that the Council will listen.

**REPRESENTATIVE GEORGE HOGAN:** He indicated that he understood that Bill Danton was very determined but reminded him of what the Legislature has determined that there be a Commission to resolve issues between Saco, Scarborough, Old Orchard Beach and Biddeford – a regional plan for what the bay should be like and what would be acceptable and what would not be acceptable. We need to wait until a plan comes forward before any decisions are made.

**BILL DANTON:** He indicated that with all due respect, he could not disagree more with his friend, George Hogan, and said that neither Scarborough and Biddeford have nothing to do with this project.

**MATT BOUTET:** He indicated he is a resident of Saco who called himself an avid fisherman and surfer. He spoke against the proposal. He said the platforms would seriously interfere with the wave action surfers rely on to get a good ride. He also questioned that bringing ferries and cruise ships to Old Orchard Beach would affect the natural environment suggesting that wherever boats dock there is always a sheen of oil on the surface of the water.

**NANCY BOUTET –** She spoke about the need for a longer season in Old Orchard and also reminded those attending of what the jetta did to Saco.

**DANIELL PERREAULT:** As a local business owner she asked the Council to give serious consideration to extending the tourist season and to approach this project as a means of bringing additional tourism and business to our community. She asked that the Council be mindful of what permits are given to individuals in the square and the competition of music. She also indicated that maintenance of the public restrooms is absolutely required and opening them earlier and keeping them open later is the best thing you can do for the business community.

**BILL DANTON:** If you look back to 1898 a 1,800 foot pier was built to bring people to our town. Casco Bay Lines used to run a ferry from Portland to the Pier. This project is a way to utilize the waters to bring more customers to Old Orchard Beach.

**MOTION:** Councilor Frenette motioned and Councilor Dayton seconded to adjourn the Meeting.

**VOTE:** Unanimous.

**Respectfully Submitted,**

**V. Louise Reid  
Town Council Secretary**

**I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twenty-seven (27) pages is a true copy of the original Minutes of the Town Council Meeting of May 6, 2008.**

**V. Louise Reid**