

**TOWN OF OLD ORCHARD BEACH  
SPECIAL TOWN COUNCIL MEETING  
TUESDAY, APRIL 8, 2008  
TOWN HALL CHAMBERS**

Corrected 5/20/08

A Special Town Council meeting of the Old Orchard Beach Town Council was held on Tuesday, April 8, 2008 the Town Hall Chamber. The Chairman opened the meeting at 7:03 p.m.

**Pledge of Allegiance**  
**Roll Call:**

**Present were:**

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

**PUBLIC HEARING:**        Jane Gendron dba/Seaside Hair Salon (205-3-4), 50 Old  
**BUSINESS LICENSE:**   Orchard Street, # 4, Beauty Shop.

**MOTION:** Councilor Shawn O'Neill motioned and Councilor Frenette seconded to approve the Business license as read.

**VOTE:** Unanimous.

**NEW BUSINESS:**

**# 4024 Discussion with Action:** Authorize the Town Manager to Issue a Request for Proposal (RFP) to determine the cost for construction and operation of a Community Center.

**CHAIRMAN O'NEILL:** Members of the public, I wish to make a prepared statement. The citizens have reminded us of their desire to have a community center. After many meetings this request went unaddressed and I am addressing it now by bringing forth this agenda item. We have made an attempt over the past year and a half – and whether we approved of the process or disagreed with the process, one thing came out and that was the desire to have a community center. I believe it is time to move forward to determine if we can afford to build a community center and also to know if we can afford to operate one. If we start the process now I could see bringing it back to the public in a referendum in November. A desire to accumulate facts on the cost and operation of a community center is being addressed. The development of answers to questions such as building and lot size, parking area, construction costs as well as operational costs and information on the contractor/consultants involved in the various projects. Studies of previous RFP for other communities developing a community

center will be secured. Discussions and information prepared on the types of activities conducted such as pool, track, basketball, swimming, sauna, exercise room, etc., and the list of activities conducted in the various facilities such as Jazzercise, karate, adult education, kinder-care, senior activities. The possible costs involved for these activities and how they are funded will be other questions needing to be addressed. Supporting revenue information such as what programs support operating costs and the dollars and percentages of total operating costs as well as fee structures and an explanation of how construction was funded such as bonding, state revolving loan fund, grants, donors, tax levies, etc. Some of the municipalities to contact would include Scarborough, Cape Elizabeth, South Portland, Wiscasset, Kittery and others. Study and information can also be provided through research and investigation with the Assessor's Office (Marshall & Swift building cost data.)

**COUNCILOR FRENETTE:** I support this and am interested in how much it would cost to build and operate a community center. This is the way to find out and I support it.

**COUNCILOR MACDONALD –** I don't understand the Request for Proposal Process and I don't feel that many citizens understand it. I believe we should have a workshop to further discuss this. I would like to support this and get it into the public but I am afraid this might be a potential initiative to show the citizens that it is way out of our cost and yet have no input into what is in the RFP. Maybe I don't understand the process of this.

**COUNCILOR FRENETTE:** We have had many workshops – and we got a lot of information out of the workshops and it boils down to the kind of building we can afford and the uses that we can have in that and the operational costs. I don't know that another workshop and putting ideas on paper is going to get us any further in the process. I believe there will be many alternatives brought forward and the citizens will be given the opportunity to respond.

**COUNCILOR DAYTON:** One of the things that concerns me about this proposal and I don't want anyone to think I am for one minute deviating from the position that I support a community center but as the item is written there is no cost associated with this agenda item and I would ask the Chairman exactly how much this is going to cost the public? (No response.) I will take that as a no. What account number will that come from? (No response.) I take that as a no. I am concerned about voting for items without specific fiscal information included in the agenda item.

**COUNCILOR O'NEILL:** I would suggest that Councilor Dayton show some respect for the Chair.

**COUNCILOR DAYTON:** I did not mean to show you any disrespect I was trying to wait for an answer. I am concerned that there seems to be a trend to voting on items without dollar and account numbers associated with them. We saw this practice last week in connection with the RFP for the Waste Water Treatment Facility. This concerns me a great deal and I hope it is not a trend that is going to continue and ask the citizens and council members to vote on items where we don't know the cost or where the money is coming from. I have very severe concerns about how much this is going to cost. I am not in favor of paying for another facility study that becomes dust on the shelf and used in fact to argue against the very thing that the citizens want. We saw this same tactic used for the public safety building. Prior to my election the Council spent \$5,000 dollars to "study" the problems at Public Safety Building only to turn around and say it wasn't comprehensive enough. I think it is the very reason we have not moved forward with fixing the public safety building which is in dire need of attention. I think it is odd that all of a sudden the good Vice Chairman seems in favor of a

community center before fixing the Public Safety building. I am publicly challenging this as a priority. Even I, who have always argued that we need a community center as part of the Ballpark master plan and the Comprehensive plan, find this agenda item a thinly veiled attempt to lure the public into thinking you are in favor of something that you have always argued against. This is arbitrary and capricious and not in the best interest of the Town at this time. I don't think the citizens that support a community center had any dreams of moving forward with it until our more important problems such as public safety and infrastructure issues are resolved. Further, many citizens have argued that the community center and a new police station should be combined. This RFP does not address that idea. And finally, what sense does it make to study the cost of a community center when it has been purposely removed from the five Budget Plan. In my opinion, it comes down to this, consider your own wallet, do you go and shop around for prices on a new car when you know you can't afford it for at least another five years? Really? I don't think so. Thank you very much.

**CHAIRMAN LONG:** At no time since I have been chair have we had an agenda item that required the disclosure of costs that it has not been disclosed. This council has a long record of fiscal responsibility and any agenda item was well within the purchase policy of the Town. I feel that it is unfortunate that a councilor would raise this issue in a public forum but I am not surprised. We acknowledge that the request for a community center has been a concern of many and that some want a teen center, some want a senior center, and some want both. I think the Council has the need to determine just what that would be and not only the cost but also the operational cost and the building cost. I don't have to go on to say that spending money is something that we are all watching very closely. These are not good economic times and people are talking about recession but I would point that to suggest that we would begin to build next week is a disservice to the community. The Vice Chair has is simply asking that a survey of how much money we are talking about - \$6 million, \$10 million – that needs to be determined. We have essentially two tracks – standard costs per square foot – four acres, eight acres, a pool, an exercise room, etc. All these ideas need to be materialized into costs. There is nothing in this proposal that says we are going to start building this next week and I think it is a disservice to suggest that. This isn't very complicated. It is responding to an expressed need of the community. In order to spend this kind of money on this type of facility and as Councilors work with due diligence, we need to have this information before we can move forward. I applaud Councilor O'Neill for bringing this forward to determine the cost but what the operational and maintenance cost as well. An RFP is not going to cost us anything – it is a Request for Proposal – and proposals will be presented to us. I believe this is a reasonable approach and believe that we could have some consideration to it in November.

**MOTION:** Councilor O'Neill motioned and Councilor Frenette seconded to Authorize the Town Manager to Issue a Request for Proposal (RFP) to determine the cost for construction and operation of a Community Center.

**JACK SARNO:** I am not against building a recreation/community center and it would be an asset to the community and to the children and adults. This is not the time to move forward with this dream. We should not even give it a thought at this time. The Town is facing critical decisions. I would recommend that you remove this item without prejudice. A design plan was never submitted, a location was never discussed, workshops were never initiated to begin this and money should not be spent on yet another study and in the Town Manager's budget presentation it was stated to delete the community center plan facility plan until definitive plans on the ballpark. Whatever was done in 2006 we should not even consider because philosophies change.

**FRED DOLGAN:** I have one question. I do not question the desire to have a community center and believe our citizens would have a root to our community. At this moment a lot of people where I live and they are in their homes – they feel isolated – and I think a community center would be a great place to break that down. My question is that I was very involved in the ballpark issue and I was disappointed in the whole procedure and a dog and pony show – it was a wasted amount because it withered away and now the community center comes up suddenly. Without settling the ballpark issue who is going to sell it or not well it; own it or not own it; we are putting the cart before the horse. How can you determine how much you are going to pay for the land? The land is ours and it is free and if we sell it is isn't going to be ours. I think that is important.

**LINDA JENKINS.** I am surprised because Councilor O'Neill and I went head to head on this at the workshop because I said I did not want the sale of the ballpark mixed with our infrastructure needs and you said we wouldn't. I am surprised that some of the councilors are putting some credence in the results of the study that was done and we have been told that want list was a "field of dreams." Now you are putting everything behind this RFP because we knew everything from that study. We have a report with a lot of input that was prepared and we have smart people in Old Orchard - don't know why we have to hire someone to come in and tell us what we need to know.

**COUNCILOR FRENETTE:** I have lived here my whole life. We have talking about the ballpark since the early 90's. Everyone has some problem with what we do. We are damned if we do and damned if we don't. There are some here that put a lot of credence in the Holt report and there are equally a number of people who don't. It does not cost us anything to get an RFP. If we have it done in house there will be some who say it is We have been talking about this for six years and the same people are here. We have a request for the RFP – why would we throw out the Public Safety I am offended by some of Councilor Dayton's comments. I have no ulterior motives. The people will discuss and decide if we want and can afford it.

**CHAIRMAN LONG:** I think it needs to be understood that it does not cost us anything to do an RFP. The request is put out there for proposals and companies submit their proposals to the Town for consideration.

**JACK SARNO:** In the last two to three years the Recreation Center was never brought forward – but since the ballpark issue has been it is now a consideration.

**KEN MCALEY:** My intention was to find out what had happened to the studies as a result of those workshops. The community center was the center of all of the groups. It seems logical that the next step is going to determine how much it costs. It happens in industry all the time but what is missing from the study is a list of any revenue to cover the cost of this recreation center. We had discussions on wind support – here is my point – if we don't start measuring the wind measurement – I would suggest one of them go in the ballpark and another by the water so that we are looking for other sources of revenue.

**COMMISSIONER TODD BASSETT:** I commend Councilor O'Neill for this agenda item. Having been responsible before for many capital community centers funding and operations and I speak in favor of the RFP. RFP costs are minimal compared to what could cost the town hundreds and thousands of dollars that the town could not afford.

**DENISE HUTCHINSON:** I think we would all like to know someday what it would cost but we are concerned that the RFP will come back with such elaborate funding so that we cannot afford it. I would hope that there would be alternative suggestions for the recreation or community center.

**CHAIRMAN LONG:** Most RFP's would definitely contain many alternatives.

**PETER LEE:** Portland Avenue – Whatever you decide to do please make it revenue driven – it should pay for itself – should not go into the coffers to the town that is not profitable. Since we had forefathers we were responsible and look what happened to the ballpark. Things that are hitting us in the butt now – if selling half of the ballpark now is revenue driven, that is fine but it needs to pay for itself.

**VOTE:** Yea: Councilor O'Neill, Councilor Frenette, Chairman Long.  
Nea: Councilor MacDonald, Councilor Dayton

**# 4025 Discussion with Action: Act on Order Calling Special Town Referendum Election for June 10, 2008.**

**MOTION:** Councilor Frenette motioned and Councilor Long motioned to Act on an Order Calling Special Town Referendum Election for June 10, 2008.

**VOTE:** Unanimous.

**# 4026 Discussion with Action: Act on Order to Issue Bonds for Infrastructure Projects in an Amount not to exceed \$5,300,000 and to Set Referendum Election and Public Hearing Date Thereon.**

**MOTION:** Councilor Frenette motioned to Act on Order to Issue Bonds for Infrastructure Projects in an Amount not to exceed \$5,300,000 and to Set Referendum Election and Public Hearing Date Thereon and Councilor O'Neill second for discussion.

**JACK SARNO:** I represent the Move the Dam Water Committee who are very upset and angry that this Council would request to bond \$1.8 million dollars for the West Grand storm water project. To our neighbors on the west side we have like issues and have fought very hard for the past five years, talking at good and welfare, budget meetings, CIP meetings, workshops, newspapers articles and meetings with the State. The storm drain run off, water shed, the dam all fall into the same category – storm water – fresh water, not salt water. Councilor Long and I fought hard for the past few years to allocate money for storm water issues on the East Side which have always been denied. I never heard any issues raised in those years about flooding on the West Side. It was at the Town Manager's presentation a week or so ago that I realized agenda item number 3021 read: Discussion with Action: Award Contract to Wright-Pierce Engineers to Evaluate the Storm Water Management Alternatives for West Grand Avenue and the Surrounding Area for the amount not to exceed \$25,000 from Account Number 10013-30100 – Undesignated Fund Balance with a balance of \$4,151,621. Also in Agenda Item Number 3085 indicates Discussion with Action: Authorize the Interim Town Manager to negotiate the contract by and between Wright-Pierce Engineers and the Town of Old Orchard Beach for an amount not to exceed \$22,500 from Account Number 21003 – 50800 – Designated Fund for MS4,

with a balance of \$25,000 for engineering services to proceed efficiently into the next five year compliance with the MS4 Stormwater Program. Has this been finalized or presented yet? Am I going to get an answer for that? It was indicated by a previous councilor that all studies needed to be completed before funding would be addressed. I would request that the Council remove the \$1,850,000 from the bond request without prejudice.

**CHAIRMAN LONG:** In November the Chairman responded to the request of the Interim Town Manager and the department heads. That started on December 12<sup>th</sup> and this list developed by our department heads. Are these the only items that need to be done, of course not but it is a reasonable list of concerned issues that Council has been addressing for years. If we were to make these repairs without bonding the mill rate would be raised \$3.00. Do these repairs need to be done, of course they do. West Grand Avenue residents have been complaints for many years; ice creates barriers because it does not drain and drains don't go anywhere. This problem on West Grand has been known for years and we have tried to relieve the suffering of these folks for years. This Council has responded very forcibly to the citizens affected by the Bayley dam and unfortunately we are not getting the support of the State that we should be getting. Should the State step forward and help us with this problem, yes, they should, and we will continue to work on it. In February we had a workshop with Department Heads and as a result of those meetings we had these brought forward and bonding is a reasonable approach to use. This Council and previous Councils have brought the bond debt down to what it is now because we have been fiscally responsible. The Auditors have told us we can carry \$22 million dollars in debt and maintain our high bond rating. We are fiscally sound and this is a prudent way to move forward on vital issues. We will bring more issues forward in the years to come. I comment the staff, I comment the interim Town Manager, and there are things on this list that are more pressing than others – and if I had my choice I would have other things on it – but the Department Heads have moved this list forward.

**LINDA JENKINS:** Only used for public works – from time to time – does that mean you are not going to bond all at once.

**CHAIRMAN LONG:** The intention is to go to the State Bond Council and if passed by the Council and then passed by the citizens the State would go out to bond in October. There is not service fee to the Town for this service. The other thing that is important is that each one of these items would be monitored under each individual project and the money cannot be spent for any other item and the shovel must be in the ground by the designated time. The State Bond goes out to bond in October which means these projects would begin in the spring of next year.

**COUNCILOR MACDONALD:** I support bonding and a couple of these projects were not on the list. Can we add something for the Milliken Street issues?

**CHAIRMAN LONG:** My concern is there is a lot of engineering that needs to be done – currently trying to meet with the Governor to get the issue resolved and I understand the sentiment I don't believe we should be doing this at this time. It would be a \$5.2 million dollar solution and before we do that we need to know how much that is really going to cost and what the resolution of the costs will be.

**COUNCILOR ROXANNE:** We can't bond an amount if we don't know the resolution. I am not against addressing this next year.

**COUNCILOR O'NEILL:** I appreciate your recognition where we were eleven years ago when I started. I do not support this bond practice for a variety of reasons. I believe it is premature and it focuses on only one department and if we are going to bond I don't believe it is not enough money. If I was taking from a Council point I need to say that we have invested over a million dollars in Walnut Street so why would we not move it forward.

**COUNCILOR DAYTON:** We have received several different scenarios. 450,000 – 900,000 clear on why the number jumped. West Grand – 1.6 million and February 1.8 million – concerned on January 26 – Milliken Walnut was included in the list and included in the bond package – now removed – the west grand pump station – February 26 715 1.15 million. I would like to state clearly I am for bonding – chairman to allow us to have a week to April 25<sup>th</sup> – for a bond referendum – consider giving us an opportunity to ask these questions in a smaller venue.

**CHAIRMAN LONG:** I would like to point out that the Councilors have been e-mailed and requested in management letters for several weeks requested that they respond on questions or concerns and I received not one single question from Councilor Dayton on any one of these questions or issues. I think just delaying it is irresponsible at this point because if we fail to take this option these items come before us in the budget review which means if we fund it through our annual budget the mill rate will be up and I am not sure that our citizens feel they can handle that at this time in the economic scenario. I believe I have provided many opportunities for the

**COUNCILOR FRENETTE:** There are only five of us – and we usually can't get five people to agree on anything. If it gets delayed nothing will be done. We will raise taxes and we don't want to do that because it costs us more this year to live than last year. I hope we can at least agree to this list and move on to other projects. We have to start some where.

**VOTE:** Yea: Councilor Frenette, Councilor MacDonald and Chairman Long.  
Nea: Councilor O'Neill and Councilor Dayton

**# 4027 Discussion with Action:** Be it Further Ordered that a public hearing on the subject of the above Referendum question shall be conducted by the Town Council on Wednesday, May 7, 2008 at 7:00 p.m. at the Town Hall and public notice of the hearing shall be given in the manner required by law.

**MOTION:** Councilor O'Neill motioned and Councilor Frenette seconded to Be it Further Ordered that a public hearing on the subject of the above Referendum question shall be conducted by the Town Council on Wednesday, May 7, 2008 at 7:00 p.m. at the Town Hall and public notice of the hearing shall be given in the manner required by law.

**VOTE:** Unanimous.

**# 4028 Discussion with Action:** Act on Order for Referendum Election on the Sale of the Ballpark and Adjacent Town-owned Land and to Set Referendum Election and Public Hearing Date Thereon.

**MOTION:** Councilor Frenette motioned and Councilor O'Neill seconded to Act on Order for Referendum Election on the Sale of the Ballpark and Adjacent Town-owned

## Land and to Set Referendum Election and Public Hearing Date Thereon.

**SHEILA LAUZON** – Request made to use the ballpark for baseball practices with the support and the assistance of citizens and business people. She requested information as to the procedure for making this happen.

**CHAIRMAN LONG:** You need to bring your proposal forward. There are safety issues which need to be addressed and the Planning and Code Department is probably a good way to begin.

**LINDA JENKINS:** After the ballpark workshop on March 19<sup>th</sup> there were several citizens concerned about the direction that the majority of this council seemed to be taking. A petition was suggested as a way to gather public comments and suggestions. People called asking for copies of this petition to circulate and asking where they could go to sign. This is a petition asking the council to follow the results of the last time we voted on the ballpark in 2005. This petition was not meant as a means to take away the rights of those who have the privilege and opportunity to participate in the proper voting process – it is meant to uphold those same rights. On the November 2005 ballot, the majority of citizens – the same majority that place their confidence in you and voted you into those chairs - did vote in favor of selling the ballpark property *“subject to a final referendum vote after the Town has developed a master plan for the property.”* The process to start creating and designing a master plan for the ballpark was done in a series of workshops. These workshops, according to the minutes from that March 19<sup>th</sup> meeting, *“were all open to the public, which made possible an outreach to ensure broad attendance and participation at the public meetings.”* According to these same minutes, there was representation from at least 18 different groups, representing a broad range of diverse opinions and needs. The citizens that participated in these workshops were there to represent the voice of the people who had already spoken at the polls – the voters had requested a master plan. The people taking part in these workshops were there to ensure that the citizens received what they had already voted for. I would also like to note that our Comprehensive Plan, which some members of this council have stated is fine the way it is, and is being followed – states two of the town’s most important goals as increasing open space and examining civic uses of the ballpark. I don’t see either of those goals being honored in this proposed referendum question. The comprehensive plan also goes on to note a concern about deficient neighborhood settings. It states the need for *“centers for community gathering, parks and open spaces, and sidewalks and community centers, where neighbors can visit neighbors and a feeling of pride and ownership can be fostered”*. Creating a master plan for the ballpark property is a chance to give citizens that feeling of pride and ownership. The majority of citizens that I spoke with do not want to plan *around* a developer’s proposal. The voters want a master plan for this property before giving the council approval to sell. This is public land, paid for and owned by the taxpayers of this community. Those same citizens, the same voters who already exercised their rights by participating in the “proper voting process” should rightfully have a say in what happens to it. By putting this question on the ballot, this council is showing a deliberate indifference and disregard for what the citizens have already told you they want. I would like to ask that this item be removed and not entertained again until the master plan is completed. I would like this council to allow the



citizens to continue the work already started and make good use of the monies already spent to obtain the goal that was asked for by the voters.

**LUCIEN HUOT:** In looking at the agenda it seems there is a conflict in some of these agenda items. Some Council previous to this had the fore-sight to purchase land for the future of the community. I don't feel this is the time – and what date are you going to go to referendum – would be at least in the November election because June you will give the impression that someone is trying to get dawn ahead of the rooster.

**“CHAIRMAN LONG:** The **ORDER FOR REFERENDUM ELECTION ON THE SALE OF THE BALLPARK AND ADJACENT TOWN-OWNED LAND...Be it ordered:** The Town Clerk shall place on the ballot for a special municipal election to be held on June 10, 2008 the following referendum question, explanation and recommendation: Shall the Town Council of the Town of Old Orchard Beach be authorized to sell property described below on such terms and conditions as the Council deems to be in the best interests of the Town, provided that the Town Council shall not sell any of the playing fields located on Map 207, Block 3, Lot 1 and that a portion of the property shall be retained by the Town for future public use?

- The land and buildings commonly known as “the Ballpark,” identified in the Town Assessor’s records as Map 207, Block 3, Lot 6; and
- Town-owned property adjacent to the Ballpark, consisting of those portions of Assessor’s Map 207, Block 3, Lot 1 shown on the plan entitled “Plan of Land for Sale of Ballpark and Adjacent Land” on file in the office of the Town Clerk.

#### **EXPLANATION.**

Section 409.16 of the Town Charter requires a referendum vote before the Council can sell Town-owned property (other than tax acquired property). Approval of this question would enable the Council to explore options for the sale and reuse of the Ballpark and certain adjacent property which is currently unutilized. Approval of this question would not authorize sale of any of the existing playing fields and would require the Town Council to retain some portion of the land for future public use. Approval of this question would not require the Town Council to sell any property, but would give the Council authority to sell property on terms and conditions deemed by the Council to be in the best interests of the Town.

**RECOMMENDATION:** The Town Council recommends a “yes” vote.

**Be it further ordered:** A public hearing on the subject of the above referendum question shall be conducted by the Town Council on \_\_\_\_\_, 2008 at \_\_\_\_\_ p.m. at the Town Hall, and public notice of the hearing shall be given in the manner required by law.”

The fourth plan of the Alan Holt submission was a plan with no economic basis and was not viable. Certainly it was a great opportunity for two things to happen. We addressed the financial nightmares by paying off the amount owed on that ballpark. We need to have resources for the town so that collectively the town can make a good decision. We are asking the voters to weigh in on this – get it on the tax rolls – get this unpleasant experience behind us. This is a land use issue – any project would go before the Planning board and every step for that application there is public input, workshops and many opportunities and best use of that property. The vehicle to accomplish that is the Planning Board. If this

were to be successful in June we would not hear from any private partnership till at least October and it would go to the Planning Department and the Planning Board. We are talking about at least a twenty-four month minimum before anything can happen and citizen's rights are protected and allows for a prudent decision. The voters need to say yes in order for us to sell so that we can go out and secure suggested plans for the property. Private and public partnership is necessary and we don't even know if there is one. This will help us to find out if that is possible.

**JEROME PLANTE:** Mr. Plante provided a historical listing of the ballpark and discussed the previous opportunities of what the ballpark offers to the town. He mentioned that there have been surveys and they are available through the Town Clerk's office. He spoke about the lack of appreciation for the citizens as it regarded their understanding of the ballpark. Development of the ballpark caused a lot of excitement but the plot plan that was presented to us was in error and so I brought it to the attention of Mr. Holt who asked that I tell the Planning Board that it was incorrect. I went to the Planner who is not here any more and I went to her and asked if it could be corrected. It still has not been corrected. This plot plan here is inaccurate as well. He then explained about a section going into the ballpark (moved away from the microphone and was inaudible) .....The section is going into the ballpark was bought by the State Board of Education – managed by school board – is not part of the ballpark or the municipal land. So already you are putting out false information. We did not want to disturb any of the school lots. First there is no doubt the little land we should use in a long term constructive manner – 3 ½ miles long – 2 ½ miles deep – with marsh land- and so we should be sensitive and proceed carefully. You are asking us to give you a blank check and we are not willing to do that.

**CHAIRMAN LONG:** We have the GIS map which is required by the State and that land has not been surveyed.

**COUNCILOR FRENETTE:** I find it difficult to listen to Mr. Plante and that we are criticized by him about the ballpark. I know a lot about the ballpark and the costs to the citizens of this community. I am anxious that we find a good solution to the Ballpark and that something good comes out of it.

**GREGG KIDD:** Why not put it on the November ballot and what is the reasoning for adding the second part to the map.

**CHAIRMAN LONG:** Certainly the national election will be a large one but unfortunately on National elections people go and vote for the top of the ticket but do not go down further. In June we have a State bond issue which is purpose; congressmen/woman election; and the school budget so I believe this will bring out a great number of voters. The other piece of land is there because it means the development has access from Dirigo Drive which means no neighborhood will be impacted.

**FRED DOLLAR:** I would respectfully disagree with the June 10<sup>th</sup> because no one is going to come out for the June election. Once you sell the property is gone. Privatization is a pushing thing these days and once we sell off something it is gone. I make a proposal that you sell the town hall and that you can meet out on the beach as crazy as that sounds you can sell whatever you want but you have to think of the future. Fifty years from now what is Old Orchard going to be? You could do wonderful things for this town. We need something can take pride in and call their home. Pride of community.

**COUNCILOR DAYTON:** I am opposed to this referendum for many reasons. There was no master plan developed after the last Referendum in November of 2005. The result of the referendum question on the ballpark was do not sell until after a master plan is complete. We have no plan. We started one in 2006 with several citizen workshops and a really big one held on April 29<sup>th</sup>. Hundreds of citizens participated in an all day planning event. 14 different concepts were generated as a result of that effort. And then guess what. Nothing. The Council seated at the time disbanded the ballpark Steering Committee and further attempts to move forward to include using the park last year were squashed. The majority on this Council has refused to allow the planning process to continue. So still after all that work, we have no plan. Now the Chairman is asking to sell the ballpark AND an additional 28 acres of school property for a total of 78.9 acres. This map is not 100 acres as advertised in the paper. Either way we have no plan for any of it. No mention of green construction, no mention of work force housing, affordable housing or otherwise, no parameters at all. This fact coupled with the current zoning status means anything goes. The ballpark land is zoned PMUD – Public Mixed Use. PMUD means anything can go there, Starlight parking for the jetport can go there 300 unit hotel can go there; a large supermarket can go there; more expensive single family mansions. I believe that No Master plan coupled a PMUD district is not where the citizens of Orchard Beach were heading in the spring of 2006. The argument that once the land is sold it becomes a “land use issue and the planning board will allow for public input” is misleading. The planning board can only approve a developer’s proposal in accordance with the current zoning; the planning Board can not change a proposal outside the parameters of the current Mixed Use Zone. So, a developer buys the property and wants to build a 300 unit hotel and a super market at the ballpark, I believe there is nothing anyone can do to stop it. The Planning Board can and is required to hear from the public but under the current zoning, legally they can not change the proposal. As far as the economy, I am also very concerned that this referendum is fiscally irresponsible and certainly not in the best interest of the town at this time. By all predictions, we are entering the worst economic downturn that we have seen in the past 30 years. This property is in the center of town. It may in fact be our most valuable asset. Citizens of Old Orchard Beach deserve far better than the bottom dollar for the value of their land. I am also deeply troubled that the value of the property is unknown. Since part of this map includes school property, it has never been surveyed, appraised, assessed or otherwise. It is important to understand that the map used for this referendum includes a big chunk of what is currently school property. Until now there has never been a reason to survey it because it is school land. Also, take a look at the size. You can do this at home on the web. The percentage of land compared to the location. It is important to put this into perspective. This referendum is asking citizens to sell public land in the middle of our town that is bigger than Downtown. So basically we are asking for a sale of something very big without knowing what it is worth. So again, consider your pocket book, like selling your own house. Would you sell your home without knowing how much you can get for it? Would you sell your most valuable asset without knowing how much to ask? And would you sell your greatest asset in the worst economic environment. I would not, and I am not going to ask the citizens of Old Orchard Beach to either. We are one the smallest towns in Maine with maybe one of the biggest hearts. This is public land; once it is gone it is gone. We won’t ever be able to get it back. The ballpark is located at the very heart of our town. Our ideas for using the ballpark are not pipe

dreams and the good people of Old Orchard Beach do not deserve to be insulted for thinking out of the box and to the future. Every progressive town in the Country is looking at alternatives to economic development with sustainability and a sustainable living as the overriding core value. I think that is what the ballpark represents. That is what it means to me. For me the future of the ballpark, the future of Old Orchard is not for sale.

**LEE KOENIGS:** I don't understand why the rush – doesn't make any sense to me. This is our one green space – it is our legacy. Poor decisions made in the past and we are paying for me now.

**COUNCILOR O'NEILL:** I would like to scale this down and remove the adjacent land and I understand why you have addressed this but we do have alternatives. It is the ballpark that has been our white elephant. After three referendum questions no one has come up with a plan in the last six election cycles. Democracy must prevail – the town people should have the right to speak – a community as a whole should have the say as to what to do with the land.

**MOTION:** Councilor O'Neill motioned and Councilor Frenette seconded to amend Agenda Item 4028 the Act on Order for Referendum Election on the Sale of the Ballpark removing the Adjacent Town-own Land and to Set Referendum Election and Public Hearing Date Thereon.

**MIKE DUBARD:** I am a hotel owner in Old Orchard and I don't believe it is a good time and why would we want to send something pennies on the dollar when down the road we could get ten dollars on the dollar. I also disagree with Councilor Frenette when she said she doesn't want to hear about the Ballpark anymore. It will always be the Ballpark – you never know. I don't believe we should sell at this time and I would like to thank Councilor Dayton for sticking up for us.

**CHAIRMAN LONG:** It is a land use issue. These are governed by the planning board and we are two years out from this so we are not selling in a bad time. We are planning in a bad time for a better time. Once you sell a piece of that property it becomes tax revenues. There are many who would like to see additional revenue in the tax area and they are having a difficult time. The best way to hear the will of the people is to put this out in front of the people. I agree to those who think we should bank for the future because we still need to repair infrastructure and run the town. That is why I have been pushing for a public private partnership to bring more revenues into the town.

**EILLEEN MCNALLY –** I have listened to all your discussions and with all due respect it seems that we are rushing into a decision and that we are being asked to buy a pig in a polk and the Planning Board is governed by the law. They can't change those ordinances. Given the present zoning in those areas means that we don't know what we will end up with. It costs us money you say to sit there but I don't agree because sometimes over development has cost us a lot and a lack of foresight. Why do we want to add development to an area that can't handle any more development?

**DENISE HUTCHINS –** I want to keep reiterating that we have already spoken and we need to get a master plan which is what we had on the table beginning.

**MOTION ON THE AMENDMENT (Noted Above.)**

**VOTE: Yea: Councilor Frenette, Councilor O'Neill  
Nea: Councilor Dayton, MacDonald and Chairman Long**

**CHAIRMAN LONG: The motion to amend has been defeated. Will the Chair call for the original motion.**

**MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to Act on Order for Referendum Election on the Sale of the Ballpark and Adjacent Town-owned Land and to Set Referendum Election and Public Hearing Date Thereon.**

**VOTE: Yea: Councilors O'Neill, Councilor Frenette and Chairman Long  
Nea: Councilor Dayton and Councilor MaDonald**

**# 4029 Discussion with Action: Be it Further Ordered that a public hearing on the subject of the above Referendum question shall be conducted by the Town Council on Wednesday, May 7, 2008 at 7:00 p.m. at the Town Hall and public notice of the hearing shall be given in the manner required by law.**

**MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to Be it Further Ordered that a public hearing on the subject of the above Referendum question shall be conducted by the Town Council on Wednesday, May 7, 2008 at 7:00 p.m. at the Town Hall and public notice of the hearing shall be given in the manner required by law.**

**VOTE: Unanimous.**

**GOOD AND WELFARE**

**COUNCILOR O'NEILL: Chairman, there is no Good and Welfare in a Special Town Council Meeting.**

**CHAIRMAN LONG: I apologize for that error.**

**MOTION: Councilor Frenette motioned and Councilor O'Neill second to adjourn the meeting at 9:30 p.m.**

**ADJOURNMENT**

**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 fourteen (14) pages is a true copy of the original Minutes of the Special Town Council Meeting of April 8, 2008.**

**V. Louise Reid**