

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, MARCH 4, 2008
TOWN HALL CHAMBERS**

A scheduled meeting of the Old Orchard Beach Town Council was held on Tuesday, March 4, 2008 at the Town Hall Chamber. The Chairman opened the meeting at 7:00 p.m.

**Pledge of Allegiance
Roll Call:**

Present were:

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

ACKNOWLEDGEMENTS:

COUNCILOR DAYTON: A call to action meeting to prevent underage drinking is being held at the Old Orchard Beach High School cafeteria on Wednesday, March 26, 2008 at 6:30 p.m. with the keynote speaker being the Maine Attorney General, Steve Rowe. Panelists include the York County Assistant District Attorney, the Old Orchard Beach High School Substance Abuse counselor, the School Resource Officer and the Coastal Healthy Communities Coalition Director. We invite parents and citizens and young people alike to attend this very informational session. More information can be secured by e-mailing Jackie Tselikis, school health coordinator at jackiet@oobschools.org.

COUNCILOR MACDONALD: We are excited to announce the Old Orchard Beach Alumni Basketball Classic scheduled for Friday, March 14, 2008 at 6:00 p.m. at Old Orchard Beach High School. Come watch the guys and gals of yesteryear take on today's high school players. If you want to play in the game contact me at 934-2681 or smacdonald@maine.rr.com. This year's door prize is a Xbox 360. Tickets can be purchased at the door or at the Alumni Office or at MacDonald's Garage.

COUNCILOR FRENETTE: A Hug of Love Clothing Drive is Saturday, March 8th at the Jameson Elementary School at 8:00 a.m. till 11:00 a.m. New or slightly used clothes, ages newborn to 15 years old are urgently needed to send to Iraq. We thank Nancy Kelley and her hugs of love members for this service to children. The Recreation Department is sponsoring its egg-stravaganza scheduled from 10:00 a.m. to 1:00 p.m. on March 15th. There will be a bounce house, fun tunnel. Join the bunny at the egg hunt and there will be a raffle, door prizes, food, drink and balloon animals including face painting. Come one and come all.

CHAIRMAN JAMES LONG: I would like to announce that tomorrow evening (Wednesday) there will be a Workshop here in the Town Hall Chamber on the Ballpark. The development of the Ballpark has potential to include many exciting possibilities and may be a combination of many worthy ideas developed over the last few years. We invite you to come and be part of the discussion. I would also like to express my appreciation to the American Legion for their enormous generosity to our community. They support so many good causes within our community and their influence is not only appreciated but recognized. I would also like to mention that last Saturday Councilor Frenette and I attended a meeting in Saco regarding the LD2188 and the issue of Spartan Bay Marina but with the decision of the Attorney General that the mud, the water and the air are under the jurisdiction of the State there is now a moratorium on any development in the bay for a period of 18 months. (Mr. Long read portions of the Attorney General's letter.)

ACCEPTANCE OF MINUTES: Town Council Workshop of February 12, 2008;
Town Council Minutes of February 19, 2008; and
Special Town Council Meeting – Executive Session of
February 27, 2008.

COUNCILOR DAYTON: I do not wish to hold up the approval of the Minutes but would like to mention that on the February 12th minutes on the workshop regarding the Conservation Commission, I would like to note that it was determined that Committee would come under the Town Manager.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to approve
The Town Council Workshop Minutes of February 12, 2008.

VOTE: Yea: Councilors Frenette, MacDonald, Dayton and Chairman Long.
Abstain: Vice Chairman O'Neill

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve
the Town Council Minutes of February 19, 2008.

VOTE: Yea: Councilors Frenette, MacDonald, Vice Chairman O'Neill and
Chairman Long.
Abstain: Councilor Dayton

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to approve
the Special Town Council Meeting – Executive Session of February 27, 2008.

VOTE: Yea: Unanimous.

BUSINESS LICENSES: BIG Properties, Inc. (210-1-2), 18 Ocean Park Road, one year round rental; Keith Montpas (206-7-12), 5 & 7 Shady Lane, two year round rentals; BIG Properties, Inc. (205-13-4), 37 Wintergreen Street, one year round rental; Alfred T. Simpson, Street Musician, Downtown Area, Personal service, requesting the fee be waived; and Alan & Betty Felenchak (305-4-1-201), 1 Cleaves Street, Unit 201, one year round rental.

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

VOTE: Unanimous.

SPECIAL AMUSEMENT PERMIT Surf Six, Inc. dba/Surf 6 Restaurant & Lounge (306-2-9), 2 Cortland Street, Entertaining and Dancing; and Jeanne LaChance, JJ's Eatery, LLC, dba/JJ's Eatery, Too (306-5-1-F), Entertaining and Dancing.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve the Special Amusement Permits as read.

VOTE: Unanimous.

NEW BUSINESS:

3097 Discussion with Action: Amend the Code of Ordinances, Article IV, Town Beach, regulating motorized vehicles on the beach.

CHAIRMAN LONG: The Code of Ordinances, Article IV, Town Beach unlike the situation in many towns on the Maine coast, the beach in Old Orchard is Town-owned property, having been acquired by the Town in 1935, and the Town is very protective of what is clearly its most valuable asset. For that reason, the Town does not allow any motorized vehicles on the beach. Section 42-201 of the Town Code states: "no motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles and the town's public works vehicles, designated for public safety or beach cleaning purposes." That ordinance has been in effect since 1961.

That ordinance, representing the policy of the Town for nearly 50 years, precludes the operation of amphibious vehicles over the Town beach. Consideration of any changes to this ordinance is important to the protection of our beach.

PHIL DENNISON: I would appreciate the Council approving this agenda items to protect the beach which is our most precious resource.

ED REA: I am the Executive Director of Ocean Park Association and I support this Ordinance change.

MARC GUIMONT: I support this change in the protection of our beaches and the economic welfare of our municipality.

COUNCILOR FRENETTE: I support the addition of the word amphibious vehicles to the Ordinance but I do not agree with the verbiage at the end of the Ordinance - This paragraph (h) does not permit, and the Town Council may not approve under this paragraph, the use of the town beach or adjacent tidewaters by amphibious vehicles – because I believe that takes away the power of another Council.

COUNCILOR O'NEILL: I would really like to know what prompted this whole issue as that has not been explained to us. It was Captain Russell Shaw who provided duck boat years ago. Our ordinance was fine the way it was and I did not see any reason to change and still would ask why this has come to the front.

CHAIRMAN LONG: It arose because of the Spartan Bay issue and the request from a Massachusetts business owner to have a duck boat with access across our beach.

COUNCILOR FRENETTE: Then I agree with the addition of the words amphibious vehicles but I move that the other section be removed.

COUNCILOR MACDONALD: I agree with Councilor Frenette for the wording of amphibious vehicles but not the other section.

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to Amend the Code or Ordinances, Article IV, Town Beach, regulating motorized vehicles on the beach to add the words amphibious vehicles but delete the wording – This paragraph (h) does not permit, and the Town Council may not approve under this paragraph, the use of the town beach or adjacent tidewaters by amphibious vehicles/

VOTE: Unanimous.

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

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

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

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

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

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

This section shall not apply to a marina; a passenger transportation service, such as excursion boats, charter boats, water taxis or water shuttles; or a waterborne amusement ride, which is: (i) operated at, to, from or adjacent to the pier; (ii)

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

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

3098 Discussion with Action: Set a Public Hearing Date of March 18, 2008 to Amend the Provision of Police Protection at Chem-Free Establishments – Chapter 6, Article IV, Section 6-157(6).

CHAIRMAN LONG: This is a public safety issue in which the Administration supports the recommendation of the Chief of Police.

**TOWN OF OLD ORCHARD BEACH
CONCERNING THE PROVISION OF
POLICE PROTECTION AT CHEM-FREE ESTABLISHMENTS**

WHEREAS, Chapter 6, Article IV of the Old Orchard Beach Code regulates the conduct of so-called “chem-free” dances; and

WHEREAS, Section 6-157(6) of the Code requires the person operating a chem-free dance to provide police protection; and

WHEREAS, the intent of the Council is that such police protection must be provided by an officer of the Old Orchard Beach Police Department, unless the Police Department, because of its own staffing needs, cannot make an Old Orchard Beach Police Officer available; and

WHEREAS, it is important for public safety to have an Old Orchard Beach Police Officer with arrest powers present at a chem-free dance whenever possible, and the use of another police officer a private security officer should be allowed only in circumstances where there is no Old Orchard Beach Police Officer available; and

WHEREAS, that intent is not clearly expressed in the current language of Section 6-157(6); and

WHEREAS, the Council finds that chem-free dances are occurring on a regular basis and it is therefore necessary to correct the existing ordinance language immediately; and

WHEREAS, the Council finds that these circumstances constitute an emergency within the meaning of Section 410.1 of the Old Orchard Beach Town Charter;

NOW, THEREFORE, be it hereby ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that paragraph (6) of Section 6-157 of the Old Orchard Beach Code is amended by deleting the language in strikeover type and adding the underscored language as shown below:

(6) The person operating the chem-free dance shall provide police protection on the property during the chem-free dance and during the one-half hour periods preceding and following the chem-free dance at that person's expense. The police protection shall be an officer of the Old Orchard Beach Police Department, unless the Old Orchard Beach Police Department cannot provide an officer, in which case the police protection may be another police officer or a security officer approved in advance by the Chief of the Old Orchard Beach Police Department. One officer is required. The person operating the chem-free dance may elect to employ additional officers.

MOTION: Councilor Frenette motioned and Councilor MacDonald seconded to Set a Public Hearing Date of March 18, 2008 to Amend the Provision of Police Protection at Chem-Free Establishments – Chapter 6, Article IV, Section 6-157(6)."

VOTE: Unanimous.

3099 Discussion with Action: Appoint Tianna Higgins as a Regular Member of the Zoning Board of Appeals, term to expire 12/31/2010; Appoint Linda Newell as a Regular Member of the Conservation Commission, term to expire 12/31/2010; Appoint Margaret Michaels as a Regular Member of the Board of Assessment Review, term to expire 12/31/2008; and Appoint Gary Curtis as the Alternate Citizen Member of the Administrative Board, term to expire 12/31/2009.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve the appointments as read.

VOTE: Unanimous.

4000 Discussion with Action: Authorize the payment of \$4,000 to Acting Town Manager V. Louise Reid to come from Account Number 20102-50101 – Department Head Salary Expense, with a balance of \$18,438.00.

CHAIRMAN LONG: The Assistant Town Manager has served as the Interim Town Manager in the absence of the appointment of a new Town Manager.

COUNCILOR FRENETTE: Not that I have to justify to anyone on the council nor to the general public that Louise Reid has done an excellent job acting as interim town manager but if you have dealt with the previous town manager you will know that she really has acted as the Town Manager for a long time. In my opinion \$4,000 is not enough.

COUNCILOR DAYTON: I want to thank you, Louise, for being so responsive in the number of conversations that we have had regarding financial management, personnel, purchasing issues, and other difficult items and I have appreciate her professionalism and her willingness to listen.

COUNCILOR MACDONALD: I am the new councilor and Louise has been extremely supportive and helpful to me, more so than any others sitting upper here and I hope it continues.

CHAIRMAN LONG: Louise, I appreciate your tolerating me.

COUNCILOR O'NEILL: I would also like to express my appreciation for the administration that Louise has provided in the absence of a town manager and for that matter during the past four years. I don't feel the \$4,000 is enough and you can't put a price on what she has done for us but I would ask that we authorize an additional \$1,000 and make it \$5,000 from Account Number 20102-50101 – Department Head Salary Expense, with a balance of \$18,438.00.

MOTION: Councilor O'Neill motioned and Councilor Frenette seconded to Authorize the payment of \$5,000 to Acting Town Manager V. Louise Reid to come from Account Number 20102-50101 – Department Head Salary Expense, with a balance of \$18,438.00.

VOTE: Unanimous.

COUNCILOR DAYTON: I would suggest we tack on a well deserved vacation.

CHAIRMAN LONG: (Laugh) Not just yet. Louise, you are really awesome.

4001 Discussion with Action: Approve Town Manager Agreement (Probationary) with Stephen Gunty, effective March 3, 2008.

CHAIRMAN LONG: We are pleased to announce our desire to hire Steve Gunty as the new Town Manager, effective March 3, 2008. The Old Orchard Beach Town Council will appoint Stephen J. Gunty as Town Manager, effective March 3, 2008 at their Regular Town Council Meeting. Mr. Gunty lives in Ellsworth, Maine and has for 23 ½ years served in positions in city management, Labor Relations/Human Resources/Finance, and Economic Development. He has shown the ability to maintain positive Board relationships and establish active inter-governmental, business and community partnerships to accomplish goals and the Town Council felt he had the talent to maintain a neutral position on issues and move forward goals in the best interest of the municipality. He has served in Waukesha, Wisconsin as the Director of Administrative Services and as the Human Resource Director; City Administrator in Sparta, Wisconsin; Economic Development Director in Calumet City, Illinois and City Administrator in Ellsworth Maine. In all his positions he has been known to foster intergovernmental relations, being very project oriented and fiscally responsible in both capital, operational and quality enhancement initiatives. The Gunty's have two children, ages eleven and thirteen.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to Approve Town Manager Agreement (Probationary) with Stephen Gunty, effective March 3, 2008.

VOTE: Unanimous.

4002 Discussion with Action: Approve the Appointment of Stephen Gunty as Town Manager, effective March 3, 2008.

COUNCILOR DAYTON: I would like the public this was a rigorous process –significant number of candidates - 41 candidates – we interviewed eight and we have had many meetings

during the past two months. I appreciate all the good work that my fellow councilors have done and I look forward to the next six months working with our new town manager.

COUNCILOR FRENETTE: I want it to be a lot longer than six months.

COUNCILOR MACDONALD: I also welcome the new town manager. I had wished and recommended that the public and the Chamber of Commerce become more active in the process of finding a town manager but the other council members did not agree and that is alright. I welcome the new town manager and look forward to working together.

CHAIRMAN LONG: Mr. Gunty, please step forward. (Mr. Gunty signs the probationary agreement.) Does the Town Manager wish to comment?

TOWN MANAGER STEPHEN GUNTY: I would, yes. I appreciate the opportunity to serve the citizens of OOB and to work with this fine Town Council. I have had a little time to get to know them in some fashion and I look forward to calling this Town my own and working with them in continuing in a great direction. I look forward to being part of solutions to town issues, in working with this fine group of department heads and employees, and a continued association with Louise Reid who has been extremely helpful in bringing me current on many issues. And once again, thank you.

CHAIRMAN LONG: The Town Manager is scheduled to meet with the Department Heads tomorrow and Louise has already provided him with about 15 pounds, 6 ounces of material.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to Approve the Appointment of Stephen Gunty as Town Manager, effective March 3, 2008.

VOTE: Unanimous.

4003 Discussion with Action: Appoint V. Louise Reid as Secretary to the Town Council, effective March 5, 2008.

CHAIRMAN LONG: Our special thanks to Gary Lamb, Planner, who was willing to offer his assistance during these interim arrangements as the Secretary to the Town Council. Both the Council and the Acting Town Manager express their appreciation to Gary.

COUNCILOR FRENETTE: I would also like to thank Gary Lamb for stepping up to the plate and offering to do this in the interim.

ASSISTANT TOWN MANAGER: I have sincerely appreciated the willingness of Gary Lamb to help in this regard but also for the other excellent counsel he has provided me during this period along with an outstanding group of department heads and employees.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to appoint V. Louise Reid as Secretary to the Town Council, effective March 5, 2008, with Special thanks to Gary Lamb who has served as Interim Secretary to the Town Council during the period of January 15, 2008 to March 5, 2008.

VOTE: Unanimous.

4004 Discussion with Action: Authorize the Interim Town Manager to Issue a Request for Proposal (RFP) to select a Consultant for the Implementation Assessment of the 1993 Comprehensive Plan.

CHAIRMAN LONG: We have had discussions and also a workshop on the importance of updating the Comprehensive Plan. (The implementation strategies and assigned tasks in the 1993 Comprehensive Plan will be compared with the 2008 Zoning Ordinance and a report produced showing the status of tasks completed, partially completed or never started. This report will be used by Town Council to prioritize the need for a complete update to the Comprehensive Plan.)

The Town of Old Orchard Beach wishes to hire a consultant to conduct an Implementation Assessment of the Old Orchard Beach Comprehensive Plan, which was approved by OOB voters and the State Planning Office in 1993. The consultant will compare the 1993 Comprehensive Plan with the 2008 OOB Zoning Ordinances and write a report outlining the specifics of how well the Plan has or has not been implemented. This report will be used to inform the Town Council and planning staff and help prioritize and plan for a full Comprehensive Plan update. Copies of the 1993 Comprehensive Plan are available from the Old Orchard Beach Planning Department. The Zoning Ordinances are accessible online at www.oobmaine.com. For more information, please contact Planning Director Gary Lamb at 207-934-5714, ext. 217 or glamb@oobmaine.com.

COUNCILOR DAYTON: I would ask that Gary Lamb be directly involved in this process.

MOTION: Councilor Frenette motioned and Councilor Dayton seconded to amend the Motion to Authorize the Town Manager to Issue a Request for Proposal (RFP) to select a Consultant for the Implementation Assessment of the 1993 Comprehensive Plan.

VOTE: Unanimous.

4005 Discussion with Action: Approve the Liquor License Renewals for Surf Six, Inc., dba/Surf 6 Restaurant & Lounge (306-2-9) 2 Cortland Street, s-m-v in a Class A Lounge; and Jeanne LaChance, JJ's Eatery LLC, dba/JJ's Eatery, Too (306-5-1-F), 12B Old Orchard Street, s-m-v in a Restaurant/Lounge.

MOTION: Councilor Frenette motioned and Councilor O'Neill seconded to approve the Liquor license renewals as read.

VOTE: Unanimous.

GOOD AND WELFARE

ED RAE: I have observed over the past few months the work of the Council and congratulate the Council for the work and efforts they have put forth in many areas of municipal concern.

COUNCILOR MACDONALD: I have had quite a few people come into the station to talk and it is difficult and so I would very much like to give citizens the opportunity to come to the Town Hall

Chambers and sit down with me and discuss issues of importance to them. As such I have reserved the Chamber for March 20, April 17 and May 15 from 6 to 8:00 p.m. and would invite anyone wishing to speak to me to please come at that time.

COUNCILOR FRENETTE: I will not be able to be here for the Ballpark Workshop Tomorrow evening as I am involved in the RSU which is the regional school union and I believe it is important that I be there tomorrow night.

COUNCILOR O'NEILL: A point of interest. I believe that the acknowledgement portion of Meeting has become more of an announcement time and I would request that we only have Acknowledgements here as the announcements can be on our web and television.

ADJOURNMENT

MOTION: Councilor Dayton motioned and Councilor Frenette seconded to adjourn meeting at 7:52 p.m.

VOTE: Unanimous.

Respectfully Submitted,

**Gary Lamb
Interim Town Council Secretary**

I, Gary Lamb, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of ten pages (10) pages is a true copy of the original Minutes of the Town Council Meeting of March 4, 2008.