

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
TUESDAY, APRIL 21, 2009 - 7:00 P.M.  
TOWN HALL CHAMBERS**

A Town Council meeting of the Old Orchard Beach Town Council was held on Tuesday, April 21, 2009 in the Town Hall Chamber. The Chairman opened the meeting at 7:03 p.m.

**Pledge to the Flag**

A motion was made by Councilor Dayton and seconded by Councilor Tousignant to appoint Gary Lamb as Secretary Pro Tem for tonight's meeting. Motion passed 4-0.

**Roll Call**

**Present:**

Chair Sharri MacDonald  
Vice Chair Robin Dayton  
Councilor Laura Bolduc  
Councilor Mike Tousignant  
Assistant Town Manager V. Louise Reid  
Planner Gary Lamb serving as Council Secretary

**Absent:**

Town Manager Stephen Gunty  
Councilor Shawn O'Neill

**ACKNOWLEDGEMENTS:**

**PRESENTATION OF THE 2007-2008 ANNUAL REPORT**

Dedicated to Andrea McCarthy Berlin by Former Town Council Chair James Long. Mr. Long stated it was a pleasure to dedicate the 2008 Annual Report to Conservation Commission Chairman Andrea Berlin. He mentioned briefly how Andrea and her family had come to settle here in OOB. He spoke of her academic career and how she became involved with Memorial Park. Andrea has obviously created incredible community pride with her leadership of Conservation Commission work in Memorial Park. This recognition of Andrea is even more noteworthy because earlier today she was bestowed with the Governors Exemplary Service Award given by Governor Baldacci. The entire Old Orchard Beach community owes Andrea a debt of gratitude for the unselfish gift of her time and talents.

Councilor Dayton spoke briefly in support of Andrea and Mr. Long's comments. Councilor Dayton was able to attend the Governors award ceremony earlier today in Augusta and extends her thanks for all Andrea's work with Memorial Park and Conservation Commission.

**2008 ANNUAL REPORT IN MEMORY OF CAROLE ANN KINGSBURY  
by Assistant Town Manager V. Louise Reid and Town Planner Gary Lamb**

**ASSISTANT TOWN MANAGER LOUISE REID:  
IN MEMORY OF: CAROLE ANNE KINGSBURY**

**“Our municipal family lost a dear friend and associate on June 23, 2008 with the passing of Carole Ann Kingsbury who served citizens of our community as the Licensing Coordinator since August 21, 2000. She inspired us in life and throughout her illness showed a spirit of optimism and trust. We are delighted to have with us this evening Carol’s mother, Francis Dakin; her brother, Robert; her son’s Daniel Kingsbury and his wife, Nancy Kingsbury, Nancy’s two sons, Kyser and Nick Richard; and Carols son’ Stephen and his friend, Debra Penney. Born in Farmington, Maine in 1944, most of her growing up years were spent in Dixfield, Maine where she lived with her parents, Frances M. Dakin, who is with us here this evening, and Francis E. Dakin. Her father predeceased her in 1993. She had two brothers, Ronald and Robert, of whom she spoke often; and a sister, Kathryn Claire who predeceased her in 1950. Attending Dixfield Schools she was an avid hockey player, graduating in 1963. On June 16, 1963 she married Dale Kingsbury and they moved to El Paso, Texas. Dale, a twenty-year Air Force Veteran, and Carole, raised their three sons: Edward Dale Kingsbury, Jr., a Police Officer in Knoxville, Tennessee; Steve Micheal Kingsbury, a carpenter; and Daniel Francis Kingsbury, who works for the Town of York, Maine. Carole was extremely proud of her sons, speaking of them often with love and admiration. Her grandchildren, Tayler, Halley and Hannah Kingsbury live in Knoxville, Tennessee, and Kysar and Nick Richards live in York, Maine. Carole was a woman of many talents. Her graphic skills were unmatched and her talent was visible in many municipal publications, documents and videos. She was a fabulous cook, loved to knit and crochet but most was a dependable friend who is missed very much by those of us who worked with her daily. It was my privilege to have had a number of private conversations with Carole during her illness. Her personal faith was evident to those of us who knew her. She never lost her sense of humor even in the last days. During my last visit to the hospital we shared the prayer of the Psalmist David – “And when my heart is overwhelmed, lead me to the Rock that is Higher than I.” She was a woman of faith and brought to her family and her friends the optimism of a constant laugh and heart of joy.”**

**Respectfully Submitted from Carole’s Family and Friends:  
V. Louise Reid, Assistant Town Manager**

**TOWN PLANNER GARY LAMB**

**Mr. Lamb thanked the Kingsbury family members for attending tonight as well as past and present town hall employees Kathy Smith, Jan Fisk and Sandra Lie. He stated he has been working here less than 2 years, but in those first few months it was obvious that Carole had business licensing activities well in hand. Carole was quiet, organized, very dependable, extremely talented with computer graphics and possessed a wonderful dry sense of humor that was appreciated by co-workers. “We learn a lot about life’s priorities and a persons character when we confront serious illness, and Carole did it with class, determination and sense of humor. We continue to build on the fine work she did in the eight plus years she was here. It was an honor to have known her and to have her as part of the OOB team and we all miss her very much. I am very pleased that the Town has chosen to honor Carole in our Annual Report as well as with a bench in her memory that will be installed next to Town Hall.” Mr. Lamb then presented Carole’s mother Francis Dakin with a copy of the 2008 Annual Report.**

**Councilor Dayton: This coming weekend. Saturday, April 25, 2009, there will be an Old Orchard Beach and Ocean Park Town wide Cleanup Day from 9:00 a.m. to noon. Bags can be picked up at**

the Police Department Parking Lot and we are looking to clean as much of the town as possible. For further information call Merrill Allen at 221-0392 or Helene Whittaker at 934-7809.

**Councilor MacDonald:** Friday May 1 there is a spaghetti dinner at Loranger School to benefit Camp Kiev. Saturday May 2 is the Fire Department yard sale from 8am-2pm. Taste of Old Orchard Beach is scheduled for Sunday, May 3<sup>rd</sup> from noon to 5:00 p.m. Come join your neighbors for an afternoon filled with fun, food, and music while you discover some of the wonderful things about Old Orchard Beach. Immediately following this event the Libby Memorial Library will be having a reception at their Staples Street location to showcase the improvements made since recovering from the flood damage.

## **ACCEPTANCE OF MINUTES:**

Special Town Council Meeting of April 1, 2009;	All Present
Special Town Council Meeting of April 8;	All Present
Town Council Workshop of April 14, 2009.	All Present

	<b><u>Absent:</u></b>
Town Council Workshop of April 6, 2009;	O'Neill
Town Council Minutes of April 7, 2009;	Bolduc
Town Council Workshop of April 7, 2009;	Bolduc
Town Council Workshop of April 13, 2009;	Bolduc

**MOTION:** Councilor Dayton motioned and Councilor Tousignant seconded to approve all the above minutes.

**VOTE:** passed 4-0

## **PUBLIC HEARING:**

**AGENDA ITEM:** Shall we Amend the General Assistance Ordinance?

**CHAIR MACDONALD** opened the Public Hearing at 7:22 p.m.

### **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 April 21, 2009 at 7:00 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the General Assistance Ordinance by changing the dollar amounts allowed for Food Maximums, as follows:

**Amend Section 6.8 a) Food**

<b>No. of Household</b>	<b>CURRENT WEEKLY</b>	<b>PROPOSED WEEKLY</b>	<b>CURRENT MONTHLY</b>	<b>PROPOSED MONTHLY</b>
1	\$40.93	<u>\$46.51</u>	\$176.00	<u>\$200.00</u>
2	\$75.12	<u>\$85.35</u>	\$323.00	<u>\$367.00</u>
3	\$107.67	<u>\$122.33</u>	\$463.00	<u>\$526.00</u>
4	\$136.74	<u>\$155.35</u>	\$588.00	<u>\$668.00</u>
5	\$162.33	<u>\$184.42</u>	\$698.00	<u>\$793.00</u>
6	\$194.88	<u>\$221.40</u>	\$838.00	<u>\$952.00</u>
7	\$215.35	<u>\$244.65</u>	\$926.00	<u>\$1,052.00</u>
8	\$246.05	<u>\$279.53</u>	\$1,059.00	<u>\$1,202.00</u>

Increase Additional persons from \$132.00 to \$150.00 per month.

With no public comments, CHAIR MACDONALD closed the Public Hearing at 7:23 p.m.

**BUSINESS LICENSES:** Timothy Swenson (104-2-9-8), 42 Walnut Street, Unit 8, one year round rental; Lafayette Waves, Inc. dba/Friends on Old Orchard Street, LLC (205-3-7), 38 Old Orchard Street, retail store; Mary Ellen Pryslak (202-2-4-7D), 205 East Grand Avenue, Unit 7D, one year round rental; Gideon Green, Jr. (206-29-3), 61-63 Summit Street, two year round rentals; Sheila Schabhetl dba/Sheila’s Studio 126 (206-35-4), 126 Saco Avenue, Beauty Parlor; Brooke Richards (207-2-12), 155 Saco Avenue, Massage Therapist at Dr. Steve Bryant’s Office; Virginia & Victor Bogart (314-11-1), 91 Ocean Avenue, two year round rentals; Jennifer & Scott Townsend 78 Ocean Avenue LLC (315-19-1), 78 Ocean Avenue, eight year round rentals; and Joseph & Hazel O’Donnell (320-11-7), 19 West Tioga, one seasonal rental.

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

**VOTE:** Passed 4-0

**SPECIAL AMUSEMENT PERMITS:** William Marshall dba/The Whaler (206-31-17), 20 Staples Street, live music/acoustic guitar; New England Restaurant Group dba/Pirates Patio & Galley Restaurant (304-2-9), 2 Walnut Street, live music; Patio Pub, Inc. dba/Hooligans Landing (306-6-1-DD), 2 Old Orchard Street, live music & comedy; and Patio Pub, Inc. dba Pier Patio Pub (306-6-1-J), 2 Old Orchard Street, entertainment & dancing.

**MOTION:** Councilor Dayton motioned and Councilor Tousignant seconded to Approve the Special Amusement Permits as read.

**VOTE:** Passed 4-0

**NEW BUSINESS:**

# 5160 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinance, Chapter 30, Article V – Privately Owned Fire Hydrants.

**MOTION:** Councilor Tousignant motioned and Councilor Bolduc seconded to amend the Town of Old Orchard Beach Code of Ordinance, Chapter 30, Article V – Privately Owned Fire Hydrants.

**VOTE: Passed 4-0**

- # 5161 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Businesses, Section 521, 522, 524 through 531; and Chapter 78 – Zoning, Sections 1, 1222, 1224, 1225 and 1229.**

**MOTION: Councilor Tousignant motioned and Councilor Dayton seconded to amend the Town of Old Orchard Beach Code of Ordinances, Chapter 18, Businesses, Section 521, 522, 524 through 531; and Chapter 78 – Zoning, Sections 1, 1222, 1224, 1225 and 1229.**

**VOTE: Passed 4-0**

- # 5162 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 74, Subdivisions, Sections 153, 207,233, and Chapter 78 – Zoning, Section 215.**

**MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to amend the Town of Old Orchard Beach Code of Ordinances, Chapter 74, Subdivisions, Sections 153, 207,233, and Chapter 78 – Zoning, Section 215.**

**VOTE: Passed 4-0**

- # 5163 Discussion with Action: Amend the Town of Old Orchard Beach Code of Ordinances, Chapter 78 – Zoning, Sections 1, 142, 178, 212, and 1381.**

**MOTION: Councilor Tousignant motioned and Councilor Dayton seconded to amend the Town of Old Orchard Beach Code of Ordinances, Chapter 78 – Zoning, Sections 1, 142, 178, 212, and 1381.**

**VOTE: Passed 4-0**

- # 5164 Discussion with Action: Amend Appendix A of the Town of Old Orchard Beach Code of Ordinances, Schedule of License, Permit and Application Fees, by changing all references to “Tenting Grounds and Trailer Parks” to “Campgrounds.”**

**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to amend Appendix A of the Code of Ordinances, Schedule of License, Permit and Application Fees, by changing all references to “Tenting Grounds and Trailer Parks” to “Campgrounds.”**

**VOTE: Passed 4-0**

- # 5165 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a parade on July 4, 2009 from 9:30 a.m. to 11:30 a.m. on Temple Avenue. Request to waive the fee.**

**MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to approve the Special Event Permit as read and to waive the fee.**

**VOTE: Passed 4-0**

- # 5166 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a Square Dance in the Ocean Park Square on July 4, 2009 from 7:00 p.m. to 9:30 p.m. Request to waive the fee.**

**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to approve the Special Event Permit as read and to waive the fee.**

**VOTE: Passed 4-0**

- # 5167 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold the Ocean Park 5k Race on July 24, 2009 from 5:00 p.m. to 8:00 p.m. in Ocean Park. Request to waive the fee.**  
**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to approve the Special Event Permit as read and to waive the fee.**  
**VOTE: Passed 4-0**
- # 5168 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold Illumination Night on August 1, 2009 from 5:30 p.m. to 10:30 p.m. in Ocean Park. Request to waive the fee.**  
**MOTION: Councilor Dayton motioned and Councilor Bolduc seconded to approve the Special Event Permit as read and to waive the fee.**  
**VOTE: Passed 4-0**
- # 5169 Discussion with Action: Approve the Special Event Permit application for the Ocean Park Association to hold a Christian Youth Conference Block Dance on August 22, 2009 from 7:30 p.m. to 11:00 p.m. in Ocean Park. Request to waive the fee.**  
**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to approve the Special Event Permit as read and to waive the fee.**  
**VOTE: Passed 4-0**
- # 5170 Discussion with Action: Approve the Special Event Permit application for the New England Parkinson's Ride on September 12, 2009 from 7:00 a.m. to 5:00 p.m. from Loranger School to the Pier; cyclist waiver must include the Town of Old Orchard Beach as a protected party; and a Request to waive the fee.**  
**MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to approve the Special Event Permit as read and to waive the fee.**  
**VOTE: Passed 4-0**
- #5171 Discussion with Action: Approve the Liquor License Renewals for William Marshall dba/The Whaler (206-31-17), 20 Staples Street, s-m-v in a Class A Lounge; New England Restaurant Group dba/Pirates Patio & Galley Restaurant (304-2-9), 2 Walnut Street, s-m-v in a Restaurant; Patio Pub Inc. dba/Hooligans Landing (306-6-1-DD), 2 Old Orchard Street, s-m-v in a Restaurant; Lucille DeChristofore dba/New Pier Pizza Corp dba/Pier Pizza (306-6-1-I), 2 Old Orchard Street, m-v in a Restaurant; Patio Pub, Inc. dba/Pier Patio Pub (306-6-1-J), s-m-v in a Restaurant/Lounge; and William & Sharron Saunders dba/Oceanside Snack Shack (307-1-3), 27 West Grand Avenue, m in a Restaurant.**  
**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to approve the Liquor License Renewals as read.**  
**VOTE: Passed 4-0**
- # 5172 Discussion with Action: Authorize the Assistant Town Manager to sign an Agreement between Ecomaine and the Town of Old Orchard Beach for recycling services for seven years commencing on April 22, 2009 unless sooner terminated under the agreed terms.**  
**MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to Authorize the Assistant Town Manager to sign an Agreement between Ecomaine and the Town of Old Orchard Beach for recycling services for seven years commencing on April 22, 2009 unless sooner terminated under the agreed terms.**

Assistant Town Manager Reid read the following into the record from Town Attorney Chris Vaniotis. “ There is no provision in the contract for early termination by either party. Ecomaine’s explanation for that is that given the volatility in the market for recyclables, they are relying on the seven year commitment(and possibly three year extension) to recover their costs. The contract could be terminated early by mutual agreement, but not unilaterally. In addition, section 409.16 of the OOB Charter authorizes the Council, with certain limitations, to sell surplus property of the town. I do not think that section applies to the recycling program. The Town is not ‘selling’ property; it is providing a service to its residents by collecting and disposing of waste materials.”

Councilor Dayton thanked John Bird and the entire recycling committee for their work and passed out recycle posters and Frisbees made from recycled materials.

**VOTE: Passed 4-0**

- # 5173 Discussion with Action: Accept the Proposals of Port City Architects, not to exceed \$19,440; Dow and Coulombe in the amount of \$4,200; and R. W. Gillespie in the amount of \$1,950 for a total not to exceed \$25,590 for the Preliminary Design of a new Police Station from Account Number 20202-50821 - Cell Block Renovation Account, with a balance of \$45,001.00.**

**MOTION: Councilor Tousignant motioned and Councilor Bolduc seconded to approve this agenda item as read.**

**DISCUSSION**

Code Enforcement Officer Mike Nugent stated 2007 feasibility study funds are being used for the present station study. Councilor MacDonald stated this study will produce information needed to inform voters prior to a police station referendum possibly this November. Chief Kelley stated the rescue billing fund, with an annual income of approximately \$350,000, can be used to pay for the new police station. A two million dollar bond would require an approximate annual payment of \$193,000 so the rescue billing fund is adequate to pay for the new station without raising property taxes.

Discussion continued re: possible timing of construction, possible bond vote, maximizing use of local contractors and location of new station.

**VOTE: Passed 4-0**

- # 5174 Discussion with Action: Approve the Purchase of a new Parking Ticket Machine from Account Number 20131-50330 – Equipment Lease, with a balance of \$3,530.**

**MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to remove this item without prejudice.**

**DISCUSSION**

Chief Kelley stated the town has three ticket machines now and we need to replace a broken one. He stated the reason replacement costs have not been budgeted to date is because he has been trying to repair the broken machine. He now recommends replacement over repair because the company has gone out of business.

**VOTE: Passed 4-0 to remove without prejudice**

- # 5175 Discussion with Action: Approve the Contract for a one year renewal of the Police Substation in the amount of \$18,000 from Account Number 20131-50330 – Equipment Lease, with a balance of \$3,530.**

**MOTION: Councilor Tousignant motioned and Councilor Dayton seconded to**

**Approve the Contract and authorize the Assistant Town Manager to sign an agreement for a one year renewal of the Police Substation in the amount of \$18,000 from Account Number 20131-50330 – Equipment Lease, with a balance of \$3,530.**

**DISCUSSION**

**Chief Kelley stated he hopes a new police station will eliminate the need for the substation meeting space in the future.**

**VOTE: Passed 3-1 with Councilor Bolduc voting no**

**# 5176 Discussion with Action: Accept un-audited March 2009 Financial Statement.**

**MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to remove this item without prejudice.**

**DISCUSSION**

**Councilor Dayton would like more information as to why this item was on the agenda before it comes before the Council again.**

**VOTE: Passed 4-0**

**ADJOURNMENT:**

**MOTION: Councilor Bolduc motioned and Councilor Tousignant seconded to Adjourn.**

**VOTE: Passed 4-0 and meeting adjourned at 8:01 pm.**

**Respectfully Submitted,**

**Gary Lamb  
Acting Town Council Secretary**

**I, Gary Lamb, Acting Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of eight (8) pages is a true copy of the original Minutes of the Town Council Meeting of April 21, 2009**