

**TOWN OF OLD ORCHARD BEACH
REGULAR TOWN COUNCIL MEETING
TUESDAY, AUGUST 18, 2009 – 7:00 P.M.
TOWN HALL CHAMBERS
AGENDA**

**Pledge to the Flag
Roll Call**

PRESENT: Chair Sharri MacDonald
Vice Chair Robin Dayton
Councilor Laura Bolduc
Councilor Michael Tousignant
Acting Town Manager V. Louise Reid
Victoria Geaumont, Secretary

ABSENT: Councilor Shawn O'Neill

EMERGENCY ITEM

MOTION: Vice Chair Dayton motioned and Councilor Bolduc seconded to add Agenda Item Numbers 5293 and 5294 to be addressed now.

AGENDA ITEM 5293:

**OLD ORCHARD BEACH TOWN COUNCIL
ORDER APPOINTING ACTING TOWN MANAGER**

Be it ordered: V. Louise Reid shall serve as Acting Town Manager and is authorized to perform the functions and duties of Town Manager until such time as the Town Council has appointed a new Town Manager or an interim Town Manager or as ordered otherwise.

MOTION: Vice Chair Dayton motioned and Councilor Bolduc seconded to approve the Order appointing Acting Town Manager, V. Louise Reid.

VOTE: Unanimous

**AGENDA ITEM NUMBER 5294:
OLD ORCHARD BEACH TOWN COUNCIL
ORDER APPOINTING ACTING COUNCIL SECRETARY**

Be it ordered: Victoria Geaumont shall serve as acting Council Secretary and is authorized to perform the functions and duties of Council Secretary until such time as the Town Council has appointed a new Council Secretary or as ordered otherwise.

MOTION: Vice Chair Dayton motioned and Councilor Bolduc seconded to approve the appointment of Victoria Geaumont as Town Council Secretary.

VOTE: Unanimous

ACKNOWLEDGEMENTS:

VICE CHAIR DAYTON: There will be a Town Council Workshop tomorrow evening, Wednesday, August 19, 2009 at the Public Works Department at 7:00 p.m. to discuss the recent waste and recycling request for proposals. We invite all those interested in this to attend. The Old Orchard Beach Planning Board will be conducting a workshop at 6:00 p.m. on Monday, August 24, 2009 for initial discussion of Marina Ordinance Standards that will satisfy LD119 and allow our boundary to be moved out three miles from low water. It will be at 6:00 p.m. here in the Town Council Chambers and the public is cordially invited to participate.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of August 4, 2009; Town Council Workshop Minutes of August 13, 2009; and Special Town Council Minutes of August 13, 2009.

MOTION: Vice Chair Dayton motioned and Councilor Bolduc seconded to approve the Town Council Meeting Minutes of August 4, 2009; Town Council Minutes of August 13, 2009; and Special Town Council Minutes of August 13, 2009.

VOTE: Unanimous

CHAIR MACDONALD: I open this Public Hearing at 7:09 p.m.

PUBLIC HEARING: Shall We Amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Smithwheel Road?

BACKGROUND:

**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 August 18th, 2009, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that section 54-187, Restrictions and Prohibitions, of the Town of Old Orchard Beach Traffic Ordinance is amended by adding the underscored language:

Smith Wheel Road. No vehicle, except emergency or municipal vehicles, having a registered gross weight in excess of 9,000 pounds shall be operated or caused to be operated on or over Smith Wheel Road from Vallee Lane to the Ocean Park Road. A right hand turn only shall be permitted from Smithwheel Road onto Rte 5 (also known as the Ocean Park Road).

Police Chief Dana Kelley explained that his office has received complaints from residents about turning left out of Smithwheel Road. There have been no accidents, but the Chief feels there is a potential for them. This would limit the ability to turn left. Chief Kelley felt this could possibly be a seasonal thing. He considers this a quick alternative to more extensive changes. Public Works Director Mary Ann Conroy explained traffic studies that were done in 2007. She stated it would cost \$48,000.00 to build the right turn. Kenny Blow, Blow Bros Inc, agreed there is a long wait to take a left turn. He explained the difficulty he felt if trucks were to double back. He is interested in the costs of developing a right-turn-

only lane. He estimated it would take approximately two week in his estimation to develop this. He believes the Town may need to contact the state about that. Neal Weinstein asked if this was a seasonal thing? He stated he believe this would cause more problems. He thinks this should go to a study. Chief Kelley disagreed with Mr. Weinstein. He stated the problem is a safety issue. He stated the right-turn-only could be a seasonal thing, but it could cause issues with people not remembering during those months. Chair MacDonald asked if Chief Kelley thought the right hand turn lane would help the problems. He stated it would not help the left-turning traffic. Mr. Blow agreed with Chief Kelley about the safety issue of turning left. He doesn't like the right-hand-only turn for the entire 12 months and feels it could be seasonal. Councilor Bolduc questioned the cost of creating the right-hand-only turn and providing signage for this. Ms. Conroy replied that developers in the area have set aside money for this type of thing. She stated that there is no need for signage. Councilor Bolduc questioned how drivers will be alerted to the right-hand-only lane. Ms. Conroy stated that the only requirement is for there to be arrows on the pavement indicating a right-hand-only lane. No other signage is required, but some could be placed for a minimal fee, (approximately \$100). John Bird stated there is a problem with making a left-hand turn onto Smithwheel Road, and questioned if this will be addressed. Chair MacDonald stated this was not part of the consideration. It is only for a right-hand-only lane coming off of Smithwheel Road onto Ocean Park Road. Councilor Tousignant addressed Mr. Bird stating the Council cannot fix all the problems with the traffic in that area and are working on helping the situation. Mr. Bird believe more traffic would be going onto Smithwheel Road and through the school zone if trucks would be diverted to go back through Town and that is a problem. Councilor Tousignant stated this was the same problem as the rotary, but the Town did not have the money to fix the entire situation. This would alleviate 50% of the problem. Mr. Weinstein suggested the Town looks at when the traffic is most problematic. He felt that residents of the area would be unhappy with not being able to turn left. He believes this will cause more accidents. Mr. Blow stated he agreed with a lot of the issues. There could be a compromise with this being seasonal. He stated the schools would be closed during the summer months which would solve that problem. He stated a traffic light would be an easy fix, but the state will not approve of this. Vice Chair Dayton stated that the state did not say they would not put up a traffic light. She stated it was not included in the study. A study for the traffic light needs to be done. She encouraged Smithwheel residents to speak out for this. She would like to get in writing that the state will not install the traffic light. Both Chief Kelly and Public Works Director Conroy stated they have had this in writing and will get it in writing again. She clarified that this was done approximately 5 years ago by Sandra Lie (Mowery). Vice Chair Dayton stated that was for the rotary. Ms. Conroy replied that it was about the rotary. She will get this in writing for her. Councilor Tousignant explained how Cider Hill traffic study was done and how it pertains to this. He explained the history of the \$48,000.00 in relation to this.

CHAIR MACDONALD: I close this Public Hearing at 7:42 p.m.

CHAIR MACDONALD: I open this Public Hearing at 7:42 p.m.

PUBLIC HEARINGS: Shall We Amend the Code of Ordinances,
 Section 54-187, Restrictions and Prohibitions, Seavey
 Street?

BACKGROUND:

**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 August 18th, 2009, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that section 54-187, Restrictions and Prohibitions, of the Town of Old Orchard Beach Traffic Ordinance is amended by deleting the strikethrough language and adding the underscored language:

Seavey Street. Seavey Street is designated as "one way." Vehicles are allowed to enter Seavey Street from Old Orchard Street and proceed in a northerly direction. Parking shall be allowed on ~~both~~ the left sides of Seavey Street.

POLICE CHIEF KELLEY explained that Seavey Street was a one-way with parking both sides of the street. There are new sidewalks that have been built on the right-hand side and there is no longer room to park on both sides.

CHAIR MACDONALD: I close this Public Hearing at 7:42p.m.

BUSINESS LICENSES: Patti Williams dba/Paradise Ice Cream, Ice Cream Truck, No inspection needed through Code; Leo & Joanne Pierson (103-1-5-26), 56 Ross Road, #26, one year round rental; Traci Daigle dba/Great Lengths (108-2-1), 3 Old Orchard Road, Beauty Parlor; Judith & William Sherry (202-2-3-4C), 207 East Grand Avenue, Unit 4C, one year round rental; Albert Boothby, Jr. (209-13-5), 14 West Casco Avenue, one seasonal rental; Wayne & Mercedes Simmons (304-1-2-2), 1 Walnut Street, Unit 2, one year round rental; Kathleen Ahearn (309-9-10), 31 Fort Hill Avenue, one year round rental; Paul & Kelly Goguen (311-9-11), 11 Maplewood Avenue, one seasonal rental; and John & Sherri Dixon (312-3-4), 12 Highland Avenue, one year round rental.

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

VOTE: Unanimous

TABLED ITEM: #5265: Discussion with Action: Approve the one year agreement position of Recreation Coordinator to assist in the temporary absence of the Assistant Recreation Director including duties involved in event coordination.

BACKGROUND: With the Assistant Recreation Director being out on maternity leave and the addition of several new Recreation programs, the Council is being asked to approve the one year agreement of Recreation Coordinator to assist in the temporary absence of the Assistant Recreation Director as well as event coordination.

MOTION: Councilor Dayton motioned and Chair MacDonald seconded to Approve the ten month agreement for Community Recreation Coordinator to assist in the temporary absence of the Assistant Recreation Director including duties involved in event coordination with funding coming from the Recreation Department programming.

VOTE: Unanimous

NEW BUSINESS:

5283 Discussion: Presentation by John Charette of Port City Architecture on the Proposed Police Department Building.

CHAIR MACDONALD: Due to material not being available at this time for the presentation, the recommendation is being made to remove this item without prejudice.

MOTION: Vice Chair Dayton motioned and Councilor Tousignant seconded to remove Item 5283 without prejudice.

VOTE: Unanimous

5284 Discussion: Update on Bond Projects by the Waste Water Superintendent, Chris White and Public Works Director, Mary Ann Conroy.

BACKGROUND: Both our Public Works Director, Mary Ann Conroy, and our Waste Water Superintendent will provide an update on the Bond projects that are underway in our community.

PRESENTATION BY WASTE WATER SUPERINTENDENT:

Chris White, Superintendent of Waste Water, indicated that the West Grand Pump Station is the largest pump station in our Town handling 70% of the daily flow which serves most of the downtown area. This Pump Station was originally built in 1976 and received a minor upgrade in 1985. The presently planned upgrade will address the issue of aging and under-sized equipment for the next 15-20 years. Pumps, electrical, piping, concrete modifications, hearing and ventilation will be addressed. Especially challenging is the design of the pump station to include both the summer and winter modes while avoiding under-sizing or over-sizing equipment. He discussed the SCADA system (Supervisory Control and Data Acquisition). He indicated it is wireless control and monitoring of the remote pump stations. The local controls contained inside the electrical panel will now be uniform which will eliminate leased land lines and annual monitoring fees. It is fully expandable for future needs. He went on to describe the Comprehensive Facility Study (CFS) and detailed design options available to the department; and state and federal licensing issues. It will identify growth areas in Town and projected flows; address bio-solids disposal needs and options; electrical, instrumentation and alarm needs; and recommended plan be broken down into three separate phases. He indicated there were grant sources and financing options. The last step will be to hold Workshops and get public input.

PRESENTATION BY PUBLIC WORKS DIRECTOR:

The Public Works Director, Mary Ann Conroy, explained project updates and balances spent thus far for the four bond projects: Ross Road, Ocean/Seaview, Summit Street, and West Grand (per the attached document). Councilor Bolduc asked about the amount spent to date on Summit Street being too low. She remembered seeing fees for the easement that exceeded the amount shown. Ms Conroy will confirm with Jill Eastman the corrected amount. Councilor Tousignant asked how the overages on the Ocean/Seaview project would be covered if not by the leftover project funds (from the other bond projects). Director Conroy responded that the project could still be cut back or funds could be used out of the undesignated fund. The actual costs will continue to go up and down as the project progresses. Councilor Tousignant stated that he was uncomfortable with the additional overages with consideration for the engineering cost on top of the construction contract. Director Conroy was asked to reduce costs where possible without cutting any of the current scope at this time. Director Conroy explained that the Ross Road project will be substantially complete by the next monthly bond update. Councilor Tousignant asked if the Council should be sending a letter to the Biddeford Saco Water District in support of the letter sent by Director Conroy. Ms. Conroy explained that the letter that went out a week or so ago was directed to BSWD urging them to replace the aging water lines along Ocean and Seaview while the road was under construction. She has not heard back from Tom Carr, their construction manager. Director Conroy agreed to ask to speak to the Board or other decision makers in their organization; she will also get an estimate of the cost of replacing the water lines. Vice Chair Dayton asked about the amount of time BSWD had to respond and act on this repeated request. Director Conroy responded that timing is important and emphasized that any failing water lines after the Town paves the roads will mean substantial road work for BSWD. Director Conroy also suggested that the Council request or write to the Board of Directors for BSWD as one executive board to another. Councilor Tousignant asked that we consider or be open to a collaborative or creative approach to get this work done in a timely manner. Director Conroy will update the Council as soon as possible with feedback from Tom Carr and pricing on the water line replacement. Councilor Tousignant asked if any of the other neighborhood sewer lines were of the same age and being slated for future replacement. Director Conroy stated that Saco Avenue is the next large sewer and stormwater project for the Town, along with the Cottage/Grove which is partially funded this year. This neighborhood is not likely to see another sewer project for another 4-5 years, depending on funding availability.

Councilor Bolduc asked again that the West Grand project was a mistake and should be corrected to read, West Grand Stormwater Project. Director Conroy stated that that was an oversight and would be corrected in the next update. She also restated the comments Town Manager Reid had made earlier about the rescoping of the West Grand project being allowed legally and that the new information would come back to both the Council and the public in a workshop. Chair MacDonald asked if a workshop at this time would be prudent. Director Conroy suggested that continuing to get the engineering further down the road would give us more accurate information than the estimates we have now. The engineering work done for future phases would need to be done anyway. Director Conroy stated a workshop scheduled now would not give any more information than what is being shared tonight. The additional design work is being done in response to the citizens concerned voiced in both the public meeting and during individual field meetings. Vice Chair Dayton stated that she never knew about any more phases for West Grand. Director Conroy stated that she would ask the Interim Town Manager to resend the earlier outline

that details the general outline of all the phases given to the Council several times previously, in addition to the educational video that was aired on the public access channel. Councilor Bolduc stated she is struggling with engineering money for projects the Town cannot afford and are not informed about. She stated she felt the Town should possibly go with another engineer instead of Wright Pierce. Councilor Tousignant stated that he has received a number of calls and the general public does not understand that the project, as bonded, will not fix all the flooding problems on West Grand. Councilor Bolduc asked if any of the other projects are phased that they do not know about. Director Conroy stated that Ocean/Seaview, Summit and Ross Road are not phased projects and that “phases” are most commonly related to solving flooding problems that are far more complex than replacing a sewer line.

5286 Discussion with Action: Approve the bid from Dell and Munis for the server upgrades, in the amount of \$29,476.60 from Account Number 20201-50854 – Computer System Upgrade, with a balance of \$57,875.31.

BACKGROUND: Bill Botting, our Computer Consultant, has performed an evaluation of current computer systems and formulated a plan for the most logical server upgrade strategy for fiscal year 2010. My recommendations for server equipment upgrades include the following:

- **Replace the 6+ year old server Server01. This server acts as the Primary Domain Controller and print server for the Windows 2000 network. The new server will allow the upgrade of the domain to Windows 2003 level, which is necessary to implement the new Exchange e-mail server.**
- **Replace the 6+ year old server Application01. This is a backup domain controller that also hosts several applications. The applications Vision Appraisal, Trio, and Laserfiche will be installed on this new server**
- **Replace the old MUNIS server, which is on the obsolete SCO/Unix Operating System with Informix database platform, with a Windows 2003-based server using Microsoft SQL Server database software.**

Below are the details of what is necessary, including prices:

Vice Chair Dayton asked if the new server will support software to restrict expenditures. Mr. Botting stated that this was available if the Town wanted to purchase it. Chair MacDonald asked how many years that staff emails are backed up. Mr. Botting stated for the last year-and-a-half.

MOTION: Councilor Bolduc motioned and Councilor Tousignant second to Approve the bid from Dell and Munis for the server upgrades, in the amount of \$29,476.60 from Account Number 20201-50854 – Computer System Upgrade, with a balance of \$57,875.31.

VOTE: Unanimous

5286 Discussion with Action: Sewer appeal pursuant to Section 58-124. of the Sewer Ordinance and a request to review the determination that David Lenzie is required to pay the sewer permit fee to connect the single family dwelling at 21 Lake Avenue to the Municipal Sewer System at a cost of \$3,300.

BACKGROUND:

Mr. Lenzie recently purchased the property at 21 Lake Ave. The building is served by a septic system that appears to be functioning properly. He is in the process of getting a rental license but would like to connect to the Sewer prior to renting. Because there was no “stub” or lateral installed to access the sewer line from the property, there will be additional costs associated with the connection. Mr. Lenzie feel that with all of the new sewer work going on in the area it is unfair that he should bear the cost of the lateral. The following is an excerpt from the Town’s Sewer Ordinance:

Sec. 58-154. Costs borne by owner.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

The Ordinance requires that the \$3,300 sewer permit fee be paid as well as any costs associated with the connection. These fees are used for future sewer repairs and expansions.

Councilor Tousignant questioned if the fee is for a new single family home to be connected to the sewer or for the stub. He questioned if it was necessary for him to hook up. Mr. Lenzie stated he does not know why the Town did not place the stub for his property in the 1970’s when the other houses on the street were done. There is no stub for his property which will incur an additional \$2,000 cost for him. He does not feel he should bear this cost. He wishes the \$3,300 sewer fee to be waived. Vice Chair Dayton stated she believes this should be waived since she feels it was the Town’s mistake and the Council has waived others in the past. Councilor Tousignant stated he felt there was no documentation it was the Town’s oversight, as the prior homeowner could have opted to not hook up in the 1970’s. He stated that anyone who is a new hook-up to the Town sewer needs to pay the user fee. He does not know if all of the fee should be waived. He stated that ultimately it is the buyer’s financial responsibility. He then asked if Mr. Lenzie would be okay with reducing the fee to \$1,300. Mr. Lenzie stated that he also needs to pay the \$1,000 street opening fee. Chair MacDonald pointed out that this will be returned to him in one year if there are no problems due to the street opening. Vice Chair Dayton does not think this is fair. Acting Town Manager Reid asked if Mr. Lenzie is living in the home or will be renting it. Mr. Lenzie confirmed his intention is to rent it until he retires and will live in it then. Councilor Bolduc stated the 3300.00 is to cover use and is an impact fee. She believes this should have been hooked up prior when the other homes were.

MOTION: Councilor Bolduc motioned and Vice Chair Dayton seconded to approve the Sewer appeal pursuant to Section 58-124. of the Sewer Ordinance and to waive the sewer permit fee for David Lenzie to connect the single family dwelling at 21 Lake Avenue to the Municipal Sewer System at a cost of \$3,300.

**VOTE: Yea: Councilor Bolduc and Vice Chair Dayton
Nea: Councilor Tousignant and Chair MacDonald**

Motion fails 2-2.

MOTION: Councilor Tousignant motioned to adjust the sewer permit fee for David Lenzie to 1,300.00 to connect the single family dwelling at 21 Lake Avenue to the Municipal Sewer System.

Vice Chair Dayton stated the Council has waived fees in the past and should waive this fee. Councilor Bolduc felt that the Council should not create a dollar amount. They should either approve or deny the request. She does not feel the Council has the authority to do this. Councilor Tousignant stated the Council has the right to do what they wish. Vice Chair Dayton disagreed with this, and Council Tousignant restated they could. Chair MacDonald asked for order. She then wanted to welcome Mr. Lenzie to the Town and wished they could help him.

VOTE: Yea: Councilors Tousignant and Bolduc
Nea: Vice Chair Dayton and Chair MacDonald

Motion fails 2-2.

John Bird commented on the amount of money for purpose of connecting. He stated the Town could rebate the stub amount. Chris White, Wastewater Superintendent wanted to clarify that the fee is for the connection and a sewer impact is in a special zone and is for a certain project. Mr. Lenzie asked if the Town would be open to a tax credit. Chair MacDonald stated that the Town could not do that. Vice Chair Dayton stated that she wished to table the item. Councilor Tousignant stated he did not think they could do that. Town Manager Reid agreed. Vice Chair Dayton stated that she felt any Councilor who voted in the minority can bring the item up at the next meeting. Councilor Tousignant did not agree, but felt for argument sake they could do this until it was determined that they did not have the ability.

MOTION: Vice Chair Dayton motioned and Councilor Bolduc seconded to table Sewer appeal pursuant to Section 58-124. of the Sewer Ordinance and a request to review the determination that David Lenzie is required to pay the sewer permit fee to connect the single family dwelling at 21 Lake Avenue to the Municipal Sewer System at a cost of \$3,300. Chair MacDonald seconded.

VOTE: Unanimous

5287 Discussion with Action: Approve the Special Event Permit application for Thomas Falby to hold a birthday party/bonfire on the beach at the end of Union Avenue on September 5, 2009 from 6:00 p.m. to 10:00 p.m., subject to acquiring fire permit from the Fire Department on the day of the event.

Councilor Bolduc expressed concern about the Labor Day weekend and the amount of people in Town during that time period. She requested that Fire Chief John Glass be contacted concerning this and it be given diligent attention.

MOTION: Vice Chair Dayton motioned and Councilor Bolduc seconded to Approve the Special Event Permit Application as read.

VOTE: Unanimous

5288 Discussion with Action: Approve the Special Event Permit Application for Steven & Andrea Berlin to hold a graduation BBQ/bonfire on the beach in front of 20 Puffin Street on August 27th, 2009 with a rain date of August 28th or 29th, 2009, from 7 p.m. to midnight, subject to acquiring a fire permit from the Fire Department on the day of the event.

Councilor Bolduc expressed concern about the late hour of the bonfire being over. Vice Chair Dayton stated she had spoken to the applicant, and it was their intent to have the bonfire done by 11:00 p.m. and the fire completely out by 12:00 a.m.

MOTION: Vice Chair Dayton motioned and Councilor Bolduc seconded to approve the Special Event Permit as read.

VOTE: Unanimous

5289 Discussion with Action: Appoint Paul Weinstein as a Regular Member of the Community Development Block Grant Committee, Term to expire 12/31/11.

MOTION: Councilor Bolduc motioned and Councilor Tousignant second to Appoint Paul Weinstein as a Regular Member of the Community Development Block Grant Committee, Term to expire 12/31/11.

VOTE: Unanimous

5290 Discussion: Proposal to Amend Current “DownTown and Beachfront Cleaning Contract” between the Town of Old Orchard Beach and Extreme Clean, Inc. to add that between Labor Day and Columbus Day 2009 and going forward to Amend the current contract to include weekdays from 8:00 a.m. to 8:00 p.m.; and all services as outlined in the current contract including beach trash maintenance from Union Street to Walnut Street at Temple Avenue for a sum of \$12,500 payable on the schedule most convenient to the Town.

BACKGROUND: One of the number one requests by local citizens is the extension of the hours that our comfort station is open in the Downtown. Many citizens of our community do not come Downtown during the summer months because of how busy it is with tourist traffic. The September and October days are favorites for the local community. Extreme Clean, Inc., with whom we have our contract for the cleaning of the comfort station and the beach has made a proposal to keep the comfort station open from Labor Day to Columbus day 2009 from 8:00 a.m. to 8:00 p.m. whereas it is only open on the weekends now as well as all services outlined in the current contract including the beach trash maintenance from Union Avenue to Walnut Street and at Temple Avenue for a sum of \$12,500. There is no money allocated for this in the Public Works budget so funding would have to come from some other source such as the Undesignated Fund. Councilor Tousignant pointed out that this was for cleaning of the comfort station which was not in the wordage. He would like this adjusted. Acting Town Manager Reid stated this would be done. Councilor Bolduc also wanted to know what the weekly rate was, and Town Manager Reid stated she would also get that information for the Council.

GOOD AND WELFARE: No one made Good and Welfare comments.

5291 Discussion with Action: AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Treatment Plant Union Contract, pursuant to 1 M.R.S.A., Section 405, 6(d). (Note: This item discusses labor negotiations and the Council anticipates that the discussion portion will occur in executive session).

MOTION: Councilor Tousignant motioned and Councilor Bolduc seconded to enter AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Treatment Plant Union Contract, pursuant to 1 M.R.S.A., Section 405, 6(d). (Note: This item discusses labor negotiations and the Council anticipates that the discussion portion will occur in executive session).

VOTE: Unanimous

5292 Discussion with Action: AFSCME Council 93, Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405, 6(d). (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in executive session).

MOTION: Councilor Tousignant motioned and Councilor Bolduc seconded to enter into Executive Session pursuant to 1 M.R.S.A., Section 405, 6(d) - AFSCME Council 93, Local 481-06, Old Orchard Beach Public Works Department Union Contract, . (Note: This item discusses labor negotiations, and the Council anticipates that the discussion portion will occur in executive session).

VOTE: Unanimous

EXECUTIVE SESSION:

MOTION: Councilor Bolduc motioned and Councilor Tousignant seconded to Enter into Executive Session pursuant to 1 M.R.S.A., Section 405, 6(d) – AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Treatment Plant Union Contract.

VOTE: Unanimous.

MOTION: Councilor Tousignant motioned and Councilor Bolduc seconded to adjourn this discussion in Executive Session.

VOTE: Unanimous.

MOTION: Councilor Bolduc motioned and Councilor Tousignant seconded to enter into Executive Session pursuant to AFSCME Council 93, Local 481-06, Old Orchard Beach Public Works Department Union Contract, pursuant to 1 M.R.S.A., Section 405, 6(d).

VOTE: Unanimous.

MOTION: Councilor Tousignant motioned and Councilor Bolduc seconded to adjourn from Executive Session at 11:30 p.m.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Councilor Bolduc motioned and Councilor Tousignant seconded to adjourn at 11:32 p.m.

VOTE: Unanimous.

Respectfully Submitted,

**Victoria Geaumont
Town Council Secretary**

I, Victoria Geaumont, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of twelve (12) pages is a true copy of the original Minutes of the Town Council Meeting of August 18, 2009.

Victoria Geaumont