

**TOWN OF OLD ORCHARD BEACH
REGULAR TOWN COUNCIL MEETING
TUESDAY, JULY 21, 2009 – 7:00 P.M.
TOWN HALL CHAMBERS
AGENDA**

**Pledge to the Flag
Roll Call**

Present: Chair Sharri MacDonald
Vice Chair Robin Dayton
Councilor Mike Tousignant
Councilor Shawn O'Neill
Town Manager Steve Gunty
Assistant Town Manager V. Louise Reid

Absent: Councilor Laura Bolduc

PRESENTATION: Linda Jenkins presented the Ballpark Stadium Restoration Project Status Report to the Council and those in attendance.

WHO IS THE BALLPARK GROUP?

- Volunteer Citizens
- Lead Project Manager – Tom LaChance
- Project Coordinator – Linda Jenkins
- Significant Group Members:
 - M. Bourgault
 - D. Furtado
 - D. Goyet
 - B. Payea
 - J. Sarno
 - Anyone willing to help

WHAT IS THE PURPOSE OF THE BALLPARK GROUP?

The purpose of the Ballpark group is to restore the Ballpark field, Stadium and surrounding facilities to usable condition; use and maintain the stadium, field and facilities in a manner consistent with sustainability; and generate revenue and improve the local economic landscape of Old Orchard Beach. The Ballpark Group works under the General Notice to Proceed Order of April 25, 2008 and performs work strictly approved by the Town Manager.

WHY?

We believe recreation is economic development; and restoring the Ballpark creates a world of opportunity to Old Orchard Beach that has been missing for more than a decade. Our goal is to develop a large open space recreational center that accommodates collegiate baseball games, tournaments, regional marching band competitions, A.K.C. Southern Maine Dog Show competitions, and family oriented musical festivals. The possibilities are endless.

BALLPARK GROUP ORGANIZATION.

The organization was recommended by the Town Manager; the organizational structure was approved by the Town Council on February 3, 2009 after a workshop to discuss how the group works was held January 20, 2009; and reports directly to the Town Manager and to the 50 Acre Wood Subcommittee of the Conservation Commission as shown in the following organizational chart.

CONSERVATION COMMISSION:

Chair – Andrea Berlin Tree Warden reports to Chair

Alternate Member – M. Koenigs Member – L. Newell (resigned) Vice Chair – G. McMullin

Secretary – S. Bergeron Member – J. Flaherty Member – L. Jenkins

**Energy Conservation Subcommittee – M. Koenigs
Volunteers – G. LeClere**

**Environment Subcommittee – G. McMullin, L. Newell
Volunteers – J. Sarno, J. Bird**

Veteran’s Memorial Park Sub-Committee – A. Berlin S. Bergeron, J. Flaherty Volunteers - many	50 Acre Wood Subcommittee Linda Jenkins Volunteers – L. Rings – many others
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The Ballpark Group is a small portion of the Conservation Commission 50 Acre Wood Subcommittee and is limited to work on the stadium only. The Ballpark Group reports to the Conservation Commission Subcommittee and continues the practice of reporting directly to the Town Manager.

The 50 Acre Wood Subcommittee mission: complete the Ballpark planning process started two years ago and ensure that the final design concepts are incorporated into the new Comprehensive Plan.

FINANCIAL BUDGET INFORMATION – FY2009/FY2010

The Town Council approved \$25,000 dollars to the Ballpark project in June 2008 designated for security purposes; and \$25,000 dollars in June of 2009 in part for the Concessions Building rehab work. Financial support was provided at the sole discretion of the Town Council.

DONATIONS RECEIVED TO DATE:

**Monetary Donations – June 27, 2009 Fundraiser - \$4,396.00
Loan from Saco Biddeford Savings Institution - \$10,000.00
Terms of the Loan – the Ballpark Group pays back 50% over the next ten years.
Labor, Material and Equipment Donations – Valued at \$189,942.62.**

LABOR DONATIONS:

As of June 30, 2009 – total donated labor hours = 2,600

Number of individuals – 50

Volunteers sign a waiver before working.

Volunteers bring their own equipment.

Safety precautions are discussed prior to start work.

Gloves and safety goggles are on site for volunteer use as necessary.

BALLPARK REVENUE AND EXPENSE REPORT

Budget – FY2009	\$	25,000.00	
Expenditures			
Deering Lumber		7,25.32	Fencing
ABC Supply (Roof)		12,000.00	Roofing
Loews		2,321.76	Fencing/stadium skybox/fire
Winding Brook Turf Farm		2,500.00	Sod
Total		\$ 17,547.08	
Ending Balance		\$ 7,452.92	
Budget – FY 2010		\$ 25,000.00	
Donations Received			
Fundraiser	\$	4,396.00	
Saco & Biddeford Loan	\$	10,000.00	
Total Funds Available – July 15, 2009	\$	46,848.92	

NEXT STEPS:

The Ballpark Group hopes to apply for grant opportunities; update plan/milestones for the Ballpark restoration project; organize the 50 Acre Wood planning process for the Fall of 2009; and are suggesting the Council have a Workshop on the Ballpark. This restoration project officially started on April 25, 2008 and this report marks the 15th month status. The Ballpark Group believes it is the best way to exhibit our level of effort to date is by showing the following slide show presented by Tom LaChance and Dana Furtado (presentation was done.) Also attached to the handout was a list of donated materials, equipment and labor.

Community efforts to rehabilitate and make use of the Ballpark have moved forward with the first event planned for the fall. It is the intent of the Committee to gather input from the residents on uses for the property. Linda Jenkins who chairs the 50 Acre Wood Subcommittee of the Conservation Commission, oversees the 50 acre parcel that includes the fields, stadium, and surrounding acreage. Under the sub-Committee is The Ballpark Group which is headed by Tom LaChance which is a group of volunteers committed to renovating the field and stadium. Volunteers have been cleaning out the old public bathroom and concession building on the Ballpark property. Eventually the building may have food service equipment, it is imperative that the building be brought up to code. It was noted that the bathrooms were in better

condition that it was first thought. An event called “Woodstock” will be held in October and will feature the opportunity for residents to get rabies shots for their dogs and also get the dog licenses at the same time. Currently the club house is being used for meetings and hopefully next year a series of events will be using the club house as well. A recent \$10,000 loan from Saco & Biddeford Savings Institution will be used to help get the ball field usable. The field has been leveled out and partially sodded and this week the irrigation system was being worked on. The question of a timeline is difficult because it involves the time that is given by volunteers and it might not move as fast as everyone would like but progress is being made. Over \$190,000 was given in donations and hundreds of volunteer hours have been provided. The age of the volunteers goes from small children to seniors. A core group of volunteers have been working on the weekends as well. Questions have been raised about the future of the ballpark and there are many possibilities beyond baseball. Suggested uses included go-cart races, flea market, community gardens, ice skating, etc. Everyone agrees that the entire ballpark area needs to be put to use and the right mixture of activities placed in the ballpark area. The group hopes to re-energize the discussions of a couple of years ago where the Ballpark Group left off in 2006.

TOM LACHANCE: He gave an excellent power point presentation showing the changes to the Ballpark since the formation of the Committee.

COUNCILOR DAYTON: Expressed appreciation for all the work and for the donations that are still coming in for the funding of the work of the Ballpark Committee and noted that the project’s received State-wide recognition.

KATHY SMITH: Expressed appreciation for all the work that was and is being done but expressed a concern that it appears it is only plans for a baseball diamond. She also requested that Minutes of this sub-committee be made available to the public since it is public funding that is also supporting these endeavors. She also encouraged that the prior work that has been done by the Ballpark Group in discussions and meetings relative to the future of the use of the Ballpark be formed and operational again.

DAN BLANEY: Expressed appreciation to all who have done volunteer work but expressed concern that the members have not been sworn in as other committee members are required so there is fiscal responsibility as a committee member. He also expressed that there be some planning for the continued maintenance of the ballpark and the work that has already been done. He also indicated that he has been told by the School Superintendent and the former School Superintendent and members of the School staff that they are not planning to use the ballpark for baseball games since they already have good and working fields.

PAT HOLLAND: As someone who volunteers time and efforts she said anyone is welcome to come and participate.

PIERRE BOUCHARD: Encouraged the Council to be involved in energy alternatives for there is multiple potential for the use of the ballpark and encouraged the use of all town’s assets.

ACKNOWLEDGEMENTS:

COUNCILOR TOUSIGNANT: Regional School Unit No. 23 – Saco, Old Orchard and Dayton, are encouraging citizens to attend the Thursday, July 23, 2009 at 7:00 p.m. for the purpose of determining the budget meeting articles for the vote on August 4, 2009 at our High School.

CHAIR MACDONALD: Expressed appreciation to Bob and Charlene Lopresti for the donations of flower for the betterment and beautification of Memorial Park.

ANDREA BERLIN: Expressed additional appreciation for the support of the Lopresti's and the work that is being done in the Memorial Park.

ACCEPTANCE OF MINUTES: Town Council Minutes of July 7, 2009; and Special Town Council Meeting Minutes of July 14, 2009.

MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to approve the following Minutes as read.

VOTE:

PUBLIC HEARINGS: Shall We Repeal Chapter 62 of the Town of Old Orchard Beach Code of Ordinances- Vehicles for Hire and replace with the Revised Chapter 62 of the Town of Old Orchard Beach Code of Ordinances – Vehicles for Hire?

CHAIR MACDONALD: I open this Public Hearing at 7:23 p.m.

MIKE NUGENT: Taxi Cabs - Chief Kelley, Mike Nugent and Gary Lamb met recently to discuss our taxi ordinance and enforcement thereof. We would like the Council to consider the following as they debate the temporary suspension and future form of our taxi ordinance Chapter 62.

- Code enforcement and planning staff have recently been working with a new taxi operator to get him properly licensed. During that process, we have discovered that no taxi companies presently “operating in town” have business licenses at all.
- Digging deeper, we discovered this situation has existed for years. This is probably because there have not been problems or major complaints with taxis operating in town. Simply put, in years past, if taxi business license applications were not submitted, no one followed up when taxis were seen operating in town to tell them they needed a license.
- We need a better definition of what the ordinance means by “operating in town”
- Current ordinance limits the number of taxi licenses that can be issued to four...why?
- Current ordinance requires taxi meters whereas most companies now operate by zone fares. Do we care how the fare is determined?
- Current ordinance requires the taxi be inspected by an independent third party inspector. Who should this be?
- License Administrator (Lamb) is supposed to issue a taxi ID card with driver's name, photo and business license number. We have no provision for doing this now although we could do this without major expense. Is this necessary?
- We have no formal taxi stands in town. With the late night crowds we have, perhaps public safety would be enhanced by creating some.

**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 July 21, 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 Chapter 62 of the Town of Old Orchard Beach Code of Ordinances- Vehicles for Hire is hereby repealed, and replaced with the following:

Taxi Cabs

DIVISION 1. GENERALLY

Sec. 62-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driver means the person who drives the vehicle, whether the person is an employee, owner, operator, or utilizes the vehicle in some other contractual fashion.

Owner means the person who is the legal owner of the taxicab that is licensed.

Operation within the Town of Old Orchard Beach

The act or business of picking up persons in a taxicab within the Town of Old Orchard Beach for transportation to locations within or outside the city, except that the provisions of this chapter shall not apply to a motor vehicle licensed by another municipality to operate as a taxicab which is operated within the Town of Old Orchard Beach in response to:

- A. A request to transport passengers from a point of destination within the Town to another municipality but not to a point of destination within the Town, provided that such drivers shall not cruise, park or stand for the purpose of soliciting passengers within this Town; or
- B. A request to convey a passenger from such other municipality to the Town.

Taxicab means a motor vehicle used for the conveyance of passengers for hire without fixed routes or termini, the destination and route of which are under the control of the passenger being carried therein, and the fares for which are at rates per mile or wait time or both. "Taxicab" does not include a limousine or a vehicle which operates solely on a fixed schedule and route such as, but not limited to, a bus.

Taximeter means a mechanical instrument or device by which the fare for hire of a taxicab is mechanically calculated and on which the fare is plainly and accurately indicated.

Sec. 62-27. Purpose.

The purpose of this article is to:

- (1) Protect the public health, safety, and welfare;
- (2) Ensure the safe care, custody and transportation of the passengers; and
- (3) Establish minimum standards for clean and neat operations within the community.

Sec. 62-28. Enforcement.

The police department shall be responsible for the enforcement of this article.

Sec. 62-29. Designation of taxistands.

The town council may designate any taxistand area that it deems appropriate.

Taxicabs deemed licensed pursuant to section 62.56 (c) shall be required to have a Taxistand parking pass obtained from the Town Office that will be displayed in the lower corner on the driver's side of the windshield. The fee for said pass shall be in appendix A of this Code.

Sec. 62-30. Other parking and standing regulations.

Beyond the designated taxistands, all taxis shall abide by all parking and standing rules, regulations, ordinances and other policies of the town and the state. Further, there shall not be any special rights, privileges, or other benefits extended to any taxi.

Secs. 62-31--62-55. Reserved.

DIVISION 2. LICENSES

Sec. 62-56. Required.

(a) *Operation of taxicabs.* Every taxicab operating in the town shall be required to obtain a license from the town prior to operation. The license shall expire on May 1 of each year.

(b) *Drivers.* All drivers of taxicabs operating in the town shall be required to obtain a license from the town prior to operation. The license shall expire on May 1 of each year.

(c) Taxicabs and operators whose fixed base business locations are in the Town of Scarborough, City of Saco or the City of Biddeford and that are licensed and operate in compliance with the regulations governing taxicabs in those communities shall be deemed licensed in the Town of Old Orchard Beach and shall not need to obtain a separate license to operate in Old Orchard Beach.

Sec. 62-57. Applications.

Applications for all licenses required under this division shall be available in the office of the license administrator.

Sec. 62-58. Issuance.

An initial license to own or operate a taxicab within the Town of Old Orchard Beach must be approved by the Town Council. The license administrator is authorized to renew, without further action by the town council, the license of any person holding a license pursuant to this article, referred to as the "licensee," on April 30 of each year upon receipt of the required fee and of a written statement from the licensee that there has been no material change in the information provided in the licensee's previous application.

Sec. 62-59. Fees.

(a) Each taxicab company must pay an application fee as specified in the schedule of license, permit and application fees in appendix A of this Code for the processing of the license.

(b) There shall be an application fee as specified in the schedule of license, permit and application fees in appendix A of this Code for each taxi for the processing of the license.

(c) Each driver must pay an application fee as specified in the schedule of license, permit and application fees in appendix A of this Code for the processing of the license.

Sec. 62-60. Display on taxi.

All taxis licensed shall display the license issued by the license administrator in the lower left-hand corner of the windshield.

Secs. 62-61--62-85. Reserved.

DIVISION 3. VEHICLE REQUIREMENTS

Sec. 62-86. Insurance required.

At the time of filing the application for the license required under this article with the office of the license administrator, proof of insurance for each taxicab must be submitted with the application. The state law minimum requirements for liability, personal injury, property damage and any other state-required insurance shall be met.

Sec. 62-87. Identification.

All taxicabs shall be conspicuously marked, in letters not less than $2\frac{1}{2}$ - $1\frac{1}{2}$ inches in height, with the word "taxi" or "taxicab" and the owner's name, trade name, or with a design or monogram containing the owner's name or trade name. The design or monogram must be at least eight inches in diameter. Every taxi must be equipped with a conventional taxicab light on the roof of the taxi.

Sec. 62-88.

Taximeters.

Taxicabs that compute fare through the use of a taximeter shall have those meters installed so as to give an accurate reading of all the car's movements and so as not to be subject to tampering. Such meter shall be tested to demonstrate accuracy within the 30 days prior to the submission of the application for the license required by this article. The town sealer of weights and measures may perform the test for the applicant at an additional fee, or the applicant can provide documentation to demonstrate that the taximeter has been certified by an independent person capable of making such determination. The taximeters shall be calibrated to calculate the fare as multiplied by ninth's of a mile (i.e., one-ninth, two-ninths, three-ninths, etc).

Sec. 62-89. Posting of rates.

All taxicabs shall have the rates to be charged clearly displayed on the exterior of the vehicle, as well as on the interior of the vehicle, and be clearly marked either "metered taxi" or "zone taxi" on the exterior of the vehicle at all times so that it can be easily seen by the consumer day or night

Sec. 62-90. Inspections.

All taxicabs shall be deemed safe for the intended operation. An State of Maine Motor Vehicle Safety inspection shall be done to demonstrate such safety of the vehicle within the 30 days prior to the submission of the application for the license required by this article. The inspection shall, at minimum, meet all the applicable state motor vehicle laws.

Sec. 62-91. Appearance.

All taxicabs must be clean and neat in appearance, both externally and internally. They shall not be run down in such a way to give the consumer a lack of confidence in the ability of the vehicle to safely provide the service intended.

Sec. 62-92. Smoking.

There shall be no smoking in any taxicab licensed in the town.

Secs. 62-93--62-120. Reserved.

DIVISION 4. DRIVERS

Sec. 62-121. State driver's license required.

A valid state driver's license shall be required for every taxicab driver. The license must not be suspended nor have been suspended for more than ten days, for any reason, during the last year.

The person shall demonstrate that he has not been convicted of the one of the following:

(a) Operating under the influence of either drugs or alcohol within the previous six-year period;

(b) A class A, B, or C crime and any sexual offense of any class as set forth in Chapter 11 of Title 17-A of M.R.S.A., within the previous six-year period; conviction of any crime of any class that involves threatening or violent behavior within a three-year period;

Sec. 62-122. Age limit.

The person shall be at least 18 years old at the time of the application for a taxicab driver's license.

Sec. 62-123. Photograph required.

With the application for a taxicab driver's license, the applicant must furnish two recent photographs of himself. The photographs shall be passport-type.

Sec. 62-124. Display of identification card.

The identification card issued to the driver of the taxicab by the license administrator shall be displayed inside the taxi in plain view of the passenger at all times. Such identification shall include the name of the driver, license number, and photograph of the driver.

Sec. 62-125. Additional passengers.

It shall be unlawful for any driver of a taxicab to carry another passenger other than the original passenger without that passenger's consent.

CHAIR MACDONALD: I close this Public Hearing at 7:27 p.m.

PUBLIC HEARING: Shall We Accept the Community Development Block Grant Funding in the amount of \$150,000 for Downtown Façade Improvements?

CHAIR MACDONALD: I open this Public Hearing at 7:28 p.m.

JESSICA WAGNER: Old Orchard Beach has been awarded \$150,000 in Façade Improvement funding from the 2009 Community Development Block Grant (CDBG) Community Enterprise Program. There was only \$750,000 from the Community Enterprise Program available to communities throughout the State, and Old Orchard Beach is very fortunate to receive 20% of this total funding! This memo is intended to update the Town Council about what has occurred thus far and provide an explanation about what is expected ahead.

PROGRAM ARCHITECT

Up to 10% of the total Community Enterprise Grant (or up to \$15,000) may be used to fund a Program Architect. The Maine Office of Community Development strongly recommends a Program Architect be involved with the CDBG Façade Grant Program for the following reasons:

1. Each façade improvement project that utilizes CDBG funding is required to submit the design proposal to the Maine Historic Preservation Commission (MHPC). Each submission to the MHPC involves a detailed description of the building and design proposal in written and graphic form. The Program Architect will assist with the requirements and submissions to the MHPC. This will make the application process simple for the Façade Grant applicants.
2. The Program Architect will assist with the development of the Guidelines and Selection Criteria, and will help the CDBG Façade Improvement Committee understand and evaluate the façade improvement proposals.
3. The Program Architect will provide basic architectural services to individual façade improvement projects. This will assist Applicants with submissions to the Design Review Committee and ensure quality design proposals for all CDBG façade improvement projects.

Program Architect Selection: Old Orchard Beach put out a public RFQ for a CDBG Program Architect to assist with this grant process in May 2009. We received submissions from 5 architectural firms. We chose Denis Lachman of 'Lachman Architects and Planners'. We selected Denis for his experience and familiarity with the CDBG Community Enterprise program. Denis has served as CDBG Program Architect in Augusta, Norway, Skowhegan, Rumford, and Livermore Falls. He has assisted with the distribution of \$650,000 of Community Enterprise façade grants in communities across the State. He was recommended to us by our representative at the Maine Office of Community Development (Terry Ann Stevens) and was recommended by CDBG administrators from other communities who have completed the same grant program. Denis has been an amazing resource thus far!

CDBG FAÇADE IMPROVEMENT COMMITTEE

The CDBG Community Enterprise program requires a committee of citizens be involved in the selection process. This Town Council appointed Committee will review all façade improvement proposals and will officially select those projects that will receive funding. This selection process will be based on an established set of Selection Criteria and will be transparent for all citizens and applicants to see.

The ideal number of citizens for this committee is no more than 7 individuals. Committee members may not be façade grant applicants and may not be tenants or owners of applicants. Volunteers have been stepping forward to serve on this Committee since the first CDBG Public Hearing in September 2008. It is up to the Council to appoint the individuals to this Committee. The official appointment of this Committee will be on the next Town Council agenda in early August.

TIMELINE

MANDATORY WORKSHOP: AUGUST 27, 2009 at 7pm in Council Chambers: There will be a mandatory application workshop on August 27th for all interested Façade Grant applicants, committee members, and any other interested citizens. This workshop will be facilitated by the CDBG Program Architect (Denis Lachman) and the CDBG Administrator (Jessica Wagner). We will distribute the Application forms, Selection Criteria and the Guidelines as well as explain the process and deadlines,

and answer any questions about the program. This will ensure that everyone has the same information and opportunity to ask questions.

APPLICATION PHASE 1: Following this August workshop, applicants will have approximately three weeks to complete and submit façade grant applications to the CDBG Façade Improvement Committee for review. The Committee will review the applications and rank them based on the Selection Criteria.

APPLICATION PHASE 2: Successful applicants will proceed through Phase 2 of the application process. This includes the completion of the façade design, submissions to the Maine Historic Preservation Commission (MHPC), completion of all Environmental Review Reports, completion of any necessary Planning Board or Design Review approvals, and requests for contractor bids. This will likely take 1-3 months, depending on the size of your project.

CONSTRUCTION: Following successful completion of Phase 2, façade grant recipients will receive an official award letter specifying the amount of each Façade Grant award. Grant recipients may then complete CDBG contracts and proceed with the construction of the approved projects. Grant recipients will have one year from this award letter to complete construction. Façade Improvement projects tied to this grant will likely occur in late fall 2009 through spring 2010.

CHAIR MACDONALD: I close this Public Hearing at 7:34 p.m.

BUSINESS LICENSES: Thomas M. Tuohy (201-2-5), 214 East Grand Avenue, one year round rental; Heath Street, LLC (309-9-1), 7 Heath Street, Units 5 & 6, two year round rentals; Claudia & Justine Pouravelis dba/The Ocean House CJ Inc. (315-17-3), 33 Union Avenue, one seasonal rental; Natalie Semple (319-9-5), 8 Tripoli Avenue, one seasonal rental; Eric & Beth Wilder (321-6-4), 23 Winona Avenue, one year round rental; Joel & Jane Vincent (321-19-1), 170 West Grand Avenue, two year round rentals; Sexton Professional Building Rental (207-2-13-205), 161 Saco Avenue, Unit 205, one year round rental; Paul Meade (205-12-17), 12 Carll Avenue, one year round rental; and William Danton dba/Cool Licks (306-1-2-L), 1 East Grand Avenue, Ice Cream Store.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to approve the Business Licenses as read.

VOTE: Unanimous.

SPECIAL AMUSEMENT PERMIT: Bua Thai, LLC dba/Bua Thai (211-12-4), 194 Saco Avenue, Radio & TV inside.

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

VOTE: Unanimous.

PUBLIC HEARING LIQUOR LICENSE: Bua Thai, LLC, dba/Bua Thai (211-12-4), 194 Saco Avenue, m-v in a Restaurant.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to approve the Liquor License as read.

VOTE: Unanimous.

TOWN MANAGER'S REPORT: He had nothing to report at this time unless the Council had any concerns or questions.

NEW BUSINESS:

5256 Discussion with Action: Accept the 2009 Community Development Block Grant Community Enterprise funding in the amount of \$150,000 for Downtown Façade Improvements.

MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to Accept the 2009 Community Development Block Grant Community Enterprise funding in the amount of \$150,000 for Downtown Façade Improvements.

VOTE: Unanimous.

5257 Discussion with Action: Accept with Regret the Resignation of John Bird from the Recycling Committee; and Accept, with Regret, the resignation of Linda Newell from the Conservation Commission.

MOTION: Councilor O'Neill motioned and Councilor Tousignant seconded to Accept with Regret the Resignation of John Bird from the Recycling Committee; and Accept, with Regret, the resignation of Linda Newell from the Conservation Commission.

VOTE: Unanimous.

5258 Discussion with Action: Approve the Special Event Permit application for the Johnson Family Cook Out on the beach in front of 213 East Grand Avenue on August 8, 2009 at 2 p.m.; and Fire Department to view area on day of event prior to set up.

MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5259 Discussion with Action: Approve the Special Event Permit application for Monica McKeen to have "Dancing in the Streets" on September 7th, 10 a.m. to noon, in the Square by the water fountain.

MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5260 Discussion with Action: Approve the Special Event Permit application for the Matrixx Power Suit Event (Men's Volleyball Tournament and Swimsuit Fashion Show) on August 8th and 9th, 2009 from 8:00 a.m. to 4:00 p.m. on the beach in front of the Brunswick Hotel.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

5261 Discussion with Action: Act on Warrant and Notice of Election calling a Regional School Unit No. 23 Budget Validation Referendum for August 4, 2009.

MOTION: Councilor Dayton motioned and Councilor Tousignant seconded to Act on Warrant and Notice of Election calling a Regional School Unit No. 23 Budget Validation Referendum for August 4, 2009.

VOTE: Unanimous.

5262 Discussion with Action: Adopt Order to Place Establishment and Election of a Charter Commission on the November 3, 2009 Municipal Ballot.

CHAIR MACDONALD: It is obvious that our Charter is quite outdated and needs to be revised and then the adoption of a new municipal Charter. The Town Charter is the governing document for the municipal body. The original charter dates back to 1961 and the current charter was voted in by residents on a 1997 referendum and adopted in 1998. It is time to look at the charter and modernize it to ensure it corresponds with the Old Orchard Beach of today. Nominations papers will be available for the Charter Commission on August 12th at the Town Clerk's office and must be returned by September 21, 2009. Residents will vote on the Charter Commission members on November 3, 2009. The Charter Commission can meet for 25 months depending on how much time is needed. There is also an Ordinance Committee that is being set up and we would encourage citizens interested in revising some of our outdated ordinances to apply for this Committee.

ORDER PROVIDING FOR THE ESTABLISHMENT OF A CHARTER COMMISSION

Be it ordered, that subject to approval by the voters at the November 3, 2009 municipal election, a Charter Commission shall be established for the purpose of considering revision of the municipal charter or adoption of a new municipal charter.

Be it further ordered, that the Town Clerk is directed to submit the following question to the voters at the November 3, 2009 municipal election:

“Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?”

Be it further ordered, the Town Clerk is directed to place on the November 3, 2009 municipal ballot the election of six voter members to the Charter Commission in accordance with 30-A M.R.S.A. § 2103(1)(A) and to make nomination papers available therefor no later than August 12, 2009.

MOTION: Councilor Tousignant motioned and Councilor Dayton seconded to Adopt Order to Place Establishment and Election of a Charter Commission on the November 3, 2009 Municipal Ballot.

VOTE: Unanimous.

GOOD & WELFARE:

ADJOURNMENT

MOTION: Councilor Tousignant motioned and Councilor Dayton seconded to adjourn.

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 Town Council Meeting of July 21, 2009.

V. Louise Reid