

**Town of Old Orchard Beach  
Regular Town Council Meeting  
Tuesday, September 1, 2009  
Town Hall Chambers  
Minutes**

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| <b>Call to Order at 7:07pm</b>  | <u><b>Call to Order</b></u>   |
| <b>Pledge to the Flag</b>   |   |
| <b>Roll Call:</b><br><b>Present: Chair Sharri MacDonald, Vice Chair Robin Dayton, Councilor Shawn O'Neill, Councilor Michael Tousignant, Acting Town Manager V. Louise Reid, Victoria Geaumont, Secretary.</b><br><b>Absent: Councilor Laura Bolduc.</b>  | <u><b>Roll Call</b></u>   |
| <b><u>PROCLAMATION:</u> State of Maine Pain Awareness Month<br/>(To be read by Acting Town Manager into the Record:)</b><br><br><b>WHEREAS, pain is one of our nation's most serious health problems and an estimated one in three Americans of 75 to 159 million people suffer from some type of chronic pain and is the number one cause of adult disability in the United States; and</b><br><br><b>WHEREAS, there is no cure for chronic pain and can be a source of frustration for the health care professionals who seek to provide care and assistance; and</b><br><br><b>WHEREAS, chronic pain can touch nearly every part of a person's daily life, has an impact on the entire family, and, because of its economic and social consequences, affects us all; and</b><br><br><b>WHEREAS, Partners of Understanding Pain is a consortium of organizations that touch the lives of people with chronic, acute and cancer pain; and</b><br><br><b>WHEREAS, the Maine Pain Initiative, a committee of the Maine Hospice Council, is a multidisciplinary group of health care professionals, consumers, and other interested people, serving as an advocate for people experiencing pain; and</b><br><br><b>WHEREAS, the Chronic Pain Support Group of Southern Maine has since 1993 offered a safe, welcoming place where people with chronic pain can support one another, develop friendships, and learn coping skills from others who understand and care; and</b><br><br><b>WHEREAS, these groups seek to increase awareness of chronic pain in the State of Maine, to inspire people to work toward reducing barriers and increasing access to appropriate pain management, and to improve the quality of life of those suffering from pain;</b><br><br><b>NOW, THEREFORE, I, JOHN E. BALDACCI, Governor of the State of Maine, do hereby proclaim the month of September 2009 as</b><br><p style="text-align: center;"><b>PAIN AWARENESS MONTH</b></p> <b>throughout the State of Maine and urge all citizens to recognize this observance.</b> | <u><b>Proclamation:<br/>State of Maine<br/>Pain Awareness<br/>Month</b></u> |
| <b><u>ACKNOWLEDGEMENTS:</u></b><br><br><b>VICE CHAIR DAYTON: Maine Emergency Medical Services Office of the Maine Department of Public Safety and the Maine Cardiovascular Health Program of the Maine Center of Disease Control has determined that Old Orchard Beach has successfully met the criteria to receive recognition as a Maine Heartsafe Community at the "Gold" level. This recognition is for the accomplishments of the Old Orchard Beach Fire-Rescue Service to</b>   | <u><b>Acknowledgements</b></u>  |

Town of Old Orchard Beach  
 Regular Town Council Meeting  
 Tuesday, September 1, 2009  
 Town Hall Chambers  
 Minutes

improve survivability from sudden cardiac arrest within the department's primary service area. A certificate signed by Dr. Dora Anne Mills, MPH Director & Jay Bradshaw, Maine Emergency Medical Services Director, as well as Heartsafe Community decals shall be displayed proudly at the Public Safety Complex and on response vehicles.

**COUNCILOR TOUSIGNANT:** Many thanks to the Rock Church of South Portland for the fourth year in a row honoring our Police, Fire and Emergency Medical Teams for their work. The food, entertaining, activities for children and the friendly and encouraging conversations between those in attendance (over 150) was wonderful. To Seth and Sue Davis of Ocean Park who organized the event, our sincere thanks.

**COUNCILOR TOUSIGNANT:** Congratulations to Jessica Wagner and Gary Lamb for the outstanding meeting on Thursday night with about 40 attendees as they presented the Community Development Block Grant program.

**VICE CHAIR DAYTON:** Congratulations to the Police Department in receiving a grant from the Department of Justice in the amount of \$11,939 received in connection with the radio equipment request.

**PRESENTATION:** Presentation of Police Department Building Project Referendum Item

As plans for the new Police Station move forward, the presentation this evening by John Charette of Port City Architecture and the scheduled Workshop on Wednesday evening, September 2<sup>nd</sup> at the Fire Station, will answer some of the questions regarding the building project.

Construction is expected to be funded by income received through rescue billing, the money paid for transporting patients by ambulance. Each year \$50,000 will be transferred from the rescue billing fund into the general fund to help pay for the new facility. This proposal does not directly impact the taxpayers out of their pockets. The new police station will be a 10,000 square foot building proposed to be placed where the skateboard park currently stands. The skateboard park will be relocated. This new police building is a potential stimulus to the local community. Local business people can participate and be part of it. The new facility is designed with a meeting area and lobby, separate from the Police Station which local groups can utilize adding to the community benefit.

Mr. Charette detailed that the goals of the study were the feasibility to build the required program with anticipated budget, discuss options and recommend costs for proposed solution, and recommendations and next steps. He then pointed out the deficiencies of the current Police facility which consists of lack of records privacy, office space/secure office space, lack of public and interdepartmental separation, lack of space in the Booking Room, and the Patrol room is a poorly designed multi-use space that does not meet building code. He outlined evidence storage is lacking space, security, and proper control, and the Sally Port services multiple functions when it should be designed as a decided area. The current facility is approximately 4000 sf, and the current design of the proposed facility is approximately 10,000 sf. Mr. Charette outlined the pros of the proposed area and site plan, as well as an alternate site plan. He then outlined the proposed floor plan, building

**Presentation:**  
**Presentation of**  
**Police**  
**Department**  
**Building Project**  
**Referendum**  
**Item**

Town of Old Orchard Beach  
 Regular Town Council Meeting  
 Tuesday, September 1, 2009  
 Town Hall Chambers  
 Minutes

|   |  |
|---|--|
| <p>structure, and elevations, and then showed the rendering of the proposed facility. Mr. Charette then continued with the budget breakdown of the project and various options of project procurement. Comparisons were made with prior and current Police facility projects Port City Architecture have worked on.</p> <p>CHAIR MACDONALD thanked Mr. Charette for the presentation and announced a workshop at the Fire Department on Wednesday, September 02, 2009 at 7:00 p.m. and invited the public to attend.</p>  |  |
| <p><b><u>ACCEPTANCE OF MINUTES:</u></b> Town Council Meeting Minutes of August 18,2009; and Town Council Workshop Minutes of August 19, 2009;</p> <p><b><u>MOTION:</u></b> Vice Chair Dayton motioned and Councilor Tousignant seconded to approve the Town Council Meeting Minutes of August 18, 2009 and Town Council Workshop Minutes of August 19, 2009.</p> <p><b><u>VOTE:</u></b> Unanimous.</p>  | <p style="text-align: center;"><b><u>Acceptance of Minutes</u></b></p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p> |
| <p><b><u>BUSINESS LICENSES:</u></b><br/> <b><u>John L. Braden</u></b> (305-4-1-508), 1 Cleaves Street, Unit 08, one year round rental;<br/> <b><u>David Lenzie</u></b> (314-2-2), 21 Lake Avenue, one year round rental;<br/> <b><u>Gene Landry</u></b> (322-2-5), 5 Connecticut Avenue, one year round rental.</p> <p><b><u>MOTION:</u></b> VICE CHAIR Dayton motioned and Councilor Tousignant seconded to approve the Business Licenses as read.</p> <p><b><u>VOTE:</u></b> Unanimous</p>  | <p style="text-align: center;"><b><u>Business Licenses</u></b></p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>     |
| <p><b><u>ACTING TOWN MANAGER'S REPORT:</u></b></p> <p>Information was requested at our last meeting relative to a traffic signal at Smithwheel Road and I was provided and have provided to Council the report from July 13, 2005 from Gorill-Palmer Consulting Engineers, Inc. in which they indicate that data indicates that while this location is considered a High Crash Location by the Maine DOT, the frequency of crashes that would be addressed with a traffic signal does not meet the minimum requirement to justify the need for a traffic signal (no more than four crashes have occurred per year in the last four years, and were due to various factors, not all of which would be addressed by a traffic signal.)</p> <p>Over 170 individuals crammed into the Town Council Chamber last week to celebrate sixteen veterans of World War II, Korea and Vietnam. Senator Barry Hobbins, Representative George Hogan, Representative Linda Valentino, and Representative Don Pilon joined Peter Ogden, Director of Veterans Programs, to salute these special individuals. It was a very special evening for everyone attending.</p> | <p style="text-align: center;"><b><u>Acting Town Manager's Report</u></b></p>  |
| <p><b><u>NEW BUSINESS:</u></b></p>  |  |
| <p><b><u>ITEM # 5295:</u></b> Discussion with Action: Amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Smithwheel Road.</p> <p><b><u>BACKGROUND:</u></b> Smith Wheel Road. No vehicle, except emergency or municipal vehicles,</p>  | <p style="text-align: center;"><b><u>ITEM #5295</u></b></p>  |

Town of Old Orchard Beach  
 Regular Town Council Meeting  
 Tuesday, September 1, 2009  
 Town Hall Chambers  
 Minutes

|   |  |
|---|--|
| <p>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. <u>A right hand turn only shall be permitted from Smithwheel Road onto Rte 5 (also known as the Ocean Park Road).</u></p> <p><b>MOTION:</b> Councilor O’Neill motioned and Councilor Tousignant motioned to table Item #5295 which is the amending of the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Smithwheel Road.</p> <p><b>VOTE:</b> Unanimous</p>   | <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>  |
| <p><b>ITEM #5296:</b> Discussion with Action: Amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Seavey Street.</p> <p><b>BACKGROUND:</b> 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 <del>both</del> <u>the left</u> sides of Seavey Street.</p> <p><b>MOTION:</b> Vice Chair Dayton motioned and Councilor O’Neill seconded to Amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Seavey Street.</p> <p><b>VOTE:</b> Unanimous</p>   | <p style="text-align: center;"><u>ITEM #5296</u></p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p> |
| <p><b>TABLE ITEM: #5286</b> (instead of # 5297) - Discussion with Action: Sewer appeal pursuant to Section 58-124 of the Sewer Ordinance and a request to review the determination that David Benzie 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.</p> <p><b>BACKGROUND:</b> This item was tabled at our last meeting. Mr. Benzie 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. Benzie 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:</p> <p>Sec. 58-154. Costs borne by owner.<br/>     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.</p> <p>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.</p> <p><b>MOTION:</b> Councilor Tousignant motioned and Councilor O’Neill seconded to require</p> | <p style="text-align: center;"><u>ITEM #5286</u></p> <p style="text-align: center;">Motion</p>   |

**Town of Old Orchard Beach  
Regular Town Council Meeting  
Tuesday, September 1, 2009  
Town Hall Chambers  
Minutes**

|   |   |
|---|---|
| <p><b>David Lenzie 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.</b></p> <p><b>COUNCILOR O'NEILL stated he felt this was a valid concern, but it put the council in an awkward position. The council just granted a business license for the property, and for the council to waive a fee there needs to be hardship. Another reason for council to grant a waiver is if the town had made an oversight originally on a project, and this is not the case.</b></p> <p><b><u>VOTE:</u> Yea: Councilors Tousignant, O'Neill, and Chair MacDonald<br/>Nea: Vice Chair Dayton</b></p> <p><b>Motion passes 3-1</b></p>                                       | <p><b>Vote</b></p>  |
| <p><b><u>ITEM #5297:</u> This item was removed and placed under Table Item # 5286 – Above.</b></p>  |   |
| <p><b><u>ITEM #5298:</u> Discussion with Action: Approval of the AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Treatment Plant Union Contract, effective July 1, 2009 through June 30, 2010.</b></p> <p><b>BACKGROUND:</b> The Council is appreciative of the amiable dealings in connection with the preparation of the passage of the one year contract for the Town of Old Orchard Beach and the AFSCME Council 93, Local 481-06.</p> <p><b><u>MOTION:</u> Vice Chair Dayton motioned and Councilor O'Neill seconded to approve the AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Treatment Plant Union Contract, effective July 1, 2009 through June 30, 2010.</b></p> <p><b><u>VOTE:</u> Unanimous</b></p> | <p><b><u>ITEM#5298</u></b></p> <p><b>Motion</b></p> <p><b>Vote</b></p>  |
| <p><b><u>ITEM # 5299:</u> Discussion with Action: Approve the Special Event Permit application for Pier Patio Pub to hold their Annual Bike Fest in the Square on Friday, September 11 and Saturday, September 12, 2009, with permission to close the Square on Saturday, September 12 from 11:00 a.m. to 1:00 a.m.</b></p> <p><b><u>MOTION:</u> Vice Chair Dayton motioned and Councilor O'Neill seconded to Approve the Special Event Permit as read.</b></p> <p><b><u>VOTE:</u> Unanimous</b></p>  | <p><b><u>ITEM #5299</u></b></p> <p><b>Motion</b></p> <p><b>Vote</b></p> |
| <p><b><u>ITEM #5300</u> Discussion with Action: Approve the Special Event Permit application for Oktoberfest - Jimmy the Greek's, to use the Ballpark for parking on October 9<sup>th</sup> and 10<sup>th</sup>, 2009 from noon to 1 a.m.; request to waive the fee in lieu of a donation to the Ballpark Enterprise Fund.</b></p> <p><b><u>MOTION:</u> Vice Chair Dayton motioned and Councilor Tousignant seconded to Approve the Special Event Permit as read.</b></p> <p><b><u>VOTE:</u> Unanimous</b></p>  | <p><b><u>ITEM #5300</u></b></p> <p><b>Motion</b></p> <p><b>Vote</b></p> |
| <p><b><u>ITEM# 5301</u> Discussion with Action: Approve the Special Event Permit application for John Brooks to have a wedding reception on the beach in front of Surf 6 on September</b></p>   | <p><b><u>ITEM #5301</u></b></p>   |

Town of Old Orchard Beach  
 Regular Town Council Meeting  
 Tuesday, September 1, 2009  
 Town Hall Chambers  
 Minutes

|   |   |
|---|---|
| <p>19<sup>th</sup>, 2009 from 3 p.m. to 11:30 p.m., to include tiki torches and a campfire, subject to acquiring a fire permit from the Fire Department on the day of the event.</p> <p><b><u>MOTION:</u></b> Vice Chair Dayton motioned and Councilor O’Neill seconded to Approve the Special Event Permit as read.</p> <p><b><u>VOTE:</u></b> Unanimous</p>   | <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>   |
| <p><b><u>ITEM# 5302:</u></b>Discussion with Action: Approve the Special Event Permit Application for Ashley Reynolds to hold a Wedding Reception on the Beach in front of the Brunswick on Saturday, September 12, 2009 with a request to rope off an area by the Brunswick to hold the Ceremony.</p> <p><b><u>MOTION:</u></b> Vice Chair Dayton motioned and Councilor O’Neill seconded to Approve the Special Event Permit as read.</p> <p><b><u>VOTE:</u></b> Unanimous</p>  | <p style="text-align: center;"><b><u>ITEM# 5302</u></b></p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p> |
| <p><b><u>ITEM #5303:</u></b>Discussion with Action: Act on Order Clarifying Ownership of “Unnamed Street,” now known as Fayette Street.</p> <p><b>BACKGROUND:</b> The subdivision plan from 1925 that laid out these streets belongs to the brother of Henry Staples. As we know the Staples family and others established OOB in 1883. We already have a Charles Avenue and a Staples Street. Charles Fayette Staples has an interesting history, including being decorated in the Civil War. He worked with father and brothers in hotels as well as several town offices. He was named the first postmaster and first Justice of the Peace. He served in the Union Army in the Civil War and received the Congressional Medal of Honor. He was on his way home when his enlistment was over when the Battle of Gettysburg drew all the troops out of Washington, DC. He was one of the few who volunteered to stay to defend the city should Lee’s forces break through the Union line. After his death his wife donated the money to the American Legion to build a meeting hall, requesting that the post be named after him. Mrs. Staples was active in social organizations traveling to New York as a delegate from Old Orchard to the International Sunshine Society. Once you understand the history and how much he was involved in the community, you’ll understand why, after speaking with John Glass and George Greene, we thought it befitting that the street should be named after him.</p> <p><b><u>MOTION:</u></b> Vice Chair Dayton motioned and Councilor Tousignant seconded to Act on Order clarifying Ownership of “Unnamed Street,” now known as Fayette Street.</p> <p><b><u>VOTE:</u></b> Unanimous</p> | <p style="text-align: center;"><b><u>ITEM #5303</u></b></p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p> |
| <p><b><u>ITEM #5304</u></b> Discussion with Action: Accept, with regret, the resignation of Steven Bergeron from the Conservation Commission; appoint Randy Sears Jr. as a regular member of the Conservation Commission, term to expire 12/31/2012; appoint Jacqui Deveneau as a regular member of the Recycling Committee, term to expire 06/30/2010; appoint Pat Carter as an alternate member of the Finance Committee, term to expire 12/31/10; appoint the following members to the Ordinance Revision Committee, terms to expire 12/31/11— Roy Bryant Jr., Robert Scoville, George Kerr, Linda Mailhot and</p>   | <p style="text-align: center;"><b><u>ITEM #5304</u></b></p>   |

**Town of Old Orchard Beach  
Regular Town Council Meeting  
Tuesday, September 1, 2009  
Town Hall Chambers  
Minutes**

|   |   |              |                   |              |  |
|---|---|--------------|-------------------|--------------|--|
| <p><b>William Daley as Regular Members.</b></p> <p><b>BACKGROUND:</b> We are very grateful for the number of citizens who have stepped up to the plate to serve on these important committees.</p> <p><b>MOTION:</b> Councilor Tousignant motioned and Councilor O'Neill seconded to accept the resignation and approve the appointments as read.</p> <p><b>VOTE:</b> Unanimous</p>   | <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p> |              |                   |              |  |
| <p><b>ITEM #5305:</b> Discussion with Action: Order to issue bonds for the construction of a new police department building, to place the bond question on the November 3, 2009 ballot and to set a public hearing date thereon of September 15, 2009.</p> <p><b>BACKGROUND:</b> It is with the recognition of the need for a new Police Station Building that the Council is considering placing a referendum item on the November ballot to issue bonds for the construction of a new police department building.</p> <p style="text-align: center;"><b>ORDER OF THE TOWN COUNCIL OF THE TOWN OF<br/>OLD ORCHARD BEACH TO ISSUE BONDS NOT TO EXCEED A TOTAL<br/>OF \$2,500,000 TO FUND THE FOLLOWING CAPITAL IMPROVEMENT<br/>PROJECT:</b></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">New Police Station Project</td> <td style="text-align: right;">\$ 2,500,000</td> </tr> <tr> <td>Total Bond Amount</td> <td style="text-align: right;">\$ 2,500,000</td> </tr> </table> <p><b>BE IT ORDERED</b> by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled:</p> <p>That under and pursuant to the provisions of Title 30-A, Sections 5723 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Old Orchard Beach, Maine, a capital improvement project consisting of the design, construction, furnishing and equipping of a new police headquarters building to be located on town-owned land on E. Emerson Cummings Boulevard in the vicinity of the current public safety building is hereby approved; and</p> <p>That a sum not to exceed \$2,500,000 is hereby appropriated to provide for the cost of this project; and</p> <p>That to fund said appropriation, the Treasurer and the Chairperson of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities or other securities of the Town of Old Orchard Beach, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$2,500,000; and</p> | New Police Station Project  | \$ 2,500,000 | Total Bond Amount | \$ 2,500,000 | <p style="text-align: center;"><b>ITEM #5305</b></p> |
| New Police Station Project  | \$ 2,500,000  |              |                   |              |  |
| Total Bond Amount   | \$ 2,500,000  |              |                   |              |  |

**Town of Old Orchard Beach  
Regular Town Council Meeting  
Tuesday, September 1, 2009  
Town Hall Chambers  
Minutes**

That the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairperson of the Town Council.

**TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT**

**1. Total Town Indebtedness**

|   |                               |                      |
|---|-------------------------------|----------------------|
| <b>A. Bonds outstanding</b>                           | <b>\$ 10,700,000.00</b>       |                      |
| <b>B. Bonds authorized and unissued</b>               | <b>\$</b>                     | <b>.00</b>           |
| <b>C. Bonds to be issued if this vote is approved</b> | <b>\$ <u>2,500,000.00</u></b> |                      |
|   | <b>Total: \$</b>              | <b>13,200,000.00</b> |

**2. Costs**

At an estimated interest rate of 4.8 percent, for a 20-year maturity, the estimated costs of this bond issue will be:

|                               |
|-------------------------------|
| <b>Principal: \$</b>          |
| <b>2,500,000.00</b>           |
| <b>Interest: \$</b>           |
| <b><u>1,250,301.00</u></b>    |
| <b>Total Debt Service: \$</b> |
| <b>3,750,301.00</b>           |

**3. Validity**

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

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**Treasurer, Town of Old Orchard Beach**

**BE IT FURTHER ORDERED**, that the above order shall be submitted to the voters of the Town of Old Orchard Beach, Maine at the regular municipal election to be held November 3, 2009, and the ballot question shall read:

**Question: Shall the Order reproduced below be adopted?**

**ORDER OF THE TOWN COUNCIL OF THE TOWN OF OLD  
ORCHARD BEACH TO ISSUE BONDS NOT TO EXCEED A TOTAL  
OF \$2,500,000 TO FUND THE FOLLOWING CAPITAL  
IMPROVEMENT PROJECT:**



**Town of Old Orchard Beach  
Regular Town Council Meeting  
Tuesday, September 1, 2009  
Town Hall Chambers  
Minutes**

|                                   |                     |
|-----------------------------------|---------------------|
| <b>New Police Station Project</b> | <b>\$ 2,500,000</b> |
| <b>Total Bond Amount</b>          | <b>\$ 2,500,000</b> |

**BE IT ORDERED** by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled:

**That under and pursuant to the provisions of Title 30-A, Sections 5723 and 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Old Orchard Beach, Maine, a capital improvement project consisting of the design, construction, furnishing and equipping of a new police headquarters building to be located on town-owned land on E. Emerson Cummings Boulevard in the vicinity of the current public safety building is hereby approved; and**

**That a sum not to exceed \$2,500,000 is hereby appropriated to provide for the cost of this project; and**

**That to fund said appropriation, the Treasurer and the Chairperson of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities or other securities of the Town of Old Orchard Beach, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$2,500,000; and**

**That the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairperson of the Town Council.**

**TOWN OF OLD ORCHARD BEACH FINANCIAL STATEMENT**

**1. Total Town Indebtedness**

|   |           |
|---|-----------|
| <b>A. Bonds outstanding</b>                           | <b>\$</b> |
| <b>10,700,000.00</b>                                  |           |
| <b>B. Bonds authorized and unissued</b>               | <b>\$</b> |
| <b>.00</b>  |           |
| <b>C. Bonds to be issued if this vote is approved</b> | <b>\$</b> |
| <b><u>2,500,000.00</u></b>                            |           |
| <b>Total:</b>   | <b>\$</b> |

**Town of Old Orchard Beach  
Regular Town Council Meeting  
Tuesday, September 1, 2009  
Town Hall Chambers  
Minutes**

**13,200,000.00**

**2. Costs**

At an estimated interest rate of 4.8 percent, for a 20-year maturity, the estimated costs of this bond issue will be:

Principal: \$  
2,500,000.00  
Interest: \$  
1,250,301.00  
Total Debt Service: \$  
3,750,301.00

**3. Validity**

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

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**Treasurer, Town of Old Orchard Beach**

**EXPLANATION:**

**Town Council Recommends: Approval.**

**BE IT FURTHER ORDERED**, that a public hearing on the subject of the above referendum question shall be conducted by the Town Council on September 15, 2009 at 7:00 p.m. at the Town Hall and public notice of the hearing shall be given in the manner required by law.

**MOTION:** Vice Chair Dayton motioned and Councilor O'Neill seconded to amend the language and delete: "Order to issue bonds for the construction of a new police department building, to place the bond question on the November 3, 2009 ballot", and replace with: "Discussion with Action to set a public hearing date thereon of September 15, 2009."

**VOTE:** Unanimous

Motion

Vote

**ITEM #5306:** Discussion with Action: Be it Further Ordered that a Public Hearing on the subject of the Charter Commission Referendum Question shall be conducted by the Town Council on Tuesday, September 15, 2009 at 7:00 p.m. at the Town Hall and public notice of the hearing shall be given in the manner required by law.

**ITEM #5306**

**BACKGROUND: ORDER PROVIDING FOR THE  
ESTABLISHMENT OF  
A CHARTER COMMISSION**

**Town of Old Orchard Beach  
Regular Town Council Meeting  
Tuesday, September 1, 2009  
Town Hall Chambers  
Minutes**

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| <p>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.</p> <p>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:<br/> “Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?”</p> <p>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 therefore no later than August 12, 2009.</p> <p><b><u>MOTION:</u></b> Vice Chair Dayton motioned and Councilor O’Neill seconded to Be it Further Ordered that a Public Hearing on the subject of the Charter Commission Referendum Question shall be conducted by the Town Council on Tuesday, September 15, 2009 at 7:00 p.m. at the Town Hall and public notice of the hearing shall be given in the manner required by law.</p> <p><b><u>VOTE:</u></b> Unanimous</p>  | <p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p> |
| <p><b><u>ITEM #5307</u></b> Discussion with Action: Approve the Curbside Recycling/Waste Contract with BBI, Inc., in the amount of \$325,000, effective from October 4, 2009 to October 3, 2010; with \$213,000 from FY10 Account Number 20163 – 50341 - Solid Waste, with a balance of \$213,000; and \$31,000 from Undesignated Fund Balance with a balance of \$5,297,570; and the balance of \$81,000 from FY11-Solid Waste Budget (Account Number to be determined.)</p> <p><b><u>BACKGROUND:</u></b> At a recent workshop a preliminary review of the bids on the Solid Waste and Recycling Materials Collection and Disposal Services. It was noted that in the Request for the Proposal, only two bids were received; one from Waste Management and the other from Blow Brothers. The contract is a seven year contract.</p> <p><b><u>BBI Contract</u></b></p> <p>Low bidder at \$325,000 per year<br/> \$92,000 below other bidder – MWM<br/> Review Committee – Mary Ann Conroy, Jetta Antonakos, John Weaver</p> <p>The need to better track the recycling and also waste delivery to MERC was discussed and it was felt that the proposal by BBI would enhance the ability of the Recycling Committee to get more accurate records of the cost of waste removal and the rewards from recycling. Also discussed was the improper disposal of leftover household products that contain corrosive, toxic, ignitable or reactive ingredients which can pollute the environment and pose a threat to human health. Industrial non-hazardous waste that can be recycled and reused are key to a successful resource conservation program. Some time was spent on the need for education of the community and the need to generate ideas for students and</p> | <p style="text-align: center;"><b><u>ITEM #5307</u></b></p>                                     |

Town of Old Orchard Beach  
 Regular Town Council Meeting  
 Tuesday, September 1, 2009  
 Town Hall Chambers  
 Minutes

teachers including things such as solid waste and recycling science fairs as well as for all citizens providing basic facts about garbage and ideas to help reduce the amount of waste that is created every day. The Recycling Committee is very involved in the educational process include developing creative ways to not only reduce and recycle but also to manage municipal waste. This can be done through source reduction, recycling including composting, and disposal. The most environmentally sound management of MSW is achieved when these approaches are implemented according to the EPA's preferred order such as source reduction first, recycling and composing second and disposal in landfills or waste combustors last. Source reduction is the altering of the design, manufacture or use of products and materials to reduce the amount and toxicity of what gets thrown away; recycling is sorting, collecting, and processing materials to manufacture and sell them as new products; and composting is the decomposition of organic waste such as food scraps and yard trimmings, with microorganisms (mainly bacteria and fungi) to produce compost. Compost is organic, material that can be used as a soil amendment or as a medium to grow plants.

**MOTION:** Vice Chair Dayton motioned and Councilor Tousignant seconded to Accept the bid for Curbside Recycling/Waste from BBI, Inc., in the amount of \$325,000, effective from October 4, 2009 to October 3, 2010; with \$213,000 from FY10 Account Number 20163 – 50341 - Solid Waste, with a balance of \$213,000; and \$31,000 from Undesignated Fund Balance with a balance of \$5,297,570; and the balance of \$81,000 from FY11 - Solid Waste Budget Account Number to be determined), subject to approval of a final contract.

**VOTE:** Unanimous

Councilor O'Neill thanked the Recycling Committee and commented on how heavily involved the committee members were.

Vice Chair Dayton reiterated this and stated how much she appreciated all the members.

**ITEM #5308** Discussion with Action: 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 Avenue to Walnut Street and at Temple Avenue for a sum of \$12,500 payable on the schedule most convenient to the Town from Account Number 10013 – 30100 – Undesignated Fund with a balance of \$5,297,670.

**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

Motion

Vote

**ITEM #5308**

Town of Old Orchard Beach  
 Regular Town Council Meeting  
 Tuesday, September 1, 2009  
 Town Hall Chambers  
 Minutes

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.

**MOTION:** Vice Chair Dayton motioned and Councilor Tousignant seconded to 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 Avenue to Walnut Street and at Temple Avenue and including the bathrooms at Milliken Street, Memorial Park, and the Comfort Station on West Grand for a sum of \$12,500 payable on the schedule most convenient to the Town from Account Number 10013 – 30100 – Undesignated Fund with a balance of \$5,297,670.

**VOTE:** Unanimous

TOWN MANAGER REID pointed out that she has never received a complaint concerning Extreme Clean and wanted to give praise for their performance level.

VICE CHAIR DAYTON went on to acknowledge that the owners have done a lot of volunteer work and wanted to thank them publicly.

**ITEM #5309** Discussion with Action: Set the Public Hearing date of September 15, 2009 to amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Jameson Hill 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 September 15, 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:

Jameson Hill Road. Vehicles shall be allowed to enter Jameson Hill Road from the right-hand side of Saco Avenue facing Half Way in a one-way-only direction and proceed in a southwesterly direction, which shall be posted by appropriate signs. Vehicles shall be allowed to be parked on the ~~southeasterly~~ northwesterly side (~~left~~ right side of the road facing Half-Way) of Jameson Hill Road for a distance of 1,200 feet. Vehicles entering

Motion

Vote

**ITEM #5309**

**Town of Old Orchard Beach  
Regular Town Council Meeting  
Tuesday, September 1, 2009  
Town Hall Chambers  
Minutes**

|  |   |
|--|---|
| <p><b>Jameson Hill Road from the opposite direction may proceed in a northeasterly direction only for a distance of 500 feet, where Jameson Hill Road then ceases to be a two-way street.</b></p> <p><b><u>MOTION:</u> Councilor Tousignant motioned and Councilor O'Neill seconded to Set the Public Hearing date of September 15, 2009 to amend the Code of Ordinances, Section 54-187, Restrictions and Prohibitions, Jameson Hill Road.</b></p> <p><b><u>VOTE:</u> Unanimous</b></p>   | <p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p> |
| <p><b>GOOD &amp; WELFARE:</b></p> <p><b>RICKI LETOWT, EAST GRAND AVENUE.</b><br/> <b>MS. LETOWT</b> stated she wished to thank the Department of Public Works for starting the sidewalks on Washington Street. She also would like to know what department the Lifeguards in town report to.<br/> <b>CHAIR MACDONALD</b> stated Fire Department.<br/> <b>MS. LETOWT</b> also would like to inquire about a 4-way stop sign at the intersection of East Grand and Walnut Street. There is a large amount of increased pedestrian traffic at that intersection and she is concerned about an accident.<br/> <b>COUNCILOR TOUSIGNANT</b> stated several people have emailed him with concerns about that intersection, as well, and it is being discussed with the Department of Public Works.</p> <p><b>JACK SARNO, MILLIKEN STREET</b><br/> <b>MR. SARNO</b> inquired as to where money which was for an engineering study on Milliken Street is or went and why the study was not done.</p> <p><b>KATHY SMITH, ROSS ROAD.</b><br/> <b>MRS. SMITH</b> expressed her disappointment and embarrassment with the way Steve Gunty was treated when he left. She was saddened that no one wished him luck or thanked him for his service to the town. She stated she wanted to personally acknowledge Steve. She felt he was a compassionate man and treated everyone with respect, and she will not stand to have his character marred. She expressed concerned that since the town has had 2 Town Managers in 19 months no one would want to come and work here. She is nervous about who would want to be town manager. She wished to thank Steve publicly for his service to the town.</p> | <p style="text-align: center;"><b><u>Good<br/>And<br/>Welfare</u></b></p>                       |
| <p><b><u>ADJOURNMENT</u></b></p> <p><b><u>MOTION:</u> Vice Chair Dayton motioned and Councilor Tousignant seconded to adjourn at 8:20 p.m.</b></p> <p><b><u>VOTE:</u> Unanimous.</b></p>   | <p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p> |
| <p><b>Meeting adjourned 7:30 pm</b></p>  | <p style="text-align: center;"><b>Adjournment</b></p>   |

*I, Victoria Geaumont, Secretary to the Town Council of the Town 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 on September 1, 2009*