

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL WORKSHOP MEETING  
TUESDAY, MARCH 30, 2010  
TOWN HALL CHAMBERS**

**A Town Council Workshop of the Old Orchard Beach Town Council was held on Tuesday, March 30, 2010 following the Special Town Council Meeting. Chair MacDonald opened the meeting at 8:10 p.m.**

**The following were in attendance:**

**Chair Sharri MacDonald  
Vice Chair Michael Tousignant  
Councilor Laura Bolduc  
Councilor Shawn O'Neill  
Councilor Robin Dayton  
Town Manager Jack Turcotte  
Assistant Town Manager Louise Reid**

**The following have applied for a place on the Ballpark Commission. Below is the Ballpark Committee Ordinance which includes the following stipulation:**

**Michael Bouffard  
Paul Crossman  
Sheila Flathers  
Dana Furtado  
David Goyet,  
Mark Gustin  
Lucien Huot  
Brian McDermott  
Leo Menard,  
Christopher Santos  
Eric Santo**

**The Council discussed the appointments; requirements and expectations including what they were looking for in a member of the Commission. Questions were raised as to whether enough time had been allotted for individuals to come in and apply for the positions on the Commission. It was noted that it has been over six weeks that discussions have been going on and the web and television updates have been consistently played. Some of the expectations for membership included individuals who had a vested interest in the Town; being part of the Town for a good period of time; someone who knew the history of the Ballpark; encouragement to new blood on the Committee; someone knowledgeable in construction, finance legal, real estate, perhaps self employed, marketing and sales skills.**

The Chair reminded the applicants and the Council the rules and procedures governing the Commission.

Seven is the size of the Committee;  
Three get a three year term;  
Three get a two year term;  
One gets a one year term.

It should be noted:

Title 30-A, Section 2626, Subsection 3 provides:

**Qualifications:** In order to hold a municipal office, a person must be a resident of the State, at least 18 years of age and a citizen of the United States.

*Per our Attorney, this includes all appointees to Boards and Committees created by the Town Council.*

### **BALLPARK COMMISSION**

The following have applied for a place on the Ballpark Commission. Below is the Ballpark Committee Ordinance which includes the following stipulation:

**Sec. 3 Appointment, vacancies, term.**

The Ballpark Commission (“Commission”) shall consist of seven members appointed by the Town Council for a term of three years each commencing on the date of appointment, except that of those first appointed, three shall be for a term of three years, three shall be for a term of two years and one shall be for a term of one year. Any vacancy in the membership of the Commission shall be filled by the Town Council for the unexpired term. Members whose terms expire shall continue to serve until their successors are appointed and qualified. Members of the Commission serve at the will of the Town Council and may be removed by vote of the Council at any time for any reason.

It should be noted:

Title 30-A, Section 2626, Subsection 3 provides:

**Qualifications:** In order to hold a municipal office, a person must be a resident of the State, at least 18 years of age and a citizen of the United States.

*Per our Attorney, this includes all appointees to Boards and Committees created by the Town Council.*

Approved 3 16/10

### **ORDINANCE CREATING BALLPARK COMMISSION**

**Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, as follows:**

**Sec. 1. Ballpark defined.**

**For purposes of this Ordinance, the term “the Ballpark” means the municipal facility located on E. Emerson Cummings Boulevard, commonly known as the Ballpark, consisting of approximately 49 acres of land improved with a stadium, playing fields and parking areas.**

**Sec. 2. Ballpark commission formed.**

**Pursuant to Sec. 409.4 of the Charter, there is hereby created an agency of the Town by the name of the “Ballpark Commission.”**

**Sec. 3 Appointment, vacancies, term.**

**The Ballpark Commission (“Commission”) shall consist of seven members appointed by the Town Council for a term of three years each commencing on the date of appointment, except that of those first appointed, three shall be for a term of three years, three shall be for a term of two years and one shall be for a term of one year. Any vacancy in the membership of the Commission shall be filled by the Town Council for the unexpired term. Members whose terms expire shall continue to serve until their successors are appointed and qualified. Members of the Commission serve at the will of the Town Council and may be removed by vote of the Council at any time for any reason.**

**Sec. 4. Powers and duties.**

**Subject to Town Council oversight, the Commission shall be responsible for the improvement, maintenance and operation of the Ballpark. In order to carry out that responsibility, the Commission shall have the following powers and duties:**

**Undertaking maintenance of and improvements to the physical facilities, subject to appropriation of funds therefore by the Town Council and subject to the Town’s established purchasing and procurement procedures.**

**Scheduling events, subject to issuance by the Town Council of special events permits under Chapter 42, Article IV, Division 5 of the Town Code.**

**Raising funds to be used exclusively for the improvement, maintenance and operation of the Ballpark through the sale of advertising or other promotional activities and through soliciting and accepting donations on behalf of the Town, all in accordance with the Town’s established finance and accounting procedures. All such funds received by the Commission shall be remitted to the Town Treasurer for deposit in a dedicated revenue account denominated “the Ballpark Fund.”**

**Soliciting, supporting and organizing the efforts of volunteers to assist in the improvement, maintenance and operation of the Ballpark as a community facility.**

**With the approval of the Town Manager, obtaining the assistance of Town employees in connection with the improvement, maintenance and operation of the Ballpark.**

**Performing such other duties and responsibilities and exercising such other powers as the Town Council may, from time to time, by order, assign to the Commission.**

**Sec. 5. Meetings.**

**The Commission shall establish a schedule of regular meetings, which shall provide for at least twelve meetings per calendar year. The Commission shall meet at least monthly during June, July, August and September. The Commission Chairperson may call special meetings as he or she deems necessary.**

**Sec. 6. Quorum, procedure, officers.**

**Five members of the Commission shall constitute a quorum for the purpose of conducting a meeting. Any action by the Commission requires a majority vote of those members present and voting. The Commission may adopt additional rules, not inconsistent with this Ordinance, for the conduct of its activities.**

**The Commission shall choose annually a chairperson and a secretary from among its members. The secretary shall maintain a permanent record of the Commission's meetings.**

**Sec. 7. Authority to appoint agents.**

**The Commission may, with the consent of the Town Manager and the Town Council, designate one or more of its members to serve as the Commission's agents for carrying out the Commission's responsibilities. Such agents may not, however, bind the Town to any contractual or financial commitments unless expressly authorized to do so by the Town Council.**

**Sec. 8. Report to the Council.**

**On a quarterly basis, starting on the 16<sup>th</sup> of June, 2010, the Commission shall submit to the Town Council a written report on the status of improvements, maintenance and operations at the Ballpark, including a summary of the Commission's activities during the immediately preceding three months.**

**Sec. 9. Ballpark is land owned by the public but not considered a park.**

**The Ballpark, as defined in this Ordinance, is intended to be operated as a sports/entertainment/events and recreation area and not as a public park subject to the care and superintendence of the Conservation Commission nor shall its operation be considered a recreation program subject to oversight by the Recreation Board.**

**MOTION: Councilor Bolduc motioned and Vice Chair Tousignant seconded to Enter into Executive Session to discuss applications pursuant to Title 1 M.R.S.A. Section 405(6)(A) where public discussion could be reasonably expected to cause damage to the candidates' right to privacy.**

**VOTE: Yea: Councilor Bolduc, Vice Chair Tousignant and Chair MacDonald  
Nea: Councilors O'Neill and Dayton**

**EXECUTIVE SESSION**

**MOTION: Councilor Bolduc motioned and Vice Chair Tousignant seconded to  
Adjourn from the Executive Session.**

**VOTE: Unanimous.**

**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 five (5) pages is a true copy of the  
original Minutes of the Town Council Workshop of March 30, 2010.  
Louise Reid**