

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, DECEMBER 7, 2010
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, December 7, 2010. Chair Quinn opened the meeting at 7:04 p.m.

The following were in attendance:

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

**Pledge to the Flag
Roll Call**

PRESENTATION

**Presentation of the 2009 Sandcastle Award to
James Albert, Owner
Jimmy the Greek's Restaurant
by Recreation Director, Jason Webber.**

This is a yearly award – The Sandcastle Award – which was founded in 2004 to acknowledge the lifelong contribution of Teresa Steller of Sandcastle Realty. Jason Webber gave a history of The award and also expressed appreciation to Jim Albert and Stephanie Desjardins for their continued support and encouragement in the programming for youth in our community.

ACKNOWLEDGEMENTS:

VICE CHAIR TOUSIGNANT: Our congratulations to the Chamber of Commerce and their many volunteers for the excellent Celebration by the Sea including all those who participated in the Parade and the entertainment activities including the bonfire. The food was great, the music fantastic, and the opportunity to again celebrate our community spirit made the event outstanding. To the Police, Fire, Public Works and Recreation Department, thanks for another job well done. We extend our sincere thanks to Pete and Noella Vire for the donation of our Town Christmas tree and to Rick Bryant of Casco Bay Transportation for delivering the tree again as he has generously for the last several years. And since it is the season where needs are great, our thanks to the Washington Avenue Methodist Church, Pastor Michael Gray, for serving over 300 individuals at Thanksgiving. Our thanks also to members of the American Legion and the American Legion Auxiliary, the Saco Bay Rotary Club, Shuttlebus, Saco City Council, and Old Orchard residents who manned The Salvation Army kettles this past Thursday at Wal-Mart to support the demand for food, clothing and toys in this season.

COUNCILOR DAYTON: It is with great pleasure that I offer our congratulations to our friend and community leader, George Kerr, who has been appointed by the Governor Elect to the Budget Committee with the enormous responsibility of creating a budget for the FY2012 and FY 2013 budget. It is a well deserved honor and his expertise and professionalism will enhance the work of the Committee and make us proud.

COUNCILOR MACDONALD: It is with great appreciation that I acknowledge the gift of \$500 for the General Assistance program at the Town from an anonymous donor who each year comes into the station and generously provides this funding for those who need a little extra assistance at this time of the year. We appreciate the kindness and the commitment to the program.

ACCEPTANCE OF MINUTES: Canvas Meeting Minutes of November 15, 2010; Inauguration Meeting Minutes of November 15, 2010; Town Council Meeting Minutes of November 16, 2010; Workshop Minutes of November 22, 2010; Executive Session Minutes of November 22, 2010; and Town Council Workshop Minutes of November 30, 2010.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Accept the Canvas Meeting Minutes of November 15, 2010.

VOTE: Yea: Councilors MacDonald, O'Neill, Dayton and Vice Chair Tousignant
Abstain: Councilor Laura Bolduc (not in attendance)

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Accept the Canvas Meeting Minutes of November 15, 2010; Inauguration Meeting Minutes of November 15, 2010; Town Council Meeting Minutes of November 16, 2010; Workshop Minutes of November 22, 2010; Executive Session Minutes of November 22, 2010; and Town Council Workshop Minutes of November 30, 2010.

VOTE: Unanimous.

PUBLIC HEARING: Shall We Amend the General Assistance Ordinance, Section 6.8 – Overall Maximum Levels of Assistance.

CHAIR: I open this Public Hearing at 7:13 p.m.

EXHIBIT:

**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 December 7th, 2010 at 7:00 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the General Assistance Ordinance by changing the dollar amounts allowed for Basic Necessities; Maximum levels of

assistance, and maximum amounts allowed for housing, adopting the underscored amounts, as follows:

Amend Section 6.8 - Basic necessities; overall maximum levels of assistance

<u>No. in Household</u>	CURRENT	<u>PROPOSED</u>	<u>DELETE WEEKLY</u>
<u>MAXIMUMS</u>	MONTHLY	<u>MONTHLY</u>	
1	\$793.00	<u>\$802.00</u>	
2	\$942.00	<u>\$952.00</u>	
3	\$1220.00	<u>\$1233.00</u>	
4	\$1537.00	<u>\$1553.00</u>	
5	\$1647.00	<u>\$1664.00</u>	
<u>6</u>		<u>\$1739.00</u>	

For each additional person add \$75 per month.

Per Order of the Municipal Officers this 16th day of November, 2010.

CHAIR: I close this Public Hearing at 7:14 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:15 p.m.

Sylvia Bodman (207-2-13-314), 161 Saco Avenue, Unit 314, one year round rental; and Patrick H. Burke (206-9-2), 10 Wildwood Lane, 12 Wildwood Lane, and 14 Wildwood Lane; two seasonal rentals - Units #10 and #14; and one year round rental - #12.

CHAIR: I close the Public Hearing at 7:16 p.m.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Approve the business licenses of Sylvia Bodman (207-2-13-314), 161 Saco Avenue, Unit 314, one year round rental; and Patrick H. Burke (206-9-2), 10 Wildwood Lane, 12 Wildwood Lane, and 14 Wildwood Lane; two seasonal rentals - Units #10 and #14; and one year round rental - #12.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

Working with a member of the Ball Park Tournament Committee on the Spring College Tournament. Staff Department meetings to work with the Chamber on the Celebration by the Sea. Attended a final West Grand Pump Station Construction Meeting. Project still on Budget – enough money left for a cup of coffee. Visited Bailey Dam – train trestle – and all of the Little River key sites including in the dredging area. Met with the RSU to discuss assistance Public Works might provide them and the idea of using the High School as an identified warming shelter. We are waiting to retro-fit a generator that we can use at the High School, Ballpark and other areas of Town in case of an emergency. Was a guest of the marketing class at Southern Maine Community College to discuss a class project that may

involve a fund raiser for the ballpark. Met with Pan Am Railroad engineers regarding the East Grand and Little River concerns. Had meeting on the new telephone system at the Police Station. Opened bids for the Police Station furniture. Attended the Police Station construction meeting. Met with the Police Department Staff and discussed our plans for Dispatch. Attended the workshop on e-mails, planning position and dispatch. I would like to thank all the town staff for helping with a good by function for Gary Lamb, particularly the ladies on the first floor. And not least, I am working on my Christmas list but need to order more paper.

In a discussion period Councilor Dayton questioned the wisdom of not having a sprinkling system in the new Police Department. The Town Manager Our own building code does not require the building to be sprinkled. The cost was out-of-sight as they could not use conventional pipe as the water pressure to the building was not high enough and that the present building will be monitored 365 days or the year. He also mentioned that the Fire Department is less than 100 feet away and that the State, Chief Glass and the Code Officer were all in agreement it was a monetary issue. Major fire walls were built into the structure particularly in the building to address fire safety. All areas of fire concerns were constructed out of concrete blocks with fire doors, cell area, garage, etc. Councilor Dayton requested a report on how much money would be available when the project is concluded and that perhaps that excess from the project could cover the sprinklers. The Town Manager also brought up using some of the overage for the necessary work on the Fire Department.

TABLED ITEM NUMBER 5605 - Discussion with Action: Accept the recommendation from the Comprehensive Plan Committee to accept the bid from Southern Maine Regional Planning Commission for a not-to-exceed price of \$35,000 (all text revisions); and Tom Burns for a not-to-exceed price of \$12,000 (all map work) to update our Comprehensive Plan; from Account Number 20201-50802, with a balance of \$52,562.50.

Council discussed this item for some time in anticipation of voting to hire consultants to work on an updated comprehensive plan. Some Councilors indicated that the Town should first see if the newly to be hired Planner would have the ability to do what is necessary thus making it unnecessary to access outside help in this degree. The Town's comprehensive plan has not been updated since 1993 and needs to be updated by 2012, thus some Councilors felt the urgency to move forward with this. Phil Dennison, a member of the Comprehensive Plan encouraged the Council to vote yes to hire the consultants as indicated in the agenda item. It was indicated that the comprehensive plan needs to comply with the Maine Growth Management Act and must be consistent with town zoning ordinances. According to the 1993 documents the comprehensive plan is an "advisory document setting the community's goals for the future and policies and programs necessary to move the Town in the direction of its goals." The Comprehensive Plan Committee had originally recommended that the Town accept a bid of \$12,000 for the consultant Tom Burns for map work and \$35,000 from Southern Maine Regional Planning Commission to update the comprehensive plan. Councilor MacDonald said that she felt it was premature to hire the consultants as the Committee had only met about four times. She felt that there was a Planner out there who would have the experience that is required to move the process forward. Chair Quinn said that he felt that the hiring of a consultant at this time was almost premature and expressed his opinion that the new Town Planner should be hired first understanding, however, that the comprehensive plan needs to be updated by 2012 in order to comply with the requirements by the State Planning Office. He did not see this putting the

Town at risk however as the Committee could continue to meet until the appointment of a new Planner. Councilor O'Neill who original motioned to move the item forward indicated that hiring a consultant has been discuss over the last three budget cycles and that in order to bring the Town into compliance, it should be moved forward immediately. He acknowledged the support of the Comprehensive Plan Committee and valued not only their work but their recommendation as well. Vice Chair Tousignant said he did not feel the process was being time critical and that there was adequate time to move this forward once the new Planner is on board. Councilor Robin Dayton who has for the last several years made this a priority of her efforts for the Town expressed her disbelief and shock that this was being delayed any further indicating that there is a great deal of work that is remaining to be done. She reminded everyone that if the Town does not have an updated comprehensive plan it will jeopardize its ability to receive grants like the Community Block Grant that the Town received last year which enabled the downtown businesses to enhance their facades. She strongly suggested that she could not believe that anyone sitting on the Council could believe for one minutes that there is not a risk involved in holding this up and she strongly suggested that this was an irresponsible position for Council members to take. John Bird spoke at length about the bid process and his opinion as to the inadequacy of the procedure. At one point Councilor O'Neill called for a point of order to which the Chair acknowledged the allowable interjection of attention to alleged breach of discussion related to Council or audience's participation. Jason Webber as a member of the Comprehensive Plan Committee assured the Council that the Committee was fully aware of areas where they could move ahead until a new Planner is hired.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Accept the recommendation from the Comprehensive Plan Committee to accept the bid from Southern Maine Regional Planning Commission for a not-to-exceed price of \$35,000 (all text revisions); and Tom Burns for a not-to-exceed price of \$12,000 (all map work) to update our Comprehensive Plan; from Account Number 20201-50802, with a balance of \$52,562.50.

VOTE: Yea: Councilors O'Neill and Dayton.

Nea: Councilor MacDonald, Vice Chair Tousignant, Chair Quinn.

NEW BUSINESS:

5610 Discussion with Action: Amend Division 7, Board of Assessment Review, Section 2-381 – Created; appointment, vacancies, term; to add two Alternate Members.

BACKGROUND: This will permit the Board of Assessment to maintain the ability to have a quorum should a regular member of the Board need to remove themselves because of a conflict of interest.

MOTION: Councilor MacDonald motioned and Vice Chair Tousignant seconded to Amend Division 7, Board of Assessment Review, Section 2-381 – Created; appointment, vacancies, term; to add two Alternate Members.

VOTE: Unanimous.

5611 Discussion with Action: Appoint 2011 annual appointments as follows: General Assistance Director – Patricia Saunders; Tax Collector – Deborah Mulherin; Finance Director – Treasurer Jill Eastman; Code Enforcement Officer – Michael Nugent; Deputy Code Enforcement Officer – Alan Borg; Plumbing Inspector – Michael Nugent; Electrical Inspector – Michael Nugent; Alternate Electrical Inspector – William Southwick; and Animal Control Officer – William Watson.

MOTION: Councilor O’Neill motioned and Vice Chair Tousignant seconded to Appoint 2011 annual appointments as follows: General Assistance Director – Patricia Saunders; Tax Collector – Deborah Mulherin; Finance Director – Treasurer Jill Eastman; Code Enforcement Officer – Michael Nugent; Deputy Code Enforcement Officer – Alan Borg; Plumbing Inspector – Michael Nugent; Electrical Inspector – Michael Nugent; Alternate Electrical Inspector – William Southwick; and Animal Control Officer – William Watson.

VOTE: Unanimous.

5612 Discussion with Action: Appoint Beth Gilman as Registrar of Voters, term to expire December 31, 2012.

MOTION: Councilor O’Neill motioned and Vice Chair Tousignant seconded to Appoint Beth Gilman as Registrar of Voters, term to expire December 31, 2012.

VOTE: Unanimous.

5611 Discussion: Update provided by the Sea Level Adaptation Group.

JAMES WALKER: I would like to acknowledge Gary Lamb’s clear thinking and enthusiasm for SLAWG. His contributions will be missed and personally, I wish him well. As you may remember, the initial funding was approved late last spring. \$3125 payments were received from each of the 4 communities. Matching funds were provided from the State. The objective was to establish a team to investigate vulnerabilities of the Saco Bay coastal region and potential negative effects from anticipated sea level rise. The group had an active summer – 5 team meetings were conducted. Our discussions focused on future funding sources, advantages to the 4 towns, and establishing a prioritized list of projects and action plans. We produced an Interlocal Agreement, which has since been ratified by the 4 towns, authorizing the “official” creation of SLAWG. With that endorsement, the working group has met to continue our discussions and we have full participation. A non binding, action plan is in work, for formal presentation to all the Councils in early 2011. I respectfully request your continued support for this group, as OOB stands to gain the most and there is a good reason why. In my view and most members agree, OOB has 2 problems that SLAWG can help with. Walnut St, in the north and Ocean Park, in the south. Both ends of town have vulnerabilities. A few years back, OOB spent \$93,000 for the Little River/Jones Creek – Milone MacBroom Report. This cross town issue is the “Poster Child”, the ultimate example of why SLAWG should continue. The SLAWG initiative creates a significant advantage when applying for State and Federal funds. Communities acting together protect personal and town properties are apparently viewed very favorably by agencies awarding grant

monies. Jones Creek is a \$6 - \$8M problem that involves the railroad and the Town of Scarborough. The opportunity for funding and cooperation is enhanced and made possible, partly through OOB's participation in SLAWG. Second, and near and dear to my heart, is the increasing frequency of the inundation of Ocean Park. Fresh water creates puddles and rain events often accompany high tides. Fresh water flooding is a known issue, but SLAWG will focus more on adapting to sea level rise, than the drainage of fresh water. Coastal amour to protect the community is our priority. The encroaching sea can destroy homes and other property, including the newly renovated sewer pump house at New Salt Rd. I have proposed to SLAWG , Bill Robertson, Public Works and Wright-Pierce that a berm be built to help protect Ocean Park. This may be the first project SLAWG endorses. For the least amount of investment, we can protect the maximum number of citizens. Thank you for all the past support and please move to endorse the funds for next year. \$3125 is due in early 2011. I understand that action to approve this is on the agenda for the 12/21 meeting. I am happy to answer any questions. He also provided Aerial Charts for visual review.

There was discussion by the Council on the work of the three communities and the expression of appreciation for what the Committee is doing collectively to solve some of these very important issues for the communities. In questions raised by Councilor Dayton on the Shoreland mitigation she reminded the Council that the Ordinance Review Committee who were reviewing the verbiage at this point needed to be reminded that in a workshop when the Ordinance Review was appointed in September of 2009 that she expressed concern about giving the Committee "carte blanc" as the land use zoning ordinances were strictly in the Planning Board's purview. Mr. Walker also asked that the Council Secretary get the SLAAG web site connected to the Town's which she said she would do. That SLAWG website url is:

<http://www.smrpc.org/Sea%20Level%20Adaptaion/Sea%20Level%20Adaptation%20Working%20Group%20Page.htm>

5614 Discussion with Action: Accept the bid from Headlight Audio Visual in the amount of \$22,028.96 for the Audio/Video System/sound reinforcement system for the new Police Station - from Account Number 31143-50891 – New Police Station -with a balance of \$1,292,260.62.

Michael Nugent, the Code Enforcement Officer, reported on the Police Station Electronic Multimedia Presentation & Meeting/Presentation Recording Equipment w/ Sound Reinforcement. The following were included in the Council's packet: 1) The RFP for the system which was sent to vendors; 2) The Summary documents from 2 bidders that include their prices. The following is a summary of the Bids:

Maine Audio Systems, Portland, Maine -- \$24,341.90
Headlight Audio Visual, Portland, Maine -- \$22,028.96

After discussing this with John Glass, the Town's Public Access Administrator, staff recommends Headlight Audio Visual.

Discussion with the Council continued on this subject. Pat Brown expressed her enthusiasm for proceeding with this project as the need for additional areas to hold meetings and to be able to tape the meetings to later be played on Channel 3 is a priority for the community and to permit them the aspect of being involved in what is happening in the community. It has been part of

the suggestions of many committee members over the past few years. Chair Quinn indicated he felt that with the economic conditions of our times that this is something that could be deferred in preference to infrastructure, sewer lines, upgrades to the fire department and other critical needs at this time. Jerome Begert indicated he appreciated the concerns of the Chair and that perhaps this could be a budget consideration in the future.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Accept the bid from Headlight Audio Visual in the amount of \$22,028.96 for the Audio/Video System/sound reinforcement system for the new Police Station - from Account Number 31143-50891 – New Police Station -with a balance of \$1,292,260.62

VOTE: Yea: Councilors O'Neill, Dayton, MacDonald and Vice Chair Tousignant
Nea: Chair Quinn

5615 Discussion with Action: Approve the Special Event Permit application for the Special Olympics of Maine to hold their Annual Lobster Dip on the beach in front of the Brunswick Hotel on Saturday, January 1, 2011; a request to waive the fee; and Insurance to be provided at least one week prior to event.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Approve the Special Event Permit application for the Special Olympics of Maine to hold their Annual Lobster Dip on the beach in front of the Brunswick Hotel on Saturday, January 1, 2011; a request to waive the fee; and Insurance to be provided at least one week prior to event.

VOTE: Unanimous.

5616 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold First Night in OOB, to include a bonfire on the beach and fireworks on December 31, 2010 and December 31, 2011; and insurance to be submitted to the Town Clerk no later than one month prior to the December 31, 2011 event.

MOTION: Councilor O'Neill motioned and Councilor MacDonald seconded to Approve the Special Event Permit application for OOB365 to hold First Night in OOB, to include a bonfire on the beach and fireworks on December 31, 2010 and December 31, 2011; and insurance to be submitted to the Town Clerk no later than one month prior to the December 31, 2011 event.

VOTE: Unanimous.

5617 Discussion with Action: Approve Liquor License Renewal of Ocean Pizza Inc. dba/Ocean Pizza & Pasta (210-2-51), 2 Ocean Park Road, s-m-v in a Restaurant/Lounge.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Approve Liquor License Renewal of Ocean Pizza Inc. dba/Ocean Pizza & Pasta (210-2-51), 2 Ocean Park Road, s-m-v in a Restaurant/Lounge.

VOTE: Unanimous.

GOOD AND WELFARE:

PAT CARTER: She expressed appreciation to the Council for considering delaying the hiring of consultants for the Comprehensive Plan study until the new Planner arrives. She indicated there was plenty of work to do that they could do as a Committee and move forward until the hiring process is done.

JEROME BEGART: He suggested that a workshop be held on procedures for the bid process with the presence of the Town's legal counsel.

COUNCILOR DAYTON: She requested a copy of the Minutes of the Workshop held in September of 2009 on the establishment of the Ordinance Review Committee.

COUNCILOR O'NEILL: He indicated that he had many calls of complaints about the Transfer Station not being open for the acceptance of leaves and brush and encouraged the administration to make that available to the public until snow falls.

ADJOURNMENT

MOTION: Councilor O'Neill motioned and Vice Chair Tousignant seconded to adjourn.

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 nine (9) pages is a true copy of the original Minutes of the Town Council Meeting of December 7, 2010.

V. Louise Reid