

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, JANUARY 5, 2010
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, January 5, 2010 in the Town Hall Chamber. The Chair opened the Town Council Meeting at 7:17 p.m.

The following were in attendance:

Present: **Chair Sharri MacDonald**
 Vice Chair Michael Tousignant
 Councilor Robin Dayton
 Councilor Laura Bolduc
 Interim Town Manager Jack Turcotte
 Assistant Town Manager V. Louise Reid

Absent: **Councilor Shawn O'Neill**

Pledge to the Flag
Roll Call

ACKNOWLEDGEMENTS:

VICE CHAIR TOUSIGNANT: We would like to recognize a Memorial Granite Bench which was given in memory of Captain Christopher S. Cash. Nancy and Bob Kelley received a special Christmas gift on Christmas Eve from two Veterans, John Mixon and Gordon Lewis of Ogunquit, Maine. It was placed in front of the beautiful Tulip Poplar Tree which will forever show the gift of life which continues long after our loved ones are gone. Our thanks for this beautiful gift to remember a life.

COUNCILOR DAYTON: To all who participated in FIRST NIGHT, our sincere appreciation. To the OOB 365 Committee, congratulations on a great evening of enjoyment for the entire family. We look forward to 2010 First Night.

CHAIR MACDONALD: On the web site is a listing of Committee vacancies for which we are anxious to have citizens indicate their interest by coming into the Town Clerk's office and filling out an application. We depend on the dedication and commitment of citizens in serving in these important positions. I would also like to express my appreciation to those who have been so generous but wished to remain anonymous in connection with their donations to our General Assistance during the Christmas season. We were able to meet the needs of many of our citizens who because of economic times are having a difficult experience.

ACCEPTANCE OF MINUTES: Special Town Council Meeting of December 14, 2009; and Town Council Meeting of December 15, 2009.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to approve the Special Town Council Meeting Minutes of December 14, 2009 and the Town Council Meeting of December 15, 2009.

VOTE: Unanimous.

BUSINESS LICENSES: Larissa Zando (205-16-3-7D), 9 Cascade Road, Unit 7D, one year round rental; Estate of Priscilla Richardson (311-15-6), 14 Prospect Street, one year round rental; and JoEllen Clark (322-10-9), 68 Randall Avenue, one year round rental.

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

VOTE: Unanimous.

SPECIAL AMUSEMENT PERMIT: Ocean Pizza Inc. S-Corp dba/Ocean Pizza & Pasta (210-2-51), 2 Ocean Park Road, Musician – 7:00 p.m. to 10:00 p.m. – Fridays.

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

VOTE: Unanimous.

INTERIM TOWN MANAGER'S REPORT

December 15, 2009 to January 5, 2010

- 1. Conducted informal interviews and meetings in search for an Interim Public Works Director.**

I would like to pause in my report and introduce Bill Robertson, the interim Public Works Director as of yesterday.

Bill worked under his consultant business for a couple of days last week and attended a Department of Transportation meeting in Augusta with Mary Ann Conroy and myself and spent time with the former Public Works Director analyzing the challenges and responsibilities of the assignment.

- 2. Remind the Council of a need to identify workshop dates requested by:**

**John Weaver – Recycling
Wright Pierce – West Grand Bond Project
Finance Committee – Set Goals and Objectives**

3. **Thank you to the Town Hall employees for promoting, hosting and providing a Christmas dinner for all the employees of the Town.**
Thank the Public Works Crew for a well done job during an extensive storm.
4. **Had discussions regarding financial outlook for OOB 2010 and budget preparation with the Finance Director.**
5. **I have attended or hosted five different meetings regarding the Ballpark in preparation for the upcoming College Tournament this summer.**
6. **Have traveled to Portland on two occasions to work with the Town Attorney on Ballpark related topics/**
7. **Spend serious learning time relating to Public Works working on subjects due to the transition of a Public Works Director.**
8. **Continued on working on completing the contract negotiations with the Public Works Department.**
9. **Spent a day in August with the Department of Transportation reviewing E. Emmons Cummings Project, Phase 1 and soon to be Phase 2.**
10. **My wife, Chris, and I enjoyed Old Orchard Beach's First Night – the wonderful family event on the beach and the fireworks.**
11. **Visited Old Orchard Beach High School and discussed informally the alternative educational facilities challenges.**
12. **Attended the first meeting of the Charter Commission.**
13. **Have set plans with the Chief of Police and Public Works to review parking bans, regulation procedures and expectations for the future.**
14. **Continue to visit businesses and their owners with a get-to-know you objective.**
15. **Participated in the bid opening of the Police Department building and interviews for Engineer/Architect.**
16. **Met with Wright Pierce to continue my education relating to major Public Works projects.**
17. **Attended the Commissioner of Educations meeting and listened to the report on the future outlook of educational funding which was held in Old Orchard Beach last evening.**

NEW BUSINESS:

#5373: Discussion with Action: Presentation of the Fiscal Year 2009 Audit Report by Roger Lebreux from Runyan, Kersteen & Ouellette.

BACKGROUND: Our yearly audit has been completed at Auditor, Roger Lebreux, will present their report at this time. A copy of the report will be on file in the Finance Director's Office and that of the Town Clerk. I wish to commend the Finance Director for her excellent work that is done in Old Orchard Beach in preparation of the audit documentation.

The Town of Old Orchard recently had its audit for the year 2009-2010 completed. The presentation included a Summary of Significant Changes including:

- o Cash and Investments has increased over last year by approximately \$3.7 million due to the unspent bond proceeds of \$4.1 million.
- o Outstanding taxes and liens receivable have decreased due to the slight increase in the collection rate.
- o Inventory decreased over last year and it consists mostly of fuel and trash bags which are held for resale.

In speaking of the General Fund liabilities he reported that:

- o Accounts payable, which represents amounts due to others at year end increased as a result of timing differences.
- o Deferred taxes represents taxes still unpaid 60 days after the end of the year. These amounts are not recognized as revenue in the current year.
- o Accrued wages and expenses increased by \$21 million in 2009. This amount represents payroll earned in June of 2009 but paid in July 2009.

In discussing General Fund balances, he reported the following:

- o Reserved fund balance consists primarily of amounts reserved for inventory.
- o Designated fund balance includes unspent capital improvement projects which were eliminated in 2009.
- o Undesignated fund balance increased slightly from 2008 to 2009 and this amount includes \$175,024 for the school.

He reported on General Fund Revenues which indicated the following:

	Budget	2009 Actual	Variance
Property Taxes	18,317,539	18,682,705	365,166
Excise Taxes/Other	1,756,500	1,687,245	(69,255)
Licenses, Permits	1,047,300	963,141	(84,159)
State Rev. Sharing	865,000	727,452	(137,548)
State Educ. Subsidy	549,794	494,815	(54,979)
Other Intergovern.	253,000	263,942	10,942
Interest	225,000	150,912	(74,088)

Other	113,000	354,015	241,015
Transfers In	434,334	434,334	---
Use of Surplus	1,694,958	---	(1,694,958)
Total Revenue	25,256,425	23,758,561	(1,497,864)

Summary of Significant Changes included:

- Licenses and permits came in under budget in building/electrical permits, sewer user and dumping fees and other permits and fees. These came in under budget due to fewer permits being issued due to the slowing economy, decrease in waste being taken to WWTP and a decrease in commercial tonnage being taken to MERC.
- Property taxes appear to have exceeded budget due to overlay of \$438 million which is not budgeted as well as a favorable change in deferred taxes of \$56 million.
- State revenue sharing is under budget due to State projections being over estimated.
- Interest was under budget due to lower interest rates.
- "Other" revenue exceeded budget due to receipts from Maincare, State Agency clients and sale of surplus property, none of which was budgeted.

General Fund Expenditures were reported as follows:

	Budget	2009 Actual	Variance
General Government	1,921,758	1,851,871	69,887
Public Safety	4,457,532	4,429,964	27,568
Health & Welfare	77,395	101,475	(24,080)
Rec./Culture/Agencies	675,608	686,550	(10,942)
Education	9,969,391	9,938,754	30,637
Public Works	1,597,114	1,696,363	(99,249)
Sanitation	1,654,435	1,644,676	9,759
County Tax	739,574	736,279	3,295
Debt Service	2,024,570	1,726,949	297,641
Transfers out	79,090	88,620	(9,530)
Capital Outlays	2,019,958	1,228,471	791,487
Abatements, write offs	40,000	53,165	(13,165)
Total Expenditures	25,256,425	24,183,117	1,073,308

Summary of Significant Changes included the following:

- Capital outlays appear to be under budget and these represent large on-going projects as well as amounts being spent from fund balance. A detail of the individual projects are listed on page 48 of the financial statements.
- Public Works came in over budget due to the ice storm of December 2008 and this resulted in additional overtime wages, additional vehicle repairs as well as road maintenance due to ice damage.
- Debt service was below expectations due to the budget anticipating a payment on the new outstanding bond which wasn't due until 2010.

Discussion continued of Property Tax Collection dates. It was observed that the collection rate remained consistent for the past four years but decreased in 2008. The rate in 2009 is consistent with the rates of 2004-2007. The Town's property tax rates decreased substantially in 2003 and 2006 due to revaluations. The tax rates remained constant in 2008 and 2009. Further discussion on tax collection rates compared to surrounding communities indicated that the Town's FY09 collection rate of 97.33% has increased over last year but still remains consistent with the surrounding and similar sized communities.

The Auditor spoke about tax commitment and total fund balance information which is included in the report on hand at the Town Clerk's and Finance Director's office. Reporting on the undesignated fund balance compared to other communities as a percent of budget he noted that the Undesignated fund balances vary widely across the State. Old Orchard Beach is carrying a little less than three months of expenditures in its undesignated fund balance and its policy calls for 1 /2 months of expenditures. He presented significant reconciling GASB34 adjustments including recording capital assets net of accumulated depreciation; eliminating interfund balances; eliminating deferred revenue; and recording long-term debt, landfill liability and accrued vacations/sick. The presentation was intended as a tool to assist the Town Council and management in understanding its financial operating results and the information contained should be read in conjunction with the audit financial statements and related disclosures and should not be used for any other purpose.

5374 Discussion with Action: Amend Chapter 2, Administration, Article III, Officers and Employees by deleting Section 2-126 and amending 2-151 through 155, and amending Article IV, Boards, Committees and Commissions, sections 2-232, 2-234, 2-326, 2-357, 2-444 and 2-445, of the Old Orchard Beach Code of Ordinances.

BACKGROUND: At a recent Public Hearing this agenda item was discussed and commented on by several citizens. It is now ready to be considered for adoption. Several questions were raised in the discussion of this agenda item and the Council previously in this meeting removed the item without prejudice.

MOTION: Councilor Dayton motioned and Councilor Bolduc seconded to Remove without Prejudice, Agenda Item Number 5374 to Amend Chapter 2, Administration, Article III, Officers and Employees by deleting Section 2-126 and amending 2-151 through 155, and amending Article IV, Boards, Committees and Commissions, sections 2-232, 2-234, 2-326, 2-357, 2-444 but with the change of item (b) and leaving it at the original \$1,000 required with at least three quotations in written form, and 2-445, of the Old Orchard Beach Code of Ordinances.

VOTE: Unanimous.

5375 Discussion with Action: Amend Chapter 6, Alcoholic Beverages, Article II, Special Amusement, section 6-32, and deleting Article III, Bottle Clubs, of the Old Orchard Beach Code of Ordinances.

BACKGROUND: At a recent Public Hearing this agenda item was discussed and commented on by several citizens. It is now ready to be considered for adoption.

GEORGE KERR: As Chair of the Ordinance Review Committee I wish to first thank the Committee for the support and the dedication in which they have worked thus far and will continue to work on the ordinance changes. Their ability to work together is extraordinary. Our desire is to streamline some of the processes that have been weighted down by the enormous number of ordinances on the books, some which have already outlived themselves. I would like to thank the Town Staff for the enormous commitment to working together that they have shown us during our meeting. We have looked at everything in a fiscal manner such as attempting to recommend for an ordinance change the need to advertise in the papers meetings which would save the Town over \$20,000 dollars a year and that is one of the issues that will be addressed as the Charter Commission takes their place. We reduced thirty-five pages to five pages. We have looked at licensing not as a tax but in the sense or a business requirement. In regards to special amusement permits we analyzed the requirements of television and film. We eliminated the Bottle Club ordinance and left the Chem Free ordinance in its original state. He also read into the record sections of the Ordinance Revision.

CHAIR MACDONALD: She expressed to Mr. Kerr and to his Committee the thanks of the Council and appreciated the staff working together in such a collaborative effort.

MOTION: Vice Chair Tousignant motioned and Councilor Bolduc seconded to Amend Chapter 6, Alcoholic Beverages, Article II, Special Amusement, section 6-32, and deleting Article III, Bottle Clubs, of the Old Orchard Beach Code of Ordinances.

VOTE: Unanimous.

5376 Discussion With Action: Amend Chapter 14, Animals, Sections 14-2 through 14-4, 14-7 and 14-8, of the Old Orchard Beach Code of Ordinances.

BACKGROUND: At a recent Public Hearing this agenda item was discussed and commented on by several citizens. It is now ready to be considered for adoption.

GEORGE KERR: Again we addressed an ongoing problem with our animal friends and the need for individual owners to take the responsibility of ownership and payment for any medical needs when in the care and keeping of the Town. Medical reimbursements and fees to be considered were discussed including changes from one offense to the second offense (\$10 to \$15 fee.)

MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to Amend Chapter 14, Animals, Sections 14-2 through 14-4, 14-7 and 14-8, of the Old Orchard Beach Code of Ordinances.

VOTE: Unanimous.

5377 Discussion with Action: Approve the Liquor License Renewal for Ocean Pizza Inc. S-Corp dba/Ocean Pizza & Pasta (210-2-51), 2 Ocean Park Road, s-m-v in a Restaurant.

MOTION: Councilor Dayton motioned and Councilor Bolduc seconded to Approve the Liquor License Renewal as read.

VOTE: Unanimous.

5378 Discussion with Action: Award Project Management Design Services-Design Build contract for the new Old Orchard Beach Police Station to Benchmark Construction in the amount of \$74,940 from Account Number 30141/50891 – Rescue Billing/New Police Station, with a balance of \$239,517.02; to be repaid by Bond Proceeds on May 27, 2010

MIKE NUGENT: He presented information on the Benchmark Construction/Foreside Architects proposal for construction management and design services proposal. An RFP was sent to 28 Architects and Construction firms on December 4th, 2009. We received 4 responses. A review group consisting of Town Council Vice Chair Michael Tousignant; Interim Town Manager Jack Turcotte; Police Chief Dana Kelley; Planning Director Gary Lamb; Administrative Assistant Tori Geaumont and I reviewed the submission. The submission of DayMatero Studio from Bath was not selected for further study as it was priced (\$140,000) much higher than the candidates chosen for interview. On December 22nd interviews were conducted with Foreside Architects submitting a stand alone Design/Bid/Build proposal(\$99,410); Benchmark Construction partnering with Foreside Architects submitting a Construction Management—Design/Build Proposal(\$74,940.00); Port City Architects submitting a Design/Bid/Build proposal (\$119,000) and a partnering with Pizzagalli Construction for a Design/Build proposal(\$96,800). The review group unanimously agreed that the Benchmark/Foreside Architects proposal best suited the needs of the Town of Old Orchard Beach. Their track record was substantially solid with numerous Design/Build projects completed on time and under budget. Mr. Nugent had also provided the following description.

I. PROJECT DESCRIPTION

The citizens of the Town of Old Orchard Beach approved a \$2.5 M bond to fund the construction of a new Police Facility on E. Emerson Cummings Blvd. adjacent to the entry road to the Ballpark. The conceptual plans were created by Port City Architects and attached hereto as Exhibit “A.” It is required that the selected firm delivers a building that fulfills the program and quality requirements for a construction cost of no more than 2 million dollars. The Town expects to break ground in the spring and expects occupancy in late 2010. All bidders are to present a proposal that includes the proposed cost for the final design of the Police Facility and associated site as depicted on the concept plan. This includes biddable construction quality plans and specifications for all elements of the building, lighting, fencing, asphalt parking, utilities, and all other support components. Management of the project from permitting (including local, DEP and State Fire Marshall permitting) and approval from the various boards and agencies to issuance of the certificate of occupancy is required. Management includes the public bidding process and full construction administration including weekly meetings.

II. OBJECTIVE OF THE REQUEST

The objective of the request is to select a highly-qualified, full-service professional design services team to design the Police Facility and oversee the construction as the Owner’s representative. Because the Town of Old Orchard Beach has received a satisfactory conceptual design, it is the expectation that the construction documents will be consistent with that design.

This Request for Proposals document does not define any contractual relationship between the selected respondent and the Town of Old Orchard Beach or obligate the Town of Old Orchard Beach to follow a set selection process. Any binding agreements between the Town of Old Orchard Beach and the successful respondent will be through a formal written

agreement (contract) after the Town of Old Orchard Beach Town Council has made its selection.

III. SUBMITTAL REQUIREMENTS

A. Cover Letter.

A cover letter shall be provided which succinctly explains the firm's interest in the project. The letter must contain the name, address and phone number of the firm and the name of the principal person who will lead the team. The cover letter shall bear the signature of the person having proper authority to make a formal commitment acting as the legal agent of the firm.

B. General Firm Information.

A concise description of the firm should be included, which describes the professional services typically provided by the firm. Resumes of the key individuals to be assigned to the project should also be included.

C. Evaluation and Selection Criteria

Respondents should address each of the evaluation criteria listed and provide specific examples of projects undertaken that demonstrate qualifications:

1. General Approach to the Project: Provide a narrative or other form to describe the firm's approach to the project and provide examples of the firm's proposals concerning cost control for this particular project. The Town will also consider what each design firm might offer in terms of value engineering or an alternate approach to the project that would result in an improved end product while maintaining consistency with the approved conceptual plan. Design/Bid/Build and Design/Build proposals are acceptable.

2. Experience: Each firm will be evaluated based on its overall experience providing design services for similar municipal projects, experience with local government projects and regulations. Experience with police or law enforcement related facilities is desired. References with contact information must also be included. Evaluation of experience will include the following:

a. Resumes of the proposed members of the program and design team who will be committed to the project. Resumes must include a description of the person's qualifications, professional licensing and past experience with similar projects.

b. The firm's experience in the planning and design of public building facilities. Provide specific examples of similar or larger projects and all applicable contact information, including owner, contractor, and other parties.

3. Schedule and Budget Constraints: Provide detailed recent history of project cost estimates, change order history and schedules similar in scope. Identify your ability to undertake and complete the project in a timely manner.

4. Estimated Cost: Cost to provide these services for this project, including hourly rates, if applicable, based on similar projects performed in the past.

5. Practices and Procedures: The firms drafting and design procedures; quality assurance procedures for checking and coordinating drawings, details and specifications between civil, landscape, architectural, structural, mechanical, electrical, and other documents as required.

6. Familiarity with the Town of Old Orchard Beach: Provide a narrative describing familiarity with the Town of Old Orchard Beach, the government offices and people in this region, and familiarity with local construction conditions, as well as codes and practices.

7. Legal Issues: Are any lawsuits; Federal, State or Local tax liens; or any potential claims or liabilities pending against you, your firm or the officers of the firm at this time? If yes, please explain.

IV. METHOD OF AWARD

The Town of Old Orchard Beach will review all proposals and may request respondents to supplement initial proposals with additional written material. The Town may, in its discretion, interview some or all of the respondents. The Town of Old Orchard Beach may perform any other review as it deems prudent in its selection process.

The Town of Old Orchard Beach reserves the right to choose the respondent that demonstrates the best ability to fulfill the project in the Town's sole discretion. The successful respondent will be chosen based on the qualifications, selection criteria evaluation, possible interview, and any other criteria determined necessary by Town of Old Orchard Beach.

The respondent selected will be given a right to negotiate an agreement acceptable to the Town. In the event that an agreement satisfactory to the Town cannot be reached, the Town reserves all rights to enter into negotiations with one or more of the remaining respondents. The successful respondent shall commence with the Police Facility project only after execution of an acceptable contractual agreement.

V. OLD ORCHARD BEACH GOVERNMENT RIGHTS

The Town of Old Orchard Beach reserves the right to reject all or portions of any or all responses, to waive irregularities and technicalities, to re-advertise, or to proceed with the Police Facility project otherwise, in the best interest of Town. The Town of Old Orchard Beach may, at its sole discretion, modify or amend any and all provisions herein. The Town of Old Orchard Beach will not pay for any information herein requested, nor is it liable for any costs incurred by any responses hereto.

The Town of Old Orchard Beach reserves the right to extend the Request for Proposals date if needed. All changes and/or clarifications will be posted on the Town's website at www.oobmaine.com.

VI. INSURANCE REQUIREMENTS

Prior to the commencement of performance, the successful firm / joint venture shall furnish to the Town of Old Orchard Beach a certificate of insurance for workers' compensation and professional liability, (errors and omissions) with limits of not less than \$1,000,000.00

VII. INQUIRIES

Any questions related to this request must be directed to the Town of Old Orchard Beach Town Manager's Office, Attention:

Jack Turcotte/Interim Town Manager

Inquiries must be made by electronic mail only, with a subject line reading: Town of Old Orchard Beach Police Facility RFP. Questions answered verbally will be followed up by written addenda at the sole and exclusive discretion of the Town of Old Orchard Beach; oral representations shall have no effect.

VIII. SUBMISSION PROCESS

Firms interested in performing the services requested must submit Six (6) hard copies and one (1) electronic copy of the proposal to the Town Manager's Office, Attention:

Jack Turcotte/Interim Town Manager

Town of Old Orchard Beach;

One Portland Ave,

Old Orchard Beach, ME 04064;

(jturcotte@oobmaine.com)

The electronic copy must be identical to the hard copies. Proposals must be received no later than Thursday, December 17th, 2009 at 3pm. The Town of Old Orchard Beach reserves the right to reject any or all proposals. Any proposal received as a result of this request is prepared at Bidder's expense and becomes Town property.

MIKE NUGENT: He introduced the following award winners who were in the audience this evening including Kevin Reilly/President Of Benchmark Construction, David O'Connell/Pre-construction Coordinator/Benchmark, Richard Egan/Project Manager/Benchmark (OOB Resident!) and Mark Burnes/Architect/Foreside Architects. He indicated that references were outstanding and impressive and that it will be a pleasure to work with them and this Company on this important project.

CHAIR MACDONALD: Congratulated everyone and expressed her delight in the bid of \$74,000 when it had originally been indicated it would be in the \$160,000 range. She was thrilled as were the members of the Council.

GEORGE KERR: He expressed his and the Town's support of using local talent in the building of the Police Station.

MOTION: Vice Chair Tousignant motioned and Councilor Bolduc seconded to Award Project Management Design Services-Design Build contract for the new Old Orchard Beach Police Station to Benchmark Construction in the amount of \$74,940 from Account Number 30141/50891 – Rescue Billing/New Police Station, with a balance of \$239,517.02; to be repaid by Bond Proceeds on May 27, 2010

VOTE: Unanimous.

5379 Discussion with Action: Abate certain prior years' taxes as requested by the Assessor. Timothy Crowley, #T1125 – \$592.23 – Fiscal Year 2007. Trailer was removed from the Park, uncollectible tax; Robert Timledge, #56533 - \$100.50 – Fiscal Year 2004. Trailer was removed from the Park, uncollectible tax; Charles Miller, #1080 - \$90.45 – Fiscal year 2006, \$134.67 – Fiscal Year 2005. The account should have been inactivated in the year 2004 due to its location in Seaside Park, and subsequent construction of the Grand Victorian at the site; Patricia Levesque, #4055 - \$44.94 – Fiscal Year 1999. No business license was taken out for that year. Should not have been assessed; John & Crystal Decata, #T0615 - \$518.46 – Fiscal Year 2008. This property was assessed in error.

MOTION: Councilor Bolduc motioned and Councilor Dayton seconded to abate prior years' Taxes as requested by the Assessor and as read.

VOTE: Unanimous.

5380 Discussion with Action: Appoint 2010 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 Dayton motioned and Vice Chair Tousignant seconded to approve the 2010 annual appointments as read.

VOTE: Unanimous.

5381 Discussion with Action: Approval of AFSCME Council 93-06, Local 481, Old Orchard Beach Public Works Department Union Contract, effective July 1, 2009 through June 30, 2010.

BACKGROUND: This is presented for Council approval and appreciation to the Town Manager and the Union representatives for working together to bring this forward this evening.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve the AFSCME Council 93-06, Local 481, Old Orchard Beach Public Works Department Union Contract, effective July 1, 2009 through June 30, 2010.

VOTE: Unanimous.

CHAIR MACDONALD: Expressed thanks to the Interim Town Manager for his hard work in bringing this to completion and to the Union for working through the process.

5382 Discussion with Action: Approve the Special Event Permit application for the

Ballpark Group (Town of Old Orchard Beach) to hold the USCAA National Baseball Tournament 2010 to include music, shows, games fan festival, opening day banquet, and baseball at the Ballpark, May 9th through May 15th, 2010 from 8 a.m. to 10:30 p.m. Request to post a banner three weeks prior to the event on Saco Avenue, Cascade Road and Ocean Park Road. Request to waive the fee.

(A copy of the Memo of Stipulations, dated, January 5, 2010 is attached to Minutes.)

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

VOTE: Unanimous.

GOOD AND WELFARE:

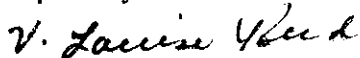
MR. JOHN BIRD: He spoke on his attendance at a meeting at Old Orchard Beach High School on Monday evening during which time State Commissioner of Education Susan Gendron gave a Power Point presentation and suggested reducing special education costs and increasing class sizes were a way to save money in the wake of significant State funding cuts for the School. His concern that these cost set backs would lay it all in the lap of the citizens of Old Orchard Beach. Proposed statewide curtailments for the present fiscal year total \$38 million Statewide and the outlook is not better for future years. She indicated that the next several budget years are going to be a real challenge suggesting that in order to maintain the standard of excellence each person will have to make sacrifices. He indicated that she said one of the ways that they can make cost savings is making changes in the special education. She indicated that for 1996 to 2006, special education costs have grown 6.4 percent annually while regular instruction costs have grown 3.7 percent annually. He reported that she indicated that changing some State mandates could also save the State money. Mr. Bird's concern was that if we think this year will be difficult, wait till the next and the next and the next. The need to look at class size and the cost of sending a child to another school are areas of concern and challenge as well. Mr. Bird's concern was that there does not appear much that the Town can do about these financial cuts and he recommended to the Town Council that they prepare a resolution to be sent to the State and to the attention of the State Commissioner of Education with concerns expressed and giving direction as it concerns the funding for the schools particularly in our community. He appeared that it is just putting one burden on top of another for the Town. Mr. Bird's approach to this issue laid out areas of concern, challenges to be met, and suggested ways to address these issues.

DRU LADUKE: He expressed extreme appreciation to the Council on approving the Special Event Permit and looked forward to the activities that will bring people and support to Old Orchard Beach.

MOTION: Councilor Dayton motioned and Councilor Bolduc seconded to adjourn the meeting.

VOTE: Unanimous.

Respectfully Submitted



V. Louise Reid

I, V. Louise Reid, Secretary to the Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of thirteen (13) pages is a true copy of the original Minutes of the Town council Meeting of January 5, 2010.

V. Louise Reid

Memorandum

To: Jack Turcotte
CC: Louise Reid/Assistant Town Manager; Gary Lamb/Planning Director; Dana Kelley/Police Chief; John Glass/Police Chief
From: Mike Nugent/Code Enforcement Officer
Date: 1/5/2010
Re: Ballpark Special Event Permit – Pre-event Conditions of Approval

Sec. 42-234. No rights created.

This division grants no rights to and creates no property or other legal interests in any person. The town council, as trustee of public property, retains full control over public property and may in its sole and exclusive discretion issue, issue with conditions or deny special events permits. Decisions of the town council under this division shall be final, and this division provides no right of appeal.

(Ord. of 5-17-1988, § XI(1); Ord. of 4-2-2002, § XI(1))

The following are a list of required improvements that must occur prior to the use of the Ballpark for public events:

- All missing or damaged seats must be replaced or repaired.
- All construction/repairs of the sky boxes and clubhouse must be complete. Areas not fully completed at final inspection must be properly secured and off-limits.
- Stair and stadium guards must be 42 inches in height with openings less than 4 inches with graspable handrails or otherwise compliant with applicable sections of ICC 300
- All plumbing, electrical and heating/hot water must be in good working order; repairs must be done by licensed masters of their trades.
- Expansions joint voids in need of repair must be properly repaired.
- Fencing around the field, under the stadium seating must be replaced.
- All miscellaneous rubble; debris must be removed from the premises and properly disposed of.
- Accessible areas for event attendees with the need for special accommodation must be properly graded; barrier free to the designated parking areas and all facilities be made available to provide a reasonable accommodation to all.
- Food Service facilities must conform to The State of Maine Food Code and must be properly licensed.
- All items contained in the attached report from Jeff Gibson/Sr. Risk Control Consultant dated 12/4/09 must be corrected— Initial reinspection is scheduled with Jeff Gibson on April 7, 2010 @11:00am. At this time all items must be substantially complete. A Final inspection of the facility is scheduled for April 30th, 2010 (Time TBD) at which time all conditions must be satisfied.
- On or before May 1st, 2010, the event coordinator must meet with Town Staff including but not limited to: The Town Manager, Police Chief, Fire Chief, Planning Director and Code Enforcement Officer to review the facility, all facets of the proposed event for compliance with all applicable laws, ordinances, and conditions of approval.
- Prior to April 1st, 2010 the Applicant shall provide a written contract that is acceptable to the Town of Old Orchard Beach and satisfactory proof of insurance naming the Town of Old Orchard Beach as co insured.