

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 16, 2010
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, November 16, 2010. Chair Quinn opened the meeting at 7:06 p.m.

The following were in attendance:

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

Absent: Councilor Shawn O'Neill

**Pledge to the Flag
Roll Call**

EMERGENCY ITEM:

CHAIR QUINN: We have an emergency item to go on the agenda this evening related to the important Celebration by the Sea event. Do I have a motion to add this emergency item?

MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to add Agenda Item 5620 – Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their annual Celebrate the Season by the Sea in the Town Square and First Street and a bonfire on the beach; on December 5, 2010; with a request for a banner in the Square; and a request to waive the fee.

VOTE: Unanimous.

ACKNOWLEDGEMENTS:

VICE CHAIR TOUSIGNANT: I would like to express our appreciation to Lyons Club President, Neal Weinstein, and former Lyons Club President, for the invitation to attend the gathering last night at the newly renovated Lyons Club on Saco Avenue. It was an interesting evening learning about the many services provided by the Lyons Club, none more impressive than their work in providing glasses, eye tests, and other services to those in need. Last evening they presented to Mike Pulsifer, Director of Operations for the RSU 23, a \$1,000 an audio anemometer to be used in the Old Orchard Beach School System to assist in hearing issues. Many thanks for a great job, well done.

COUNCILOR MACDONALD: I would like to thank all those who participated in “Savor the Flavor” Progressive Dinner sponsored by OOB365 which was a tremendous success last week. We had the use of the trolley to transport people to various restaurants where we have fellowship together. It was extremely successful and we plan to do it again.

COUNCILOR DAYTON: I wish to express to all those who participated in the annual Halloween Party at the Fire Department. It was the 25th year of having this event and it gets bigger and better every year. We fed 113 boxes of Pizza; gave out a tremendous amount of candy; and had so many fun and enjoyable events for those who attended.

ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of October 19, 2010; Town Council Workshop Minutes of October 21, 2010; and the November 4, 2010 Joint Town Council and Planning Board Workshop.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to a Accept the Town Council Meeting Minutes of October 19, 2010; Town Council Workshop Minutes of October 21, 2010; and the November 4, 2010 Joint Town Council and Planning Board Workshop.

VOTE: Yea: Councilors Dayton, MacDonald and Vice Chair Tousignant
Abstain: Chair Quinn

PUBLIC HEARING: Shall We Amend Division 7, Board of Assessment Review, Section 2-381 – Created; appointment, vacancies, term; to add two Alternate Members?

CHAIR: I open the Public Hearing at 7:11 p.m.

CHAIR: The Board of Assessment Review Committee has requested the ability to have Alternate Members so in the case of a conflict of interest, the Committee could move forward on a vote.

CHAIR: I close the Public Hearing at 7:12 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open the Public Hearing at 7:12 p.m.

Mark & Lyn Gervais (105-4-33), 16 Pond View Road, three year round rentals; Steven J. Cecchetti (205-1-16), 10 B Street, one year round rental; Michael J. Turcotte (206-24-38), 15 School Street, two year round rentals; David & Paula Spellman (206-31-8B), 39 Old Orchard Street, six year round rentals; Pamela Main (206-35-2), 19 Lucette Avenue, one year round rental; Cantave Pamphile (210-2-18), 3 Ervin Avenue, two year round rentals; Sandra E. Castonguay (301-6-1-502), 191 East Grand Avenue, Unit 502, one year round rental; Nick Delbuono (312-7-4), 50 Fern Avenue, one year round rental; Robert

Goodhue (314-11-2), 93 Ocean Avenue, three year round rentals; Eleanor B. Allen (318-2-3), 18 West Tioga Avenue, one seasonal rental; Nancy-Jane & Richard Luff (321-17-5), 6 Oceana Avenue, one seasonal rental; Jack & Harriet Jackson (322-6-9), 34 Massachusetts Avenue, one seasonal rental; Anne & Mark Duval (324-11-15), 16 Sandpiper Avenue, one year round rental; and Michael & Sandra Long (324-16-8), 4 Temple Avenue, one seasonal rental.

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

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

VOTE: Unanimous.

CHAIR: I close the Public Hearing at 7:15 p.m.

PUBLIC HEARING SPECIAL AMUSEMENT PERMIT AND APPROVAL:

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

Michael & Gregory Mezoian dba/The Captain's Galley Restaurant (208-1-6), 168 Saco Avenue, DJ inside – 11:00 a.m. to 11:30 p.m.

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

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

VOTE: Unanimous.

TOWN MANAGER'S REPORT: It has been four weeks since our last Town Council meeting and it has been a very busy time. Several personnel issues required my time and attention. I had two meetings with the Railroad people regarding the train station and also have a meeting coming up with them about the Little River issues. We have had two department head meetings; one with a representative of Maine Municipal Risk Management and as a result we were rated 4.5 out of a possible 5 from the information provided by our department heads at that meeting involving safety and insurance issues. This will impact our insurance rate in a favorable way. I have attended several construction meeting relative to both the Police Station and the Waste Water Pump Station. We had a meeting with the head of the State's Emergency Management regarding evacuation and emergency shelter issues. We had both Waste Water and Public Works negotiations as well. Representatives of the Maine Turnpike paid their yearly visit to our office. I have been involved in ballpark meetings as well as attending the naming ceremony for the new Baseball team which was an exciting event and well attended. We had a lengthy meeting with Coastal Telephone of issues in regard to the new Police Station but also our telephone system. The DEP met with us regarding the Tide Gate operation. Offered my appreciation to the candidates at the polls running for office. Had two Pay to Throw Committee meetings. Continuing to meet with Sanford regarding Dispatch consolidations. Last evening had a delightful time

in my visit to the Lions Club and the opportunity to present information to those in attendance. I also want to give you an update on the condition of the Town Hall. We are our congratulations, with a little bit of sorrow, to Gary Lamb who has accepted a position as Town Manager of Greeneville, Maine.

NEW BUSINESS:

5598 Presentation of the Fiscal Year 2010 Audit Report by Roger Lebreux from Runyon, Kersteen & Ouellette.

ROGER LEBREUX: Recently the Town of Old Orchard Beach completed the financial audit process. Once again the Town has received an unqualified opinion. He presented the key performance indications including General Fund Assets. Cash and investments had decreased over the last year by approximately \$938,000. This was due to lower interest rates and the use of unspent bond proceeds from 2009. Outstanding taxes and liens receivables had increased due to the decrease in the collection rate. Inventory remained consistent with the prior year and it consisted of fuel and trash bags which are held for resale. In discussion of the General Fund Liabilities he indicated that accounts payable, which represents amounts due to others at year-end decreased as a result of timing differences and no longer including school payables. Deferred taxes represented taxes still unpaid 60 days after the end of the year. These amounts are not recognized as revenues in the current year. This account is also affected by the decrease in the property tax collection rate. Accrued wages and expenses decreased by approximately \$614,000 in 2010. This decrease represents the portion of teacher summary salaries which are no longer recorded. Due to RSU 23 represents amounts due to school unit as a result of the transfer of the school portion of assets and liabilities. General Fund balances had changes as well. Reserved fund balance consists primarily of amounts reserved for inventory and prepaids. Designated fund balance was eliminated in 2009. Undesignated fund balance decreased from 2009 to 2010. The decrease was approximately \$768,000 and was planned in the budget process. In discussion of the General Fund Revenues, licenses and permits came in over budget in building/electrical permits, sewer user and dumping fees, business licenses and parking fees. These came in over budget due to an increase in permits and licenses being issued due to the economy beginning to gain momentum. Property taxes appeared to have exceeded budget due to overlay of \$327 million which is not budgeted. 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 the sale of surplus property, none of which are budgeted. In discussion of General Fund expenditures capital outlays appear to be under budget. These represent large on-going projects as well as amounts being spent from fund balances. A detail of the individual projects are listed on page 48 of the financial statements which were given to each of the Councilors. Public Works came in over budget due to under budgeted line items such as operating supplies, road maintenance and improvements and ground maintenance. Debt service was over budget due to the budget not reflecting the lease payments for 2010. This has been corrected in 2011. In discussion of education it was noted that when the Town budget was passed, the School Department budget had not been accepted by the voters. As a result the original budget recorded represents the original school budget amount. The voters subsequently approved another budget which was approximately \$400,000 less than the original budget. Observation relative to property tax collection rates and property tax rates indicated that the Town's property tax rates decreased substantially in 2003 and 2006 due to revaluations. The tax rates remained constant in 2009 and 2010. Tax

collection rate of 96.35 has decreased over the last year but still remained consistent with the surrounding and similar sized communities. He gave comparisons on Saco, Biddeford, Old Orchard Beach, Gorham, Windham and South Portland. He continued explaining tax commitment, total fund balance, the Undesignated Fund Balance as a percent of the budget which was 18.38%. He indicated that the Undesignated Fund balances vary widely across the State, again comparing to the above cities or towns. Old Orchard Beach is carrying less than three months of expenditures in its undesignated fund balance and the policy calls for 1 ½ months of expenditures. He reviewed 2010 revenues in the General Fund and 2010 expenditures in the General Fund. In discussion of significant reconciling GASB 34 adjustments he showed recording capital assets net of accumulated depreciation; elimination of inter-fund balances; elimination of deferred revenue; and recording long-term debt, landfill liability and accrued vacation/sick. He discussed infrastructure and capital assets. Finally, the presentation was intended as a tool to assist the Town Council and management in understanding its financial operating results. The information contained in this publication should be read in conjunction with the audited financial statements and related disclosures and should not be used for any other purposes without the expressed consent of the auditor. The Auditor raised the issue of a long overdue debt relative to the Recreation Department which goes back many years. For several years, the special revenue Recreation fund has had a deficit fund balance. This past year, the deficit for the Recreation fund increased by \$6,785 resulting in a deficit balance of \$81,761 at June 30, 2010. In addition to the Recreation fund, the fund balance for the capital project Ocean/Seaview fund reported a deficit balance at June 30, 2010. The fund recorded bond proceeds in the prior year in the amount of \$800,000. All of these bond proceeds were spent in FY 2010, in addition to incurring approximately \$300,000 of additional expenditures. As a result the deficit fund balance at June 30, 2010 was \$315,246. The Auditor indicated they recommend that these Funds continue to be monitored closely to ensure that future deficits are eliminated. Councilor Dayton indicated it should be addressed soon rather than later. Vice Chair Tousignant asked where the recycling was budgeted and he was told that it was included in the sanitation department. He then asked what the total budget was for that department to which the Auditor responded that it was \$1,679,720 which included recycling of \$568,000. Discussion among the Councilors and also among those in audience raised questions including Councilor Dayton explaining what GASP was to a question asked by Jerome Begert and which was explained by the Auditor. Finance Chair Neal Weinstein questioned the Finance Committee's inability to get a copy of the Audit prior to this meeting. He also raised his opinion of 'over-taxing' and questioned elements of the Undesignated Fund and assessed value of properties. He said the Town was carrying too much undesignated fund balance. He heard the Auditor say 12-16% was what we recommended, yet the Town had over 18%. He referred to the 10 year chart on assessed property values and how its increased over the years, yet taxes continue to go up.

#5599 Discussion with Action: Revise Chapter 50, Article II, Sidewalks, Section 50-52 and 50-53 of the Town of Old Orchard Beach.

MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to Remove Without Prejudice until another Workshop is held to revise Chapter 50, Article II, Sidewalks, Section 50-52 and 50-53 of the Town of Old Orchard Beach.

VOTE: Unanimous.

5600 Discussion: Update provided by the Charter Review Committee; Community Animal Watch Committee; and Community Watch Council including comments by Police Chief, Dana Kelley.

JOHN BIRD: Reported on the work of the Charter Review Committee.

He provided the history of the Charter Review which in 2009 was given the chore of reviewing and making recommended changes, additions and deletions to the Charter. It was decided it needed to be done over a two year process and then will be presented to the Council to be taken to the Referendum Process in November of 2011. There will be continued meetings to which the public is invited; readings and second readings, draft changes, a public hearing, publication in the spring and then on the November ballot. He presented the time line suggested by legal counsel but indicated it was the hope of the Charter Review Committee to move quicker than the timelines.

Friday, July 15, 2011 Submit latest draft of Charter to legal counsel for review.

Monday, August 15, 2011 Submit proposed Charter to legal counsel in order to obtain The written opinion required by 30-A. M.R.S.A. Section 2103(5)(D)(4) that the proposed Charter does not contain any provision prohibited by the United States Constitution.

Monday, September 12, 2011 - File the Commission's final report with the Town Clerk and the Town Manager's office for submission to the Town Council for preparation for election.

Thursday, September 15, 2011 Town Council adopts order to place the Charter question on the November 8th municipal ballot which must be filed in the Town Clerk's office no later than Friday, September 23, 2011.

Tuesday, October 11, 2011 -Post notice of Town Council public hearing on Charter question.

Tuesday, October 18, 2011 – Town Council conducts public hearing on Charter question.

The preliminary report is due nine months after the election of the Commission; and the final report due twelve months after the election of the Commission.

JACQUIE DEVEAU: Reported on the work of the Animal Watch Committee.

First I would like to congratulate the newly elected and re-elected Town Council members. I am here today to give the OOB Community Animal Watch report, or CAW as the Committee calls it. The mission for the Old Orchard Beach Community Animal Watch Committee is to create an environment in Old Orchard Beach that will help establish humane practices for protecting the health and welfare of abandoned or homeless, domesticated animals within the town. CAW was founded at a time when OOB did not have a contract with an Animal Shelter and had a huge need for one, as it still does. With the hard work of many of our Committee members, we were able to work with the Town Council to contract with the Animal Welfare Society Shelter in Kennebunk. While this is a blessing for the animals of OOB and their owners, who now have a place they can surrender their animals if they need to, the work for

the welfare of the lost and abandoned animals in OOB does not stop. Moving forward we hope to raise funds so that we can help with the work that members of CAW are spearheading. Also to assist with the work on the huge Feral Cat population here in OOB and to hopefully be able to give some assistance to OOB citizens who may find themselves in hard times with this economy caring for their pets. We have a web site www.oobanimalwatch.org that folks can go to and learn more about our work and how to get involved. There is also a place to donate to the welfare of our town animals and an "In Memory" site for those wishing to donate in the name of their pets that have passed. CAW meets the third Thursday of each month at the OOB High School in the library for those who may be interested in coming to a meeting. Folks should also know that if they have an animal that is lost or one that they have in their area that needs to be picked up that they should call Animal Control Officer Will Watson at 934-4911. And for any questions about CAW you may call me Jacqui Deveneau at 284-3358. I want to thank the Town Council for helping to create this Committee and contracting with the AWS Shelter. and for their support as we move forward. Thank you.

LT. TIMOTHY DELUCA: Members of Council, Chief Kelley, Members of the Public and members of the Community Watch Council aka (CWC). It is with great pleasure that I have this opportunity to represent the Police Department while providing you with an overview of a police sponsored Community organization known as the Community Watch Council, Established in 2006. Today, traditional style policing focusing on enforcement tactics has its place in law enforcement but in our community it is a tool not the norm. Under the direction and guidance of Chief Kelley, being reactive to a variety of incidents (more specifically neighborhood disputes) simply was not effective. Over the years it became apparent that being proactive to these same incidents (investing manpower) when a situation was developing was more effective and efficient often ending the dispute quickly. Building neighborhood watch, educating citizens, recognizing a “problem brewing” and mediation became not only our focus but our mission. To help us administer the “proactive approach”, Chief Kelley communicated his vision to develop a board consisting of Old Orchard Beach residents to focus in the direction of community interaction. Our goal? A more proactive response to our policing culture and to develop a team work approach in partnership with our community. In response, the police department began the developmental phase of the CWC. Chief Kelley’s vision was to gather a group of diverse residents who had a passion for community and a passion to work towards the same goals. Part of the task at hand would be to organizing Neighborhood Watch groups, Community education and assist any neighborhoods with challenging disputes. Once the board was established, we began the task of setting the foundation, our mission, our tasks and our vision. Today, the CWC is a recognizable group within or community. The team has organized and maintains 12 neighborhoods, effectively mediates neighborhood disputes and presents community awareness educational programs. Many of our efforts and success stories have inspired other community programs in the police department such as mandatory daily foot beats, individual officers working daily in each of our schools, youth events, Citizens Police Academy, Senior assistance and prescription medication disposal to name just a few Our accomplishment would not be possible if it were not for our Board members and Neighborhood Watch members all under the dedicated leadership of CWC president Helene Whittaker. I would like to introduce our board members and ask that they stand to be recognized.

President: Helene Whittaker

VP: Jo-Ann Tullis

Secretary: James Bouchard

Treasurer: Barbara Ultch
SRO/CRO: Off. Peter Guay
Senior Advocate: Nancy Roderick
Business Liaison: Pat Brown
Members at large: Judith Hurst, Clair Domin

At this time, I would like to ask CWC President Helene Whittaker to present more details of our accomplishments.

HELENE WHITTAKER: Reported on the work of the Community Watch Council. Thank you Councilors for this opportunity to tell you a bit about our Group, the CWC. CWC stands for “Community Watch Council“. We are a task force working as a team with the Old Orchard Beach Police Department. And similar to the OOB Police Department, the CWC has exciting visions, big ideas and a “never give up, let’s make it happen” attitude! Many of our members had the opportunity to attend the Advanced Citizens Police Academy, which held a mock trial with Judge Jeff Moskowitz from the District Court as the “presiding judge” for the evening. Judge Moskowitz said he was honored to be a part of our program because of the deep respect he has for the work done by our police force and flatly said “Old Orchard Beach is the best Police Department in Southern Maine!” Neighborhood Watch and our CWC meetings bring challenging issues to light such as: vandalism, break-ins, burglary, drug and alcohol abuse, domestic violence, transients in our neighborhoods, questionable rental properties causing nightmares for neighbors, troublesome teens, graffiti etc. We are the "go to" committee, are on the receiving end of information, and communicate the voice of the people to facilitate positive change. Accomplishments are many in our 12 Neighborhood Watch areas. Solving problems with patience, time, and a willingness to change the neighborhood for the better. It does happen and the rewards are priceless. Our mission is to ensure the integrity of our neighborhoods through positive interaction, community encouragement and public awareness between law enforcement and the citizens of OOB. We meet that challenge because we truly are in this together.

CWC's ongoing efforts include:

- Planning a bullying program with the Police Department
- In the near future another drug disposal day
- Annually involved with Jr. Achievement day @town hall and the Fire Department Halloween party
- Our continuing Vial of Life project
- Produced 2 new flyers on Domestic Violence and Bullying
- Participate in the seasonal yellow shirt training with the Police Department
- Participate in OOB365 functions.
- Create safer neighborhoods through Neighborhood Watch Meetings
- In time of need our Senior Advocate is there to assist the elderly.

Thank you Councilors for your interest in CWC, we appreciate it.
Helene Whittaker, President

CHIEF DANA KELLEY:

He spoke about a request to the Council to allow one of the older, not used, patrol cards could be designated to the Community Watch group who have been advocates to watching what is going on in our neighborhoods and at Memorial Park. With the damage that has been done recently in the Park their ability to patrol for us would be amazing and helpful.

5601 Discussion with Action: Accept, with regret, the resignations of Marie Hawkins and Diane Gilholm from the Community Animal Watch Committee; Accept, with regret, the resignation, of Clarence Stewart from the Comprehensive Plan Committee; and Accept, with regret, the resignation of Robert J. Quinn from the Zoning Board of Appeals.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Accept, with regret, the resignations of Marie Hawkins and Diane Gilholm from the Community Animal Watch Committee; Accept, with regret, the resignation, of Clarence Stewart from the Comprehensive Plan Committee; and Accept, with regret, the resignation of Robert J. Quinn from the Zoning Board of Appeals.

**VOTE: Yea: Councilors Dayton, MacDonald and Vice Chair Tousignant
Abstain: Chair Quinn.**

5602 Discussion with Action: Appoint Arlene Dolgon and Jessica Bergeron as Regular Members of the Community Animal Watch Committee, terms to expire December 31, 2012.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Appoint Arlene Dolgon and Jessica Bergeron as Regular Members of the Community Animal Watch Committee, terms to expire December 31, 2012.

VOTE: Unanimous.

5603 Discussion with Action: Approve Liquor License Renewal of Michael & Gregory Mezoian dba/The Captain's Galley Restaurant (208-1-6), 168 Saco Avenue, s-m-v in a Restaurant.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Approve the Liquor License as read.

VOTE: Unanimous.

5604 Discussion: Update on the Little River Dredging Project.

GARY LAMB: This is an update for Town Council, Town Manager, and the general public concerning the proposed Little River dredging project which would re-open the Little River channel from Walnut Street out to open marsh. On July 28 2010, I met at Canco Road DEP headquarters with two DEP staffers, wetlands biologist Doug Stewart and Jon Edgerton of Wright Pierce engineers, Inland Fish and Wildlife and Army Corps of Engineers. The purpose of the meeting was to discuss what DEP and Army Corps will require for a permit for dredging. It was a surprise to hear DEP raise the argument that OOB might have to mitigate or compensate for our “destructive wetland activity” by this dredging. In other words, we may have to pay a compensation “fine” for this project which we thought was merely channel maintenance. The DEP compensation table tells us that our compensation fine could be as high as \$138,000 for this wetland destruction...and that is over and above what we would pay the dredging contractor. DPW budgeted \$80,000 for dredging work, and assumed such compensation fees would not even exist. DEP’s contention is we are destroying high value wetlands by clearing the channel...and not conducting maintenance...even though similar work was done by IFW and USFWS twice in the last decade or so. It is interesting to learn that IFW apparently did not pull any permits nor pay any compensation fees for similar work in the early 2000’s. We hope to use that fact to put us in a simple DEP maintenance permit category called permit by rule (PBR). Jon Edgerton and Doug Stewart are working with DEP on this approach. If we can prove that IFW did similar dredging work as part of their habitat maintenance...then perhaps we can get a PBR with zero compensation fees attached. That is our goal. The RFP is ready to be issued...but we need answers to these permitting questions before advertising. I am still waiting for information from IFW and DEP. Update as of November 12 2010...DEP has promised to get an answer to me before the Nov 16 2010 Council meeting re: whether the compensation fine could be waived by DEP. Evidently DEP has such discretionary authority. I will be at the Nov 16 Council meeting to report on this matter. Excellent news on the status of Little River dredging! Andrew Fisk of the Augusta DEP office called me yesterday and relayed the following information: OOB still needs to file an individual NRPA permit (which we have known all along we would have to do). Maine Dept Inland Fish and Wildlife (or any other landowners if there are any) will need to convey written right, title or interest in support for the dredging activity on their land. (IFW has already given verbal OK). DEP permit application should contain a functional assessment of the wetland...which is a technical report prepared by Wright Pierce or other wetland professional. There has already been an indication from IFW on the bird habitat and the dredge not being an impact, as well as from the DEP marine person. This leaves other aquatic life and related functions of the wetland to be documented. We will work with Bob Green at DEP to get the simplest and least expensive functional assessment that works for us based on the work that has already been done. DEP will make a final call on whether any compensation fine is required after review of the functional assessment, but initial reactions from IFW indicate it may not be required. In a nutshell, if our dredging does not diminish the wetland’s function and values, then no compensation is necessary. So far, the major landowner and environmental reviewer (IFW) states the wetland will not be harmed. Following receipt of the permit application, OOB will be able to do maintenance dredges in future years by a simple Permit By Rule...which does not require another functional assessment.

JACK SARNO: He expressed his appreciation to Gary Lamb and to others that this has project has been moved forward to this point.

COUNCILOR DAYTON: She expressed appreciation to Gary Lamb for all the work involved in this important issue.

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.

During the discussion period Councilor Dayton argued against this being removed as it is an item that over the past several years has been on the burner and now we are putting it aside when we have the recommendation from the Council appointed Comprehensive Plan Committee.

MOTION: Vice Chair Michael Tousignant motioned and Councilor MacDonald seconded to Remove without Prejudice Agenda Item 5605 - 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: Councilor MacDonald and Vice Chair Tousignant
Nea: Councilor Dayton and Chair Quinn

MOTION: Councilor Dayton motioned and Chair Quinn seconded to Table to the regularly scheduled meeting of December 7, 2010 Agenda Item 5605 - 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: Unanimous.

5606 Discussion with Action: Accept the bid from Fisher James in the amount of \$69,103 for the Furniture and Office Equipment for the new Police Station from Account Number 31143-50891 – New Police Station, with a balance of \$1,585,972.46.

BACKGROUND:

**PROPOSALS REQUESTED
BY
THE TOWN OF OLD ORCHARD BEACH POLICE DEPARTMENT
FOR
OFFICE FURNISHINGS AND EQUIPMENT**

The Town of Old Orchard Beach will receive sealed bids for office furnishings and equipment.

- Specifications/Requirements may be obtained from and any inquiries directed to:
Deputy Police Chief Keith Babin—(207) 934-4911
or
kbabin@oobmaine.com
- Proposals will be received at:
Town of Old Orchard Beach Town Hall
1 Portland Ave
Old Orchard Beach, Me 04064
Attn: Louise Reid
Phone: (207) 934-5714
- Proposals are due Thursday November 4, 2010 no later than 12:00 Noon they will be publicly opened in the Town Hall Conference Room on Friday, November 5, 2010 at 10:00AM.
- The Town reserves the right to reject any or all proposals. Any objections to the specifications/requirements as set forth should be filed in writing prior to the proposal deadline.

A Introduction

The Town of Old Orchard Beach Police Department is requesting bids for office furniture and equipment, installation and technical support for its new police facility.

B Scope of Work

The proposal must include all items included in appendix “A”

The proposal shall include installation of all component, equipment set-up, training, support materials and manuals, warranties, installation costs, routine maintenance and operational adjustments.

C Requirements for Proposal

The Town of Old Orchard Beach prefers proposals to be concise and easy to understand. Do not include unnecessary or extraneous information. Please format the proposal with the following sections. Include all information requested.

Section I – Executive Summary

This section should include a brief overview of the key elements of your proposal. Highlight any features or areas that differentiate your services and products from competitors.

Section II – Corporate Profile

This section should include a brief overview and history of your company. Include the organizational structure and target technologies. Include information about knowledge and experience in relevant technologies. Provide the number of similar installations that your company has performed with specific information. Provide proof of general liability insurance in the amount of \$1,000,000.00 .

Also include a list of at least three customer references with similar installations as the proposed system. Include company name, address, phone number, and point of contact.

Section III – Technical Specifications

Provide the technical information about the proposed furniture and equipment requested in section “B Scope of Work” of this Request for Proposal. Include all points requested. Information provided should be explained as it relates to the Town of Old Orchard Beach. Do not simply include brochures or technical documents as an explanation of the furniture and equipment proposed.

Section IV – Implementation

Include an approximate timeline for installation of each phase. Include a single point of contact for each stage of implementation. Include any requirements requested of the Town of Old Orchard Beach for implementation. Implementation will be complete with the end result being a fully furnished office environment. The installation of the furniture and equipment must commence as soon as the final interior paint and flooring is completed. The anticipated start date for furniture/equipment installation is February 1, 2011. This date is subject to change.

Section V – Training

Explain how training will be provided for key Town of Old Orchard Beach personnel. The training should include at a minimum technical training for staff that covers topics such as installation and maintenance of the proposed system. Please list, in specific terms, the technical and end user training elements with expected timeframes and implementation schedules using general benchmarks, i.e., upon delivery, the next working day after installation, etc.

Section VI – Warranties and Support

Provide on-site equipment warranty information. Provide support services options. Include information about customer support services, trouble reporting, maintenance agreements and costs, and whether field support is local, area, or regional and expected on-site support response times.

Section VII – Pricing

Pricing must be submitted in a sealed envelope.

Provide pricing information itemizing equipment and installation costs with a not-to-exceed project total. Do not include maintenance agreement cost and other optional costs in total cost of project. Maintenance and options costs should be provided separately under the heading “Options”. Provide pricing for on-site warranties. Provide manufacturer and part numbers for all equipment to be made available to the Town under the proposal.

Section VIII—Appendices

Include any additional information relevant to the proposal.



Old Orchard Beach Police

Proposal

Materials List	Room #	Amount
OOB.101	101	\$562.58
OOB.102	102	\$660.50
OOB.105	105	\$4293.86
OOB.106	106	\$1139.50
OOB.107	107	\$2751.83
OOB.108	108	\$3159.33
OOB.109	109	\$3159.33
OOB.110	110	\$2812.33
OOB.111	111	\$3241.00
OOB.114	114	\$3369.33
OOB.115	115	\$2765.13
OOB.116	116	\$22314.60
OOB.121	121	\$13370.99
OOB.122	122	\$1493.00
OOB.124	124	\$6365.00
OOB.125	125	\$7730.00
OOB.133	133	\$1935.80
OOB.136A	136A	\$3555.88
OOB.137	137	\$862.50
OOB.139	139	\$562.58
OOB.140	140	
Total All Rooms		\$86105.07

The drawings and specifications provided with this proposal are the property of Warren's Office Supplies and are provided for the purpose of evaluating our proposal. This information is not to be shared with any other parties without the prior written consent of Warren's Office Supplies.

Furniture Quote for OOB Police Station

IOP desking, Lesro sofas and Eurotech Seating has been quoted so I have not included brochures because those products were specified on the quote.

I have included brochures for the following:

1. Anatome Keyboard trays for all the desk requiring them
2. Hon 300 and 600 series files
3. File Room (116) Datum Mobile Filing Systems
4. Training Room (121) Surface Works Medley tables & Peter Pepper Podium
5. Evidence Room (136A) Tennesco Shelving

I did not include pricing for the Service Bench in the Armory because I do not know what you are looking for. I e-mailed Mike Nugent who forwarded my e-mail to 3 other people but I never heard back from anyone.

I can price something for you if you give me more specifics or a picture.

Installation:

There will be an installation charge for the Mobile Filing System because it is installed by the manufacturer.

You should also consider end tab folders and their computerized label system because you will need to change all your folders no matter what filing system you purchase.

Installation of all the other furniture is completed by our company -- Free delivery & installation.



Section 7 - Pricing

**TOWN OF OLD ORCHARD BEACH POLICE DEPARTMENT
PRICING SUMMARY**

REF	QTY	ITEM	DESCRIPTION	SELL	EXT SELL
101 - LOBBY	1	L3101G5	LESRO THREE SEAT RECEPTION SOFA	\$470.00	\$470.00
102 - INT ROOM	1	49802A	EUROTECH TASK CHAIR	\$275.00	\$275.00
102 - INT ROOM	2	4984	HEAVY DUTY SIDE CHAIR	\$195.00	\$388.00
105 - RECEIPT	4	SPEC	RECEPTION WORKSATON PER SPEC - NOT ENOUGH INFO	NO BID	NO BID
105 - RECEIPT	2	ERC810REF	ERGONOMIC KEYBOARD PLATFORM	\$110.00	\$220.00
105 - RECEIPT	1	HON - 584L	4 DRAWER LATERAL FILE, 36" WIDE	\$365.00	\$365.00
105 - RECEIPT	2	49802A	EUROTECH TASK CHAIR	\$275.00	\$550.00

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Accept the bid from Fisher James in the amount of \$69,103 for the Furniture and Office Equipment for the new Police Station from Account Number 31143-50891 – New Police Station, with a balance of \$1,585,972.46.

VOTE: Unanimous.

5607 Discussion with Action: Accept the Benchmark construction change order in the amount of \$15,964 for lockers for the new Police Station locker rooms from Account Number 31143-50891 – New Police Station, with a balance of \$1,585,972.46.

MIKE NUGENT: The original lockers included with the contract documents were 18 inches wide and turned out to be too small for the Officer's equipment. Benchmark researched this and has provided a cost analysis and change order and sketches for appropriate lockers.

The original lockers cost \$9,897.00 and the new locker's proposed cost is \$24,837. for a difference of \$15,964.00. The change order was sent to the Council with the packet.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Accept the Benchmark construction change order in the amount of \$15,964 for lockers for the new Police Station locker rooms from Account Number 31143-50891 – New Police Station, with a balance of \$1,585,972.46.

VOTE: Unanimous.

5608 Discussion with Action: Set a Public Hearing date of December 7, 2010 to Amend the General Assistance Ordinance, Section 6.8 – Overall Maximum Levels of Assistance.

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 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>
	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>	
6		<u>\$1739.00</u>	

For each additional person add \$75 per month.

MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Set a Public Hearing date of December 7, 2010 to Amend the General Assistance Ordinance, Section 6.8 – Overall Maximum Levels of Assistance.

VOTE: Unanimous.

5609 Discussion with Action: Set a Public Hearing date of December 7, 2010 to Amend Chapter 50, Article II, Sidewalks, Section 50-58, 50-148, 50-172, 50-241, 50-243, and to add Sections 50-150 and 50-249.

COUNCILOR MACDONALD: She suggested that this agenda item along with Agenda Item Number 5599 be Removed without Prejudice so there is another opportunity to workshop this item.

COUNCILOR DAYTON: She agreed that these items should have more discussion and study.

MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to remove Item 5609 without prejudice: Discussion with Action: Set a Public Hearing date of December 7, 2010 to Amend Chapter 50, Article II, Sidewalks, Section 50-58, 50-148, 50-172, 50-241, 50-243, and to add Sections 50-150 and 50-249.

VOTE: Unanimous.

5610 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their annual Celebrate the Season by the Sea in the Town Square and First Street and a bonfire on the beach; on December 5, 2010; with a request for a banner in the Square; and a request to waive the fee.

MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Approve the Special Event Permit application for the Chamber of Commerce to hold their annual Celebrate the Season by the Sea in the Town Square and First Street and a bonfire on the beach; on December 5, 2010; with a request for a banner in the Square; and a request to waive the fee.

VOTE: Unanimous.

GOOD AND WELFARE:

CHAIR QUINN: He requested public consideration on serving on many of the Committees which need new members and requested people contact that Town Clerk's office to see where those needs are and to fill out the appropriate paperwork.

PAUL LADAKAKAS: He apologized to the Chair for being out of order previously in the meeting but reminded the Vice Chair that it is the authority of the Chair to call someone out of order. He also indicated that he would be attending all meetings and being vocal on subjects.

VICE CHAIR TOUSIGNANT: He explained that he interrupted because the Council was in vote at the time of the comments made by Mr. Ladakakas.

COUNCILOR DAYTON: She extended her best wishes for the Thanksgiving holiday and trusted that everyone would enjoy being with their families.

ADJOURNMENT

MOTION: Councilor Dayton 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 twenty (20) pages is a true copy of the original Minutes of the Town Council Meeting of November 16, 2010.

V. Louise Reid