

**TOWN OF OLD ORCHARD BEACH  
SPECIAL TOWN COUNCIL MEETING  
WEDNESDAY, JULY 13, 2011 - 6:30 P.M.  
TOWN HALL CHAMBERS**

**A Special Town Council Meeting of the Old Orchard Beach Town Council was held on Wednesday, July 13, 2011 in the Town Hall Chamber. The Chair opened the meeting at 6:52 p.m.**

**Present:**

**Chair Bob Quinn  
Vice Chair Mike Tousignant  
Councilor Robin Dayton  
Councilor Sharri MacDonald  
Town Manager Jack Turcotte  
Assistant Town Manager V. Louise Reid  
Police Chief Dana Kelley  
Code Enforcement Officer Mike Nugent  
Jeffery Hindeliter – Planner  
Holly Paulson – Human Resource  
Gina Martinez – President of BRASS  
Richard Redmond – The Pier  
Waste Water Superintendent Chris White**

**Absent:** Councilor Shawn O’Neill

**CHAIR QUINN: I am hereby calling a Town Council Special Meeting, followed by a Workshop, followed by another Special Town Council Meeting on Wednesday, July 13, 2011, at 6:30 p.m., at the Old Orchard Beach Town Hall. Our first Special Town Council Meeting is to cover two agenda items. First I will ask for a motion to consider an emergency item. He explained that there was incorrect verbiage in the motion at that meeting and after reviewing the official television tape this motion is to correct the verbiage.**

**EMERGENCY ITEM:**

**MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Add an Emergency Agenda Item – to correct Agenda Item Number 5400 on the May 17, 2011 Regular Town Council Agenda, per Section 404.1 of the Town Charter.**

**VOTE: Yea: Councilor Dayton, Vice Chair Tousignant, Chair Quinn**

**APPROVAL OF MINUTES TO BE DONE AT THE SPECIAL TOWN COUNCIL MEETING OF JULY 13, 2011:**

**MOTION:** Councilor Dayton motioned and Chair Quinn seconded to correct the Motion made at the May 17, 2011 Town Council Meeting relative to Agenda Item 5400: Amend Chapter 78 – Zoning Section 78-1, 78-2 through and including 78-5, 78-34, 78-93 through and including 78-95, 78-456 through and including 78-457, Division 17, Section 78-1176 through and including 78-1185, 78-1201 through and including 78-1218. These amendments deal with mandated Shoreland Zoning.

**VOTE:** Yea: Councilor Dayton, Vice Chair Tousignant, Chair Quinn

Chair Quinn then noted the second item for consideration at this Special Town Council agenda item.

**Discussion with Action:** Approve the Purchase of Parts and Labor Costs to repair the Variable Frequency Drive (VFD) on Waste Water Department Blower Number 3 from Stultz Electric at an estimated cost of \$5,260, but not to exceed \$7,000, from Account Number 20204-50846 – CIP, with an existing balance of \$440,000.

Chris White, Waste Water Superintendent, provided the following information:

**Old Orchard Beach Wastewater Facility**

**Phone-934-4416 ~ Fax-934-7951**

**Mail/Billing: OOB Town Hall~1 Portland Avenue~Old Orchard Beach, Maine, 04064**

**Shipping: OOB Wastewater Facility~24 Manor Street, Old Orchard Beach, Maine, 04064**

**Subject: Repair to blower #3 VFD**

Staff responded to an alarm on July 3 and found that the VFD (Variable Frequency Drive) on blower #3 was not working. On July 5 the Toshiba technician evaluated the VFD and found extensive damage due to a power surge. I have included the estimate from Stultz Electric for \$5,260 for parts and labor to repair the VFD. If more parts are needed then the repair costs will increase. This cannot be determined until the technician begins to repair the damage that has been initially identified. Replacement of the VFD has been estimated at \$13,000. The OOBWW Department is recommending the repair to blower #3 VFD at a cost of \$5,260 to be funded out of CIP account #20204-50846 with an existing balance of \$440,000.

**Stultz Electric Invoice:  
Old Orchard Beach**

**July 7, 2011  
Quote #PQ071-27**

**Attn: Chris White**

**Tel:**

**Fax:**

**Re: Blower #3 Variable Frequency Drive repair**

**Stultz Electric Motor and Controls is pleased to provide the following quotation.**

Item	Description	Price Each
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A	Parts estimated to repair Toshiba #VT130G7U420KB	\$ 4460.00
B	Labor, testing and start-up	
	Per hour	\$ 100.00
	Estimate one day	\$ 800.00

Unit appears to have taken a power surge. Many power related components are destroyed. This is only an estimate of parts and labor. Testing during the actual repair with replacement parts may reveal additional damage.

Delv. 1-2 weeks after approval (standard ground shipping of parts)

Terms TBD

FOB Factory Houston, TX

Tax not included (if applicable)

Canceled orders are subject to a restocking fee

This quotation is valid for 30 days

Stultz Electric Motor & Controls

Paul A. Merrill

Councilor Sharri MacDonald entered the Town Council meeting at this point. There was a lengthy discussion relative to whether to have the item repaired or replaced with new equipment. It was noted that the rest of the Plant dealing with this particular production encompass the Toshiba product and that we should stay with the same product line. It was noted that probably the disruption of service as a result of a power surge caused by a boost in the electrical charge at some point in the power line either as a result of a lightning strike or a high power electrical device. Vice Chair Tousignant noted that there is always a question of at what point to buy something new or keep repairing something old. The consensus seemed to be that perhaps buying new was the best option and directed the Waste Water Superintendent to proceed with the purchase in the amount not to exceed \$14,000. The Town Manager explained that there is an element of urgency in this purchase and that to wait until another Town Council meeting to approve that \$14,000 would make the purpose of it being on this agenda irrelevant. It was recommended that the purchase be made but that the Council be updated on the final cost and installation of same. The Town Manager also explained that an insurance claim has been filed. It was also noted that on the repair product the warrantee would be thirty days; but on the new purchase it would be one year.

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to Approve the Purchase of a new Variable Frequency Drive (VFD) on Waste Water Department Blower Number 3 from Stultz Electric at an estimated cost, not to exceed, \$14,000 (Unit cost and installation), from Account Number 20204-50846 – CIP, with an existing balance of \$440,000.

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

**ADJOURNMENT:**

**MOTION: Vice Chair Tousignant motioned and Councilor Dayton second to adjourn the Special Town Council Meeting of July 13, 2011 at 8:10 p.m.**

**VOTE: Unanimous.**

**CHAIR QUINN: We will now enter into our Workshop at 8:12 p.m. to consider the following:**

**1. Discuss the Business License Ordinance.**

**Before the Workshop began, Councilor MacDonald asked why the Workshop was not being televised. The Chair indicated that it was his belief that the Council's consensus was to have live televised Workshop meetings during the budget process. The Assistant Town Manager reported on a meeting held by the Town Clerk, the Fire Chief, and the Assistant Town Manager in which they are preparing information on the cost of Workshops, staffing, priority of groups needing live televised programming, etc., and that they will present it to the Council in the months ahead for their discussion at a Workshop. She also mentioned that the Fire Chief had prepared a survey which is being circulated to get citizen perspective and that would be a consideration in discussions with the Council.**

**The Chair indicated that plan this evening is to discuss better business practices for the industry in the Town and how the group and the industry should work together to ensure better business practices.**

**MIKE NUGENT: Our desired outcome from the workshop on the 13<sup>th</sup> is to get specific direction from Council with regard to the above topics. This direction will be reflected in subsequent code amendments to be presented at the next available Town Council Meeting. The first process is upon license renewal, which occurs every two years. If staff receives a complaint regarding a violation of Municipal Codes, the license is referred first to the Town Manager, who convenes the Administrative Board, consisting of the town manager; the police chief; the fire chief; the license administrator; a member of the town business community appointed by the town council; and a citizen of the town, not an employee of the town, appointed by the town council.**

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**The town manager notifies the town council chairperson, in writing, that this board is being convened. The purpose of the Administrative Board will be fact finding with the goal of resolving the issues raised by the complaint or disturbance.**

**Action undertaken by the Administrative Board is viewed as advisory to the town council. The town manager will place recommendations on the agenda for the next regular meeting of the town council.**

**The other option for more immediate action, for emergencies or egregious issues is Suspension or Revocation, which can occur at any time during the licensing term.**

The town council, upon notice and after hearing, for cause, may suspend or revoke any license issued pursuant to this article. The term "cause" shall mean the violation of any license condition, any section of this article, any condition constituting a threat to the public health or safety, or the revocation or suspension of any state or local license that is a condition precedent to the issuance of a license pursuant to this article.

Before the town council conducts a hearing on a suspension or revocation, the town manager will convene an Administrative Board to discuss with the licensee the situation giving rise to the possible suspension or revocation. The Administrative Board conducts fact finding with the goal of resolving the situation by proposing a consent agreement with the licensee. The town manager then places recommendations on the agenda for the next regular meeting of the town council. The town council acts upon such recommendations in the same manner as used for license hearings

This process seems to be appropriate and should work well. The Council, if it so chooses can instruct Staff to alter the process or the composition of the Board.

The second part of the information requested is the Liquor Enforcement Rules/Laws from the State of Maine. Some of these laws can be enforced by the Municipal Police under the Memo of Understanding; others would need to be reported to the State Liquor Enforcement office.

One thing their staff indicated was that discounted drink prices are not against the law. The list of liquor laws that the Town can enforce is attached as well!

### COMMON VIOLATIONS - LIQUOR LAWS, RULES & REGS

1. Sale of liquor to a minor  
(retail) 28-A M.R.S.A., section 705(2)(E) (on-premise)  
28-A M.R.S.A., section 705(3)(E)  
(state & agency) 28-A M.R.S.A., section 354

Violation Wording: Did sell liquor to a minor, to wit: John Q. Public, DOB 10-21-82, age 19

2. Possession/consumption by a minor

28-A M.R.S.A., section 705(4)

Violation Wording: Did allow a minor to possess/consume liquor, to wit: John Q. Public, DOB 10-21-82, age 19.

3. Minor to resort/remain

(Class A Lounge) 28-A M.R.S.A., section 1065(4)  
(Hotel lounge) 28-A M.R.S.A., section 1061(2)

**Violation Wording: Did allow a minor to remain on the premise of a (lounge or hotel lounge), to wit: John Q. Public, DOB 10-21-82, age 19**

**Violation Wording: Did allow a minor to remain on the premise of a (lounge or hotel lounge), to wit: John Q. Public, DOB 10-21-82, age 19**

**4. Sale to VIP**

(retail) 28-A M.R.S.A., section 705(2-A)  
(on-premise) 28-A M.R.S.A., section 705(3-A)  
(agency) 28-A M.R.S.A., section 354

**Violation Wording: Did sell liquor to a visibly intoxicated person, to wit: John S. Public, DOB 10-25-47 (add the “to wit” if you have name and DOB, which you should make every attempt to obtain)**

**5. VIP to consume**

**Chapter 2, rule1**

**Violation Wording: Did allow a visibly intoxicated person to consume liquor, to wit: John S. Public, DOB 10-25-47 (add the “to wit” if you have name and DOB, which you should make every attempt to obtain)**

**6. VIP to remain  
Chapter 1, rule 8**

**Violation Wording: Did allow a visibly intoxicated person to remain on the licensed premises**

**7. Consumption/Possession after the legal hour**

28-A M.R.S.A., section 4(2)

**Violation Wording: Did allow consumption/possession of liquor after the legal hour, to wit: 2:30 a.m.**

**8. Sale after the legal hour**

28-A M.R.S.A., section 4(1)

**Violation Wording: Did sell liquor after the legal hour, to wit: 1:50 a.m.**

**9. Employee - underage**

(retail) 28-A M.R.S.A., section 1202(1) or (2)

**Violation Wording: Did allow an underage employee to accept payment for liquor or Did allow an underage employee to accept**

payment for liquor without the presence of a 21 year-old supervisor.  
(on premise) 28-A M.R.S.A., section 704(1)

**Violation Wording:** Did allow an underage employee to serve/sell liquor or Did allow an underage employee to serve/sell liquor without the presence of a 21 year-old supervisor.  
(agency) Chapter 14, rule 7

**Violation Wording:** Did allow an underage employee to accept payment for liquor or Did allow an underage employee to accept payment for liquor without the presence of a 21 year-old supervisor

**10. Consumption on retail premise/Sale for consumption on a retail premise**

Chapter 3, rule 3 – (consumption)  
28-A M.R.S.A., section 1201(3) – (sale for consumption)

**Violation Wording:** Did allow consumption of liquor on a retail premise or did sell liquor to be consumed on the retail premise

**11. Entertainers / Employees consuming while performing**

Chapter 1, rule 8

**Violation Wording:** Did allow an entertainer to consume liquor while performing

**12. Allowing an illegality-**

Chapter 1, rule 13 (must also cite law violated)

**Violation Wording:** Did allow an illegality on the licensed premises,

- (Ex.) To wit: 22 M.R.S.A., section 1542 (1) Smoking in a public place
- (Ex.) To wit: 22 M.R.S.A., section 1555 (5) Sale of tobacco products to a minor
- (Ex.) To wit: 22 M.R.S.A., section 2383 Possession of marijuana
- (Ex.) To wit: 17-A M.R.S.A., section 1111-A Possession of drug paraphernalia
- (Ex.) To wit: ATF 5170.2 (17) Reusing liquor bottles

**13. Refusing Inspection**

28-A M.R.S.A ., section 12

**Violation Wording:** Did refuse inspection of the licensed premise.

**Sec. 18-38. Renewals.**

(a) The license administrator is authorized to renew, without further action by the town council, the license of any person holding a license pursuant to this article,

referred to as the "licensee," upon receipt of the required fee and of a written statement from the licensee that there has been no material change in the information provided in the licensee's previous application. The license administrator may not renew a license, but must refer the application to the town council, if:

- (1) The license has been suspended or revoked by the town council during the preceding licensing cycle as outlined in section 18-31 of this chapter
  - (2) The license administrator has received, during the past licensing cycle as outlined in section 18-31 of this chapter, any written complaint from any person charging that the licensee has violated the terms of this article or any other section of this Code or town ordinance.
  - (3) The applicant is delinquent in paying any personal property tax assessed by the town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment.
  - (4) The licensed location has had three or more documented and relevant disturbances as verified by the police chief within the previous licensing cycle as outlined in section 18-31 of this chapter, which documentation shall be presented to the license administrator in writing by the police department.
- (b) In cases involving a complaint under subsection (a)(2) of this section or disturbances under subsection (a)(4) of this section, the license administrator shall bring the complaint or disturbance to the attention of the town manager before referring the application to the town council. The town manager will then convene an administrative board consisting of the town manager; the police chief; the fire chief; the license administrator; a member of the town business community appointed by the town council; and a citizen of the town, not an employee of the town, appointed by the town council, to discuss the complaint or disturbance with the applicant. At this time, the town manager shall notify the town council chairperson, in writing, that this board is being convened. The purpose of the administrative board will be fact finding with the goal of resolving the issues raised by the complaint or disturbance. If the administrative board finds that the applicant has not successfully addressed the complaint or disturbance, the administrative board shall propose a consent agreement with the applicant to address the complaint or disturbance. If the applicant fails to appear before the administrative board or fails to accept a consent agreement proposed by the administrative board, the license administrator shall refer the application to the town council with the recommendation that the license not be renewed.
- (c) Action undertaken by the administrative board will be viewed as advisory to the town council. The town manager will place recommendations on the agenda for the next regular meeting of the town council. The town council will act upon such recommendations in the same manner as used for license hearings.  
(Ord. of 6-13-1961, § 1-A; Ord. of 2-16-1988; Ord. of 6-18-1991; Ord. of 11-8-1993; Ord. of 3-2-1999; Ord. of 4-20-1999; Ord. of 9-18-2001; Ord. of 5-4-10(1))

#### **Sec. 18-39. Suspension or revocation.**

- (a) The town council, upon notice and after hearing, for cause, may suspend or revoke any license issued pursuant to this article. The term "cause" shall mean the violation of any license condition, any section of this article, any condition constituting a threat to the public health or safety, or the revocation or suspension

of any state or local license that is a condition precedent to the issuance of a license pursuant to this article. The term "cause" shall also include any of the grounds for denying a license application under section 18-35.\* Licenses may be temporarily suspended without prior notice and hearing if, in the judgment of the building inspector, the town manager or the town council, the continued operation of the licensed business or activity constitutes an immediate and substantial threat to the public health and safety, provided the licensee receives written notification of the suspension and the reasons therefore, prior to its taking effect, and a hearing is scheduled as soon as possible thereafter.

\*Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this amendment shall apply to any actions or proceedings pending on the date of its enactment.

(b) Before the town council conducts a hearing on a suspension or revocation, the town manager will convene an administrative board consisting of the town manager; the police chief; the fire chief; the license administrator; a member of the town business community appointed by the town council; and a citizen of the town, not an employee of the town, appointed by the town council, to discuss with the licensee the situation giving rise to the possible suspension or revocation.

(c) The purpose of the administrative board will be fact finding with the goal of resolving the situation by proposing a consent agreement with the licensee. If the licensee fails to appear before the administrative board or fails to accept a consent agreement proposed by the administrative board, the license administrator shall recommend to the town council that the license be suspended or revoked, as appropriate.

(d) Action undertaken by the administrative board will be viewed as advisory to the town council. The town manager will place recommendations on the agenda for the next regular meeting of the town council. The town council will act upon such recommendations in the same manner as used for license hearings.

In discussing the Administrative Review Board and what it does, it should be noted that it is composed of the Town Manager who Chairs the Board; the Planner, the Police Chief, Marc Bourassa who is a business member; Tina Morrison who is a citizen member; Gary Curtis who is an Alternate citizen member who participates with no vote; and Ken Lafayette who is an Alternate business member who participates without a vote. The Board is authorized by the Code of Ordinances: Businesses Section 18-38 and Section 18-39. The purpose of the Board is two-fold: fact finding and the primary goal is resolution of issues. The process includes the following: The Board meeting is triggered by either: one written complaint to License Administrator pertaining to Business License/Code/Ordinance violation; or three or more disturbances verified by Police Chief. This does not imply that businesses appearing before A.R.B. are less than stellar. Complaint goes to License Administrator, to Town Manager, to A.R.B. (to discuss complaint/disturbance with business). If unresolved it goes to the Town Council. There are specific tools that are used which include the resolution of the complaint or issue through common sense and mutual cooperation; Propose Consent Agreement with Applicant; of (if not resolved) - Recommendation to Town Council of License Revocation/Denial. It should be noted that the "three-strike" rule was instituted in the early 1990's.

Further discussion related to the above items in this process described above. Gina Martinez and Richard Redmond, both representing individual businesses but collectively the BRASS organization (Bar & Restaurant Association), composed of business people who are hard working, tax paying individuals who are trying to make a living doing something they enjoy and doing it well. They want to support the community and the Town administration, however, they have concerns about changes in personnel on a Town level which make a sense of insecurity of the business owners as to how the procedures and policies are interpreted and carried out. One of their concerns expressed that with the “three calls on a business” such as complaints or needed enforcement by the Police on a business. Rich and Gina explained that the bars and the restaurants see thousands of people and three calls are really insignificant in relation to this. Rich indicated that he had thirteen notifications over the weekend and eleven were the result of him calling the Police on those using fake ID’s. Gina also indicated that she had received a notification by the Police this weekend because of a happening outside her establishment and her question was how she is notified? She was notified that evening by a police officer but nothing in writing or detailing or defining what happens after that. This incident was a fight on the sidewalk adjacent to her building. The concern expressed is that this notification could be used against a business, where it is not warranted.

Chief Dana Kelley acknowledged that the communication could be better but also defended his ability to use his discretion on deciding which businesses warrant an administrative review. Both Gina and Rich publicly stated that they work well with the local Police Department and have no issues with them. It is the question of the threshold of responsibility they are questioning. Councilor Dayton remarked about the BRASS Mission Statement which states clearly the desire to follow the best business practices to secure excellent citizen/community relationships.

**BRASS Mission Statement:** BRASS recognizes that it is a privilege to buy and sell alcoholic beverages in the State of Maine and with that privilege, realizes that it is our legal and social responsibility to comply with all Maine laws, rules and regulations and follow best practices as they pertain to the service of alcoholic beverages. We are committed to the safe and responsible sale of all alcoholic beverages to only those patrons who are 21 years of age or older and to refuse service of alcoholic beverages to those individuals that are visibly intoxicated or, in those cases where we deem it necessary, to prevent a person from becoming visibly intoxicated. In order to achieve these goals, we have adopted the following policies.”

Councilor Dayton spoke at length about the need for, and an understanding of a code of business practices. This encompasses sound advertising, selling and also customer service practices that enhance a customer’s and other business owner’s trust in the business. It includes establishing and maintaining a positive track record in the marketplace; and adhering to certain standards. Chief Kelley reiterated that is why discretion on his part is necessary and also respected because he is aware of the business practices to the limit of the law’s ability, in his dealings with individual business owners. Councilor Dayton encouraged more transparency including openly identifying the nature, location and ownership of a business and clearly disclosing all policies, guranatees and procedures that are on the customer’s decision to buy. Councilor Dayton suggested that there should be more check-offs on the applications involving payroll regulation, wholesale of liquor, liquor

liability, etc. Vice Chair Tousignant reminded everyone, however, that there are limits to what the law will permit us to monitor and inspect. He also stated as it regards the element of trust factor in the change in town personnel and responsibilities that what you change today or create tomorrow has no guarantee for the future.

Kathy Smith who handles licenses applications and renewals indicated that with the now two year license renewal program that by the time a license comes up for review a business probably would not even remember what the offense was and that it would be better, if possible, for their notification to be a recognized immediately if a business notification is done either by a form letter or some other way. The Assistant Town Manager agreed but indicated additional staff would be needed and that has not been forthcoming for the Police Department, even though they have asked. Councilor MacDonald asked about the different thresholds of responsibility and also whether all Police Officers are the Police Chief's designees.

In discussion about designing a process of better communication, Rich Redmond presented the following Amendment for Reconsideration:

**Section 1-A – Renewals (Amended 2/16/88, 6/18/91, 11/8/93, 3/2/99 and 4/20/99)**

**PARAGRAPH (4) The License Location has had three (3) or more documented disturbances as verified by the Police Chief or his designee within the previous licensing period, which documentation shall be presented to License Administrator in writing by the Police Department. (11/08/93, 3/2/99, 4/20/99)**

**PROPOSAL OF PARAGRAPH (4): The licensed location has received an abnormally high amount of document complaints in relation to the type of business and the zone that applies to the business. These documented complaints shall be valid in nature and not malicious as verified by the Police Chief or his designate within the previous licensing period. Business notifications shall be in writing and served within 24 hours of the documented complaint. Written reports and/or Court documentation must be provided to the Licensee and the License Administrator.**

Discussion on the approved suggested ordinance change had mixed reaction. The main concern was the ambiguity or vagueness of the terminology and it was received well by the Chief of Police who indicated that he and Deputy Chief Babin would meet in the coming week with Gina Martinez and Rich Redmond, and members of BRASS should they choose, to discuss this ordinance change and to come to an acceptable conclusion.

**CHAIR QUINN: Our Workshop ended at 8:30 p.m. I will now ask for a motion to enter into a Special Town Council Meeting to consider:**

**MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Discuss Labor Contracts: (Note: This item discusses labor contract issues related to AFSCME Council 93, Local 481-06, Old Orchard Beach Waste Water Treatment Plant Union Contract, as defined under Title 1 M.R.S.A., Section 405, 6(D), and the Council anticipates that the discussion portion will occur in executive session).**

**VOTE: Unanimous.**

**EXECUTIVE SESSION**

**MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to adjourn the Executive Session.**

**VOTE: Unanimous.**

**MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Discuss Labor Contracts: (Note: This item discusses labor contract issues related to AFSCME Council 93, Local 481-06, Old Orchard Beach Public Works Department Union Contract, as defined under Title 1 M.R.S.A., Section 405, 6 (D), and the Council anticipates that the discussion portion will occur in executive session).**

**VOTE: Unanimous.**

**EXECUTIVE SESSION**

**MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to adjourn the Executive Session.**

**VOTE: Unanimous.**

**MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Discuss Labor Contracts: (Note: This item discusses labor contract issues related to the Old Orchard Beach Local 2247 International Association of Firefighters AFL-CIO-CLO union contract, as defined under Title 1 M.R.S.A., Section 405 (6) (D), and the Council anticipates that the discussion portion will be held in Executive Session.)**

**VOTE: Unanimous.**

**EXECUTIVE SESSION**

**MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to adjourn the Executive Session.**

**VOTE: Unanimous.**

**MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Discuss Labor Contracts: (Note: This item discusses labor contract issues related to the Old Orchard Beach Patrolmen's Association – Maine Association of Police union contract, as defined under Title 1 M.R.S.A., Section 405 (6) (D), and the Council anticipates that the discussion portion will be held in Executive Session.)**

**VOTE: Unanimous.**

**EXECUTIVE SESSION**

**MOTION:** Vice Chair Tousignant motioned and Councilor seconded to adjourn the Executive Session.

**VOTE:** Unanimous.

**MOTION:** Vice Chair Tousignant motioned and Councilor MacDonald seconded to Enter into Executive Session for the purpose of discussing matters associated with the employment of a new Town Manager or Acting Town Manager in light of the resignation of the current Town Manager. (Note: This item discusses personnel defined under Title 1 M.R.S.A., Section 405 (6) (A), and the Council anticipates that the discussion portion will occur in Executive Session.)

**VOTE:** Unanimous.

**EXECUTIVE SESSION**

**MOTION:** Councilor Dayton motioned and Councilor MacDonald seconded to adjourn the Executive Session at 10:26 p.m.

**VOTE:** Unanimous.

**ADJOURNMENT:**

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to adjourn the Special Town Council meeting at 10:27 p.m.

**VOTE:**

**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 thirteen (13) pages is a true copy of the original Minutes of the Special Town Council Meeting of July 13, 2011.**

**V. Louise Reid**