

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, November 1, 2011  
TOWN HALL CHAMBERS  
7:00 p.m.**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, November 1, 2011. Chair Quinn opened the meeting at 7:03 p.m. The Chair announced that the order of the meetings this evening would be as follows;**

**Regular Town Council Meeting  
Town Council Workshop on the Use and Sale of Fireworks  
Executive Session**

**The following were in attendance:**

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

**Absent: Councilor Shawn O'Neill**

**Pledge to the Flag  
Roll Call**

**PRESENTATION:**

**Presentation to Nancy and Bob Kelley – “Hugs of Love”  
by Representative George Hogan**

**Representative George Hogan presented a proclamation (“Sentiment”) signed by the Governor of the State of Maine in support and appreciation of the work that is done through “Hugs of Love” and the care and attention provided to service men and woman who are protecting us in foreign lands and on home ground.**

**Presentation to Skateboard Park Committee  
by Paul Golzbein, Owner of the Pier**

**Paul Golzbein, owner of the Pier, presented a check in the amount of \$500 to the Skateboard Park Committee as a match to the money donated in the water fountain at the Square this past summer. The amount taken from the water fountain in the Square was \$343.36 but there were also four large buckets of pennies that needed to be cleaned and added to the amount. The generous donation of \$500 match was very much appreciated by the skateboarders.**

## **Presentation by the Town Clerk on Election Procedures**

**Kim McLaughlin presented to the audience and those watching on television the rules and procedures, and particularly those which have changed, in connection with absentee ballots and the time schedule for them to be provided. She also encouraged all to come out and vote and make their voices heard on a number of important issues being considered on ballot issues.**

### **ACKNOWLEDGEMENTS:**

**VICE CHAIR TOUSIGNANT: OOB 365 reminds you of a great event coming up on Saturday, November 12, 2011 – SAVOR THE FLAVOR – a progressive dinner event. Board the trolley and head to a number of restaurants for an evening of eating, fellowship and dancing. Tickets are limited but are available at Board Silly, JJ's Eatery, MacDonald's Garage and Seacoast RV.**

**COUNCILOR ROBIN DAYTON: It is with great sadness that we announce the passing of Merrill Allen, a member of the Community Policing Group. Members attended the wake and the funeral, along with Chief Kelley and Lt. DeLuca. Merrill's family indicated that he so enjoyed being part of the Neighborhood Watch groups and felt a great deal of satisfaction in giving back to his community. We express our thoughts and prayers to his family. I am also pleased to say that 14,140 pounds of old, expired and unused medications were incinerated according to the DEA. We appreciate the work of the Community Watch Group, Helene Whittaker, Chairperson, and all those who participated in this successful event last Saturday in Old Orchard Beach.**

**COUNCILOR SHARRI MACDONALD: She announced the opportunity to support the Methodist Church Food Bank. She reminded everyone that they have a can or two in their cupboards that they could spare to help our neighbors. Last month over 400 people needed a little extra help to feed their families and our local pantry was there with open arms. 100% of the donated items will go to Old Orchard Beach residents. Drop off your items at MacDonald's Garage, 37 Saco Avenue on SUNDAY, NOVEMBER 13 from 8:00 a.m. to 5:00 p.m.**

**MR. GEORGE KERR: He, as a business owner and Chair of the Ordinance Review Committee spoke words of appreciation to Mike Nugent who has served as the Code Enforcement Officer for several years and has been a great promoter of the community and a supporter to those seeking to do business in Old Orchard Beach.**

**ACCEPTANCE OF MINUTES: Town Council Meeting Minutes of October 18, 2011.**

**MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to accept the Town Council Minutes of October 18, 2011.**

**VOTE: Unanimous.**

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**CHAIR QUINN:** I open this Public Hearing at 7:22 p.m.

**Monica Vallee (206-24-35), 28 Saco Avenue, one year round rental; OOB China Eatery Inc. dba/China Eatery (210-11-6), 5 Ocean Park Road, Victualers with Preparation & No Alcohol Sales; R&S Convenience LLC (312-13-11-A), 31 Washington Avenue, three year round rentals; Shai Patel dba/Red Rocket Gas & Groceries (311-1-10), 141 Saco Avenue, Victualers with Preparation/Alcohol off-premise/two gas pumps; and Gail Page (323-8-12-4), 47 Randall Avenue, Unit 4, one year round rental.**

**CHAIR QUINN:** I close this Public Hearing at 7:25 p.m.

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to approve the Business Licenses as read.

**VOTE:** Unanimous.

**PUBLIC HEARING SPECIAL AMUSEMENT PERMIT:**

**CHAIR QUINN:** I open this Public Hearing at 7:26 p.m.

**Michael Mezoian & 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 QUINN:** I close this Public Hearing at 7:27 p.m.

**MOTION:** Councilor MacDonald motioned and Councilor Dayton seconded to approve the special amusement permit as read.

**VOTE:** Unanimous.

**TABLED ITEM: # 5505: Discussion with Action: Authorize the Town Manager to issue an RFP for the building of a Storage Garage for use by the Police and Fire Departments and also to permit storage of Town Hall legal and election documentations, to be funded from Account Number 31143-50891—FY 10 Bond – New Police Station, with a balance of \$273,012.58.**

Discussion was held with the Council at the October 18<sup>th</sup> Council meeting at which time it was felt that a workshop should be planned but the motion did not give the time frame so according to parliamentary rules the motion should have said a time and date or indefinitely if a date had not been set.

**MOTION:** Councilor MacDonald motioned and Vice Chair Tousignant seconded to Table Agenda Item 5505 indefinitely.

**VOTE:** Unanimous.

**TOWN MANAGER'S REPORT:** The Town Manager reported on the following. The management of the past two weeks has centered around hiring activities – many interviews, days, nights and weekends. PACT Meeting report. Have been coordinating efforts to draft a new Purchasing Policy. Ballpark activities including continuing to meet with people interested in bringing a team to Old Orchard Beach. Did get a chance to attend the Fire Department Halloween Party and would like to take this opportunity to thank John Glass and his crew and also all those who contributed and attended. Have been meeting with Public Works considering some restructuring of assignments and responsibilities. Still working on two Union and a Waste Water Grievance that is completed.

**NEW BUSINESS:**

**# 5509 Discussion with Action:** Transfer \$834,975 from Account 10013/30300, Undesignated Fund Balance (carry forward balances) as of June 30, 2011 for the following accounts and purposes: 20120/50856 - IT Computer Upgrade - \$5,000; 20201/50802 - Comprehensive Plan - \$52,475; 20201/50817 - City Clerk Codification - \$6,000; 20201/50842 - Town Hall Improvements – \$93,780; 20203/50506 - Road Maint/Improve Non-Cap - \$176,830; 20203/50508 - Sewer Maint/Improvement - \$77,155; 20203/50507 - Sidewalk Maint/Improve -\$89,305; 20203/50831 - Stormwater Maint/Improvement - \$78,430; and 20204/50871 –WWTP Capital - \$256,000.

It was noted that these are the totals from the Undesignated Fund (carry forward balances) as of June 30, 2011.

**MOTION:** Councilor Dayton motioned and Vice Chair Tousignant seconded to Transfer \$834,975 from Account Number 10013/30300, Undesignated Fund Balance (carry forward balances) as of June 30, 2011 for the following accounts and purposes: 20120/50856 - IT Computer Upgrade - \$5,000; 20201/50802 - Comprehensive Plan - \$52,475; 20201/50817 - City Clerk Codification - \$6,000; 20201/50842 - Town Hall Improvements – \$93,780; 20203/50506 - Road Maint/Improve Non-Cap - \$176,830; 20203/50508 - Sewer Maint/Improvement - \$77,155; 20203/50507 – Sidewalk Maint/Improve -\$89,305; 20203/50831 – Stormwater Maint/Improvement - \$78,430; and 20204/50871 –WWTP Capital - \$256,000.

**VOTE:** Unanimous.

**# 5510 Discussion with Action:** Approve the Employment Agreement with Mark C. Mitchell, as Code Enforcement Officer, at a salary of \$60,000.

The appointment of the Code Enforcement Officer is an important position within the town administration. The Town Manager explained the process and the urgency in finding the right individual as the present Code Enforcement Officer, Mike Nugent, is leaving at the end of this week. John Bird questioned whether the Council had seen this information about the appointment and that if so it was the responsibility of the Council to confirm and that there should be a probationary period. The Town Manager expressed the necessity of

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swiftness in moving this process forward as the present Code Enforcement Officer is leaving by the end of this week. The Assistant Town Manager reminded the Council that over the past eight years she has served as Secretary to the Council the agenda item has been written this way and that Approve and Confirm can be considered inter-related words. Vice Chair Tousignant said that the Council had been aware of the appointment and that if confirmation is going to be more appropriate, he will make a motion accordingly.

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to Confirm the Employment Agreement with Mark C. Mitchell, as Code Enforcement Officer, at a salary of \$60,000 with a probationary period of six months.

**VOTE:** Unanimous.

**# 5511 Discussion with Action: Appoint William DiDonato, as Deputy Code Enforcement Officer.**

The Town Manager explained that William DiDinato, Deputy Assessor, has accepted additional responsibility as Deputy Code Enforcement Officer and has been working along side the current Code Enforcement Officer. This is an arrangement that is using the talents of someone in two departments.

**MOTION;** Vice Chair Tousignant motioned and Councilor MacDonald seconded to Confirm the Appointment of William DiDonato as Deputy Code Enforcement Officer.

**VOTE:** Unanimous.

**# 5512 Discussion with Action: Approve Liquor License Renewal of Michael Mezoian & Gregory Mezioan 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 Renewal as read.

**VOTE:** Unanimous.

**# 5513 Discussion with Action: Set a Public Hearing date of November 15, 2011 to Amend the General Assistance Ordinance, Section 6.8, Overall Maximum Levels of Assistance and Maximum Amounts Allowed for Housing.**

**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 November 15, 2011 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**

No. in Household	<u>CURRENT</u> <u>MONTHLY</u>	<u>PROPOSED</u> <u>MONTHLY</u>
1	\$802.00	<u>\$812.00</u>
2	\$952.00	<u>\$964.00</u>
3	\$1233.00	<u>\$1249.00</u>
4	\$1553.00	<u>\$1573.00</u>
5	\$1664.00	<u>\$1686.00</u>
6	\$1739.00	<u>\$1814.00</u>

For each additional person add \$75 per month.

**Amend Section 6.8 Basic necessities; Housing maximums**

UNHEATED

Bedrooms	<u>CURRENT</u>		<u>PROPOSED</u>	
	<u>WEEKLY</u>	<u>WEEKLY</u>	<u>MONTHLY</u>	<u>MONTHLY</u>
0	90.00	<u>90.00</u>	387.00	<u>387.00</u>
1	101.00	<u>105.00</u>	434.00	<u>451.00</u>
2	138.00	<u>132.00</u>	593.00	<u>567.00</u>
3	170.00	<u>167.00</u>	780.00	<u>700.00</u>
4	185.00	<u>183.00</u>	795.00	<u>800.00</u>

HEATED

Bedrooms	<u>CURRENT</u>		<u>PROPOSED</u>	
	<u>WEEKLY</u>	<u>WEEKLY</u>	<u>MONTHLY</u>	<u>MONTHLY</u>
0	98.00	<u>100.00</u>	420.00	<u>425.00</u>
1	115.00	<u>116.00</u>	484.00	<u>500.00</u>
2	145.00	<u>141.00</u>	623.00	<u>610.00</u>
3	177.00	<u>175.00</u>	761.00	<u>725.00</u>
4	188.00	<u>193.00</u>	809.00	<u>860.00</u>

Per Order of the Municipal Officers this \_\_\_\_\_ day of November, 2011.

A True Copy

Attest:

\_\_\_\_\_  
Kim M. McLaughlin, Town Clerk

**MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to Set a Public Hearing date of November 15, 2011 to Amend the General Assistance Ordinance, Section 6.8, Overall Maximum Levels of Assistance and Maximum Amounts Allowed for Housing.**

**VOTE: Unanimous.**

**# 5514 Discussion with Action: Request Town Manager to inform State Government that Old Orchard Beach Town Council supports the passenger rail service in general, and Amtrak's Downeaster service in particular, which encourages economic development.**

**BACKGROUND: TrainRiders Northeast – working to bring passenger train service to the Northeast, have requested many of the municipalities to support a resolution promoting the integrated national passenger transportation system. Because there are proposals before Congress to reduce funding for Amtrak generally and eliminate all funding for State-supported Amtrak service, including the Downeaster, the request is that a letter or resolution of support be sent to the Governor and our Senators and Representatives, strongly supporting the efforts to promote passenger rail systems throughout the United States. John Bird suggested that perhaps included in this correspondence is a request for year-round service in Old Orchard but the Town Manager said he personally felt this issue was not related to specific Old Orchard Beach Plans and that we were moving forward with that possibility. Councilor MacDonald suggested that perhaps Representative Hogan might help in this regard and the Representative indicated that he would be pleased to assist in any way and would work with the Town Manager appropriately.**

**MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Request Town Manager to inform State Government that Old Orchard Beach Town Council supports the passenger rail service in general, and Amtrak's Downeaster service in particular, which encourages economic development.**

**VOTE: Unanimous.**

**# 5515 Discussion with Action: Appoint Leigh "Traci" Gikas as a Regular Member of the Community Animal Watch Committee, term to expire December 31, 2013; Appoint Margaret "Peggy" Bayles as a Regular Member to the Community Animal Watch Committee, term to expire 12/31/12; and Appoint Leigh "Traci" Gikas as a Regular Member of the Recycling Committee, term to expire June 30, 2013.**

**MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Appoint Leigh "Traci" Gikas as a Regular Member of the Community Animal Watch Committee, term to expire December 31, 2013; Appoint Margaret "Peggy" Bayles as a Regular Member to the Community Animal Watch Committee, term to expire 12/31/12; and Appoint Leigh "Traci" Gikas as a Regular Member of the Recycling Committee, term to expire June 30, 2013.**

**VOTE: Unanimous.**

**# 5516 Discussion with Action: Approve and Accept a Resolution to Promote the Health, Wellness and Safety of the Town of Old Orchard Beach Residents and Visitors by advising against the usage of tobacco products on Old Orchard Beach municipal beaches.**

**Two Workshops were held on the issue of smoking on the beach as promoted by local students. The Council is being asked this evening to approve and accept a resolution as presented below:**

**A RESOLUTION TO PROMOTE THE HEALTH, WELLNESS AND SAFETY OF THE TOWN OF OLD ORCHARD BEACH RESIDENTS AND VISITORS BY ESTABLISHING OLD ORCHARD BEACH MUNICIPAL BEACHES AS TOBACCO-FREE ZONES**

**Whereas the Town of Old Orchard Beach, Maine, cares deeply about promoting the good health, quality of life and clean environment for its citizens and visitors; and**

**Whereas tobacco use is the single most preventable cause of death and disease in the United States, as well as in Old Orchard Beach, Maine, leading to more deaths than most other leading causes combined (including AIDS, alcohol, illegal drugs, motor vehicle accidents, firearms, murders, suicides, and fires); and**

**Whereas secondhand smoke contains many harmful chemicals and cancer-causing agents, and is a serious health risk to humans, especially infants, children and pregnant women; and increases a non-smoker's risk for asthma, heart disease, lung cancer and related respiratory illnesses; and**

**Whereas the use of smokeless tobacco is associated with saliva, or spit being cast upon the ground, seating areas, and other surfaces in recreational areas, resulting in increased risk of nonusers being exposed to bacteria and viruses of a variety of respiratory illnesses; and**

**Whereas tobacco litter is the most littered item in the environment globally as well as in Old Orchard Beach, causing harm to humans, the environment, marine and other wildlife; and**

**Whereas tobacco use in and around the Town of Old Orchard Beach municipal beach facilities sends contradictory messages to young people in being encouraged to participate in outdoor activities beneficial to their health, while at the same time being exposed to the use of harmful tobacco products and secondhand smoke; and**

**Whereas the Town of Old Orchard Beach has a seven mile long stretch of coastline with beaches that draw visitors from all over Maine, the U.S. and other countries, it is the goal of the Town of Old Orchard Beach to provide recreational and leisure opportunities that enhance the quality of life for its citizens and visitors and provide a safe, clean and attractive environment, the Town of Old Orchard Beach has an obligation to advise against those activities which it deems contrary to this goal; and**



**NOW, THEREFORE BE IT RESOLVED**, that the Town of Old Orchard Beach does hereby declare that its municipal beaches are tobacco-free zones and specifically discourages the use of any tobacco product, including, but not limited to cigarettes, cigars, and chewing tobacco, on, in or at any municipal beach area under the authority of the Town of Old Orchard Beach.

**BE IT FURTHER RESOLVED**, that the Town of Old Orchard Beach is authorized to take reasonable steps such as signage, tobacco litter receptacles and other education and communication tools to achieve voluntary compliance with the tobacco-free beach policy established hereunder.

The following spoke words of appreciation and encouragement about passage of the Resolution including Hattie Simon who spoke for the other students with whom she had worked and originally presented the request including Sarah Jenkins, Marykate Slattery and Sabryna Deshaies. Also in attendance was Toby Simon, Adult Advisor to the Youth Action Group and Bethany Fortier, of the Coastal Healthy Communities Coalitions. Other speakers included Jerome Begart, John Bird, Michelle Ross, Peter Bishop, Chris Gorman, Nancy Boutet, and Linda Hardecker. Most were in favor of the no smoking on the beach issue but Peter Bishop said he had no problem with a resolution as long as it was not an ordinance change at this point. It was pointed out that this is not an ordinance change but rather a resolution encouraging voluntary non smoking. A review of the resolution, however, caused concern about the verbiage of the heading of the Resolution which indicates the beach will be a TOBACCO-FREE ZONE and also verbiage within the Resolution which again indicates TOBACCO-FREE ZONE. Only at the very end of the resolution does it infer that this will be a voluntary decision which caused the concern of Vice Chair Tousignant that it was not a clear and proper promotion of the desire of the Council which was to encourage a TOBACCO-FREE ZONE but not indicate the beach was a TOBACCO-FREE ZONE.

At this point Councilor Robin Dayton read into the Minutes the entire resolution with the wording changes suggested by Vice Chair Tousignant:

**A RESOLUTION TO PROMOTE THE HEALTH, WELLNESS AND  
SAFETY OF THE TOWN OF OLD ORCHARD BEACH RESIDENTS  
AND VISITORS BY ESTABLISHING OLD ORCHARD BEACH  
MUNICIPAL BEACHES AS VOLUNTARY TOBACCO-FREE ZONES**

Whereas the Town of Old Orchard Beach, Maine, cares deeply about promoting the good health, quality of life and clean environment for its citizens and visitors; and

Whereas tobacco use is the single most preventable cause of death and disease in the United States, as well as in Old Orchard Beach, Maine, leading to more deaths than most other leading causes combined (including AIDS, alcohol, illegal drugs, motor vehicle accidents, firearms, murders, suicides, and fires); and

Whereas secondhand smoke contains many harmful chemicals and cancer-causing agents, and is a serious health risk to humans, especially infants, children and pregnant women; and

increases a non-smoker's risk for asthma, heart disease, lung cancer and related respiratory illnesses; and

Whereas the use of smokeless tobacco is associated with saliva, or spit being cast upon the ground, seating areas, and other surfaces in recreational areas, resulting in increased risk of nonusers being exposed to bacteria and viruses of a variety of respiratory illnesses; and

Whereas tobacco litter is the most littered item in the environment globally as well as in Old Orchard Beach, causing harm to humans, the environment, marine and other wildlife; and

Whereas tobacco use in and around the Town of Old Orchard Beach municipal beach facilities sends contradictory messages to young people in being encouraged to participate in outdoor activities beneficial to their health, while at the same time being exposed to the use of harmful tobacco products and secondhand smoke; and

Whereas the Town of Old Orchard Beach has a seven mile long stretch of coastline with beaches that draw visitors from all over Maine, the U.S. and other countries, it is the goal of the Town of Old Orchard Beach to provide recreational and leisure opportunities that enhance the quality of life for its citizens and visitors and provide a safe, clean and attractive environment, the Town of Old Orchard Beach has an obligation to advise against those activities which it deems contrary to this goal; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Old Orchard Beach does hereby declare that its municipal beaches are VOLUNTARY tobacco-free zones and specifically discourages the use of any tobacco product, including, but not limited to cigarettes, cigars, and chewing tobacco, on, in or at any municipal beach area under the authority of the Town of Old Orchard Beach.

**BE IT FURTHER RESOLVED**, that the Town of Old Orchard Beach is authorized to take reasonable steps such as signage, tobacco litter receptacles and other education and communication tools to achieve voluntary compliance with the tobacco-free beach policy established hereunder.

When the subject of the signs came up it became even more questionable about the authenticity of the purpose of the resolution which was to discourage the use of tobacco products on the beach. No one disagreed with the desire for a clean beach and observance of health considerations but there was concern about the signs the Town could receive for free from the Partnership for Tobacco Free Maine which would read – “This is a Tobacco-Free Area-Breathe Easy, You’re in Maine.” Vice Chair Tousignant felt this was too restrictive and did not stress voluntary compliance. He suggested that the Council should table the resolution and work on the language of the signs before deciding whether to approve a resolution. He said he could not approve a resolution before knowing what the signs would say. The Council did encourage those in favor of a non smoking beach that this was not a final discussion on the issue but the vote of two in favor of the resolution (Councilor Dayton and Chair Quinn); and two against the passing of the resolution at this time (Vice Chair Tousignant and Council Sharri MacDonald.

**MOTION:** Councilor Dayton motioned and Chair Bob Quinn seconded to Approve and Accept a Resolution to Promote the Health, Wellness and Safety of the Town of Old Orchard

**Beach Residents and Visitors by advising against the usage of tobacco products on Old Orchard Beach municipal beaches.**

**VOTE: Yea: Councilor Dayton and Chair Quinn**

**Nea: Vice Chair Tousignant and Councilor MacDonald**

**The following e-mail was received with the request that it be included in the minutes.**

November 1, 2011

Dear Town of Old Orchard Beach:

I am writing in support of a tobacco-free beach for Old Orchard Beach, Maine. For the past several years I have spent hundreds of hours, volunteering to pick up tobacco litter at the Union Ave. entrance. I have submitted dozens of photo's and stats to all the town council members, town officials and chief of police demonstrating how big of a problem this is.

A tobacco-free policy sends a clear message that Old Orchard Beach cares about the health of the community, especially our youth. I believe that by making the town beach a tobacco free place; you will enhance revenues, increase tourism and make our community a healthier place to live and work. A smoke free beach also gives children another place where they don't see people smoking. They also avoid the danger of coming in contact with toxic cigarette waste.

**FACT:** Daily, thousands of cigarettes are flicked or dropped, one at a time, in Old Orchard Beach, Maine. Places you will see the nasty tobacco waste by the thousands are on the beach, town sidewalks, and other public areas. Tobacco waste on the beach has always been a "big" problem for the town, but this past spring/summer the problem is the worst I have seen. Below is what thousands of other beach goers observed in 2011.

- Daily children's sand castles and their sand pales' are littered with cigarette butts/they can't play in the sand without having contact with tobacco waste
- Daily children are picking up butts and playing with them, thinking they might be a seashell
- Daily tourists and local residents are forced to place their beach towels and/or beach chairs on top of disgusting tobacco waste. There isn't any place on the beach you can sit down without seeing cigarette butts. YUCK!!....
- Daily when you stroll the beach you step on dozens if not hundreds of toxic tobacco waste
- Daily tourists & locals are disgusted with the thousands of littered cigarette butts
- Daily thousands of cigarette butts are washed into the oceans, streams and storm drains; killing the fish/habitat and are polluting the waters
- Daily non-smokers and children are poisoned by second hand smoke
- The beach and the town of Old Orchard Beach, Maine is not a GIANT ASH TRAY, but lately it is hard to tell the difference if you visit the beach often

Thank you for considering a tobacco-free policy; It's a Shore Thing!!

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Sincerely,

Sherri Tripp, Business Owner

***The Ocean Tripp Inn***

A Guest House on the Beach

***Surfing Lessons and Rentals***

6 Union Ave. -- Old Orchard Beach, Maine

[www.oceantrippinn.com](http://www.oceantrippinn.com)

**207-934-3549**

[trippinn@maine.rr.com](mailto:trippinn@maine.rr.com)

**# 5517 Discussion with Action: Authorize the Town Manager to close Town Hall only on Monday, December 24, 2012 with Town Hall employees taking either ½ vacation day or ½ floating holiday.**

### 2012 Holiday Schedule

The 2012 Holiday Schedule is issued under the Town of Old Orchard Beach Municipal Employees Personnel Policies and Procedures, last amended May 2, 2006.

HOLIDAY	DAY, DATE OBSERVED
New Year's Day	Friday, December 30, 2011
Martin Luther King, Jr. Day	Monday, January 16, 2012
Washington's Birthday/President's Day	Monday, February 20, 2012
Patriots Day	Monday, April 16, 2012
Memorial Day	Monday, May 28, 2012
Independence Day	Wednesday, July 4, 2012
Labor Day	Monday, September 3, 2012
Columbus Day	Monday, October 18, 2012
Veterans Day	Monday, November 12, 2012
Thanksgiving Day	Thursday, November 22, 2012
Thanksgiving Friday	Friday, November 23, 2012
Christmas Eve, ½ day (personnel policy) <b>Need to request from the Town Council to allow employees to use a full day on Monday, the 24th.</b>	Monday, December 24, 2012
Christmas Day	Tuesday, December 25, 2012

**This schedule is subject to change by the Town Council.**

**MOTION: Councilor Dayton motioned and Councilor MacDonald motioned and seconded to Authorize the Town Manager to close Town Hall only on Monday, December 24, 2012 with Town Hall employees taking either ½ vacation day or ½ floating holiday.**

**VOTE: Unanimous.**

**# 5518 Discussion with Action: Amend Chapter 78, Article I, Section 78-1, Article II, Section 78-34, 78-38, 78-68, 78-70, 78-94, 78-95, Article III, Section 78-142, Article VII, Section 78-1268, Article VIII, Section 78-1625, 78-1627, 78-1629, 78-1631.**

**The Ordinance Review Committee and Planning Board has recommended the following revisions to Chapter 78, The Zoning Ordinance. The scope of these amendments was limited to items that are not “Comp Plan” related items. The following is a summary:**

**Article I, Section 78-1,**

**These are primarily definitional changes that update terms that make Child Care consistent with State definitions, Update building code references for manufactured housing, a modification to the commercial parking lot definition, accessory structures, and non-conforming uses to clarify complimentary uses**

**Article II, Section 78-34, 78-38, 78-68, 78-70, 78-94, 78-95,**

**These are procedural changes to make the processes more user friendly. They include:**

- 1) The ability to extend a permit if expiration is eminent.**
- 2) The ability to have discretion with late fees.**
- 3) Assigning the abutter notification cost for an Administrative appeal to the Town**
- 4) Allowing a designee to attend ZBA meetings in lieu of the CEO.**
- 5) To allow Limited Yard reductions for all uses, not just residential uses.**
- 6) To remove ramps from misc. appeals as they are exempt from setbacks**

**Article III, Section 78-142**

**These also are procedural changes to make the processes more user friendly. They include:**

- 1) Proposed setback reductions for previously developed properties.**

**Article VIII, Section 78- 1625, 78-1627, 78-1629, 78-1631.**

**Allowing more options for “temporary” Signage and Electronic Signs**

**Article VII 78-1268 Child Care Facilities, This proposal addresses the definitional changes in Article 1.**

**Michael Nugent**

**Code Enforcement Officer**

**PLEASE NOTE THAT THE ORDINANCE CHANGES WERE INCLUDED IN THE OCTOBER 4, 2011 COMMENTARY. COPIES ARE ON THE BACK TABLE OF THE COUNCIL.**

**The Council had concerns over a number of issues when this was discussed in a Public Hearing during the October 18 Town Council Meeting.**

**MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Table indefinitely to Amend Chapter 78, Article I, Section 78-1, Article II, Section 78-34, 78-38, 78-68, 78-70, 78-94, 78-95, Article III, Section 78-142, Article VII, Section 78-1268, Article VIII, Section 78-1625, 78-1627, 78-1629, 78-1631.**

**VOTE: Unanimous.**

**GOOD AND WELFARE:**

**JEROME BEGERT: He continued his support and encouragement to citizens to review carefully the changes to the Charter recalling the hours that have been put in by the Charter Commissioners and the need for review of the material to encompass the changes that will bring the Charter to a current state of working for the citizens of the community. He reminded everyone of their responsibility as a citizen for participating in government and being a part of decision making in moving the Town forward in the years ahead.**

**ADJOURNMENT:**

**MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Adjourn the Town Council Meeting at 8:50 p.m.**

**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 fourteen (14 ) pages is a true copy of the original Minutes of the Town Council Meeting of November 1, 2011.**

**V. Louise Reid**