

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL WORKSHOP.
SPECIAL TOWN COUNCIL MEETING
AND EXECUTIVE SESSION
Tuesday, September 13, 2011
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Workshop of the Old Orchard Beach Town Council was held on Wednesday, May 11, 2011 at 7:00 p.m. Chair Bob Quinn opened the meeting at 7:02 p.m.

The following were in attendance:

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

Discussion this evening revolved around the subject of the sale and use of fireworks. This is a result of the 125th Maine Legislature enacting Public Law, Chapter 416 “An Act to Legalize the Sale, Possession and Use of Fireworks.” Some of the basic requirements include being 21 years of age or older to obtain a license to sell fireworks in Maine; have a federal permit to sell fireworks under Title 18 United States Code, Section 843; local permit to sell; and only sell consumer fireworks in a permanent, fixed, stand-alone building dedicated solely to the sale of consumer fireworks.

Beginning January 1, 2012, the sale, possession and use of consumer fireworks will be legal. The new law authorizes municipalities, by ordinance, to prohibit or restrict the sale or use of consumer fireworks within the municipality but before municipalities undertake to do so it is important they understand what is and is not allowed under the law.

Any municipality in the State, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits or licenses to sell permissible fireworks or the display or possession of permissible fireworks. If the municipality has voted to prohibit the issuance of permits or licenses or the display or possession of permissible fireworks prior to the effective date of this section, such decisions shall remain in effect unless subsequent action is taken under this section.

It should be noted that the “Restriction of Use” section of the law states that people can only use fireworks on their own property or the property of someone who has consented to such use. The pyrotechnics company is not using consumer fireworks so the law would not affect them. Even if they were to use consumer fireworks as part of their show, consent would be given through the

Town acting on behalf of the citizenry who have consented via the charter of incorporation to grant that power to city government.

The Council and those in the audience commented on concerns about safety, insurance liability, and risk to personal property but measured with the rights of citizens.

Chief John Glass spoke about recent findings about the sale and use of fireworks. In 2009, 8,800 fireworks-related injuries were treated in the United States hospital emergency rooms. The trend in fireworks-related injuries has been mostly in the range of 8,300 to 9,800 since 1996, except for spikes in 2000, primarily due to celebrations around the advent of a new millennium, and in 2004, and a sharp drop in 2008. Injuries were higher in 1984-1995 than in 1996 and later years. In 2009, an estimated 18,000 reported fires were started by fireworks. These fires results in no reported civilian deaths, 30 civilian injuries and \$38 million in direct property damage. During 2005-2009, the largest numbers of outdoor fires associated with fireworks involved grass fires (9,4000 per year), brush fires (6,000), dumpster fires (2,200), unclassified or unknown-type natural vegetation fires (1,700), and outside trash, rubbish, or waste fires (1,5000). In 2005-2009, three people per year were killed in fires started by fireworks, while six people per year were killed directly by fireworks. These estimates may overlap, because fireworks can directly kill someone while also starting a fatal fire. Two of five (39%) victims of fireworks injuries in 2009 were under age 15. The highest rates of injuries per million populations were for children aged 10 to 14. Males accounted for nearly three-fourth (73%) of fireworks injuries. The majority (53%) of 2009 fireworks injuries were to extremities – hand or finger (32%), leg (12%), and arm, shoulder, or wrist (9%). Most of the rest (42% of total) were to parts of the head, including the eye (27% of the total). In 2009, five out of six (84%) emergency room fireworks injuries involved fireworks that Federal regulations permit consumers to use. The risk of fire death relative to exposure shows fireworks to be more risky per hour of usage than cigarettes.

The Council discussed the various types of fireworks including combustible or explosive and other articles that produce a visible or audible effect on combustion, explosion, etc. There was a determination between what would be banned and what would still remain legal in the Town of Old Orchard Beach such as the sparklers. Insurance coverage for those selling as well as civil liability in the case of an accident were other concerns of the Council. In discussing the banning or restriction of the sale and use of fireworks, the general consensus of the Council appeared to be to leave the present rules in that regard in tact. Deputy Chief Babin indicated that if a person was in possession of illegal fireworks, the fireworks would be confiscated (first time offenders) and no fine imposed at that time. The Council requested that the Deputy Chief of Police, the Fire Chief and the Code Enforcement Officer meet and draft a suggested ordinance for the Council's review with the above items in mind. The other request was that the Council be provided a more current understanding of the term "Opting out."

The discussion on the sale and use of fireworks ended at 7:45 p.m.

The Council then discussed the issue of televising of Council and Committee/Boards Meetings and Workshops. It was noted that the Chair had asked Chief John Glass, Town Clerk Kim McLaughlin and Assistant Town Manager V. Louise Reid to meet and propose to the Council pertinent information in determining or recommending schedules for various televising of meetings, etc. They reported that they looked over the list of committees and boards and discussed

each of them in detail. They provided a report to the Council which reminded the Council that if the Charter Changes are approved by voters this will affect what meetings will have to be televised. *“All regularly scheduled meetings and budget workshops of the Town Council shall be video recorded and broadcast on a local cable access channel pursuant to federal laws governing local access. Additionally, in the event an issue arises causing significant public interest or significant community changes which will be discussed at a meeting other than a regularly scheduled meeting, all reasonable attempts will be made by the Town Council members to have the meeting video recorded and shown as soon as possible on a local public cable channel. Two copies of all meetings so video recorded, shall be given to the Town Clerk, to be maintained as an archival record of said meetings and available to the public for review. An additional copy would be required for the Harmon Museum for safekeeping.* Future considerations that were recommended included the upgrading of the present equipment and suggested ideas about archiving the video which also has additional costs to it but it would be worth it. There is an upfront cost and then a subscription cost to the Town. This would enable citizens through Virtual Town Hall to go right on line and view segments as they choose of the various tapes. For a future meeting the start-up-costs and also the subscription costs as well as the needed equipment purchases to do this would be provided to the Council. 100 of the CD’s is about \$25. Another suggestion was the use of “U-Tube” but this only allows it to be done in segments; i.e., five segments for an agenda. It is limited. Discussion on the compensation to those doing the televising raised the need for additional staffing depending on the number of groups needed to be recorded and then placed on Channel 3. Chief Glass was to present to the Council the actual cost of staff time, stipends, and the need for additional help depending on the demands of scheduling. Other questions related to the number of hours needed to provide coverage; number of hours it takes to show the meetings; how much air time is required considering that prime time is from 6:00 p.m. to 10:00 p.m.; and the need for preparation time before and after the meeting. Virtual Town Hall to which we now subscribe could do it for us but this would be quite expensive as the cost for archiving would be approximately \$8,000 and another \$3,600 for subscription costs but it was felt we could do it ourselves at a minimal cost. Tapes would be indexed and put on internet so that individuals could go in and look at a tape; when they have the date of the meeting they could actually type in a subject and that particular discussion would come up under the date of the meeting permitting those who are not in town or need information to access what transpired on a given day on a given subject.

We discussed in length the survey that Chief Glass had prepared. Again, the number who watch is considerably small (23.7 percent) but there are those who watch occasionally (34.2 percent). It is not surprising that the early evening is the most popular time for watching programs which makes it difficult to schedule all that is required in that particular time period. The Video community bulletin board was a real success with a hefty 37 percent indicating that it was helpful.

It appeared that the general consensus of the Council was to continue the scheduling at the present rate and programming requirements since there seems to be general satisfaction from the public that they are getting what they want from the programming schedule. It was requested that Chief Glass come back with information on the actual cost of programming; recommendations of upgrades to the system; and suggestions for implementation.

The discussion on this item ended at 8:37 p.m.

The Town Council Chair then asked for a motion to enter into a Special Town Council Meeting to address a Liquor License Renewal.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to renew the liquor license for Bua Thai LLC dba/Bua Thai (211-12-4), 194 Saco Avenue, m-v in a Restaurant.

VOTE: Unanimous.

The Chair then asked for a motion to enter into an Executive Session 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-CLC union contract, as defined under Title 1 M.R.S.A., Section 405 (6) (D)).

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to enter into Executive Session 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-CLC union contract, as defined under Title 1 M.R.S.A., Section 405 (6) (D)).

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Adjourn the Executive Session.

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Adjourn the Special Town Council Meeting

The meeting was closed at 9:30 p.m.

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 four (4) pages is a true copy of the original Minutes of the Town Council Workshop of September 13, 2011.

Louise Reid