

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, April 19, 2011
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, March 1, 2011. Chair Quinn opened the meeting at 7:04 p.m.

The following were in attendance:

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

Absent: Councilor Shawn O'Neill

EMERGENCY ITEM:

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded Per the Town Charter, Section 404.1, to add the following emergency agenda item as Agenda number #5383 – Discussion with Action: Approve a Blanket Letter of Approval for Games of Chance for OOB365, P.O. Box 1124, from April 19, 2011 to December 31, 2012.

VOTE: Unanimous

ACKNOWLEDGEMENTS

VICE CHAIR TOUSIGNANT: Congratulations to the OOB 365 Committee and to the Recycling Committee for the successful weekend including the Swap Shop at Milliken Street Parking Lot and also to the Recycling Committee for the Earth Day Celebration at the Memorial Park. To all who participated in both our sincere thanks and to the host who assisted in the cleaning of Memorial Park in preparation for Memorial Day, again our thanks for a job well done.

COUNCILOR DAYTON: I would like to take this opportunity to thank Recreation Committee member, Eric Santos and his mother as well as those who contributed to raising over \$1,130.37 for the Skateboard Park in an excellent fundraising program. I know that Eric has been enormously involved and committed to seeing this become a reality and we express our appreciation to him and his mother and all those involved in the Skateboard Park for what they are doing to see a dream come true.

CHAIR QUINN: We were saddened to hear of the passing of the father of Mary Ann Conroy, our former Public Works Director. A Service of Remembrance is being held in

Rumford for her father and Councilor O'Neill is attending that service and will not be present this evening.

COUNCILOR MACDONALD: The Salvation Army is in desperate need of non-perishable goods for their Food Kitchen and OOB365 is asking for your assistance. We will be accepting at MacDonald's Garage non-perishable food items which we hope will fill a truck to be delivered to The Salvation Army and distributed to citizens within our community. We appreciate your help in this matter.

CHAIR QUINN: We have a Budget Workshop this Thursday on the issues of Capital Needs, Revenue and Staffing and invite you to join us for the discussion.

ACCEPTANCE OF MINUTES: Town Council Workshop of March 30, 2011; Town Council Meeting of April 5, 2011; Town Council Workshop of April 7, 2011; and Special Town Council Meeting of April 11, 2011.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to approve Town Council Workshop of March 30, 2011; Town Council Meeting of April 5, 2011; Town Council Workshop of April 7, 2011; and Special Town Council Meeting of April 11, 2011.

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open the Public Hearing at 7:07 p.m.

Frederick Hoffmeister – Street Violinist – request to waive the fee; **King Weinstein** (104-2-13-14), 125 Portland Avenue, Unit 14, one year round rental; **Howard & Marie Hawkins** (205-12-16-2), 16 Carll Avenue, #2, one seasonal rental; **George Labonte and Catherine E. Marino Trustees** (205-12-16-5), 16 Carll Avenue, # 5, one year round rental; **Steven Takacs** (301-1-3), 5 Wavelet Street, one year round rental; **Samuel Golzbein Salt Water Entertainment LLC dba/Beach Chair Rentals** (306-6-1), 2 Old Orchard Street, Rental of Merchandise – Must be within Pier Structure – not Outside; and **Joseph F. Agri & Gail R. Ritchey** (310-7-2-4), 64 West Grand Avenue, #4, one year round rental.

MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Remove Without Prejudice **Samuel Golzbein Salt Water Entertainment LLC dba/Beach Chair Rentals** (306-6-1), 2 Old Orchard Street, Rental of Merchandise – Must be within Pier Structure – not Outside;

VOTE: Unanimous.

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

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

VOTE: Unanimous.

PUBLIC HEARING SPECIAL AMUSEMENT PERMIT AND APPROVAL:

CHAIR: I open this Public Hearing at 7:13 p.m.

Vacancy Pub Inc. dba/Vacancy Pub Inc. (210-10-4), 17 Ocean Park Road, Karaoke Inside – 9:00 p.m. to 12:45 a.m.; and Bernard L. Orne dba/Weekend at Bernie’s Beach Club (307-3-1-B), 8 B West Grand Avenue, DJ/Band (amplified) – Inside – 12:00 p.m. to 1:00 a.m.

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

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to address separately the Amusement Permit for **Bernard L. Orne dba/Weekend at Bernie’s Beach Club (307-3-1-B), 8 B West Grand Avenue, DJ/Band (amplified) – Inside – 12:00 p.m. to 1:00 a.m.**

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Table Indefinitely **Bernard L. Orne dba/Weekend at Bernie’s Beach Club (307-3-1-B), 8 B West Grand Avenue, DJ/Band (amplified) – Inside – 12:00 p.m. to 1:00 a.m. until discussion with the Business owner is completed.**

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve the Amusement Permit for **Vacancy Pub Inc. dba/Vacancy Pub Inc. (210-10-4), 17 Ocean Park Road, Karaoke Inside – 9:00 p.m. to 12:45 a.m.**

VOTE: Unanimous.

TABLED ITEM:

5367 -Discussion with Action: Accept the bid for a Contract with Ocean Park Cleaning, Inc. for Cleaning Services for the Police Department not to exceed \$18,200 from Account Number 20129-50310 – New Police Station- Service Contracts, with a balance of \$15,000.

TOWN MANAGER: The Town Manager explained that there has been a delay in providing the contract to the Council and that it should appear on the May 3, 2011 Council agenda for their consideration.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Table Agenda Item Number 5367 - Accept the bid for a Contract with Ocean Park Cleaning, Inc. for Cleaning Services for the Police Department not to exceed \$18,200 from Account Number 20129-50310 – New Police Station- Service Contracts, with a balance of \$15,000.

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

Department of Transportation: Bill Robertson and I have been struggling with the DOT who has announced the intersection project is estimated to cost \$200,000 more than we expected. Bill and I have met with PACTS and they are working with us and the DOT to see if they can assist financially with the project.

Solar Panel for Old Orchard Beach: Kennebunk and Old Orchard Beach are the first two communities exploring with energy outfitters DSC to pursue Free Solar Panels to municipal buildings. DSC Energy is able to provide the solar panels to participating municipalities or non-profits because they retain the clean energy credits generated from the panels. They sell those clean energy credits and that is how DSC makes their money. I will be calling you to hear a presentation and to support DSC to inspect our building for feasibility on the next agenda. In the mean time I am working with their representative from Kennebunk on additional details.

Bullying and Cyber Bullying Project: Working with the Old Orchard Beach Police Department and the Community Watch Committee on this important project. Would like to express appreciation to Lt. Tim DeLuca and Pat Brown and to the Community Watch Group for addressing this important issue.

Dispatch Issues: We will be visiting the Dispatch consolidation site with Engineers as the Tower Construction begins this week.

Planning Position: Final interviews with Candidates for the Planner Position and have met with the Candidate that is being presented to the Council this evening.

Bernstein & Shur: Met with Bernstein & Shur to meet their transition team.

Charter Review Commission: Met with the Charter Commission.

Train Issue: Met with Train Station Managers.

Ballpark, Ballpark, Ballpark: We continue to work diligently planning for the summer activities and I have spent a number of hours in this regard.

5376 Discussion with Action: Instruct the Town Manager to Assemble a Comprehensive Listing of all Store Fronts that are available in Old Orchard Beach including location, year-round or seasonal Status and contact information.

Councilor Sharri MacDonald indicated that recognizing the economic needs of the community, the development of this information will permit contacts and information to be procured and distributed to attract new businesses to our downtown area. She indicated that "Being a small business owner in Old Orchard Beach, every single day I have someone coming in, asking if we're hiring." The request for a comprehensive list with details such as

square footage of the spaces and any information that would make the spaces marketable would make it easier for individuals looking for business opportunities. She also indicated that she would like this information put on the web site for easy accessibility. The Town Manager agreed that this would be something that staff could do in a timely manner.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Instruct the Town Manager to Assemble a Comprehensive Listing of all Store Fronts that are available in Old Orchard Beach including location, year-round or seasonal Status and contact information.

VOTE: Unanimous.

5377 Discussion with Action: Appoint Robin Dube as an Alternate to the Board of Assessment Review, term to expire December 31, 2013; Appoint Larry Littlefield as a Regular Member of the Finance Committee, term to expire December 31, 2013; and Appoint Mark Koenigs as a Regular Member of the Planning Board, term to expire December 31, 2012.

MOTION: Councilor MacDonald motioned and Vice Chair Tousignant seconded to Appoint Robin Dube as an Alternate to the Board of Assessment Review, term to expire December 31, 2013; Appoint Larry Littlefield as a Regular Member of the Finance Committee, term to expire December 31, 2013; and Appoint Mark Koenigs as a Regular Member of the Planning Board, term to expire December 31, 2012.

VOTE: Unanimous.

5378 Discussion with Action: Approve the Special Event Permit application for the Old Orchard Beach Fire Department Call Force to hold their annual Yard Sale at the Public Safety Complex on Saturday, May 7th, 2011, from 8 a.m. to 2 p.m.; and a request to waive the fee.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve the Special Event Permit application for the Old Orchard Beach Fire Department Call Force to hold their annual Yard Sale at the Public Safety Complex on Saturday, May 7th, 2011, from 8 a.m. to 2 p.m.; and a request to waive the fee.

VOTE: Unanimous.

5379 Discussion with Action: Approve the Special Event Permit application for OOB365 to hold their "Taste of OOB" on Old Orchard Street, Sunday, May 1, 2011 from 10:00 a.m. to 4:00 p.m., with a request to close Old Orchard Street. Insurance listing the Town of Old Orchard Beach as additionally insured to be provided to the Town Clerk's Office at least one week prior to the event.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve the Special Event Permit application for OOB365 to hold their "Taste of OOB" on Old Orchard Street, Sunday, May 1, 2011 from 10:00 a.m. to 4:00 p.m., with a request to close Old

Orchard Street. Insurance listing the Town of Old Orchard Beach as additionally insured to be provided to the Town Clerk's Office at least one week prior to the event.

VOTE: Unanimous.

5380 Discussion with Action: Approve Liquor License Renewals of Vacancy Pub Inc. dba/Vacancy Pub Inc. (210-10-4), 17 Ocean Park Road, s-m-v in a Class A Lounge; Bernard L. Orne dba/Weekend at Bernie's Beach Club (307-3-1-B), 8 B West Grand Avenue, s-m-v in a Class A Lounge; Chrysanthe Dikos & Demetrios Dikos (306-5-1-E), 12 Old Orchard Street, m-v in a Restaurant; and Venetia Kouzaounas dba/Venetia's Restaurant (313-4-3), 93 West Grand Avenue, m-v in a Restaurant.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to address separately the Liquor License Renewal for Bernard L. Orne dba/Weekend at Bernie's Beach Club (307-3-1-B), 8 B West Grand Avenue, s-m-v in a Class A Lounge.

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to table indefinitely the Liquor License Renewal for Bernard L. Orne dba/Weekend at Bernie's Beach Club (307-3-1-B), 8 B West Grand Avenue, s-m-v in a Class A Lounge.

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Approve Liquor License Renewals of Vacancy Pub Inc. dba/Vacancy Pub Inc. (210-10-4), 17 Ocean Park Road, s-m-v in a Class A Lounge; Chrysanthe Dikos & Demetrios Dikos (306-5-1-E), 12 Old Orchard Street, m-v in a Restaurant; and Venetia Kouzaounas dba/Venetia's Restaurant (313-4-3), 93 West Grand Avenue, m-v in a Restaurant.

VOTE: Unanimous.

5381 Discussion with Action: Approve the Appointment of the Planner for the Town of Old Orchard Beach.

Councilor Dayton indicated that she felt that the Council had only received the information prior to the meeting and that the Council should have the opportunity to review the information. Vice Chair Tousignant indicated he didn't feel it was appropriate to hire a new Planner without all the Councilors being there to vote on this important issue.

MOTION: Councilor Dayton motion and Vice Chair Tousignant seconded to Table the Appointment of Jeffrey Allen Hinderliter as Planner for the Town of Old Orchard Beach, at a salary of \$56,000, effective May 9, 2011.

VOTE: Unanimous.

5383 Discussion with Action: Approve a Blanket Letter of Approval for Games of Chance for OOB365, P.O. Box 1124, from April 19, 2011 to December 31, 2012.

MOTION: Councilor Dayton motioned and Vice Chair seconded to Approve a Blanket Letter of Approval for Games of Chance for OOB365, P.O. Box 1124, from April 19, 2011 to December 31, 2012.

VOTE: Unanimous.

GOOD AND WELFARE:

No one spoke under Good and Welfare.

5382 Discussion with Action: Executive Session: Personnel Evaluation of Town Manager (Discussion will occur in Executive Session Pursuant to 1 M.R.S.A., Section 405(6)(A).

MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to Enter into Executive Session: Personnel Evaluation of Town Manager (Discussion will occur in Executive Session Pursuant to 1 M.R.S.A., Section 405(6)(A).

VOTE: Unanimous

EXECUTIVE SESSION

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 Town Council Meeting at 10:30 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 seven (7) pages is a true copy of the original Minutes of the Town Council Meeting of April 19, 2011.

Louise Reid