

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, April 5, 2011
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, April 5, 2011. Chair Quinn opened the meeting at 7:05 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**

EMERGENCY ITEM

CHAIR: I entertain a Motion to add an Emergency Item, Agenda Item Number 5375 to the Agenda.

MOTION: Councilor MacDonald motioned and Councilor Dayton seconded, per the Town Charter, Section 404.1, to add Agenda Item 5375 following 5374. Discussion with Action: Approve the Allocation of \$8,400 to Electric Light Company from Account Number 20118-50350 - Contingency, to replace the traffic light signal at the Intersection of Union Avenue and Saco Avenue.

VOTE: Unanimous.

**PRESENTATION: Smart Meter Presentation by
Steve Daniels
Central Maine Power**

Steve Daniels of Central Maine Power made a presentation regarding the Smart Meters. Central Maine Power (CMP) plans to begin removing existing utility meters in Old Orchard Beach and installing new "smart meter," but there have been many questions asked by the citizens on the new devices. He talked about the meter installation which will allow the utility to "read" the meters without leaving their headquarters in Augusta. The meters will allow CMP to provide better service and eliminate two million miles of driving annually by meter readers, among other benefits. The meters will also, at some point, allow consumers the flexibility of using electricity at non-peak hours when the cost of electricity is less. A faster response time is expected when the electricity fails during storms and the new system will

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allow remote connection and disconnection. The State's utility regulator, the Public Utilities Commission (PUC), approved the installation of smart meters two years ago. It is now looking at whether to allow an "opt-out" provision for those who are opposed to the meters. Detractors have concerns about the safety of the wireless devices that emit radio frequency waves and some raise constitutional and privacy issues." (*Journal Tribune.) Some of the questions asked by individuals include why it seems to be taking so long for the PUC and the Legislature to decide on the merits of the opt-out plan? There are supposedly over 20 million smart meters across the country and the Federal Energy Independence and Security Act and Maine's own energy act indicate that upgrading the utility system is imperative. It should be noted that a few years of study before the institution of this system has already been done. "The Federal Government granted CMP \$96 million dollars to install the meters and the utility will absorb the remaining 50 percent of the cost to install them."* With the issues of radiation and all that has been in the papers because of the Japan disaster, the question of radiation emission from the wireless meters has been raised as an issue. The presentation this evening will permit the residents of Old Orchard Beach to ask their questions and express their concerns. Mr. Daniel's knowledgeable answered several questions raised by individuals in the audience. Smart Meters are wireless digital utility meters with additional electronic features that allow utilities and consumers to monitor energy usage. Smart Meters are part of a new global plan to upgrade the world electrical grid to a Smart Grid and reduce energy consumption. They are being installed where your old electric and gas meters were located. He explained that the AMI Mesh Network is a multi-tier architecture that enables the two-way flow of data to integrate the head-end system with distribution devices, AMI meters, and premise devices. That network communications must ensure end-to-end security with the ability to re-route the flow of data based on connectivity of the network devices. He Head End System collects meter data, directs traffic to and from the meters and monitors the health of the network. The Wide Area Network (WAN) connects/forwards meter data back to the HeadEnd System and provides high speed wireless connectivity. The Neighborhood Area Network (NAN) connects meter data in neighborhood environment and forwards to WAN. To questions asked about the towers on which the equipment is placed, he explained that the WAN equipment (gateways, extenders and bridges) are located primarily on towers and distribution poles and some on commercial businesses. One of the questions asked was where they would be located in Old Orchard Beach to which he responded on poles in neighborhoods and, as he just learned, possibly on the pole in the Old Orchard Beach Ballpark. This would be up on the Town's pole operating at 1 watt, peak exposure for anyone at 30 feet below or at 20 feet from the side of this device in the Ballpark and it would be less than one-millionth of the FCC allowable exposures. The device will actually be up higher and further away when installed so the exposure amount drops to levels less than that of the earth's background RF. People at the Ballpark would have much greater exposure from the cell phones use of people in the crowd. The question was asked if a person agrees to having the smart meter installed and then decided after that he wishes to "opt out," can they do so? It was indicated that on a temporary basis, now, until the Maine Public Utilities Commission decides the whole "opt-out" issue. Questions were raised about the health affects on individuals and it was noted that Central Maine power has relied on the health and safety information provided by the Federal Government (FCC and CDC) from the World Health Organization (WHO), and from science and industry experts. The meters and other equipment are approved for this use. Questions were raised about maximum meter transmissions and it was noted that the maximum that a meter can transmit is 45 seconds per day but the system is designed for a much lower level. The average smart meter transmits 68

times per day, each transmission lasting less than 1/5,000 of a second, totaling 0.3 seconds per day. Other concerns that were raised were health and environment impacts, fire hazards, lost jobs, interference problems with other electronics. It was noted that the Government promotes the Smart grid as a more efficient system and many have bought into the idea of more wireless technology being better. An impressive list of “customer service” efforts were explained including the sending of postcards prior to installation to allow customers to arrange appointments; door hangers left when someone is not home; and an effort to install the meters at the convenience of the individual property owner. Again it was noted that people are continuously exposed to a very low level of natural and man-made radio frequency fields, or RF. Even the earth’s surface and the human body are constant sources of RF fields. Although it was recognized that there are still many unanswered questions, the Council did express their appreciation for the excellent report that was presented this evening.

PRESENTATION:

**Presentation by the Sea Level Adaptation Working Group (SLAWG)
Mike Nugent – Code Enforcement**

Staff had provided you with the 2010 year-end report of the group you appointed last fall, the Sea Level Adaptation Working Group (SLAWG), which is entitled: “Sea Level Rise And Potential Impacts by the Year 2100...A Vulnerability Assessment for the Saco Bay Communities” The conclusions of the report can be summarized, as follows:

The sea level in Saco Bay has risen approximately 7.2 inches since 1912, as actually measured by the Portland Tide Gauge. The working group has assumed that between the present time and the year 2100, sea level in the Bay will rise an additional 2 feet. The assumption is based on the middle sea level scenario from the Intergovernmental Panel on Climate Change (IPCC, 2001) and sea level predictions adopted by the State of Maine in the Coastal Sand Dune Rules. Observed sea level changes in Maine have been following global trends over the past century. This report predicts damage to land and buildings based on a projection of two feet of additional sea level added to the highest annual tide (also known as the Spring Tide), as well as two feet of additional sea level added to the highest storm level, recorded in 1978. Based on the most recent tax assessments, the total value of all land and buildings that could be flooded in all four communities, by the year 2100, at the time of each spring tide, is estimated at approximately \$400 million. The total value of all land and buildings that could be flooded in all four communities, by the year 2100, should a storm occur with sea levels two feet higher than in the 1978 storm, is estimated at approximately \$1 billion. Locations of the land and buildings predicted to be inundated with rising sea level are shown in a series of color figures in the report, with the highest losses predicted in Old Orchard Beach and Scarborough, but with losses shown in all four communities. In the calendar year of 2011, the SLAWG is planning to meet 20 times, to continue its work in completing the vulnerability assessment, and to create an action plan with identified and prioritized projects for Council consideration by each community. Rough estimates of flood depths from sea level rise will be developed during 2011. Total potential loss can be tallied relatively easily, but it is more likely that sea level inundation will cause partial losses in real estate building and land values in the areas. Rough estimates of such partial damage to buildings and land from sea level rise, will be developed during 2011. Rough estimates of potential damage to infrastructure from sea

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level rise, will be developed during 2011. Analysis of the results of this vulnerability assessment will inform the work of SLAWG and will guide the creation of an action plan. The action plan will contain these elements: Identification of problems and issues posed by sea level rise. (This vulnerability assessment is a key part of this first element.) Definition of municipal goals for addressing these problems and issues. Establishment of policy statements and directions for solving the problems. Creation of a set of strategies to implement the policy statements. Layout of a decision making method to set priorities among the implementation strategies. Report to municipal councils. During the year, it is anticipated that the group also will carry out its ongoing duties, as listed in the interposol agreement, once the vulnerability assessment and action plan are completed.

These include: Commenting on federal or state beach nourishment/erosion control efforts by the Army Corps of Engineers that affect one or more communities, including management or deposition of dredged materials. Coordinating with the Saco Bay Implementation Team in its efforts to devise a solution to the Camp Ellis jetty and erosion problems. Recommending the standardizing of floodplain management standards and building code interpretations across the four jurisdictions to improve resiliency of individual private structures. Recommending standardizing of ordinance review standards affecting the Shoreland adjacent to Saco Bay, as well as standardizing review and controls for water activities across jurisdictions, for structures and activities affected by sea level rise or coastal storms. Such water activities may or may not include land-based development, and could include aquaculture, marina, or green energy production projects. Providing non-binding comments on various applications for development review affecting Saco Bay that may be vulnerable to sea level rise or coastal storms, to those individual review authorities having jurisdiction. Recommending changes to State level statutes and regulations to enable municipalities to undertake sea level adaptation projects. Coordinating with MS4 storm water planning programs to comply with EPA and DEP requirements. Coordinating with the New England Environmental Finance Center in its research on the economic impacts of sea level rise, and the estimation of costs and benefits of various adaptation strategies. Periodically reporting to the Town and City Managers and Councils.

Discussion included the recognition of the need to monitor and provide citizens with updated information are vital to the safety of our shoreline community.

ACKNOWLEDGEMENTS

VICE CHAIR TOUSIGNANT:

I am pleased this evening to make a few acknowledgements. I would just ask that Donald Gean, Fred Dolgan and Mary Doyle stand for a moment. The first is to recognize these two gentlemen, community members, who both received the Eco Maine Excellence Award. As you know I recommended Fred for the award for all the contributions he has made in our community in a number of areas but also as a member of the Recycling Community. We also wish to recognize Mary Doyle who nominated Donald Gean but who could not attend this evening. Mr. Gean is the Executive Director of the York Shelter Program and has made many “green” improvements to the organization’s two commercial bakeries, commercial café, 30 houses and the community farm. Both of these gentlemen deserve the applause and thanks

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for their contributions to our community and their particular efforts. (Applause from Audience – shake hands with the Council.) My second acknowledgement is also given and well deserved. Last Thursday evening at the Annual Maine Recreation and Park Association Award Banquet. Old Orchard Beach was well represented. First, the Ballpark was recognized as the MRPA’s “Facility of Merit.” This annual award recognizes a Maine recreation facility that has been established (or re-established as the case may be) within the last two years that demonstrates innovation and creativity while increasing local recreational opportunities for diverse users. Town Manager, Jack Turcotte, was in attendance and accepted the award on behalf of the Town. Additionally, we are thrilled that Sharri MacDonald and Linda Mailhot were recognized as co-recipients of the MRPA “Citizen Volunteer of the Year” award. Each year this is presented to a community volunteer who has made a significant contribution to the development and enhancement of recreation and community programs, facilities and services. Both Sharri and Linda were recognized for the countless volunteer hours they have contributed to OOB365 as well as for their leadership and successful vision for the organization. Both Linda and Sharri were present to receive the awards and both took the opportunity to promote the Town of Old Orchard Beach.

ACCEPTANCE OF MINUTES: Town Council Workshop of March 9, 2011; Special Town Council Meeting Minutes of March 9, 2011; Town Council Minutes of March 15, 2011; Town Council Workshop of March 17, 2011; and Town Council Workshop of March 23, 2011.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Accept the Minutes of the Town Council Workshop of March 9, 2011; Special Town Council Meeting Minutes of March 9, 2011; Town Council Minutes of March 15, 2011; Town Council Workshop of March 17, 2011; and Town Council Workshop of March 23, 2011.

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open the Public Hearing at 7:52 p.m.

Samuel Golzbein dba/Banana Boat Rides (306-6-1), 2 Old Orchard Street, Rental of Merchandise – Motorized Water Toy - (Fire Chief and Life Guard Captain must approve final configuration of this before operation.); Wayne F. Smith & Jeffrey Davenport (314-8-7), 87 Seaview Avenue, two year round rentals; and Randy Partners, LLC (323-9-7), 28 Randall Avenue, one year round rental.

The question was asked of Mr. Golzbein: “What is a Banana Boat,” to which he responded that a Banana Boat is an inflatable recreation boat. Different models usually accommodate three to ten riders sitting on a larger, main tube and resting their feet on two laterally flanking tubes which stabilize the boat. Riding in the banana boat is considered to be a safer activity than water-skiing or other towed water sports and is similar to tubing.

CHAIR: I close this Public Hearing at 7:54 p.m.

MOTION: Councilor O'Neill motioned and Councilor MacDonald seconded to Approve the Business Licenses as read.

VOTE: Unanimous.

PUBLIC HEARING LIQUOR LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:55 p.m.

Lafayette Waves Inc. dba/Beach Street Café (313-6-1-B), 75 West Grand Avenue, s-m-v in a Restaurant.

CHAIR: I close this Public Hearing at 7:56 p.m.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Approve the Liquor License as read.

VOTE: Unanimous.

PUBLIC HEARING SPECIAL AMUSEMENT PERMIT AND APPROVAL:

CHAIR: I open this Public Hearing at 7:57 p.m.

Portland Avenue Associates dba/Grand Beach Inn (202-3-5), 198 East Grand Avenue, TV/Radio/Electronics, Non-Amplified Live Music Inside – 6:30 a.m. to 11:00 p.m.

Attorney Harold Pachious spoke on behalf of the Diplomat Condominium Association and also on behalf of Mr. David Putnam who was in the audience to say that each year he has appeared about stipulations on the license of the Grand Beach Inn but that he was here this year to indicate and thank Mr. King Weinstein for the way he and his staff have worked together to assure that this residential area of Old Orchard Beach is satisfied with the operation of the Inn. He said the stipulation is that the non-amplified music - live music - is inside has proved satisfactory. The Council recognized this working relationship and expressed their appreciation.

CHAIR: I close this Public Hearing at 7:59 p.m.

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

VOTE: Unanimous.

TABLED ITEM: **New England Restaurant Group dba/Pirates Patio & Galley** (304-2-9), 2 Walnut Street, Amplified Music & Dancing, Inside & Outside – 12:00 p.m. to 8:00 p.m.

CHAIR: I open this Public Hearing at 8:00 p.m.

The Code Enforcement Officer explained that the request for there to be a specific smoking area as addressed with the local Police Department and a request to the State. It was determined that the stipulation will be that smoking is allowed only on the beach side of the property and not in the back parking lot or near the rest rooms. This would be stipulated on the Business License which is next on the agenda.

CHAIR: I close this Public Hearing at 8:04 p.m.

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

VOTE: Unanimous.

TABLED ITEM: New England Restaurant Group dba/Pirates Patio & Galley (304-2-9), 2 Walnut Street, s-m-v in a Restaurant.

CHAIR: I open this Public Hearing at 8:06 p.m.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Approve the Liquor License Renewal for New England Restaurant Group dba/Pirates Patio & Galley (304-2-9), 2 Walnut Street, s-m-v in a Restaurant with the stipulation that Smoking will be allowed only on the beach side of the property and not in the Back parking lot or near the rest rooms.

VOTE: Unanimous.

CHAIR: I close this Public Hearing at 8:07 p.m.

TOWN MANAGER'S REPORT

The Town Manager reported on the following: Participated in Department Head Meetings; Attended an Energy Seminar – last Saturday in Concord, New Hampshire; Attended many meetings on Cyber Bullying and participated in Augusta in a Hearing on Cyber Bullying; Attended several Budget Workshops; Meeting with staff on the subject of Beach Ordinance Proposed Changes; Opened up bids on Propane purchase for the Municipality – need to re-bid; Met with Wright Pierce on Engineering Report/Sewer Fee Participated in Meals on Wheels Program; Attended the Annual Maine Recreation and Park Association; Award Banquet at which time the Ballpark was recognized as the MRPA's "Facility of Merit;" Thrilled to be able to share the privilege of seeing Sharri MacDonald and Linda Mailhot recognized as co-recipients of the MRPA "Citizen Volunteer of the Year" award; Several meetings regarding the Dispatch Consolidation with Engineering Firm, Kennebunk Dispatch and Staff; Several meetings with the Ballpark Commission and Tournament Committee, Budget Sub Committee, and Operational Plan Committee; Attended meetings of the Charter Review; Meetings on personnel issues;

Continued negotiations with Waste Water and Public Works; Meetings with Bernstein & Shur; Met with Benchmark on finalizing the Police Station Building issues; More than the average number of citizen discussions regarding important issues facing the Town of Old Orchard Beach; We have been notified by the Maine Office of Emergency Management that we will be receiving the final payment of financial aid for the winter storm and flooding of February 23 through March 2, 2010; A check in the amount of \$9,972.42 should be arriving soon; Met with the Maine DEP on the sampling requirements for sediment materials to be removed as part of the Old Orchard Beach marshal Dredging. We can now move forward with the required sampling and grain size analysis which will allow us to find a beneficial reuse location for the material to be transported to and reused. Current plan under review is for BBI to accept the dredged material as fill on their business site; and Reviewing contract documents with Central Maine power for the use of the Ballpark Tower.

King Weinstein expressed appreciation for the work that the Town Manager is doing but also indicated that crowds in town are slim and that often the Main Street is vacant of activity and that the department heads should be working collaboratively together to address the need for new businesses so that the empty store fronts are filled. He also mentioned the loss of over 200 individuals in the 2010 Census and that we need to be going the other way and increasing our residency.

5366 Discussion with Action: Set a Public Hearing Date of May 3, 2011 to Amend Chapter 42, Parks and Recreation; Section 141 through and including Section 145; and Section 201 of the Town of Old Orchard Beach Code of Ordinance.

DIVISION 2. WATER TOYS

Sec. 42-141. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjacent tidewaters means the ocean waters along the shoreline of the town beach and extending for a distance of 300 feet from the beach, measured from the low water mark.

Commercial use means any no recreational use or any use or operation for profit, including but not limited to the storage or rental of water toys and no motorized watercraft.

No motorized watercraft means inflatable tubes, rafts, surfboards, sailboats, windsurfers, paddleboats and other no motorized floatation devices designed for recreational use.

To park means to put or leave a water toy or no motorized watercraft for a limited time on the town beach.

To store overnight means to put or leave an unattended water toy or no motorized watercraft on the town beach for any time period in excess of six hours or between the hours of 12:00 midnight and 5:00 a.m.

Town beach means that beach area and public parkland taken by the town for a public park on or about April 23, 1935, and May 5, 1935, the records of which are on file in the office of the town clerk.

Water toy means any motorized craft, vehicle, conveyance or device for carrying or transporting persons in or on the water, including but not limited to jet skis, powerboats, amphibious vehicles and rafts or other flotation devices pushed by, pulled behind or towed by a motorized boat.

(Ord. of 4-19-1988, § IV; Ord. of 5-3-1988; Ord. of 3-4-2008)

Sec. 42-142. Purpose.

The purpose of this division is to regulate certain uses of the town beach and adjacent ocean tidewaters, specifically, the use or operation of certain water toys and no motorized watercraft which may create a hazard to the public health, safety and welfare by endangering swimmers, distracting lifeguards from the performance of their duties, contributing to noise and water pollution, and otherwise interfering with the public's use and enjoyment of the town beach and adjacent tidewaters, particularly during the summer months when the town beach is most congested.

(Ord. of 4-19-1988, § III; Ord. of 5-3-1988)

Sec. 42-143. Enforcement.

This division shall be enforced by any lifeguard employed by the town, by any law enforcement officer, or by any other designated town official duly authorized to enforce this division.

(Ord. of 4-19-1988, § VIII; Ord. of 5-3-1988)

Sec. 42-144. Prohibitions and restrictions.

(a) It shall be unlawful and a violation of this division to engage in any commercial use or operation of any water toy or no motorized watercraft on or from the town beach.

(b) It shall be unlawful and a violation of this division to park, launch, use or operate any water toy on or from the town beach and in the adjacent tidewaters during the period June 21 through Labor Day of each year, except between 5:00 p.m. and 9:00 a.m.

(c) It shall be unlawful and a violation of this division to park any no motorized watercraft on the town beach in the area located between Union Avenue and Walnut Street, during the hours of 9:00 a.m. through 5:00 p.m., inclusive, between June 21 through Labor Day of each year.

(d) It shall be unlawful and a violation of this division to store on the town beach any water toy or no motorized watercraft during the period June 21 through Labor Day of each year.

(e) The use of no motorized watercraft other than surfboards is permitted and shall not be a violation of this division on and from the town beach and in the adjacent tidewaters. However, the chief lifeguard may prohibit or restrict the use of such no motorized watercraft when in his judgment factors, including but not limited to crowd conditions, weather conditions and tides, make such action necessary. The use of surfboards is prohibited except as allowed by subsection (f) and (g) of this section.

(f) The use of no motorized surfboards is permitted and shall not be a violation of this division in the following designated area of the town beach and adjacent ocean tidewaters: on the northerly side of the Old Orchard Pier from such pier to a point 125 yards from the pier. Such designated area shall be identified by appropriately placed signs, notices, ropes, buoys and/or other marks.

(g) The use of no motorized surfboards is permitted and shall not be in violation of this division along the entire town beach during the following dates and times:

(1) Between the dates of Labor Day and June 21, at all times; and

(2) Between the dates of June 21 and Labor Day, during the hours from 5:00 p.m. to 9:00 a.m.

(h) This section shall not apply to a marina; a passenger transportation service, such as excursion boats, charter boats, water taxis or water shuttles; ~~or~~ a waterborne amusement ride or a motorized water toy, which is: (i) operated at, to, from or adjacent to the pier or other such location as approved by the town council and; (ii) operated pursuant to an annual license issued by the town council under article II of chapter 18; and (iii) operated only in areas approved by the town council and marked off by buoys, ropes, floats or other devices designed to keep swimmers and bathers from entering the operations area. The town council may approve such an operation only upon finding that it will not create a hazard to the public health, safety or welfare by endangering swimmers, distracting lifeguards from the performance of their duties, contributing to noise or water pollution or otherwise interfering with the public's use and enjoyment of the town beach and adjacent tidewaters, and the town council may impose conditions to ensure compliance with such findings.*

*Notwithstanding the provisions of Title 1, section 302 of the Maine Revised Statutes, this amendment shall affect proceedings pending at the time of its passage.

(Ord. of 4-19-1988, §§ V, X; Ord. of 5-3-1988; Ord. of 6-6-2000; Ord. of 3-4-2008)

Sec. 42-201. Use of the beach areas.

No motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles and the town's public works vehicles, designated for public safety or beach cleaning purposes or vehicles authorized by The Town Council pursuant to a special amusement permit or pursuant to an annual license issued by the Town Council under article II of chapter 18.

Councilor Dayton expressed frustration that this item was on the agenda without the usual practice of a Workshop and although a Workshop was scheduled after-the-fact, on issues of importance to many Workshops need to be conducted before the ordinance is changed. There has been no input into what the Council or the citizens are looking for and this was inappropriately moved ahead to this point. Councilor MacDonald indicated that she asked for this to be put on the agenda and that she believed the staff had been directed to move forward on this issue and that there would be plenty of time with the change in the Workshop schedule to May 3rd for the Workshop to be held and people would have ample time to express their opinion at that time. Councilor O'Neill said that there have been no changes to the ordinance; this is just a suggested change and that nothing can be done until the Public Hearing when people will have the opportunity to express their opinion and then, and only then, would it move forward.

MOTION: Councilor O'Neill motioned and Vice Chair Tousignant seconded to Set a Public Hearing Date of May 3, 2011 to Amend Chapter 42, Parks and Recreation; Section 141 through and including Section 145; and Section 201 of the Town of Old Orchard Beach Code of Ordinance.

VOTE: Yea: Councilors O'Neill, MacDonald, Vice Chair Tousignant and Chair Quinn.
Nea: Councilor Dayton

Cleaning, Inc. for Cleaning Services for the Police Department not to exceed \$18,200 per year from Account Number 20129-50310 – New Police Station- Service Contract.

CHIEF KEITH BABIN: An RFP was prepared for Cleaning Services for the new Police Station. On March 11, 2011 those bids were opened. We received three bids:

**Ocean Park Cleaning, Inc.
Maletta Kleaning Services
Domestiks Cleaning Services**

Detailed in each bid are separate costs for items such as rug cleaning, stripping of floors, etc. The Police Administration has recommended accepting the Ocean Park Cleaning Contract at \$18,200 per year for two years.

There was a discussion relative to cleaning services throughout the municipality and the general consensus of the Council was that this item should be tabled and the opportunity given for more discussion about a possible one-year contract and more specific information on what it is detailed. The need for a contract to be provided was requested and an opt-out clause was specifically required. The Town Manager indicated that they would address this before the next Council Meeting.

MOTION: Councilor O'Neill motioned and Vice Chair Tousignant seconded to Table to the May 3, 2010 Council Meeting to Accept a bid for a Contract with Ocean Park Cleaning, Inc. for Cleaning Services for the Police Department not to exceed \$18,200 per year from Account Number 20129-50310 – New Police Station- Service Contract.

VOTE: Unanimous.

5368 Discussion: Update on the Communication/Engineering Design in the Consolidation of Dispatch Project.

TOWN MANAGER: Ken Knight from Active Commutations has completed the Dispatch engineering study with good results:

- We will not need to use the private water tower in Old Orchard across from the Fire Department. start-up savings of \$4,000 from the original project estimated budget.
- We can refurbish and add to the existing tower Currently at the Fire Station for approximately \$10,000 (new cost.)
Start-up Savings \$12,000

- **We will be able to provide extra redundancy with this plan because we are establishing a partnership with Kennebunk allowing use to transmit to Kennebunk and to Sanford in an emergency; and Kennebunk could transit from Kennebunk to Old Orchard Beach to Sanford if Kennebunk would have an emergency.**

These figures could change slightly as our final meeting scheduled for Friday was cancelled due to the storm. The meeting has been rescheduled on Monday.

Ken Knight, Systems Engineer, Active Communications reported on the Survey. The survey was undertaken to verify microwave signal paths to provide connectivity for both haul of IMC/CAD, two-way radio audio data and potential camera data for the Sanford 911 Public Safety Dispatch Center. Sites verified by onsite inspection and computer link budget projections were: OOB exiting Public Safety building to Private Water Tank; OOB existing Public Safety Building to new Tower at Saco Fire; OOB Private water tank to Fort Ridge in Shapleigh, Maine; Fort Ridge to Mt. Hope in Sanford, Maine; OOB existing Public Safety building proposed new Tower to Biddeford 61 Forest St. Tank; 61 Forest Street Tank to Kennebunk 54 Alfred Road Water Tank; 54 Alfred Road Tank to Mt. Hope; and 61 Forest Street to Mt. Hope, Sanford, Maine. The microwave path survey will establish pre-link budgets for the best microwave path communication in conformance with public Safety 99.99999% reliability and best current engineering practices. The economic portion for ongoing monthly cost was also part of our scope of work. Site rentals and any site work needed were part of this preliminary study. Preliminary link budget profiles were done by computer path analysis to determine the best and most cost effective paths as per our scope of work, for best overall performance and system integrity. Active Systems Group engineering provided the link budgets and topographical maps for this study. The following are the best microwave paths recommended due to reliability and cost effectiveness. Active Microwave best case path recommendations were:

From OOB's exiting Public Safety building's new 140 foot tower to Biddeford and Saco Water Towner at 61 Forest Street. Biddeford and Saco Water Tanks 61 Forest Street to Mt. Hope in Sanford, Maine. Monthly electric service at 61 Forest Street Tank is approximately \$50; Monthly site rental at Mt. Hope is \$400 per month.

Any location requiring RF antenna cable to be run in conduit must be run in non-metallic-based conduit tubing. All antenna heights listed should be considered minimum heights for antenna placement. The microwave Link budget path survey calls for setting the antenna system up at the specific heights at each location. Their propagation models (computer paths) were done using ComStudy which is a communication software package and one of the more respected/industry leaders in this type of software. Active Communication's recommended solution takes into consideration the potential building of a new 140 foot Tower by the Town of Old Orchard Beach at the existing Public Safety Building. The RF engineer had also looked at an alternative that would allow modification of the existing roof tower and might allow OOB not to have to build the 140 foot tower. They spent time via computer path software and out at the actual sites verifying all potential locations. The problem of using the private water tank is that it requires a link from Police Department just to get there and all

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the site restrictions that come with that. In discussion with the Town of Old Orchard Beach officials, we were asked to look at alternatives.

The Saco Alternative: The new 180 foot tower at the new Saco Public Safety Building – this is not an option due to the high ridge of land area in Biddeford that we would need to get over to get signal out and back to Sanford. **Fort Ridge, Shapleigh, Maine Alternative:** This path was very good for microwave reliability to get to the Mt. hope site in Sanford. This is not recommended, however, due to the monthly cost that will be incurred by the Town of Old Orchard Beach. Old Orchard Beach would need two (2) six (6) foot microwave antennae on the Fort Ridge Tower and one four (4) foot dish on Mt. Hope. The Fort Ridge monthly site rent would be \$1,200 and the Mt. Hope rent would be \$400 for a total cost to Old Orchard Beach of approximately \$1,600 per month. **Kennebunk 33 York Street Tank Alternative:** Good site but tank climber discovered major work needed and the microwave antenna installation for multiple antennas will be exceedingly high. We chose not to use this site but have included it in a back up/redundancy plan for future build-out with Kennebunk. **Kennebunk 54 Alfred Road Tank Alternatives:** Good site but path results show less than public safety reliability due to foliage located in the path from the Biddeford 61 Forest Street Tank path.

They are therefore recommending: Two (2) microwave op configurations and will work with the Town of Old Orchard Beach to resolve whether to build the new Tower or a modification of the existing Tower for the most time and cost effective solution to allow for a late May 2011 start-up of this project.

| Old Orchard Beach Public Safety Technology Costs to Migrate to Sanford Regional Communications for Dispatch Services | | |
|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------|
| Item | Up-Front One-time Cost | Annual Recurring Cost |
| Software Costs | | |
| IMC Police Dept Cost | | |
| Multi-Agency Participating PD | \$ 5,000 | |
| 20 Concurrent user Count Increase to Sanford Server | \$ 2,100 | |
| One Year Support | \$ 2,430 | \$ 2,430 |
| IMC Fire Dept Cost | | |
| Multi-Agency Participating FD | \$ 2,500 | |
| Merge Existing NFIRS Data | \$ 2,500 | |
| One Year Support | \$ 450 | \$ 450 |
| Propalms Terminal Services (as backup for data link, going down) - assume 8 licenses | \$ 1,200 | \$ 184 |
| Total Software Cost | \$ 16,180 | \$ 3,064 |
| Data Communication Cost - OOB to Sanford | | |
| Microwave 50 Mbps | \$ 87,200 | |
| Mount Hope Monthly Fee | \$ 4,800 | \$ 4,800 |
| Radio Interface over Microwave | \$ 6,830 | |
| Total Data Communications Cost | \$ 98,830 | \$ 4,800 |

| | | |
|-----------------------------------|------------|-----------|
| Tower RetroFitting | \$ 13,400 | \$ - |
| Total Communication Cost 1st Year | \$ 128,410 | |
| Total Annual Recurring Costs | | \$ 7,864 |
| Original Estimates | \$ 124,180 | \$ 15,064 |
| Up By Down By | \$ 4,230 | \$ 7,200 |

5360 Discussion with Action: Approve the Special Event Permit application for OOB 365 to hold a Swap'n'Shop in the Milliken Street Parking Lot on Saturday, April 16, 2011; with a rain date of Sunday, April 17, 2011; set up to begin at 6:30 a.m.; and Event ends at 2:00 p.m.

MOTION: Councilor O'Neill motioned and Vice Chair Tousignant seconded to Approve the Special Event Permit as read.

VOTE: Unanimous.

#5370 Discussion with Action: Appoint Kristopher Fish as the second Alternate to the Planning Board, term to expire 12/31/12.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Appoint Kristopher Fish as the second Alternate to the Planning Board, term to expire 12/31/12.

VOTE: Unanimous.

5371 Discussion with Action: Approve Liquor License Renewals of Portland Avenue Associates dba/Grand Beach Inn (202-3-5), 198 East Grand Avenue, s-m-v in a Hotel-Optional Food; Thomas H. Humphreys dba/Tom's Restaurant (306-4-4), 17B East Grand Avenue, s-m-v in a Restaurant; and Richard Payette dba/The Landmark Restaurant (306-5-6), 28 East Grand Avenue, s-m-v in a Restaurant.

MOTION: Councilor O'Neill motioned and Vice Chair Tousignant seconded to Approve the Liquor License Renewals as read.

VOTE: Unanimous.

5372 Discussion with Action: Set a Public Hearing Date of May 3, 2011 to Revise Chapter 50, Article II, Sidewalks, Amending Sections 50-52, 50-53, 50-58, 50-148, 50-172, 50-241 and 50-243 adding Sections 50-150 and 50-249 of the Town of Old Orchard Beach Code of Ordinances.

MIKE NUGENT: The Ordinance Committee has finished the review of the above ordinance and recommends the following changes:

Chapter 50 Streets, Sidewalks and other Public Places

Throughout the Ordinance, where the words Public Works Foreman were found, it was replaced with Public Works Director.

Sec. 50-52. Construction by town or abutting landowners. These changes require the owner to obtain three bids. The Town is only responsible for the low bid, but the owner can hire the high bid and pay the difference. This required Town Council Approval.

Sec. 50-58. Lien procedure. A typo (CUBING) was corrected with “Curbing”.

Sec. 50-148. Permanent resurfacing of pavement. Changes to this section better define how a road must be repaired after a street opening as suggested by the Public Works Director.

Sec. 50-150. Excavator license. At the request of the Public Works Director, this section requires a license for excavators that work within the Town Right of Ways.

Sec.50-249. Sidewalk Cafés. This section would allow for restaurants to have sidewalk cafés. We will be asking that the Town Council set the fee at \$100.00 bas plus \$2.00 per sq.ft. of Town sidewalk. (This is the same square footage price as The City of Portland)

Chapter 50 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

***Cross references:** Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the town saved from repeal, § 1-9(a)(5); any ordinance establishing and prescribing the street grades of any street in the town saved from repeal, § 1-9(a)(10); any ordinance providing for local improvements and assessing taxes for such improvements saved from repeal, § 1-9(a)(11); department of planning and development, § 2-472; dogs on beach, public streets and sidewalks, § 14-6; environment, ch. 26; urination in public or outdoors, § 38-56; outdoor vending machines, § 38-271 et seq.; parks and recreation, ch. 42; traffic and vehicles, ch. 54; play streets, § 54-103; narrow streets, § 54-150; parades and processions, § 54-246 et seq.; obstructions on public streets, § 54-276; utilities, ch. 58; vehicles for hire, ch. 62; buildings and building regulations, ch. 66; subdivisions, ch. 74; street design and construction standards, § 74-306 et seq.; zoning, ch. 78; street trees, § 78-1771 et seq.; manufactured housing, § 78-2056 et seq.

State law references: Nuisances, 17 M.R.S.A. § 2802; obstructing public ways, 17-A M.R.S.A. § 505; removal of obstructions, 23 M.R.S.A. § 3452.

Article I. In General

Secs. 50-1--50-25. Reserved.

Article II. Sidewalks

Division 1. Generally

Secs. 50-26--50-50. Reserved.

Division 2. Construction and Maintenance

[Sec. 50-51. Sidewalks and curbing required.](#)

[Sec. 50-52. Construction by town or abutting landowners.](#)

[Sec. 50-53. Reconstruction; appointment of cost.](#)

[Sec. 50-54. Waiver or amendment of requirements.](#)

[Sec. 50-55. Substitution of materials.](#)

[Sec. 50-56. Service ways and curb cuts; removal of sidewalks and curbing.](#)

[Sec. 50-57. Work done by town; lien.](#)

[Sec. 50-58. Lien procedure.](#)

[Sec. 50-59. Repair and maintenance.](#)

Secs. 50-60--50-85. Reserved.

Article III. Streets

Division 1. Generally

Secs. 50-86--50-110. Reserved.

Division 2. Naming and Numbering

[Sec. 50-111. Definitions.](#)

[Sec. 50-112. Purpose.](#)

[Sec. 50-113. Enforcement and penalty.](#)

[Sec. 50-114. Designation of street names.](#)

[Sec. 50-115. Designation of street numbers.](#)

[Sec. 50-116. Display of numbers.](#)

[Sec. 50-117. New or renovated property.](#)

Secs. 50-118--50-145. Reserved.

Division 3. Excavations

Subdivision I. In General

[Sec. 50-146. Effect of noncompliance.](#)

[Sec. 50-147. Temporary resurfacing of trench.](#)

[Sec. 50-148. Permanent resurfacing of pavement.](#)

[Sec. 50-149. Traffic control.](#)

[Sec. 50-150. Excavator license.](#)

50-151-50-170. Reserved.

Subdivision II. Permit

[Sec. 50-171. Required.](#)

[Sec. 50-172. Application.](#)

[Sec. 50-173. Fees.](#)

[Sec. 50-174. Dates limited.](#)

[Sec. 50-175. Starting date.](#)

[Sec. 50-176. Moratorium after reconstruction.](#)

Secs. 50-177--50-205. Reserved.

Division 4. Improvements

Sec. 50-206. Applicability.

Sec. 50-207. Definitions.

Sec. 50-208. Authority.

Sec. 50-209. Power of council.

Sec. 50-210. No obligations created.

Sec. 50-211. Conditions.

Sec. 50-212. Procedure for acceptance or taking.

Sec. 50-213. Apportionment and assessment of costs.

Secs. 50-214--50-240. Reserved.

Article IV. Obstruction of Public Places

Sec. 50-241. Definitions.

Sec. 50-242. Purpose.

Sec. 50-243. Enforcement.

Sec. 50-244. Exemptions.

Sec. 50-245. Outside displays.

Sec. 50-246. Outside solicitation of sales.

Sec. 50-247. Obstruction of public passage.

Sec. 50-248. Placement of posters.

Sec. 50-249. Sidewalk Cafés

50-250--50-270. Reserved.

Article V. Operation of Noise-Creating Devices on Public Rights-of-way

Sec. 50-271. Definitions.

Sec. 50-272. Purpose and policy.

Sec. 50-273. Certain noises prohibited.

Sec. 50-274. Exceptions.

Sec. 50-275. Violation and penalty.

Sec. 50-276. Controlling provisions.

ARTICLE I. IN GENERAL

Secs. 50-1--50-25. Reserved.

ARTICLE II. SIDEWALKS

DIVISION 1. GENERALLY

Secs. 50-26--50-50. Reserved.

DIVISION 2. CONSTRUCTION AND MAINTENANCE

Sec. 50-51. Sidewalks and curbing required.

Where a nonresidential development or a multifamily residential development, as defined by chapter 78, abuts any accepted street and a sidewalk satisfactory to the public works department has not already been provided, a sidewalk and curbing shall be provided along the entire street frontage of the lot. If either a sidewalk or curbing, but not both, shall exist at such location which is satisfactory to the public works department, only a sidewalk or curbing, as the case may be, shall be provided. In either case, such sidewalk and curbing shall be constructed in accordance with the specifications of chapter 74 and to the satisfaction of

the public works department at no cost to the town prior to issuance of any certificate of occupancy for such development.

(Ord. of 3-17-1987, § 1)

Sec. 50-52. Construction by town or abutting landowners.

(a) Notwithstanding section 50-51, the town council may at any time direct the construction of a sidewalk or curbing or both along any accepted street in the town. Such sidewalk or curbing shall be constructed by the town, and the cost thereof shall be borne by the town.

(b) Sidewalks or curbing or both may be ordered by the council upon petition of an abutting landowner, and one-half of the cost thereof shall be assessed to such abutting landowner and shall be collected by the town in the manner provided in sections 50-57 and 50-58. The landowner is required to submit three competitive bids. The Town Council, based on the recommendation of the Public Works Director, has the option of selecting to pay half of the lowest bid, but the homeowner has the right to choose any contractor. The Town Council also has the right to reject any and all bids.

Sec. 50-53. Reconstruction; assessment of cost.

(a) The town council may at any time direct the reconstruction of any sidewalk or curbing which has been constructed along any accepted street by other than the town and which has not been accepted as the responsibility of the town. Such sidewalk or curbing shall be reconstructed by the town, and the cost thereof shall be borne by the town.

(b) Such improvements may be ordered by the council upon the petition of an abutting landowner, and one-half of the cost thereof shall be assessed to such abutting landowner and shall be collected by the town in the manner provided in sections 50-57 and 50-58. The landowner is required to submit three competitive bids. The Town Council, based on the recommendation of the Public Works Director, has the option of selecting to pay half of the lowest bid, but the homeowner has the right to choose any contractor. The Town Council also has the right to reject any and all bids.

(Ord. of 3-17-1987, § 2)

(Ord. of 3-17-1987, § 3)

Sec. 50-54. Waiver or amendment of requirements.

(a) Except as otherwise provided in this division or in chapter 74, the town council may, upon application to it in writing, waive or amend by order the requirement of sidewalks or curbing when it finds that the circumstances in the specific case warrant such waiver or amendment; however, no such order shall be construed as waiving the requirement of cost apportionment, assessment and collection unless expressly stated therein.

(b) When any multifamily residential development is reviewed by the planning board as a conditional use pursuant to chapter 78, the planning board shall have the authority to waive or amend the requirements of this division in the same manner as the town council is authorized to do by this section. Any waiver or modification by the town council or by the planning board shall be upon a like finding and upon the same terms and conditions as are set forth in section 74-34 pertaining to variances and waivers.

(Ord. of 3-17-1987, § 4)

Sec. 50-55. Substitution of materials.

The public works director may permit the substitution of other types of materials for sidewalks or curbing when, in the sole and exclusive judgment of the public works director, he finds such substituted materials to be equal to or better than the materials required in this division.

(Ord. of 3-17-1987, § 5)

Sec. 50-56. Service ways and curb cuts; removal of sidewalks and curbing.

The design and location of service ways and curb cuts and sidewalks and curbing shall be as approved by the public works department. No additional service ways or curb cuts and no alterations in the existing service ways or curb cuts shall be made without the prior consent of the public works department, and no such sidewalk or curbing shall be removed except by the town through its duly authorized agents or as authorized by a permit issued by the public works department.

(Ord. of 3-17-1987, § 6)

Sec. 50-57. Work done by town; lien.

The public works department is authorized in accordance with this division to construct or reconstruct sidewalks or curbing along any accepted street in the town, provided that appropriation has been made for such purpose, and the town shall have a lien on the abutting property to which one-half of the expense thereof is properly assessable pursuant to this division.

(Ord. of 3-17-1987, § 7)

Sec. 50-58. Lien procedure.

(a) The public works department shall keep an accurate account of the expense of work under this division and shall, as soon as practicable after the completion thereof, make a return showing the following:

- (1) The location of such sidewalk or curbing;
- (2) Its length and width;
- (3) The material of which it is constructed;
- (4) The cost of construction; and
- (5) The names of the owners of the abutting property with the amounts properly chargeable against each.

(b) Within one year after the completion of such work, the town council shall assess upon the abutting properties their just proportion of the cost thereof, and all assessments so made shall constitute a lien on the property in the manner provided for the collection of sewer assessments in the town, except that no owner shall be assessed for more than 200 feet in length of sidewalk or ~~curbing~~ curbing on any one street in front of any unimproved lots or parcels of land.

(Ord. of 3-17-1987, § 8)

Sec. 50-59. Repair and maintenance.

The public works department is authorized as it deems expedient or necessary to repair and maintain, at the sole expense of the town, sidewalks or curbing previously constructed by the town or constructed under this division, provided that any sum expended for such work has been previously appropriated by the town council for such purpose. The public works department is further authorized, whenever it deems such work expedient or necessary because of a dangerous or hazardous condition, to make spot repairs at the sole

expense of the town on any type of sidewalk, however constructed, provided sums have been appropriated for such purpose.

(Ord. of 3-17-1987, § 9)

Secs. 50-60--50-85. Reserved.

ARTICLE III. STREETS

DIVISION 1. GENERALLY

Secs. 50-86--50-110. Reserved.

DIVISION 2. NAMING AND NUMBERING

Sec. 50-111. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driveway means any access road to private property that is wholly contained within the boundaries of that property.

Property means any land parcel on which a more or less permanent structure has been erected or could be placed.

Street means a public or private way which affords the principal means of access to abutting properties.

(Ord. of 4-1-1997, § 4)

Cross references: Definitions generally, § 1-2.

Sec. 50-112. Purpose.

The efficient and effective public safety operations are inhibited by the inconsistent street numbering process and the similarity of names of many streets within the town. It is the desire of the town to fully protect the lives and property of the town's residents. The purpose of this division is to facilitate the rapid location of properties by law enforcement, fire, rescue and emergency medical services.

(Ord. of 4-1-1997, § 2)

Sec. 50-113. Enforcement and penalty.

This division shall be enforced by the public safety director, who shall give written notice to any owner or person in charge of a dwelling, place of business or building, advising that person of a date by which the person or owner must comply with this division. If the person to whom the notice is addressed does not correct the violation by the compliance date, such person shall commit a civil violation.

(Ord. of 4-1-1997, § 9)

Sec. 50-114. Designation of street names.

(a) The town council shall assign names to all existing and proposed streets within the town. A street name assigned by the town shall not constitute or imply acceptance of the street as a public way.

(b) No two streets shall be given the same name or similar names (e.g., Pine Lane, Pine Road). If duplication is found in existing street names, precedence shall be accorded the street which has held the name the longest or the one which has the greater number of abutting

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developed properties. No two streets shall have similar-sounding names (e.g., Beech Street and Peach Street).

(c) Current names of streets shall not be changed unless they are classified as prohibited as specified in subsections (a) and (b) of this section. Whenever practical, names for streets will be selected by the residents and property owners associated with the street when the road does not currently have an acceptable name.

(d) Prior to changing the name of any existing street, the town council shall hold a public hearing, which notice shall be posted and published at least ten days prior to the hearing. The notice shall include the date, time and place of the hearing. All property owners of record relative to the street name change shall be mailed a notice of hearing at least ten days prior to the hearing.

(e) Names shall not contain hyphens, apostrophes or no alphabetic characters and shall not have more than a total of 30 characters and spaces.

(f) The design and style of street name signs and letters of accepted streets within the town shall be provided by the public works department.

(g) The entrance road to a mobile home park will be assigned a name, which it will bear for the entire distance throughout the park. The operator of the mobile park shall not name any street within the park that is not in compliance with this division.

(h) If there are three or more developed parcels that abut a private lane or way, the owners of those lots may petition the town council to name the private way. The assessor shall issue street numbers for that street. It will be the sole responsibility of the owners to maintain a street sign at the entrance to the private way in accordance with the public works department's standards for public road signs. The name of the private way shall not conflict or sound similar to any existing street name.

(Ord. of 4-1-1997, § 5)

Sec. 50-115. Designation of street numbers.

(a) The assessor, after consulting with the police chief, shall assign a street number for each dwelling, place of business or building of any type capable of use or occupancy on any street.

(b) The assessor shall keep a record of all numbers assigned under this division.

(c) Upon assigning a number to any new dwelling, place of business or building, the assessor shall send written notice of the assigned number to the owner, occupant or person in charge of the dwelling, place of business or building. Any owner, occupant or person in charge of a dwelling, place of business or building which is numbered and not in compliance with this division shall also be notified to change the existing number by the procedure set forth in subsection (a) of this section.

(d) Where a building contains more than one dwelling or place of business, the assessor shall determine whether each dwelling, place of business or building shall be assigned its own street number or whether, because of the quantity or configuration of the dwellings or places of businesses, only one street number should be assigned to the building.

(Ord. of 4-1-1997, § 6; Ord. of 1-6-1998)

Sec. 50-116. Display of numbers.

(a) The number of the dwelling, place of business or building shall be displayed upon the front of the building on the side facing the street. The number shall be plainly visible from the street. Houses or buildings that are set back out of view from the road shall have a post or sign at the driveway entrance upon which shall be affixed the specified number.

(b) Numbers shall be in Arabic figures, no less than three inches in height and a one-half inch stroke, and shall contrast in color with the color of the building or background to which they are affixed.

(c) No person shall affix or allow to be affixed a different street number from the one designated by the assessor.

(Ord. of 4-1-1997, § 7)

Sec. 50-117. New or renovated property.

(a) The code enforcement officer shall not grant a building permit for any dwelling, place of business or building until the assessor has assigned a street number to the dwelling, place of business or building.

(b) Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, the requirements of subsection (a) of this section shall apply to applications for subdivision approval, building permits and certificates of occupancy pending on the effective date of the ordinance from which this section derives, except that no such approval, building permit or certificate of occupancy shall be withheld if the assessor has not yet assigned a street number to the property at the time when the application is otherwise in order for approval.

(c) Developers of subdivisions shall be required to erect signs naming streets within each approved subdivision at the onset of the construction phase. Signs shall be approved by the public works director.

(Ord. of 4-1-1997, § 8)

Secs. 50-118--50-145. Reserved.

DIVISION 3. EXCAVATIONS

Subdivision I. In General

Sec. 50-146. Effect of noncompliance.

If for any reason there is noncompliance with this division, by the applicant, of the specifications established by the town, the foreman of public works shall direct that the repair work be done at the expense of the applicant.

(Ord. of 9-18-1984, § IV)

Sec. 50-147. Temporary resurfacing of trench.

Temporary resurfacing of a trench excavation shall be completed within 48 hours of the initial excavation. A 12-inch aggregate sub base to be compacted in six-inch loose depths shall be installed. Existing surfaces of the pavement shall be cleaned, which will be bonded to the temporary pavement. Material shall consist of three-inch grade B hot bituminous concrete or bituminous cold mix during winter months. Temporary pavement shall be maintained smooth and free from potholes to a required grade for a period of 30 days. Temporary pavement areas shall be periodically inspected and repaired as necessary, especially during winter months when temporary pavement remains in place for an extended period. The public works director shall have the authority to order repairs done by the contractor to areas which, in his opinion, are in unsatisfactory condition.

(Ord. of 9-18-1984, § I(d); Ord. of 3-4-1986)

Sec. 50-148. Permanent resurfacing of pavement.

Permanent resurfacing of a pavement excavation shall be completed within 30 days of the initial excavation. Existing paving shall have edges sawed to provide a vertical bonding face. The contractor will also saw to the depth of 1" the surface pavement course to a minimum of 12" in all directions from the excavation and grind/mill this area to the 1" depth. Existing paving and surface material so cut shall be removed and replaced with a 12-inch aggregate sub base in six-inch loose depth lifts. A tack coat shall be applied to the cut edges, and a two-inch binder course shall be placed over the entire excavated surface and roller compacted. A one-inch state mix shall be applied over the entire excavated surface and the 1' wide minimum surface course beyond the excavation in all directions and roller compacted. All aggregates shall conform to section 704 of state department of transportation specifications. All bituminous hot or cold concrete shall conform to section 702 of state department of transportation specifications.
(Ord. of 9-18-1984, § I(e); Ord. of 12-18-1984; Ord. of 3-4-1986)

Sec. 50-149. Traffic control.

If, in the judgment of the foreman of public works, traffic control is necessary for an excavation, the applicant for the permit required in subdivision II of this division shall, at his cost, provide such control as may be required.
(Ord. of 9-18-1984, § I(g); Ord. of 12-18-1984)
Secs. 50-150--50-170. Reserved.

Sec. 50-150. Excavator license.

No person or utility shall excavate in a public place without holding a valid excavator's license and obtaining a street opening permit as provided in division 2 of this article, for such work from the Town. The public works department shall issue the excavator's license upon receipt of an application therefore and the annual license fee of \$100 after having satisfied himself or herself of the competency and ability of the applicant to carry on the business of excavating. Persons or utilities without a previous work history with the Town may be required at the discretion of the director to submit references from responsible municipal officials from other municipalities. No person or utility possessing such license shall allow his or her name to be used by any person or utility, directly or indirectly, either to obtain a permit or to do any work under this license; provided, however, that nothing herein shall be construed to prohibit a licensed excavator from doing such work through an authorized agent or employee who is directly and continuously supervised by him while in the performance thereof. A license issued to an excavator may be revoked after notice and hearing, if it is determined by the Town that the licensed excavator has willfully disobeyed any portion of this article or the rules and regulations.

Subdivision II. Permit

Sec. 50-171. Required.

It shall be unlawful for any person to dig up, excavate, tunnel, undermine, or in any manner break up any street or to make or cause to be made any excavation in or under the surface of the street for any purpose or to place, deposit, or leave upon any street any earth or other material obstructing or tending to interfere with the free use of the street, unless such person shall have first obtained an excavation permit from the public works department.
(Ord. of 9-18-1984, § I(a))

Sec. 50-172. Application.

(a) No excavation permit shall be issued unless a written application for the issuance of the permit is submitted to the director of public works for review and approval.

(b) The application shall state the following:

- (1) The name and address of the applicant;
- (2) The nature, location and purpose of the excavation;
- (3) The date of commencement of the excavation; and
- (4) The date of completion of the excavation.

(c) The application shall be accompanied by a plan showing the extent of the proposed excavation work, including its location and the dimensions and elevations of the proposed excavated surfaces and such other information as may be reasonably required by the director of public works.

(d) The application shall be accompanied by proof of notice to the utilities as provided in 23 M.R.S.A. § 3360-A(3).

(Ord. of 9-18-1984, § II; Ord. of 12-18-1984)

Sec. 50-173. Fees.

(a) A deposit shall accompany each written application for an excavation permit and shall be posted and held by the town treasurer until the applicant has complied with all specifications of this division. The deposit shall be in the form of a certified check made payable to the town according to the rates specified in the schedule of license, permit and application fees in appendix A of this Code. The deposit shall be forfeited to the town if the foreman of public works determines that the repair work is not properly accomplished within the specified time period.

(b) An application fee as specified in the schedule of license, permit and application fees in appendix A of this Code shall be paid for each issuance and renewal of the excavation permit.

(c) Public utilities or districts may be exempt from posting a deposit only at the discretion of the public works foreman.

(Ord. of 9-18-1984, § III; Ord. of 12-18-1984; Ord. of 3-4-1986; Ord. of 9-19-1995; Ord. of 4-1-2003, § 2)

Sec. 50-174. Dates limited.

Excavation permits shall only be issued from April 1 to October 31 unless an emergency or special situation exists. A written explanation shall be submitted to the foreman of public works notifying him of the special situation or emergency prior to the issuing of a permit during the months of November 1 through March 31.

(Ord. of 9-18-1984, § I(b); Ord. of 12-18-1984)

Sec. 50-175. Starting date.

Excavation work must be started no later than 30 days from the date of issuance of the excavation permit. After the expiration of the 30-day period, such excavation permit shall become null and void and shall be renewed.

(Ord. of 9-18-1984, § I(c))

Sec. 50-176. Moratorium after reconstruction.

A three-year moratorium, except for emergency or special situations, on the issuance of any excavation permit is in effect after the completion of a newly reconstructed roadway.

(Ord. of 9-18-1984, § I(f))
Secs. 50-177--50-205. Reserved.

DIVISION 4. IMPROVEMENTS

Sec. 50-206. Applicability.

This division shall apply to proposed streets, as defined in section 50-207, shown on a plan or a plat recorded in the county registry of deeds prior to two years before the effective date of the ordinance from which this division derives.

(Ord. of 8-15-1989, § B)

Sec. 50-207. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting lot means any lot which is adjacent to and bounded by a proposed street, including lots located at the end of a dead-end street or cul-de-sac.

Accepted means accepted as a town way by the town council.

Construct means to build a roadway in compliance with the requirements of chapter 74 pertaining to subdivision review standards or, when the right-of-way width of the proposed street makes such compliance impossible or impracticable, in compliance with reasonable design and construction specifications approved by the town council.

Current value means the value of land and buildings as determined by the municipal assessor on the most recent assessment date.

Frontage means the horizontal distance between the intersections of the sidelines of a lot with the sideline of the proposed street.

Majority of the abutting lots means any combination of abutting lots which meets both of the following criteria:

- (1) The combined frontage of the lots exceeds 50 percent of the total frontage of all the abutting lots; and
- (2) The total current value of the lots exceeds 50 percent of the total current value of all the abutting lots.

Owner means any person having any right or interest in a proposed street or abutting lot, which right or interest is recorded in the county registry of deeds.

Proposed street means any street, road or right-of-way which appears on a plat or plan recorded in the county registry of deeds prior to two years before effective date of the ordinance from which this division derives which has not been accepted or taken by the town and which has not been constructed, or any portion thereof, which will be accepted or taken subject to apportionment and assessment of costs to construct pursuant to this division.

Taken means laid out and taken as a town way by the town council pursuant to 23 M.R.S.A. §§ 3022 and 3023.

Value means just value of land and buildings as defined in 36 M.R.S.A. § 701-A.
(Ord. of 8-15-1989, § C)

Cross references: Definitions generally, § 1-2.

Sec. 50-208. Authority.

This division is enacted pursuant to the authority of article 8, part 2, section 1 of the state constitution, 30-A M.R.S.A. § 3001 and 23 M.R.S.A. § 3606.

(Ord. of 8-15-1989, § A)

Sec. 50-209. Power of Council.

Nothing in this division shall limit the authority of the town council to create a public way by any method provided by law when the cost to construct such way will not be apportioned and assessed pursuant to this division.

(Ord. of 8-15-1989, § G)

Sec. 50-210. No obligations created.

Nothing in this division shall require the town to accept, take or improve a public way unless the town council determines that the public convenience or necessity requires that such public way be accepted, taken or improved.

(Ord. of 8-15-1989, § H)

Sec. 50-211. Conditions.

A proposed street may be accepted or taken as a public way by the town council upon the following conditions:

(1) If the proposed street is to be accepted upon dedication, owners of a majority of the abutting lots shall convey their interest in the proposed street to the town without claim for damages. Owners of fee interests shall convey their interests by warranty deed. Owners of less than fee interests shall convey their interests by quitclaim deed with covenant.

(2) If the proposed street is to be taken, owners of a majority of the abutting lots shall petition the town council in writing to lay out and take the proposed street and in such petition shall waive any damages otherwise payable to them as a result of the taking.

(3) The owners or petitioners shall submit to the town council plans of the proposed street as it will be constructed after it has been accepted or taken, which plans shall include the following:

a. A plot plan drawn when practical to a scale of 40 feet to one inch and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. The plot plan shall show the following:

1. The north point;
2. The area of all lots;
3. The length of all lot lines;
4. The location and ownership of all adjoining subdivisions and adjacent acreages;
5. Passageways;
6. Streetlight lines;
7. Buildings;
8. Boundary monuments;
9. Waterways;
10. Topography (USGS vertical datum) and natural drainage courses with the contour at not greater than five-foot intervals;
11. All angles and bearings necessary for the plotting of the proposed street;
12. The distance to the nearest established street line; and
13. Any buildings abutting on the proposed street together with the stations of their sidelines.

b. A profile of the proposed street drawn to a horizontal scale not larger than 50 feet to one inch with a corresponding ten to one ratio vertical scale. The profile shall show the profile of the centerlines of the proposed street and the proposed grades thereof. Any buildings abutting on the proposed street shall be shown on the profile.

c. A cross section of the proposed street drawn to a horizontal scale no larger than five feet to one inch and a vertical scale of one foot to one inch.

d. The location and size of all existing and proposed water mains, storm drains, sanitary sewers, gas mains, culverts, under drains and underground utilities shall be shown along with the individual building service connections to each.

(4) The owners of a majority of the abutting lots shall petition the town council in writing to construct the proposed street after it has been accepted or taken and in such petition shall agree to pay their just portion of the cost to construct the proposed street. The petition shall be accompanied by an estimate, which has been reviewed and approved by the public works director, of the cost to construct the proposed street.

(Ord. of 8-15-1989, § D)

Sec. 50-212. Procedure for acceptance or taking.

The procedure for acceptance or taking of a proposed street shall be as prescribed in 23 M.R.S.A. ch. 304.

(Ord. of 8-15-1989, § E)

Sec. 50-213. Apportionment and assessment of costs.

After the proposed street has been accepted or taken and has been constructed, the town council shall apportion no more than two-thirds of the cost to construct among the abutting lots in such proportions as, in the opinion of the town council, the values of the lots have been increased by the acceptance or taking and construction and shall assess such apportioned cost upon such lots, all in the manner, and with the same right of appeal provided in 23 M.R.S.A. §§ 3601--3605. The portion of the cost to be assessed upon the abutting lots may be reduced to less than two-thirds by written agreement between the towns, the owners of a majority of the abutting lots and any other person who agrees to contribute to the cost.

(Ord. of 8-15-1989, § F)

Secs. 50-214--50-240. Reserved.

ARTICLE IV. OBSTRUCTION OF PUBLIC PLACES

Sec. 50-241. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building entrance means any exterior door, doorway, entryway, portal, portico, threshold, vestibule, foyer or lobby and includes any recessed area adjacent to the doorway.

Enclosed means inside the walls, including windows of the building, and on the interior side of any exterior doors which open inward.

Front means the side of a building or lot in which the building entrance is located. Where a building has entrances facing more than one street, each side on which a building entrance is located shall be considered a front.

Sidewalk Cafe means the establishment of tables and chairs on the public or privately owned sidewalk directly in front of, and accessory to a licensed victualer. Outdoor dining on private property, other than a sidewalk is not regulated by this article, but is regulated by Chapter 78. For the purposes of this article, a sidewalk cafe is not considered an outside display.

Outside display means any deposit, pile, placement, storage or display, outside the enclosed portions of a building, of any goods, wares or merchandise that are offered or available for sale, rental or distribution either inside or outside the building. For the purposes of this article, materials placed in the building entrance as defined in this section, shall be included as an outside display.

Violator means and includes any person who commits, causes or creates a violation of this article; any owner of a business which employs a person who commits, causes or creates a violation of this article on the premises of that business; and any owner of property who permits or allows a violation to occur on that property.

(Ord. of 2-5-1991, § 2; Ord. of 8-16-1994; Ord. Of 4-6-2004)

Cross references: Definitions generally, § 1-2.

Sec. 50-242. Purpose.

This article is intended to facilitate pedestrian traffic across the public sidewalks and in areas adjacent to the sidewalks and streets in order to promote the safety of pedestrians in the town and to improve the appearance of the town, particularly in the downtown area.

(Ord. of 2-5-1991, § 1)

Sec. 50-243. Enforcement.

~~The license inspector or a~~ **Any** officer of the police department shall investigate any alleged violation of this article. Upon verification of the alleged violation, any officer of the police department may issue a citation for a civil violation. Service of the citation may be made upon any violator, as defined in section 50-241 and service on an employee or agent of a violator shall constitute service upon the violator.

(Ord. of 2-5-1991, § 8; Ord. of 2-5-1991; Ord. of 4-6-2004)

Sec. 50-244. Exemptions.

(a) Sections 50-245 and 50-246 do not apply to the following:

- (1) The otherwise lawful outside storage, display or sale of new or used motor vehicles, boats or other machinery or equipment customarily stored in a yard or display lot;
- (2) The otherwise lawful storage, display or sale of supplies incidental to the rendering of a service at the point of sale, such as motor oil to be dispensed at the gasoline pump island of an automobile service station;
- (3) The otherwise lawful nonalcoholic beverage machines and/or ice machines; or
- (4) The otherwise lawful, temporary, noncommercial yard sales, garage sales or charitable fundraising events.

(b) Also exempt is a retail sidewalk sale as authorized by the town council. Mobile ice cream trucks shall also be exempt from this article and shall be governed by article VII of chapter 18 pertaining to ice cream trucks.

(Ord. of 2-5-1991, § 10; Ord. of 8-3-1993; Ord. of 8-16-1994; Ord. of 6-15-1999)

Sec. 50-245. Outside displays.

(a) No person shall cause or permit any outside display to exist, except as authorized by subsection (b) of this section.

(b) If a building is set back 35 feet or more from the edge of the blacktopped portion of the street adjacent to the front property line of the lot where located and upon issuance of a license by the town council pursuant to article II of chapter 18 and upon compliance with other applicable laws and ordinances, including chapter 78 pertaining to zoning, outside

displays may be located within five feet, measured at right angles, of the front wall of the building, but no closer than five feet, measured parallel to the building, from either side of the building entrance. No parking of vehicles shall be permitted within five feet of any outside display permitted by this subsection.

(Ord. of 2-5-1991, §§ 3, 4; Ord. of 5-4-1993)

Sec. 50-246. Outside solicitation of sales.

No person shall engage in the solicitation, sale or rental of any goods, wares or merchandise outside the enclosed portion of a building.

(Ord. of 2-5-1991, § 5)

Sec. 50-247. Obstruction of public passage.

No person shall hinder or impede the free and uninterrupted passage of pedestrians on, upon, across, or over any sidewalk, walkway, pathway or any other area, public or private, which is customarily used by the public for access to or passage by any business, public place or public building.

(Ord. of 2-5-1991, § 6; Ord. of 4-6-2004)

Sec. 50-248. Placement of posters.

No person shall place or cause to be placed any advertising poster or notice on any utility pole or other pole or on any tree located on town property or on any public way, unless such poster or notice is expressly permitted by statute or ordinance.

(Ord. of 2-5-1991, § 7)

Secs. 50-249--50-270. Reserved.

Sec.50-249. Sidewalk Cafés

No person shall expand a food service establishment to the outside on any sidewalk in the Town except under a duly authorized outdoor dining permit issued provisions of this division.

a) Regulations and Restrictions

1. Sidewalk cafés are only allowed for restaurants and food-serving establishments.

2. Sidewalk cafés shall be contiguous with the establishment with which they are associated .

3. Sidewalk cafés can project no more than 7' onto town property provided a minimum width of six (6) feet of sidewalk is left unoccupied and unobstructed in order to allow adequate pedestrian movement. The width of the sidewalk is measured from the property line to curbside obstacles, including but not limited to trees, parking meters, light poles, flag poles, utility poles, and fire hydrants.

4. Sidewalk Café Permits are valid from April 1st to October 31st of each year. Chairs, tables and appurtenances may only be located on the sidewalk area during the time period.

5. No permanent structure or device shall be erected or placed in, on, or about any public sidewalk; however, temporary poles, railings, or similar supports or dividers may be anchored to the building but not in the sidewalk.

6. Any damage done to the public right-of-way by the applicant or by its patrons shall be repaired promptly by the applicant.

7. Refuse receptacles shall be covered at all times.

8. Litter emanating from the sidewalk café area, and from whatever area to which it may flow, shall be collected by the permittee as often as may be required to keep the sidewalk clear of litter and debris.

9. Sidewalks shall be swept and cleaned at the close of business each day.

10. There shall be no outdoor music associated with any eating establishment that is wholly or partially on municipal property.

11. There shall be no additional signage for the outdoor dining.

11. Aside from individual table lighting, such as candles, there shall be no additional exterior lighting installed.

Failure to adhere to these standards may result in the revocation of the permit until such time that the violation has been corrected.

b) Permit Procedures

1. The applicant shall apply for a Café Permit from the Code Enforcement Officer on an annual basis.

2. The applicant shall provide a plan showing the area intended for outdoor dining, the proposed seating, the barrier fencing and the ingress and egress. In addition, the plan shall also include the dimensions of the seating area, the projection onto the town sidewalk or walkway and the distance from the barrier fencing to any curbside obstacles.

3. The applicant shall also provide a Certificate of Liability Insurance covering the effective dates of the permit in the amount of \$500,000. In addition, the Town of Old Orchard Beach shall be named as an additional insured.

4. In the event alcoholic beverages are to be sold, a copy of a valid and current liquor permit from the State Liquor Commission shall be presented.

5. Café Permits effective as of May 1st 2010 are subject to an annual application fee as set forth in appendix A of this Code.

ARTICLE V. OPERATION OF NOISE-CREATING DEVICES ON PUBLIC RIGHTS-OF-WAY*

*Cross references: Noise, § 26-56 et seq.; traffic and vehicles, ch. 54.

Sec. 50-271. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motorcycle means an unenclosed motor vehicle, having a saddle for the use of the operator, with two or three wheels in contact with the ground, including, but not limited to, motor scooters and minifys.

Noise-creating device means any electrical, mechanical or chemical device or instrument, or combination thereof that creates noise during its operation by a person.

Operation means actual control by a person.

Public right-of-way means any street, roadway, alley, sidewalk or other area deeded or dedicated for public travel or transportation purposes.

Straight pipe exhaust system means any muffler that does not contain baffles, including, but not limited to, glass packs, steel packs, straight pipes and drag pipes.

(Ord. of 5-20-2003, § b)

Cross references: Definitions generally, § 1-2.

Sec. 50-272. Purpose and policy.

(a) The town council finds that excessive noise on public ways may:

- (1) Cause distraction to other drivers which impair the safe operation of motor vehicles;
- (2) Unreasonably disturb the quiet and normal functioning of the town's residential neighborhoods;
- (3) Threaten and intimidate pedestrians; and
- (4) Project a negative image of the town, all to the detriment of the health, welfare and safety of the citizens and guests.

(b) Accordingly, it is the policy of the town to prohibit unnecessary, excessive, annoying or distracting noise on public rights-of-way within the town.

(Ord. of 5-20-2003, § a)

Sec. 50-273. Certain noises prohibited.

(a) No person, while occupying any public right-of-way in the town, shall operate any noise-creating device in such a manner that the level of noise causes the public's attention to be drawn to the source of the noise, subject to the exceptions provided in section 50-274.

(b) The prohibition of this section shall include, but not be limited to, the following activity or conduct:

- (1) Discharging fireworks or any exploding device;
- (2) Firing a starter pistol or firearm;
- (3) Sounding a bell or whistle, alarm or horn for so extended a period of time as to cause annoyance to others;
- (4) Rapid throttle advance and/or revving of an internal combustion engine resulting in increased noise from the engine and exhaust system, including the [so-called] practice of motorcycle "blipping"; and
- (5) Operation of an unmuffled motor vehicle or a motor vehicle, including motorcycles, with a straight pipe exhaust system, an exhaust system with a cutout, bypass or similar device or an exhaust system that does not meet the requirements of state law, including, but not limited to, 29-A M.R.S.A. § 1912.

(Ord. of 5-20-2003, § c)

Sec. 50-274. Exceptions.

The provisions of this article shall not apply to the following activities or conduct:

- (1) Expression or communication protected by the United States Constitution, including the First Amendment, or the state constitution.

- (2) Any activity or conduct the regulation of which has been preempted by state statute.
 - (3) Any noise created by a governmental entity in the performance of an official duty.
 - (4) Any noise for which a permit has been issued by an authority having jurisdiction to issue the permit.
 - (5) The sounding of any signaling device permitted by law.
 - (6) Properly licensed common carriers and service vehicles in the performance of their customary duties.
- (Ord. of 5-20-2003, § d).

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Set a Public Hearing Date of May 3, 2011 to Revise Chapter 50, Article II, Sidewalks, Amending Sections 50-52, 50-53, 50-58, 50-148, 50-172, 50-241 and 50-243 adding Sections 50-150 and 50-249 of the Town of Old Orchard Beach Code of Ordinances.

VOTE: Unanimous.

5373 Discussion with Action: Approve the Purchase of a Replacement Channel Grinder for the Halfway Pump from JWC Environmental in The amount of \$16,360 from Account Number 20204-50846 – CIP, with a balance of \$361,351.30.

CHRIS WHITE: The OOB Wastewater Department is requesting the replacement of an existing Franklin Miller channel grinder at the Halfway PS. The current grinder is showing signs of failure. I have included a total of three quotes. One quote is from Franklin Miller for the rebuild of the current grinder at a 'not to exceed' price of \$17,114. A second quote is from Franklin Miller for a replacement price of \$18,525. A third quote is from JWC Environmental for a replacement price of \$16,360. I have estimated that there will be an additional \$500 in electrical work. Installation will be done by OOB maintenance staff. In the absence of the grinder, the flow will need to be rerouted through a manual bar rack. This will require staff to clean the bar rack daily. Due to the pump station design, access to the bar rack is limited. There is also a potential for the bar rack to 'clog' during high flows. For these reasons it is our preference to limit the amount of down time. The Superintendent is recommending the purchase of the grinder from JWC Environmental in the amount \$16,360 out of CIP account #20204-50846.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve the Purchase of a Replacement Channel Grinder for the Halfway Pump from JWC Environmental in The amount of \$16,360 from Account Number 20204-50846 – CIP, with a balance of \$361,351.30.

VOTE: Unanimous.

5374 Discussion with Action: Approve the replacement of three existing operator interface terminals (OIT's) with a single unit from Electrical Installations, Inc., in the amount of \$20,208, from Account Number 20204-50846 – CIP, with a balance

of \$361,351.30.

CHRIS WHITE: The OOB wastewater department is proposing the replacement of three (3) operator interface terminal's (OIT's) at the WWTF. Two of the OIT's are failing and should be replaced as soon as possible. The OIT's control the most operational functions and alarms at the facility. All the OIT's were installed in 1996. Replacement cost of two (2) OIT's is \$11,700.

This proposal would replace all three OIT's with a single OIT at a cost of \$20,208.00. In addition this proposal includes the installation of ethernet ready equipment. Once Ethernet ready equipment is installed; it will give the OIT's in the process building and effluent building the eventual capability to communicate with the SCADA computer which would allow staff to control most operations from a central computer in the administration building. This quote does not include the costs of transferring information and control to the SCADA computer to the administrative building. This will require an additional upgrade and that quote will be forthcoming.

Electrical Installations Inc. has performed all work on the OIT's since their installation and since the majority of costs are equipment related; no other quotes have been procured.

Recommend the replacement of three (3) existing operator interface terminals (OIT's) with a single unit for the sum of \$20,208.00 out of CIP account #20204-50846.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Approve the Purchase of a Replacement Channel Grinder for the Halfway Pump from JWC Environmental in The amount of \$16,360 from Account Number 20204-50846 – CIP, with a balance of \$361,351.30.

VOTE: Unanimous.

5375 Discussion with Action: Approve the Allocation of \$8,400 to Electric Light Company from Account Number 20118-50350 - Contingency, to replace the traffic light signal at the Intersection of Union Avenue and Saco Avenue.

TOWN MANAGER: Due to an accident at the corner of Saco Avenue and Union Avenue, the intersection lights were damaged and this has made a safety issue which has required immediately attention. We secured a bid from the company that does our lighting for the Town and are submitting this to the Council for their approval in this emergency matter. Since then we have learned who damaged the pole and have been in touch with that company.

MOTION; Councilor Dayton motioned and Councilor O'Neill seconded to Approve the Allocation of \$8,400 to Electric Light Company from Account Number 20118-50350 – Contingency, to replace the traffic light signal at the Intersection of Union Avenue and Saco Avenue.

VOTE: Unanimous.

GOOD AND WELFARE:

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JEROME BEGERT: A global-conglomerate/parent-company had enough loose change to buy-out “Florida Power and Light” which had enough loose change to buy-out Central Maine Power Company. When smart meters are all installed, this conglomerate will no longer need to pay salaries, benefits, payroll-taxes for a league of human meter-readers, nor pay for fuel and maintenance, excise-taxes, registration and insurance for the meter-reader-legion’s many trucks. That’s gonna be one whopping humongous mountain of loose change. Yet, during two months of discussions about mounting a transmitter at our taxpayer-owned Ballpark, never-once did CMP say: They want to install their own meter beneath their transmitted so they can pay for the electricity their transmitter will guzzle, and that they want to pay us separately to lease the privilege of locating their transmitter on taxpayer-owned property. And since smart meters will make CMP massively more profitable, they’ll pay us \$600 per month. Instead CMP never offered that. Instead CMP said that its fee is “set” at \$250 to \$300 per month, and, oh, by the way, they’re going to use our electricity...but don’t worry, CMP’s electricity-guzzling transmitter won’t cost you more than pennies per day. You shouldn’t even notice the difference. Sorry. This “offer” to use taxpayer-funded electricity, without metering to know how much money that equals, with an insultingly low lease-fee offer, that means two things: A global-conglomerate plans to turn an extra profit at taxpayers’ expense; and that the conglomerate thinks the Old Orchard Beach Town Council, and the people who elected them, are just a bunch of hillbilly-yahoo potato-farmers. Since 1820 we’ve been farming tourists, not tators. We know what transmitter-mounting privileges are worth to CMP’s global-conglomerate parent-company. They are so anxious to use the smart meter system that they persuaded the Federal government to us “Stimulus” tax dollars to pay for half the cost of its implementation...even though smart meters will do the opposite of stimulating the national economy. Now, Town Council’s vote (on this subject) was to authorize the Town Manger to continue negotiating. There was nothing about a final signature on a contract. CMP must cable and meter its own transmitter to pay for its own electricity-use and separately pay a monthly lease-fee of \$600. Or you can call it: \$300 for October, November, December, January, February and March and \$900 for April, May, June, July, August and September. Either way that totals \$7,200 per year. That shows proper respect to Old orchard Beach taxpayers; and that’s certainly a fair price to pay, so that CMP can expeditiously retire a legion of human meter-readers and their fleet of trucks and eliminate all those payrolls and benefits and taxes, and vehicle-maintenance and insurance costs, and amass another mountain of loose change. That is our pitch. It is a fair one, straight over the plate, home-plate, taxpayer-owned, on our beautiful hometown field, covered by baseballs, not potatoes. Thank you.

ADJOURNMENT:

MOTION: Councilor Dayton motioned and Councilor O’Neill seconded to adjourn the Meeting at 10:00 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 thirty-five (35) pages is a true copy of the original Minutes of the Town Council Workshop of April 5, 2011.

Louise Reid