

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
TUESDAY, July 5, 2011
TOWN HALL CHAMBERS**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, July 5, 2011. Chair Quinn opened the meeting at 7:02 p.m.

The following were in attendance:

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

**Pledge to the Flag
Roll Call**

ACKNOWLEDGEMENTS:

COUNCILOR DAYTON: I would like to thank the Community Watch Group and especially Barbara, Pat and Merrill for the enormous support they gave in showing citizens through the new Police Department. We appreciate the work of Helene Whittaker and her committee for their involvement in the dedication ceremony and for the many public activities they do to support the Police and also the citizens of Old Orchard Beach. She also reminded citizens of the need to dial 911 when reporting an emergency. She reminded everyone that we are not having our Dispatch Operations through Sanford and not to dial the 934-4911 number when reporting an emergency. It must be 911 and that is a critical issue for everyone to remember.

VICE CHAIR MIKE TOUSIGNANT: I would like to take this opportunity to thank all those who participated in the Balloon Festival weekend. Although the weather did cooperate we were able to have the festivities in the downtown and at the Ballpark and the contribution of businesses and citizens alike is much appreciated. We also were thrilled, despite the pouring rain, for the over 400 runners that participated in the Christopher Cash Race and to Nancy and Bob Kelley and Jason Webber and all the volunteers and participants, a job well done.

COUNCILOR SHARRI MACDONALD: I would encourage everyone to prepare for the 2011 American Legion Northeast Regional Tournament scheduled for August 3rd through 8th. This great event is hosted by our own American Legion Post 57 here in Old Orchard Beach. For the 16 games you can purchase a \$20 Souvenir Button that will get you into all those games of attend just those that you can for \$7 per person at the gate and \$5 for seniors; children under 12 are free. This will be a great event and we encourage you to promote it in your business and with your friends. In addition you have an opportunity to win a 2011 Chevrolet Camaro. Information is on the Ballpark website regarding the purchase of tickets. This is a great opportunity to support the American Legion Tournament and also the Ballpark.

ACCEPTANCE OF MINUTES: Town Council Workshop of June 16, 2011; Town Council Meeting of June 21, 2011; and Town Council Workshop of June 22, 2011.

MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to Accept the Minutes of the Town Council Workshop on June 16, 2011; Town Council Meeting of June 21, 2011; and Town Council Workshop of June 22, 2011.

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:09 p.m.

Miranda Barrett (309-4-3), 1 Camden Avenue, one year round rental; Ed Nasta (309-6-6), 7-9 Westland Avenue, three year round rentals; Pensco Trust Company – Custodian FBO Ellen T. Fogarty IRA (312-5-10) 20 Fern Avenue, one year round rental; and Stephanie Blecharczyk (319-2-6), 4 Roanoke Avenue, one seasonal rental.

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

VOTE: Unanimous.

CHAIR: I close this Public Hearing at 7:10 p.m.

TOWN MANAGER'S REPORT:

Discussed with the Town non-Union employees the changes in the Insurance rates starting this week. Their contribution will be 12% for this year and I recommended to the Town Council their contribution will likely increase to 15% next year. Continued to work on negotiations with the four unions. Meet with CMP on two occasions at the Ballpark. CMP agreed to install 50 replacement lights. Attended the police station open house, Balloon Festival, and the Barbeque cook-off. Assisted in a ribbon-cutting ceremony at the new Jumping Jake restaurant. Have met with Wright Pierce and Bill Robertson drafting a project review document for the Town Council. Have met with Chris White to discuss Waste Water future construction project to be funded in the existing CIP budget. Had a long weekend by taking a vacation day on Friday. Worked at my desk all day today preparing an exit review project. which I will need to work on between now and the 13th when I plan to Report out to the Council. Although I will be taking vacation days now and then, I still am available as I have been by cell phone 24/7. I do have a family camping trip planed for July 25, 26, 27, and 28.

NEW BUSINESS:

5447 Discussion with Action: Revise Chapter 42, Article III, Recreation and Park Regulations, Amending Sections 42-82, of the Town of Old Orchard Beach Code of Ordinances to allow the sale of alcohol at the Ballpark.

ARTICLE III. RECREATION AREA AND PARK REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-81. Posting of signs.

The chief of police shall post appropriate signs giving notice of the prohibitions of this article at the main entrance to Memorial Park and at such other parks or recreation property as he deems necessary to ensure compliance with this article.

(Ord. of 9-17-1980, § 3)

Sec. 42-82. Alcoholic beverages.

It shall be unlawful for any person to possess or to consume any alcoholic beverage or liquor, as defined by 28-A M.R.S.A. § 2, within the boundaries of any park or recreation property owned, leased, managed or controlled by the town except as authorized by the Town Council pursuant to a Special Event Permit for the Ballpark as defined in Chapter 2 division 8 of Article IV and approved under division 5 of Article IV of this chapter or a contract, lease or other agreement approved by the Town Council for the use of the Ballpark as defined in Chapter 2 division 8 of Article IV .

(Ord. of 9-17-1980, § 1; Ord. of 4-5-1994)

Cross references: Alcoholic beverages, ch. 6.

Sec. 42-83. Hours of use.

Except for the purpose of ingress or egress in connection with the lawful parking or recovery of a vehicle in parking areas designated by the town, no person shall loiter or remain in or upon any outdoor park or recreation property owned, leased, managed or controlled by the town after the hour of 9:00 p.m. to 9:00 a.m. the following morning, prevailing time, with the exception of East and West Surf Streets, commonly referred to as "the beach."

(Ord. of 9-17-1980, § 2)

Secs. 42-84--42-90. Reserved.

NOTICE OF PUBLIC HEARING MUNICIPAL OFFICERS OF THE TOWN OF OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on June 21, 2011, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that section 42-82, Alcoholic beverages, of the Town of Old Orchard Beach Code of Ordinances is amended by adding the underscored language:

ARTICLE III. RECREATION AREA AND PARK REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-82. Alcoholic beverages.

It shall be unlawful for any person to possess or to consume any alcoholic beverage or liquor, as defined by 28-A M.R.S.A. § 2, within the boundaries of any park or recreation property owned, leased, managed or controlled by the town except as authorized by the Town

Council pursuant to a Special Event Permit for the Ballpark as defined in Chapter 2 division 8 of Article IV and approved under division 5 of Article IV of this chapter or a contract, lease or other agreement approved by the Town Council for the use of the Ballpark as defined in Chapter 2 division 8 of Article IV .

(Ord. of 9-17-1980, § 1; Ord. of 4-5-1994)

Cross references: Alcoholic beverages, ch. 6.

From: Mike Nugent/ Code Enforcement Officer

Date: 7/29/2011

Re: Chapter 42 proposed amendment to allow the sale of Alcohol at the Ballpark

Please review the following language:

ARTICLE III. RECREATION AREA AND PARK REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-81. Posting of signs.

The chief of police shall post appropriate signs giving notice of the prohibitions of this article at the main entrance to Memorial Park and at such other parks or recreation property as he deems necessary to ensure compliance with this article.

(Ord. of 9-17-1980, § 3)

Sec. 42-82. Alcoholic beverages.

It shall be unlawful for any person to possess or to consume any alcoholic beverage or liquor, as defined by 28-A M.R.S.A. § 2, within the boundaries of any park or recreation property owned, leased, managed or controlled by the town **except as authorized by the Town Council pursuant to a Special Event Permit for the Ballpark as defined in Chapter 2 division 8 of Article IV and approved under division 5 of Article IV of this chapter or a contract, lease or other agreement approved by the Town Council for the use of the Ballpark as defined in Chapter 2 division 8 of Article IV .**

(Ord. of 9-17-1980, § 1; Ord. of 4-5-1994)

Cross references: Alcoholic beverages, ch. 6.

Sec. 42-83. Hours of use.

Except for the purpose of ingress or egress in connection with the lawful parking or recovery of a vehicle in parking areas designated by the town, no person shall loiter or remain in or upon any outdoor park or recreation property owned, leased, managed or controlled by the town after the hour of 9:00 p.m. to 9:00 a.m. the following morning, prevailing time, with the exception of East and West Surf Streets, commonly referred to as "the beach."

(Ord. of 9-17-1980, § 2)

Secs. 42-84--42-90. Reserved.

This ordinance, if approved by the Council, would allow the sale of alcohol in the Ballpark by any interested organization approved by the Town Council under an agreement such as a contract or a lease. An organization that would like to sell alcohol during a one-time event at the

Ballpark could do so if authorized by the Town Council under a Special Event Permit. The change in the ordinance was sparked by a request from Doug Ayotte, the owner of the Raging Tide team; the Ballpark has been the Town's "home-team" for the first time in twenty years. This team, playing for its first season at the Ballpark this summer, approached the Town Manager earlier this year and indicated they would like to sell beer at the Ballpark during the Raging Tide games. Although no request to move forward by Ayotte because the season is almost over, in the future this ordinance would make it possible. Councilor Robin Dayton said the one-year contract the Town signed with the Raging Tide did not mention alcohol, but had an amendment clause that would make it easy to add language regarding the sale of alcohol. She said that should the Raging Tide wish to sell alcohol at its games, there needed to be language regarding alcohol in the team's contract with the Town. The Town Manager agreed that this was "good business sense" but indicated that the language of the ordinance is not team specific and would allow other organizations to request the sale of alcohol as well. Councilor Sharri MacDonald indicated that she felt this opened up new opportunities for the Ballpark and that although the Raging Tide may not be able to sell beer this year, the Town could consider such a contract from the team or other interested organizations next year. She noted that any contract to allow the sale of alcohol at the Ballpark would have to be approved by the Town Council.

MOTION: Councilor O'Neill motioned and Councilor MacDonald seconded to Revise Chapter 42, Article III, Recreation and Park Regulations, Amending Sections 42-82, of the Town of Old Orchard Beach Code of Ordinances to allow the sale of alcohol at the Ballpark.

VOTE: Unanimous.

5488 Discussion with Action: Appoint David Huntington as Election Warden; and Urbain Goulet and Jerome Plante as Deputy Wardens, terms to expires July 19, 2012.

MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Appoint David Huntington as Election Warden; and Urbain Goulet and Jerome Plante as Deputy Wardens, terms to expire July 19, 2012.

VOTE: Unanimous.

5449 Discussion with Action: Authorize the placement of Street Lights on Pole J-3 and Pole J-5 on Birch Lane.

TOWN MANAGER: When the Town made Birch Lane a Town Street, Central Maine Power did not transfer the light polls to Old Orchard Beach, and because the former ownership of the street did not pay for the lights, CMP removed the lights. The removal of the lights has caused a safety issue in that area of Birch Lane.

The Town Council Chair questioned the need for the lamp posts and lighting based on the lack of others in the same area streets. The Assistant Town Manager explained that the lamp posts and lights had been there before and that it is a dark area and there are children in the area as well as a disabled individual. The suggestion was made that the Police examine the area of streets and come back to the Administration with a summary of whether more lighting is needed.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to Authorize the placement of Street Lights on Pole J-3 and Pole J-5 on Birch Lane.

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

5450 Discussion with Action: Approve the Special Event Permit for the Old Orchard Beach Fire Department to hold the New England Lifeguard Competition on the Beach in front of Palace Playland on August 8, 2011 from 8:00 a.m. to 5:00 p.m.; and a request to waive the fee.

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

VOTE: Unanimous.

5451 Discussion with Action: Approve the Special Event Permit application for the Pine Point Vista Homeowners Association to hold their annual meeting, with a campfire on the beach in front of 205 East Grand Avenue, on Saturday, August 20th, 2011; with a rain date of Sunday, September 4th, 2011, from 7 p.m. to midnight.

MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to approve the Special Event Permit as read.

VOTE: Unanimous.

5452 Discussion with Action: That the Town Council enter into Executive Session for the purpose of discussing matters associated with the employment of a new Town Manager or Acting Town Manager in light of the resignation of the current Town Manager. (Note: This item discusses personnel defined under Title 1 M.R.S.A. Section 405 (6)(A); and the Council anticipates that the Discussion portion will occur in Executive Session.)

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

Jerome Begert recommended that in the educational process for the citizens of Old Orchard Beach that an Attorney should come and explain the process of why it is logical and substantive to have executive sessions in closed session. What is it that citizens can't know?

VOTE: Unanimous.

GOOD AND WELFARE:

Councilor O'Neill referred to a concern that came through the local press and the question of whether he was going to run for Town Council next November and he indicated that he wanted to inform the citizens personally, and is doing so, by saying that he will not be running for Council next November.

Ralph Quaglietta of the Corvette organization thanked the Council and the townsfolk for the generous reception they received during their recent Corvette show. Even with the rain, the police were so supportive and people were very supportive of the event. He particularly thanks Vice Chair Tousignant for his participation and hard work in the event.

EXECUTIVE SESSION

The Town Council entered into Executive Session at 7:45 p.m.

MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to adjourn the Executive Session at 8:45 p.m.

VOTE: Unanimous.

Respectfully Submitted,

**V. Louise Reid
Town Council Secretary**

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of seven (7) pages is a true copy of the original Minutes of the Town Council Meeting of July 5, 2011.

V. Louise Reid