

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, April 3, 2012  
TOWN HALL CHAMBERS  
7:00 p.m.**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, April 3, 2012. Chair Quinn opened the meeting at 7:05 p.m.**

**The following were in attendance:**

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

**Absent: Town Manager Mark Pearson**

**Pledge to the Flag  
Roll Call**

**ACKNOWLEDGEMENT:**

**COUNCILOR COLEMAN:** We wish to acknowledge the work of the Waste Water Department and Superintendent Chris White in connection with their assistance repairing a break on Saco's Ferry Road force main. Chris allowed Saco to discharge trucks of wastewater at the West Grand Pump Station while Saco crews repaired their line avoiding a serious financial and environmental issue. Trucks were able to keep up the incoming waste at Saco's Windy Point Station containing the leak. A letter of appreciation to the Waste Water Department was received from Michael Bolduc, Director of Saco's Department of Public Works. Again, congratulations, Chris and your staff.

**CHAIR QUINN:** Next Monday evening, April 9, 2012 at 7:00 we will have our second Budget Workshop here in the Town Council Chamber with Wastewater Department at 7:00 p.m. and the Public Works Department at 8:00 p.m. We invite the citizens of our community to join us for that workshop.

**PRESENTATION:**

**Conservation Commission Chair,  
Ginger McMullin,  
on the proposed trail route from  
Memorial Park to the Eastern Trail.**

**The Eastern Trail (ET) is a 30% complete vision of a 65 mile recreation/transportation greenway connecting Casco Bay at Bug Light in South Portland with**

**Strawberry Banke in Portsmouth, New Hampshire. This world class, 10 foot wide trail is enjoyed by thousands of users for hiking, snowshoeing, cross-country skiing, walking, biking, birding, nature study and many other muscle powered healthy activities. To provide end-to-end connectivity as off-road construction progresses, the ET is currently a connected series of off-road and on-road segments. The Eastern Trail offers views of pristine Casco Bay at its northern end. It crosses cities and Maine's largest saltwater marsh. It passes over the Maine Turnpike as part of a 6.2 mile greenway section connecting Biddeford, Arundel, and Kennebunk. It's near Maine's sandy saltwater beaches- the finest anywhere. It passes through miles of quiet woodland with streams and wetlands. ET explorers may see great blue heron, snowy egrets, bald eagles, seals, wild turkey, deer, turtles, and other Maine wildlife, and historic mills and railroad artifacts. Ginger McMullin, Chair of the Conservation Commission detailed the plans for continuing the work being done on the Eastern Trail. She talked about the inventory of unique natural areas and open spaces that the Conservation Commission has been compiling for over a year. She also looked at town-owned properties, which got us thinking about ways we might link them together, pointing out that the Town owns a large 50 acre parcel on Portland Avenue, across the road from the animal shelter property. By using some undeveloped town rights of way in the Homewood subdivision, it may be possible to link those areas. The Conservation Commission has also looked at possible linkages between the Eastern Trail and the Blueberry Plains properties on Ross Road. The Commission is looking at maps, we did notice that we may be able to establish a very direct route from Memorial Park through to the Eastern Trail on the west side of town. The route uses Heath Street, School Street, the School Street extension, Wild Dunes Way, Ross Road and Pond View Road. The Conservation Commission will be holding a public workshop on April 19<sup>th</sup> at 7:00 p.m. at the Town Hall to get public comment. One outstanding issue is that the ownership of School Street extension is not known for certain but that is being looked into. There was a consensus of support by the Council and the indication that most likely the land on School Street is town-owned but the encouragement to proceed on determining that.**

**ACCEPTANCE OF MINUTES: Special Town Council Meeting Minutes; Town Council Workshop Minutes of March 13, 2012; and Town Council Meeting Minutes of March 20, 2012.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Minutes of the Special Town Council Meeting Minutes; Town Council Workshop Minutes of March 13, 2012; and Town Council Meeting Minutes of March 20, 2012.**

**VOTE: Unanimous.**

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**CHAIR: I open this Public Hearing at 7:29 p.m.**

**Richard Pietrowicz (104-3-5-2B), 26 Walnut Street, Unit 2B, one year round rental; E. T. Associates LLC dba/Superwash Laundromat (205-15-1-3), 2 Cascade Road, Laundromat; Bassam Taleb (205-6-6-7), 6 Imperial Street, #7, one year round rental; Town of Old Orchard Beach – The Ballpark (207-3-6X), 14 E. Emerson Cummings Blvd., Victualers with Preparation, requesting to waive the fee of \$300; J&M Holdings LLC (210-2-52), 34 Smithwheel Road, one year round rental – main house only; and Robert Scott (302-7-11), 178 East Grand Avenue, one year round rental.**

**CHAIR: I close this Public Hearing at 7:30 p.m.**

**MOTION: Councilor Coleman motioned and Councilor MacDonald seconded to Approve the Business Licenses as well.**

**VOTE: Unanimous.**

**PUBLIC HEARING SPECIAL AMUSEMENT PERMIT:**

**CHAIR: I open this Public Hearing at 7:31 p.m.**

**Strike Zone Restaurant & Pub Inc., dba/Strike Zone Restaurant & Pub (205-4-1-C), 20 Old Orchard Street, Live music, acoustic, amplified, inside and outside, 11:00 a.m. to 12:00 a.m.; Good Tunes Dance Club Inc., dba/Referee's (206-31-19-B), 4 First Street, Live Bands inside – 11:00 a.m. – 1:00 a.m.; and Bernard L. Orne dba/Weekend at Bernie's Beach Club (307-3-1-B), 20 Old Orchard Street, DJ/Band (Amplified), inside – 12:00 p.m. – 1:00 a.m.**

**CHAIR: I close this Public Hearing at 7:32 p.m.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Special Amusement Permits as read.**

**VOTE: Unanimous.**

**TABLED ITEM:**

**# 5580 Discussion with Action: Approval of two-percent salary increase for the Town non-Union employees, effective July 1, 2011.**

**At a previous Council meeting a decision on whether to give the Town's non-union employees a two percent retro-active raise was presented and Vice Chair Tousignant explained his reasoning behind the agenda item takes into consideration that the Unions have already received their raise and the one group where raises have not been addressed, the non-union, needs to have a decision made by the Council. He again indicated that there are 25 town employees who haven't gotten a raise in over four to five years and he felt they deserved to have raises as well. The Town has about \$29,000 budgeted for raises retroactive from the beginning of the fiscal year, July 2011, but it was unclear where and when the money had been approved. The Council tabled the agenda item at the last meeting and it is being brought forward again this evening.**

The Finance Director has noted that if the raises are approved they will be calculated by each person and posted to the individual wage line in each department where the person is currently being charged, and all benefits recorded accordingly. This is a variety of departments.

The Town Council continued their discussions with the same concern about this being economically difficult times and their desire that raises be more performance based. Again Vice Chair Tousignant stated that it will be some time before this could be done. It was pointed out that in the upcoming 2013 budget there is a raise suggested for non-union employees of 2% effective July 1, 2012. Again Jerome Begard spoke against the raise at this time and the responsibility of the Council to consider fiscal responsibility and their personal responsibility to the tax payers of the Town. Rich Redmond, business owner, spoke against the raise as well noting that in his business relationships he had to lay off employees and that this is not the time to be giving raises. Dana Furtado spoke in favor of the raises indicating that it is not only earned by the non-union employees who have not received a raise in five years and that it is a moral problem that is only increased by verbal comments made by Town Council members. He encouraged the Town Council to consider the quality of personnel that they have. Comments were made on the 17.24% raise to be given to the Town Clerk was raised but the reasoning argued by John Bird. Neil Weinstein, as in so many budget discussions, again strongly opposed raises and them being retroactive.

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to table indefinitely the issue of Approval of two-percent salary increase for the Town non-Union employees, effective July 1, 2011.

**VOTE:** Yea: Vice Chair Tousignant, Dayton and Chair Quinn  
Nea: Councilor MacDonald and Councilor Coleman

#### **TOWN MANAGER'S REPORT (Delivered by Assistant Town Manager):**

The Assistant Town Manager announced that the Police Department had applied for a grant from the Department of Inland Fisheries & Wildlife for conducting patrols on the Eastern Trail and we did receive the grant. Starting mid April to mid June the Police Department will be conducting random patrols on the trail looking for violations involving ATV's and providing information to users about the trails. We look at this as an opportunity to provide information to people that are using the trail as well as providing extra visibility on the trail. The amount of the grant is \$2,000. Congratulation to our staff for pursuing this grant. The Town Manager has been very busy over the last two weeks since our last Town Council Meeting. There have been interviews with the two bidders for the Cleaning of the Beach, Restrooms and Square areas; we went out to bid again for Auditing Services for one year and that will be on the next Council agenda; we had the presentation of the Town Manager's budget and then last evening a workshop on the Police and Fire Department budgets. We congratulate the Town Manager and our Finance Director for the effort and long hours they put in to bring this budget forward since both of them have been here a limited number of weeks. The Town Manager was interviewed by the Journal Tribune on his arrival and his responsibilities as the Town Manager. He met with the Superintendent of Schools this week and he, along with the Finance Director, discussed budget issues as well. He had meetings with the Library Board. He also met with individual citizens on issues that were presented to

him. I might also announce that the Assistant Town Manager has been very busy this week.

**#5584 Discussion with Action: Proclamation – York County Prescription Drug Abuse Prevention Week – April 22 – 28, 2012.**

**HELENE WHITTAKER: York County Prescription Drug Abuse Prevention Week will take place April 22 -28, 2012. Local Coalitions will be actively participating in various prescription drug awareness activities leading up to a Drug Take Back Day event on April 28<sup>th</sup>. Our local Police Department and the Community Neighborhood Watch and the Community Watch Committee are encouraging all citizens to recognize the dangers of prescription drug abuse and the importance of proper disposal of unwanted or expired drugs. We are proud of the service that is provided by our Community Neighborhood Watch groups and our Community Watch Committee.**

### **PROCLAMATION**

**WHEREAS, Prescription drug abuse is the unauthorized use of prescription medications for non-medical reasons; and**

**WHEREAS, The non-medical use or abuse of prescription drugs is a serious and growing public health & safety problem in this country; and**

**WHEREAS, improper disposal of unwanted or expired prescription drugs may negatively impact wildlife, pets, and people; and**

**WHEREAS, Between 2000 and 2010 the number of persons being treated for opiate addiction in Maine has increased by 500%, and according to the 2009 Maine Integrated Youth Health Survey, 23 % of 9-12<sup>th</sup> graders in York County have used Rx drugs without permission at least once in their lifetime; and 20% of York County 9-12<sup>th</sup> graders think there is little or no risk to regular use; and**

**WHEREAS, the Northern York County Prescription Drug Coalition is coordinating a Prescription Drug Abuse Prevention Campaign; and**

**WHEREAS, the campaign will provide information and education for health care professionals, educators, law enforcement officers, patients and the general public, while advocating for a community-wide safe medication disposal program; and**

**WHEREAS, prescription drug abuse is an issue that affects the lives of Old Orchard Beach residents and visitors, and the most effective tool against prescription drug abuse and addiction is prevention through education, collaboration, policy change and changing the environment in which the behavior occurs :**

**NOW, THEREFORE: We, the Town Council of Old Orchard Beach, Maine, do hereby proclaim April 22 – 28, 2012 as YORK COUNTY PRESCRIPTION DRUG ABUSE PREVENTION WEEK.**

**Drug Take Back Day, a local, county, state and national effort, supported by the Drug Enforcement Administration, gives local community members and healthcare organizations the opportunity to safely dispose of unused, unwanted or expired medications. This includes prescription, over-the-counter or veterinary pills, drops, ointments.**

**Michael Wardrop, Maine Resident Agent-in-Charge of the US Drug Enforcement Administration recently stated: "I would encourage everyone to take the lead in your respective communities by using your local and regional outreach programs and engaging your residents, educators and public/private leaders for support. With everyone's participation, we again may be able to surpass the last collection which exceeded 7 tons of medications and again make Maine #1 in the United States per capita for the collection effort. This unified effort will not only help reduce prescription drug abuse and diversion but it will also safeguard our environment. I would like to take the time to thank each and every one of you for your true commitment to this very important initiative."**

**Comments of support were also given by Chief Dana Kelley and Lieutenant Timothy Deluca with high praise for the work of the Community Watch Committee.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Proclamation – York County Prescription Drug Abuse Prevention Week – April 22 – 28, 2012.**

**VOTE: Unanimous.**

**# 5585 Discussion with Action: Approve monies collected in the water fountain at the Square during the summer of 2012 to be designated towards the Skateboard Park Project.**

**COUNCILOR DAYTON: Each year monies from the fountain in the Square are designated to some special area of the municipal budget. Two years ago it was given to General Assistance; last year it was given to the Skateboard Park Fund. Councilor Dayton is requesting that it be designed for the Skateboard Fund again this year.**

**MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Approve monies collected in the water fountain at the Square during the summer of 2012 to be designated towards the Skateboard Park Project.**

**VOTE: Unanimous.**

**# 5586 Discussion with Action: Approve the Special Event Permit application for the Veterans Memorial Park Flag Raising Committee to hold their annual "Veterans Flag Raising" at 6 p.m. nightly, seven days a week, from May 27th to September 3rd, 2012; and at 6 p.m. on September 11th, November 11th, and December 7th, 2012; and a request to waive the fee.**

**MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Approve the Special Event Permit application as read.**

**VOTE: Unanimous.**

**# 5587 Discussion with Action: Approve the Special Event Permit application for the OOB Recreation Department to hold the "OOB Summer Slam Tip-Off" on Saturday, July 21, 2012, rain date Sunday, July 22nd, 2012, set up to begin at 7 a.m. and breakdown ending at 8 p.m. at the Memorial Park Basketball Courts; and a request to waive the fee.**

**MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Approve the Special Event Permit application as read.**

**VOTE: Unanimous.**

**# 5588 Discussion with Action: Approve the Special Event Permit application for the 9th Annual "Run for Cash" Memorial 5k and 10k and 2.5. mile walk on Saturday, June 22nd, 2013, from 6 a.m. to 12:00 p.m. Insurance, listing the Town of Old Orchard Beach, to be provided to the Town Clerk's Office at least one month prior to the event; request for banner in the Square and on Cascade Road from June 6 through June 23, 2013; and a request to waive the fee.**

**Nancy Kelley thanked the Council for their support and also detailed the new plans for the final program after the race.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Special Event Permit application as read.**

**VOTE: Unanimous.**

**# 5589 Discussion with Action: Approve the Special Event Permit application for the OOB Recreation Department to hold "Concerts in the Park" from 6:30 p.m. to 8:00 p.m. Thursday nights on July 19th and 26th, and August 2nd and 9th, 2012; a request to place a banner on the Gazebo in Memorial Park from July 1<sup>st</sup> through August 8, 2012; and a request to waive the fee.**

**The Council noted that this is approved subject to availability of funds.**

**MOTION: Councilor MacDonald motioned and Councilor Dayton seconded to Approve the Special Event Permit application as read but subject to the availability of funds.**

**VOTE: Unanimous.**

**# 5590 Discussion with Action: Approve the Special Event Permit application for the Eastern Trail Alliance to hold the "East Coast Greenway Invitational Bike Ride" on the Eastern Trail on Friday, May 18th, 2012 from 11 a.m. to 2 p.m.; and a request to waive the fee.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Special Event Permit application as read.**

**VOTE: Unanimous.**

**# 5591 Discussion with Action: Approve the Special Event Permit application for the Eastern Trail Alliance to hold the "Maine Lighthouse Bike Ride" on the Eastern Trail on Saturday, September 8th, 2012 from 9 a.m. to 3 p.m.; and a request to waive the fee.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Special Event Permit application as read.**

**VOTE: Unanimous.**

**# 5592 Discussion with Action: Grant a Blanket Letter of Approval for Beano/Bingo to the Pinehirst RV Resort, 7 Oregon Avenue, to expire December 13, 2013.**

**MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Grant a Blanket Letter of Approval for Beano/Bingo to the Pinehirst RV Resort, 7 Oregon Avenue, to expire December 13, 2013.**

**VOTE: Unanimous.**

**# 5593 Discussion with Action: Approve Liquor License Renewals of Strike Zone Restaurant & Pub, Inc., dba/Strike Zone Restaurant & Pub (205-4-1-C), 20 Old Orchard Street, s-m-v in a Restaurant/Lounge; Good Tunes Dance Club Inc., dba/Referee's (206-31-19-B), s-m-v in a Class A Lounge; Thomas H. Humphreys dba/Toms Restaurant (306-4-4), 15 A & B East Grand Avenue, s-m-v in a Restaurant; Richard Payette dba/The Landmark Restaurant (306-5-6), 28 East Grand Avenue, s-m-v in a Restaurant; and Bernard L. Orne dba/Weekend at Bernie's Beach Club (307-3-1-B), 8B West Grand Avenue, s-m-v in a Class A Lounge.**

**MOTION: Councilor Coleman motioned and Vice Chair Tousignant seconded to Approve the Liquor License renewals as read.**

**VOTE: Unanimous.**



**GOOD AND WELFARE:**

**Maria Turner and Willita Dang brought forward to the Town Council their concerns about fights involving youth in Memorial Park. One of the parents indicated her daughter was lured to the Town's Memorial Park and intimidated by the adults that were there. They described it as a "fight club" involving juveniles during after-school hours in Veteran's Memorial Park in Old Orchard Beach. Fights have been with girls wearing boxing gloves and watched by a number of individuals old and young. Concern was raised about a video posted on the Internet. The question of bullying and harassment was raised by the two parents. It was noted that no students have been suspended and both parents indicated that the school has been unwilling to address the issues. The Old Orchard Beach Police have been investigating the incident and Chief Kelley noted that complicating this is that it did not happen at the school but rather after school hours at Memorial Park. Councilors Dayton and MacDonald indicated they wanted the Assistant Town Manager to follow up this issue with the two parents. The Council indicated they found the incident to be very disturbing and requested Chief Kelley to continue the investigation and determine the participation of adults as well as young people in this occurrence.**

**Pierre Bouhiller and Austin Swinnen spoke about the school and the pride in areas of the school programming. Austin Swinnen stated that he was concerned about some of the issues happening at school such as laptops being stolen. He did update the Council on the Color Guard program and the activities of that group.**

**ADJOURNMENT:**

**MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Adjourn the Town Council Meeting at 8:55 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 nine (9) pages is a copy of the original Minutes of the Town Council Meeting of April 3, 2012.**

**V. Louise Reid**