

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

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, August 7, 2012. Chair Quinn opened the meeting at 7:01 p.m.

The following were in attendance:

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

**Pledge to the Flag
Roll Call**

PRESENTATION:

Introduction of the New Executive Director of the Ocean Park Association – Gerard (Jerry) Gosselin – and Expression of Appreciation to Ed Rae, Retiring Director, by the Assistant Town Manager.

Jerry Gosselin is 56, born in Biddeford and now lives in Lewiston. He became familiar with Ocean Park by way of his wife, Judy, who has spent summer vacations here for a number of years. He has a BS in Psychology and management; an MA in Pastoral Studies; and in 2004 earned an MS degree in Business. Until 2002 he served as a Catholic Priest as Senior Pastor of Maine’s largest parish of 7,000 members and a 200 student parochial school. His record there was stellar. In 2002 he left the Priesthood following the compelling lead of his evolving progressive and ecumenical beliefs, and his heart as well. He and Judy were married in 2005. He has done extensive work as an organizational consultant and in conference management. In recent years he has worked in quality assurance at a major Maine distribution center. We welcome Jerry and his wife, Judy, to our community and look forward to their ministry and influence as well.

Needless to say we want to wish continued success to Ed Rea who has been the Executive Director of the Ocean Park Association since August of 2007. Ed had a 30 year career with the Federal Office of Management and Budget, ending as a Branch Chief. He retired in 2002 and became the Executive Director of the Arlington-Alexandria Coalition for the Homeless in Virginia where he served until moving to Portland in 2007 to be near his wife Karen’s parents. A member of St. George’s Episcopal Church in Arlington, Ed served in a variety of leadership roles including Senior Warden and Treasurer and led an

effort to redevelop the church property to provide affordable housing for the elderly. Ed and Karen have two adult children and two (about to become 3) grandchildren. He has been a supporter of the office of administration of the Town and we have appreciated his many contributions to the success of the programs in Ocean Park. He says he is retiring but for many of us retirement often means “just another avenue of service” and to that end we wish him God’s speed and blessing.

Both Jerry Gosselin and Ed Rea made comments to the Council and extended their continued support of the administration and the work of the community.

**Presentation to the Town Council by the
Edith Belle Libby Memorial Library Board of Trustees
by Treasurer Doris Harris**

The Treasurer of the Library, Doris Harris, will be making a presentation to the Town Council on behalf of the Edith Belle Libby Memorial Library Board of Trustees.

The Treasurer presented to the Town Council the check from the insurance company in the amount of \$50,000 in connection with the embezzlement of funds from the Library.

ACKNOWLEDGEMENTS:

COUNCILOR MACDONALD: She announced about the American Legion Tournament at the Ballpark and then the Northeast Tournament and the times of the activities at the Ballpark. There were several laughs as she invited Councilors to participate in a “dunk tank” participation for the benefit of the Ballpark.

ACCEPTANCE OF MINUTES: Town Council Minutes of July 17, 2012; Administrative Review Board Minutes of July 31, 2012; and Town Council Workshop Minutes of August 1, 2012.

MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Accept the Minutes of the Town Council Meeting of July 17, 2012; Administrative Review Board Minutes of July 31, 2012; and the Town Council Workshop Minutes of August 1, 2012.

VOTE: Unanimous.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

CHAIR: I open this Public Hearing at 7:15 p.m.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to address Justyna Coleman (206-24-53), 17 School Street, one year round rental separately from the other business licenses.

VOTE: Unanimous.

Consuela Alvarez & Rita Marie Moscola (201-2-4), 212 East Grand Avenue, one year round rental; Mary B. Dowd (205-6-6 – #9), 6 Imperial Street, Unit 9, one year round rental; Mary B. Dowd (205-6-6 - #11), 6 Imperial Street, Unit 11, one year round rental; B.I.G. Properties Inc./Mark Blier (206-6-4), 24-26 Shady Lane, three year round rentals; Justyna Coleman (206-24-53), 17 School Street, one year round rental; Good Shepherd Parish dba/Good Shepherd Parish, St. Margaret’s Rectory Parking (206-30-1), 6 Saco Avenue, Parking Lot – up to ten days per year, paid \$75 Application Fee; requesting the two year licensing fee waived; Elizabeth C. Langlois (305-3-9 - #102), 5 Boisvert Street, #102, one year round rental; Robert Kirby (314-17-2), 90 Union Avenue, two year round rentals; Paul & Dianne Roy (316-9-1 - # 305), 1 Ocean Avenue, Unit 305, one seasonal rental; and Sharon Lundin (318-8-6 - # 82), 146 West Grand Avenue, #82, one year round rental.

CHAIR: I close this Public Hearing at 7:17 p.m.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Approve the business licenses as read.

VOTE: Unanimous.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Approve the business license of Justyna Coleman (206-24-53), 17 School Street, one year round rental.

**VOTE: Yea: Councilors Dayton, MacDonald, Vice Chair Tousignant, Chair Quinn
Abstain: Councilor Coleman**

PUBLIC HEARING LIQUOR LICENSES:

CHAIR: I open this Public Hearing at 7:18 p.m.

James O’Brien dba/The Rack & Roll (206-31-9), 41 Old Orchard Street, s-m-v in a Restaurant.

CHAIR: I close this Public Hearing at 7:21 p.m.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Approve the Liquor License as read.

VOTE: Unanimous.

TOWN MANAGER’S REPORT: The summer is always a busy time in Old Orchard and so far it appears to be a very good one from the business perspective. My time has included visits to the Ballpark; meeting with the Lifeguards; meetings with the Fire

Department personnel; department head meetings; and meetings on personnel issues. We conducted an Administrative Review Board Meeting; had a Workshop presented by Wright Pierce and the Harmon Museum on issues of importance to the Town. Attended a meeting with the company that handles our copiers; a meeting on the consideration of ballpark matters; and made visits into the downtown area to keep myself abreast of activities going on. We were happy to welcome back Chief John Glass on a part time basis and to see him looking so good. We have appreciated the support of his staff during his absence and look forward to working with the Chief again. I met with Jerry Mansfield, President of the Biddeford and Saco Water Company. The Biddeford and Saco Water Company has reached an agreement to join Connecticut Water Service. Biddeford and Saco Water Company serves about 15,500 customers, or about 50,000 people in the communities of Biddeford, Saco, Old Orchard Beach and Scarborough. CTWS is based in Clinton, Connecticut and is also the parent of the recently acquired Maine Water Company. The transaction requires the approval of the Maine Public Utilities Commission and a fourth quarter closing is expected. The merger is not expected to impact service to our area and the transaction should be seamless to customers and communities. As a result of the proposed transaction, the rate increase application for the Biddeford and Saco Water Company that was originally planned for 2012 will be delayed until at least 2013. President Mansfield indicated he feels this is a great strategic fit for the company. The Town Manager had the opportunity to ask specific questions and he asked what the merger will bring to benefit Oob. The merger will result in the Company having much better access to the funds we need going forward to replace infrastructure wherever necessary. The most recent tax bill the Water Company paid Old Orchard was \$44,502.74. As of the 2011 year-end the Company was serving a total of 3,990 customers in Old Orchard Beach.

COUNCILOR MACDONALD: She raised the question about the MERC contract and possible buy-out or opt-out stipulation now that it is moving out of Biddeford. The Town Manager indicated he was in discussions relative to the subject and would keep the Council abreast of the information.

TABLED ITEM: Discussion with Action: Request to Approve Tax Abatement in the amount of \$14,498.88, plus any accruing interest and penalties to date, and remove any tax liens on Acorn Village, 42 Walnut Street, Parcels 00104-00002-009-2-Unit 2; 00104-00002-09-11 – Unit 11; and 00104-00002-09-12 – Unit 12.

BACKGROUND: The Acorn Village Condominium Association, 42 Walnut Street, Old Orchard Beach, have met previously with the Planner and the Assessor on the issue of an abatement of taxes and a lien on the property in the name of the previous developer. They approached the Assistant Town Manager in the absence of the Town Manager and requested as they have several times before an opportunity to come before the Council to discuss this issue. The Assistant Town Manager requested permission to add the agenda item in the absence of the Town Manager and a great deal of material has been presented to the Council for their review. The Council at the last Town Council Meeting tabled the item to come forward on this agenda with details supplied by the Town Attorney on this issue of the Abatement. Both the Town and the Association Attorneys will meet in the next week to address the agreement before it is brought to the Council.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Table Indefinitely Approval of a Tax Abatement in the amount of \$14,498.88, plus any accruing interest and penalties to date, and remove any tax liens on Acorn Village, 42 Walnut Street, Parcels 00104-00002-009-2-Unit 2; 00104-00002-09-11 – Unit 11; and 00104-00002-09-12 – Unit 12.

VOTE: Unanimous.

NEW BUSINESS:

5692 Discussion with Action: Re-appropriate \$6,000 from Account Number 20118-50350 – Contingency, with a budget of \$296,178, to Account Number 25900-40606, Harmon Museum, with a balance of \$10,000.

TOWN MANAGER: In response to the Old Orchard Beach Town Council's request for information regarding Harmon Museum and Old Orchard Beach Historical Society bank records, the following information was provided to the Council. The Board of Trustees of Harmon Museum and the Board of Officers of the Old Orchard Beach Historical Society have been put into a most uncomfortable position, due to recommendations of Town of Old Orchard Beach that their funds be turned over to the Town, For the following reasons, the Harmon Museum believes that it is inappropriate for these funds to be turned over to the Town for the following reasons:

- 1. In his 1974 will, W. Warren Harmon left \$15,000 in a trust for the purpose of maintaining the building at 4 Portland Avenue, commonly known as "The Harmon Museum." The Board of Trustees has tried to keep these funds earmarked for the maintenance and future expansion of the Harmon Museum. In fact, since 1992, only eight withdrawals totaling \$1929 have been made from the Harmon Trust checking account at Saco & Biddeford Savings Institution, all used for maintenance of Harmon Museum flooring, plumbing, electricity, a new roof, and painting of the Museum's exterior.**
- 2. It is the recommendation to the Town by the Finance Director that there be a withdrawal of funds from the Harmon Trust to reimburse the Town for expenses associated with account #50450 ("Building Repair and Maintenance"). For this fiscal year, that withdrawal would be equal to \$4000 taken from the Harmon Trust Fund, an action we strongly oppose.**
- 3. On July 2, 2012, the Finance Director informed Harmon Board of Trustees president Daniel Blaney that, in a workshop, the Town Council had discussed the \$4000 and decided that \$6000 should be withdrawn from the checking and savings accounts of Old Orchard Beach Historical Society, to be used as part of the Town's FY 2013 budget. Therefore, the \$16,500 budget request made by the Harmon Board of Trustees for FY 2013 would be trimmed to \$6000.**
- 4. On July 12, 2012, The Harmon Museum Board of Trustees voted unanimously to use \$25,000 of Harmon Trust funds to purchase new windows at the Museum. The Board**

also voted not to withdraw \$4000 from the Harmon Trust funds for painting the exterior of the Museum.

5. It should be noted that the Old Orchard Beach Historical Society checking and savings accounts, currently totaling about \$5800, are not supported by the tax-payers of Old Orchard Beach. Rather, they are raised from membership dues, sponsorships, donations, sales of discount water park tickets, along with sales of books, posters, and souvenirs - all as part of a good faith effort to be self-supporting and to not rely upon funds from the Town of Old Orchard Beach Annual Budget. We are concerned that these sources of revenue would disappear if the public became aware that its money, given to Old Orchard Beach Historical Society, was actually going to Town coffers. These monies are used to support the professional goals and programs of Old Orchard Beach Historical Society, such as purchasing acquisitions of historical importance to the Town, archival-quality storage materials, and items needed for the proper display of artifacts, along with the technology needed to successfully manage a museum. In short, the internal operation of Old Orchard Beach Historical Society is an enterprise fund of its own, working to provide a valuable public-relations asset to the Town of Old Orchard Beach.

6. There is internal oversight of the funds of Harmon Museum and Old Orchard Beach Historical Society. Checks made out to an officer must have another officer's signature. All financial records are readily available for inspection by any officer at any time. Additionally, receipts are kept and attached to vouchers requiring signatures of any business or individual who receives a payment.

7. From late June through Labor Day weekend, volunteers from Old Orchard Beach Historical Society serve as tour guides, interpreting the exhibits at Harmon Museum Tuesdays through Fridays from 10:30 a.m. to 4:00 pm. and on Saturdays from 9:00 a.m. to 12:00 p.m. From mid-September through early June, approximately fifteen volunteers donate about 3000 hours creating and maintaining exhibits, answering phone calls, letters, and e-mails from all over the United States and Canada, providing historical and genealogical information on the people, places, and events that have made our town the summer resort capital of the East Coast.

8. In summation, we believe that the funds of the Harmon Trust and Old Orchard Beach Historical Society are well-managed and completely disagree with Town's plans to take these funds.

In discussion between the Council on this issue, Councilor Dayton raised the question of whether the Town's approved 2013 budget can be re-appropriated. The Town Manager explained that a budget is a spending plan which is approved by the Council but during the year budgets are either under-spent or over-spent and needs to be adjusted – funds need to be re-appropriated to the proper account. Authorization by the Council establishes, continues or modifies funds to do something; whereas an appropriation is specific budget authority to withdraw a specific amount of funds and reallocate it to another account for a specific purpose. The Town Council has the authority to decide where specific money goes and can assign it to such. There was consensus that the word transfer would be a more appropriate term to use in the motion.

MOTION: Councilor Coleman motioned and Vice Chair Tousignant seconded to

Transfer \$6,000 from Account Number 20118-50350 – Contingency, with a budget of \$296,178, to Account Number 25900-40606, Harmon Museum, with a balance of \$10,000.

VOTE: Unanimous.

5693 Discussion with Action: Approve the Liquor License Renewal for Oceanic Inn dba/One Soho Square (310-6-3), 43 West Grand Avenue, s-m-v in a Hotel – Optional Food.

MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve the Liquor License Renewal for Oceanic Inn dba/One Soho Square (310-6-3), 43 West Grand Avenue, s-m-v in a Hotel – Optional Food.

VOTE: Unanimous.

5694 Discussion with Action: Approve the Amendment to the Special Event Permit, Concerts in the Park that was approved April 3, 2012, to add the date of August 16, 2012. July 21, 2012 Concert was cancelled because of rain, and rain dates were not included in the previous permit.

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Approve the Amendment to the Special Event Permit, Concerts in the Park, that was approved April 3, 2012, to add the date of August 16, 2012. July 21, 2012 Concert was cancelled because of rain, and rain dates were not included in the previous permit.

VOTE: Unanimous.

5695 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their 29th Annual Car Show on Friday, September 14th from 3 p.m. to 8:30 p.m., closing Old Orchard Street, and on Saturday, September 15th, 2012, from 6 a.m. to 4 p.m., in Memorial Park and the Milliken Street parking lot, and closing First Street; request for a banner in the Square, up to two weeks prior to the event; and a request to waive the fee.

A lengthy discussion was held regarding where funds are spent. To monitor this would delay many of the event permits moving forward since providing that information would require that all special event permit applicants provide that information, something not required at this point, and would delay getting information to the department heads for approval and to the Council for a timely consideration. It was suggested that a workshop be scheduled on this issue. Jerome Begart had brought up the question of what the Call Fireman used the money for and whether they are a tax exempt group. It was noted that they are a volunteer group and are tax exempt.

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

VOTE: Unanimous.

5696 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their 29th Annual Beach Olympics on the beach and in the Square (request to close the Square) on Friday, August 17th through Sunday, August 19th, 2012, 5 p.m. to 9:30 p.m. on Friday; 10 a.m. to 9:30 p.m. on Saturday; 10 a.m. to 4 p.m. on Sunday. Request to place a banner in the Square for up to two weeks prior to the event; and a request to waive the fee.

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

VOTE: Unanimous.

5697 Discussion with Action: Approve the Special Event Permit application for the Chamber of Commerce to hold their annual Celebrate the Season by the Sea on Sunday, December 2nd, 2012 from 1:00 p.m. to 3:00 p.m. on First Street and Memorial Park; include a Parade, fire pits, horse-drawn hay wagon rides, vendors and a DJ playing holiday music; place a banner in the Square one week prior to the event; and a request to waive the fee.

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

VOTE: Unanimous.

5698 Discussion with Action: Approve the Special Event Permit application for the Knights of Columbus to hold a "Tootsie Roll Drive" in the Square on Friday and Saturday, August 10th and 11th, 2012, from noon to 8 p.m.; and a request to waive the fee.

Vice Chair Tousignant and Chair Quinn acknowledged their affiliation with the Knights of Columbus. It was noted by Vice Chair Tousignant that 100% of their funding goes to special needs.

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

VOTE: Unanimous.

5699 Discussion with Action: Approve the Amended Special Event Permit application for REV3, that received Town Council approval on 8/16/11 and amended previously on 5/1/12, to change the set-up time from 3 p.m. on Friday, August 24th, to 8 a.m.; allow a ticketed Lobster bake in Memorial Park under a

tent on Sunday from 10 a.m. to 3 p.m. –applicant to provide dumpsters and clean-up; allow an expo tent and various sponsorship tents.

It was a pleasure to welcome Will Thomas, lead person for the Rev 3 to the Council meeting tonight. It was noted to the Council that 1st street closure remains the same as originally requested and Rev 3 is aware of the flag raising and will not be putting up tents in that area. Some of the issues that were raised were addressed by Mr. Thomas. One of the questions raised by Councilor Coleman was the fact that many restaurants in the area have lobster on their menu and whether having the lobster bake in the Memorial Park will take money away from the local businesses. Will Thomas indicated that a local business owner is providing the lobster and it will be served only to the athletes who are participating. Other individuals will be serviced by local restaurants. Two councilors, Councilor MacDonald and Vice Chair Tousignant, abstained from voting because of their involvement in the Rev 3 event.

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

VOTE: Yea: Councilors Dayton, Coleman and Chair Quinn
Abstain: Councilor MacDonald and Vice Chair Tousignant

5700 Discussion with Action: Set the parking rates for the Milliken Street and Memorial Park Municipal Parking Lots at \$10 from 6:00 a.m. to 4:00 p.m.; and \$5 from 4:00 p.m. to 2:00 a.m.

TOWN MANAGER: Concern has been raised by Parking Enforcement and the Chief of Police about the loss of revenue with the evening charge of \$10 per hour for parking at Milliken Street and Memorial Park when local parking lots are charging in many instances less than \$5 for the parking. It is hoped the Council will consider addressing this item by approved the reduction from \$10 to \$5 for the hours from 4:00 p.m. to 2:00 a.m., thus making competition more likely. It is also hoped that in the coming months the Council might give consideration to changing the ordinance to permit the Chief of Police have the authority to set rates for the fees at the two parking lots.

MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Set the parking rates for the Milliken Street and Memorial Park Municipal Parking Lots at \$10 from 6:00 a.m. to 4:00 p.m.; and \$5 from 4:00 p.m. to 2:00 a.m.

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

5701 Discussion with Action: Approve the name “Ballpark Way” for the entrance to the Ballpark.

TOWN MANAGER: One of the frequent questions that is asked as we have had activities at the Ballpark is – “How do you get to the Ballpark?” On the GIS it gets you

to the Police Department but not really to the road that leads to the Ballpark. The name has been suggested for consideration by the Chair of the Ballpark Commission and will enable a more accurate account as far as directions as concerned to the Ballpark itself.

MOTION: Councilor MacDonald motioned and Councilor Coleman seconded to Approve the name "Ballpark Way" for the entrance to the Ballpark.

VOTE: Unanimous.

5702 Discussion with Action: Accept the resignation of Catherine Saltz, Finance Director/Treasurer, effective August 10, 2012.

MOTION: Councilor Coleman motioned and Vice Chair Tousignant seconded to Accept, with deep regret, the resignation of Catherine Saltz, Finance Director/Treasurer, effective August 10, 2012.

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

5703 Discussion with Action: Procedures for payment of invoices related to advertising of Board, Committee and other meetings and payment of present invoice.

TOWN MANAGER: With the Charter changes requiring that many Committees and Boards be televised, it has caused some difficulty when there are two meetings at the same time needing to be televised. During the summer we are not able to use the Police Community Room because it is used for recruit roll calls and training which means the Chamber is the only room available for taping. The ability to have a meeting taped by some other means and the cost involved has caused the issue of where the funding is going to come from when you are paying someone else to tape a meeting. The Administration is looking for direction from the Town Council as to procedures to follow in this regard. Obviously the meetings of the Town Council have priority in scheduling but there needs to be a policy in place as to how to handle conflicts in this area. Discussion about the need for those committees that according to Charter need to be taped will have precedence over those not needing to be taped. The Assistant Town Manager was to alert committees and board of the need for understanding and scheduling issues. The greatest concern expressed by the Council members was the fact that this cost was not approved by either the administration or the chair of the Conservation Commission. The suggestion of about \$60 as a possible payment was made but the general consensus during discussions was that since no approval was given the invoice should not be paid. Discussion also included, if it were to be paid, out of which account it would be taken. Jerome Begert indicated that the charter changes were approved by the citizens and need to be adhered to and consideration for scheduling is a must. The Chair of the Conservation Commission, Ginger McMullen, indicated that it was unfortunate this happened and that there was confusion about any cost for the taping but it needed to be taped to adhere to the change in the Charter.

MOTION: Councilor Coleman motioned and Councilor MacDonald seconded to not pay the cost of the taping of the Conservation Commission meeting since it had not been approved prior to the taping.

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

5704 Discussion with Action: Establish a fee of \$0.05 cents per gallon for groundwater discharge to facilitate the replacement of underground fuel tanks.

CHRIS WHITE: According to Ordinance, fees are set by the Town Council. With that in mind the Superintendent of Waste Water brought forward a request that was made to him regarding a Seven Eleven Store project in which the business owner asked for consideration and cost from Waste Water for removal of groundwater from their business in preparation for the removal of gas tanks and new tanks in place. It was felt the Council should receive information relative to possible cost suggestions. The Superintendent in discussions felt that five (\$.05 cents) per gallon was a suggested cost. However, after we went to press with the advertisement of the Council agenda, it was determine that the Superintendent was receiving conflicting information from the Department of Environmental Protection. The methodology of the dewatering proposal is not in line with acceptable practices. Normal practices call for ground water to be stored and tested prior to discharge. Because of the amount of discharge associated with this project, storage will not be possible. The Superintendent also questioned and had concern about the tests being done in product storage which would not be possible. The tests were being done in February instead of at the time of the excavation and this concerned the Superintendent. It is possible there might be a sign of leakage and that the excavated soil will need to undergo remediation. There was a lengthy discussion on this issue but too many questions and concerns were raised so that it was felt it would be best to table the issue indefinitely. The Assistant Town Manager tried to explain that the issues changed after the advertising of the agenda item the Friday before the Council meeting which is part of the confusion that was raised.

MOTION: Councilor Coleman motioned and Vice Chair Tousignant seconded to Table indefinitely the establishment of a fee for groundwater discharge to facilitate the replacement of underground fuel tanks.

VOTE: Unanimous.

5705 Discussion: Disposal of Foreclosed Properties.

TOWN MANAGER: The enormous amount of property that has been foreclosed on and is now owned by the Town of Old Orchard has been a concern to the Town Council. The Town Council is giving consideration to addressing the foreclosed properties and unpaid

taxes and the lack of the value of taxes not being paid and move forward in this regard in the days ahead. For foreclosure to take place after a tax lien is attached to the property, certain deadlines must pass. State law dictates that once the lien is file, 18 months from the date the lien is filed, the lien matures and automatically foreclosure takes place. All Councilors indicated that each property would be evaluated with sensitivity and non partisanship.

GOOD AND WELFARE:

WILL THOMAS: He was asked by Vice Chair Tousignant to provide an update on what is going to take place during the weekend of the Rev 3 activities. He outlined the schedule for the three days including the activities that had been approved at a prior Council meeting in May. To that permit they added a start times for set up from 3:00 p.m. to 8:00 a.m. on August 24th. They also allowed a ticketed lobster bake to take place in Memorial Park with Dave Marshall as the caterer. The lobster bake will take place in Memorial Park on Sunday, August 26th from approximately 10:00 a.m. to 3:00 p.m. The tent will either be in the circle of the flag area by the gazebo or behind the library and no alcohol is allowed. The tent will be set up on Friday. Rev3 will be renting two dumpsters from BBI and they will be parked at Memorial Park parking lot near the tennis courts. They will go in on Friday the 24th and be removed o n Monday the 27th. Volunteers will be responsible for cleaning up after the event and placing the trash and lobster materials in the dumpster. They will be renting approximately 20 porta potties and they will be placed by the tennis courts on Friday through the weekend and removed on Monday. There will be police security 24 hours a day for the weekend to prevent any damage to anything. He has been working with the department heads and another meeting is scheduled for Wednesday, August 15th at 11:00 p.m. He outlined the hour by hour schedule of each of the activities that will occur. The response has been amazing and is encouraging everyone that they will make this a yearly event. Pat Brown encouraged citizens to volunteer and provided the means of contacting Rev 3.

MARK KOENIGS: He spoke about more understanding to be given to volunteers as they are just that, volunteering their time to the Town and that often as it concerns the Minutes, it is a volunteer that is writing them and not a paid town employee. In addition Minutes can't be posted on the web until they are approved by the various committees and boards and often that can be as much as six weeks later. He spoke about the complexity of knowing you have to have a meeting taped and not being able to use the town's services. He encouraged the Council to be sensitive to these issues and to appreciate what the volunteers do.

5706 Discussion with Action: Executive Session: Six Month Personnel Evaluation of the Town Manager (discussion will occur in Executive Session pursuant to 1 M.R.S.A, Section 405(6)(A)).

MOTION: Councilor MacDonald motioned and Councilor Coleman seconded to Enter

into Executive Session: Six Month Personnel Evaluation of the Town Manager (discussion will occur in Executive Session pursuant to 1 M.R.S.A, Section 405(6)(A)).

VOTE: Unanimous.

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

VOTE: Unanimous.

ADJOURMENT:

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to Adjourn the Town Council Meeting at 11:21 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 thirteen (13) pages is a copy of the original Minutes of the Town Council Meeting of August 7, 2012.

V. Louise Reid