

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL MEETING
Tuesday, January 17, 2012
TOWN HALL CHAMBERS
7:00 p.m.**

A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, January 17, 2012. Chair Quinn opened the meeting at 7:06 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 Jack Turcotte
Assistant Town Manager V. Louise Reid**

**Pledge to the Flag
Roll Call**

PRESENTATION: Presentation by the Public Works Director, Bill Robertson, in recognition of service of the following Public Works employees:

**Michael Perrone – 26 years
Dennis Poisson – 25 years
Rick Reny – 25 years**

Although Michael Perrone and Rick Reny were not able to attend, there was a very appreciative round of applause for Dennis Poisson and Mike and Rick for the services they have rendered to the community of Old Orchard Beach.

ACKNOWLEDGEMENTS:

COUNCILOR MACDONALD: She acknowledged as President of OOB 365 that she was delighted to see 281 citizens attend the Community Dinner at the Lions Club, at which the Lions Club, OOB365, and the Saco Bay Rotary Club sponsored the outstanding Community Dinner that was held this past Sunday. This has been a successful event and we express our appreciation to all those who not only worked the event but all those who attended. Over 25 individuals volunteered to serve at this event.

CHAIR QUINN: Our appreciation to the Public Works Department for being ahead of the storm and doing an excellent job in getting our streets back to order. I would also like to remind you of a Workshop to be held on Tuesday, January 17th at 7:00 on the issue of the sale and use of Fireworks and also addressing the parking permit fees.

ACCEPTANCE OF MINUTES: Town Council Minutes of January 3, 2012; and Town Council Workshop of January 10, 2012.

MOTION: Councilor Dayton motioned and Councilor MacDonald seconded to Accept the Minutes as read.

VOTE: Unanimous.

CHAIR QUINN: I open this Public Hearing at 7:11 p.m.

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

Stuart M. Holber (104-2-10-49 & 55), 129 Portland Avenue, # 49 and #55, two year round rentals; **Judith Lewis** (104-2-14-102), 135 Portland Avenue, # 102, one year round rental; **Michael Andrews** (202-2-3-8C), 207 East Grand Avenue, Unit 8C, one year round rental; **Jeffrey Spence** (323-14-17), 44 Temple Avenue, three year round rentals; **Jean Leach** (321-5-13), 10A Ancona Avenue, one year round rental; and **Todd Prevett** (315-6-7-1), 20 Odessa Avenue, #1, one year round rental.

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

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

VOTE: Unanimous.

TOWN MANAGER'S REPORT:

1. Problem with the last snow storm. Two Trucks broken down and manpower shortage.
Ask people to try to understand the problem prior to being critical.
2. Forest Report on Skateboard land.
3. Met with the Recycling Committee
4. Many hours on personnel challenges.
5. Revolution 3 Triathlon – Planning Meeting.
6. Met with the Town Attorney regarding the library construction project which is the Town's construction project. Working with the Attorney to develop paperwork in preparation for construction.

NEW BUSINESS:

C:\Documents and Settings\kmclaughlin\Local Settings\Temporary Internet Files\OLKE\17 12 minutes2.doc Page 2 of 7

5548 Discussion with Action: Amend the Code of Ordinances, Division 2, Rules for Advisory Boards and Committees, Section 2-234 – Powers and Duties.

CHAIR QUINN: The Council will consider amending rules for Advisory Boards and Committees. At a previous Workshop the following changes were suggested but after a lengthy discussion it appeared that a consideration of interest was in two changes which are shown below those considered at the Public Hearing:

PUBLIC HEARING CONSIDERATIONS:

Sec. 2-234. Powers and duties.

- (a) The members of **an** advisory board, commission, or committee shall perform all of the duties as requested by the town council.
- (b) Each appointee shall be sworn by the town clerk.
- (c) The alternate members of each board, commission, or committee may participate in a meeting discussion and shall have the ability to vote only if a regular member is not present or there is not a quorum to convene a meeting.
- (d) The board, commission, or committee shall elect a chairperson first from among its regular members **annually by January 31st of each year** who shall be responsible for agendas.
- (e) The committee shall appoint a secretary from its members, who shall be sworn and who shall be responsible to submit minutes of any meeting to the town clerk within 30 days as well as a copy to the town manager.
- (f) **No board, commission, or committee member shall serve as Chair, Vice Chair or Secretary for more than 2 consecutive years.**
- (f) The town manager, department heads or council members shall not be appointed as regular or alternate members, nor may they serve as secretary to any board or committee.
- (g) No meeting shall be convened without a quorum consisting of at least three members. (Ord. of 6-16-1992, art. II, § 1)

COUNCIL SHOWED SOME INTEREST IN CONSIDERING THESE CHANGES NOTED IN BLUE AND THESE CHANGES IN BLUE WERE ACCEPTED:

Sec. 2-234. Powers and duties.

- (a) The members of **an** advisory board, commission, or committee shall perform all of the duties as requested by the town council **and as may be required by State Law.**
- (b) Each appointee shall be sworn by the town clerk.
- (c) The alternate members of each board, commission, or committee may participate in a meeting discussion and shall have the ability to vote only if a regular member is not present or there is not a quorum to convene a meeting.
- (d) **As its first order of business at the first meeting of the year,** the board, commission, or committee shall elect a chairperson **first** from among its regular members who shall be responsible for agendas.
- (e) The committee shall appoint a secretary from its members, who shall be sworn and who shall be responsible to submit minutes of any meeting to the town clerk within 30 days as well as a copy to the town manager.
- (f) **No board, commission, or committee member shall serve as Chair, Vice Chair or Secretary for more than 2 consecutive years.**

- (f) The town manager, department heads or council members shall not be appointed as regular or alternate members, nor may they serve as secretary to any board or committee.
- (g) No meeting shall be convened without a quorum consisting of at least three members. (Ord. of 6-16-1992, art. II, § 1)

It should be noted that John Bird brought into the Assistant Town Manager's office earlier in the day of the Council Meeting suggested changes which included the following outlined in green but they were discussed but not approved by Council.

Sec. 2-234. Powers and duties.

- (a) The members of an advisory board, commission, or committee shall perform all of the duties as requested by the town council and as may be required by State Law and the Town Charter.
- (b) Each appointee shall be sworn by the town clerk.
- (c) The alternate members of each board, commission, or committee may participate in a meeting discussion and shall have the ability to vote only if a regular member is not present or there is not otherwise a quorum to convene a meeting.
- (d) As its first order of business at the first meeting of the calendar year, the board, commission, or committee shall elect a chairperson first from among its regular members who shall be responsible for agendas. If there is no current chair, the Town Clerk shall convene said first meeting for the purpose of electing one.
- (e) The board, commission or committee shall appoint a secretary who need not be from its members, who shall be sworn and who shall be responsible to submit minutes of any meeting to the town clerk as outlined in the Town Charter ~~within 30 days~~ as well as a copy to the town manager.
- (f) No board, commission, or committee member shall serve as Chair, Vice Chair or Secretary for more than 2 consecutive years.
- (f) The town manager, department heads or council members shall not be appointed as regular or alternate members, nor may they serve as secretary to any board or committee except as directed by Town Council.
- (g) No meeting shall be convened without a quorum consisting of at least three members, however a smaller number may adjourn the meeting to a new time, date, and/or place. At least 24 hours' notice of the date, time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken. (Ord. of 6-16-1992, art. II, § 1)

THE ABOVE CHANGES SUGGESTED BY MR. JOHN BIRD WERE NOT INCLUDED IN THE MOTION BELOW:

MOTION: Councilor Coleman motioned and Councilor Dayton seconded to Amend the Code of Ordinances, Division 2, Rules for Advisory Boards and Committees, Section 2-234 – Powers and Duties - to include grammatical corrections or deletions; notation under Section 2-234 (a) “as required by State Law”; Indication of “As its first order of business at the first meeting of the year” in Section 2-234 (d); and deletion of Section 2-234 (f).

VOTE: Unanimous.

#5549 Discussion with Action: Amend the designation of the two parking spaces in front of 16 Old Orchard Street (205-5-5) from Taxi Stands to a Narrator Tour Trolley stop from 10 a.m. to 4 p.m. and Taxi Stands from 4 p.m. to 10 a.m., pursuant to Section 54-147 of the Traffic and Vehicles Ordinance.

TOWN MANAGER: The Biddeford Saco Old Orchard Transit Company (Shuttlebus) of which the Town of Old Orchard Beach, along with Saco and Biddeford, sponsor each year has decided to institute a narrated tour trolley this coming summer. The trolley (Robbie – named after the Assistant Town Manager’s grandson) will do narrated tours through historical Old Orchard Beach, Ocean Park and the Campgrounds highlighting the many exciting historical accounts of the past. Bob Moody of Shuttlebus and Dan Blaney our Town Historian and Archivist have put their talents together to get this great idea off the ground. The amending of the parking spaces will permit parking concerns to be addressed. The Chief of Police has reviewed the plan and signed off on it. Questions were asked by Council members pertaining to any conflict with unloading of trucks for deliveries and also the dislocation of any taxi needing to park there during the day time hours. It was noted that most taxi parking there is late evening when the bars are closing but it will be monitored and any adjustments that are necessary will be made. The Code Enforcement Officer will inform the Taxi services of the change in parking hours. Jerome Begert indicated that he felt this type of narrated tour will be exceptional for the Town and that the history of our community is exciting for those who live here and visit here as well. The cost of the narrated tour may be considered between \$8 and \$10 and it was noted by Bob Moody that the charge in other towns is considerably more. This is being evaluated as they prepare for the coming summer tourist trade.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Amend the designation of the two parking spaces in front of 16 Old Orchard Street (205-5-5) from Taxi Stands to a Narrator Tour Trolley stop from 10 a.m. to 4 p.m. and Taxi Stands from 4 p.m. to 10 a.m., pursuant to Section 54-147 of the Traffic and Vehicles Ordinance.

VOTE: Unanimous.

5550 Discussion with Action: Approve the Special Event Permit application for the “Run for the Fallen Maine” fundraiser and display to be held in the Square near the flag poles on Wednesday through Saturday, July 4 through 7, 2012, from 9:00 a.m. to 9:00 p.m. Insurance listing the Town of Old Orchard Beach as additionally insured, to be provided to the Town’s Clerk Office at least one month prior to the event; and a request to waive the fee.

John Mixon, organizer of the Run for the Fallen Maine, gave some history on the organization and its success in promoting and celebrating the service of those who have given the ultimate gift for our country. He described some of the activities and fundraising events that will take place during the observance this summer. Councilor Coleman spoke highly of the aims and objectives of this Run for the Fallen Maine and encouraged citizens to become involved.

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

VOTE: Unanimous.

5551 Discussion with Action: Abate certain prior years' taxes as requested by the Tax Collector. Ricky Stanichuk, #302-7-7 - \$757.64 – Fiscal Year 2006, \$748.50 – Fiscal Year 2007, \$712.20, Fiscal Year 2008, \$732.10, Fiscal Year 2009, \$715.39, Fiscal Year 2010. Assessor's Office Request, amended plan for BelleMer Condo Project; Art Batacchi, #56796 - \$207.03 – Fiscal Year 2005. Assessor's Office Request. Previously Registered in Massachusetts; Madisons Breakfast, #56249 - \$74.37 – Fiscal Year 2005, \$49.94 – Fiscal Year 2006, \$49.28, Fiscal Year 2007, \$59.03, Fiscal Year 2008, \$73.76, Fiscal Year 2009, \$73.76, Fiscal Year 2010 - Collector request. Not been in business since 2004 per Building Department.

MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Abate taxes as read.

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

5552 Discussion with Action: Re-appoint Eber Weinstein as a Regular Member of the Planning Board, term to expire 12/31/13; Appoint Carol "Cris" Hudson as a Regular Member of the Recycling Committee, term to expire 06/30/13; Appoint Kim Schwickrath and Beverly Russell as Regular members of the Community Animal Watch Committee, terms to expire 12/31/13; and Appoint Maria Pastulovic as First Alternate and Michelle Greenlaw as Second Alternate members of the Community Animal Watch Committee, terms to expire 12/31/13.

MOTION: Councilor Dayton motioned and Councilor Coleman seconded to approve the appointments as read.

VOTE: Unanimous.

GOOD AND WELFARE:

NANCY KELLEY: She expressed appreciation to John Mixon and looked forward to the Race for the Fallen during the fourth of July weekend. She spoke of her history of working with the organization and their attention to detail and to the mission of the organization.

5553 Discussion with Action: Executive Session pursuant to 1 M.R.S.A., Section 405(6)(C) for purposes of discussing issues related to the condition, use and negotiations for the use of the Old Orchard Beach Ballpark.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Enter into Executive Session pursuant to 1 M.R.S.A., Section 405(6)(C) for purposes of discussing issues related to the condition, use and negotiations for the use of the Old Orchard Beach Ballpark.

VOTE: Unanimous.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Exit the Executive Session.

VOTE: Unanimous.

5554 Discussion with Action: Executive Session pursuant to 1 M.R.S.A., Section 405 (6)(E) concerning the Town's legal rights and responsibilities related to financial and employment matters.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Enter into Executive Session pursuant to 1 M.R.S.A., Section 405 (6)(E) concerning the Town's legal rights and responsibilities related to financial and employment matters.

VOTE: Unanimous.

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Exit the Executive Session.

VOTE: Unanimous.

ADJOURNMENT:

MOTION: Vice Chair Tousignant motioned and Councilor Coleman seconded to Adjourn the Town Council Meeting at 10:20 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 copy of the original Minutes of the Town Council Meeting of January 17, 2012.

V. Louise Reid